



Zoning Ordinance

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ACKNOWLEDGEMENTS

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TABLE OF CONTENTS
KEWEENAW COUNTY ZONING ORDINANCE

<u>Preamble</u>	1-1
<u>Article</u>	<u>Page</u>
I TITLE, LEGAL BASIS, PURPOSES, INTERPRETATION AND APPLICATION	1-1
1.1 Title, Legal Basis, History & Jurisdiction	1-1
1.2 Purposes	1-1
1.3 Interpretation & Application	1-2
II DEFINITIONS	2-1
2.1 Purpose	2-1
2.2 Rules of Construction	2-1
2.3 Definitions	2-2
2.4 Words Not Defined	2-26
2.5 Acronyms	2-26
III OFFICIAL ZONING MAP	3-1
3.1 Purpose	3-1
3.2 Zoning Districts & Maps	3-1
3.3 Rules for Interpretation of District Boundaries	3-2
IV ZONING DISTRICTS & PERMITTED USES	4-1
4.1 Purpose	4-1
4.2 Scope of District Provisions	4-1
4.3 Intent & Purpose of Zoning Districts	4-3
4.4 Definitions of Use Classes and Permitted Uses	4-5
4.5 Regulations Specific to Manufacturing Districts	4-22
V SCHEDULE OF DISTRICT REGULATIONS	5-1
5.1 Purpose	5-1
5.2 Schedule of District Regulations	5-1
VI SPECIAL DISTRICTS & ENVIRONMENTAL PROTECTION PROVISIONS	6-1
6.1 Purpose	6-1
6.2 Floodplain District	6-1
6.3 Wellhead/Groundwater Protection District	6-6
6.4 Scenic Heritage Highway District	6-9
6.5 Natural Shoreline District	6-11
6.6 Historic Preservation District	6-12
6.7 Reserved for Future Use	6-12
6.8 Reserved for Future Use	6-12
6.9 Reserved for Future use	6-12
6.10 Environmentally Sensitive Areas	6-12
6.11 Retaining Wall Permit	6-13
6.12 Grading and Filling of Property and Stormwater Detention	6-13
6.13 General Environmental Protection & Nuisance Prevention Provisions	6-15

TABLE OF CONTENTS
(Continued)

<u>Article</u>	<u>Page</u>
VII GENERAL PROVISIONS	7-1
7.1 Purpose.....	7-1
7.2 The Effect of Zoning	7-1
7.3 Relationship to Building Permits.....	7-1
7.4 Recommended Building Materials.....	7-1
7.5 Essential Services and Municipal Facilities	7-1
7.6 Potable Water and Sewage Disposal.....	7-2
7.7 Two Dwelling Units On a Lot	7-2
7.8 Lots of Record and Division of Lots	7-2
7.9 Accessory Uses and Structures	7-3
7.10 Projections in Yards.....	7-6
7.11 Height Exceptions.....	7-7
7.12 Building Grades, Fill to Increase Height.....	7-7
7.13 Reserved for Future Use	7-7
7.14 Seasonal Buildings and Structures	7-8
7.15 Temporary Buildings and Structures	7-8
7.16 Reserved for Future Use	7-11
7.17 Reserved for Future Use	7-11
7.18 Minimum Requirements for Single Family Dwellings.....	7-11
7.19 Condominium Subdivisions	7-13
7.20 Reserved for Future Use	7-14
7.21 Razing of Buildings	7-14
7.22 Moving of Buildings.....	7-14
7.23 Damaged Buildings.....	7-14
7.24 Reserved for Future Use	7-15
7.25 Vacated Street	7-15
7.26 Access Management Standards	7-15
7.27 Sidewalks	7-16
7.28 Public Street Standards.....	7-17
7.29 Private Road Development.....	7-19
7.30 Reserved for Future Use	7-25
7.31 Reserved for Future Use	7-25
7.32 Keeping of Animals and Livestock	7-25
VIII RESERVED FOR FUTURE USE	8-1
IX NONCONFORMING LOTS, USES AND STRUCTURES	9-1
9.1 Intent and Purpose	9-1
9.2 Nonconforming Lots.....	9-1
9.3 Nonconforming Uses of Land.....	9-2
9.4 Nonconforming Structures.....	9-2
9.5 Change in Nonconforming Uses in Business and Industrial Districts.....	9-3
9.6 Repairs and Maintenance.....	9-3
9.7 Change of Tenancy or Ownership.....	9-3

TABLE OF CONTENTS
(Continued)

<u>Article</u>	<u>Page</u>
9.8 District Changes	9-3
9.9 Hardship Cases	9-3
9.10 Illegal Nonconforming Uses and Lots	9-4
9.11 Nonconforming Use Discontinued.....	9-4
9.12 Elimination of Nonconforming Uses	9-4
X SPECIAL LAND USE AND CONDITIONAL USE REGULATIONS.....	10-1
10.1 Purpose.....	10-1
10.2 Types of Use Regulations	10-1
10.3 Conditional Uses.....	10-1
10.4 Special Land use Permit Application Procedures.....	10-1
10.5 Basis of Determination	10-2
10.6 Previously Approved Special Land Uses	10-3
10.7 Reserved for Future Use	10-3
10.8 Permits 10-3	
10.9 Reapplication	10-4
10.10 Site Plan 10-4	
10.11 Reserved for Future Use	10-5
10.12 Standards for Special Land Uses and Conditional Uses.....	10-5
XI RESERVED FOR FUTURE USE.....	11-1
XII PLANNED UNIT DEVELOPMENT REGULATIONS.....	12-1
12.1 Purpose.....	12-1
12.2 Objectives	12-1
12.3 General	12-2
12.4 Previously Approved Planned Unit Developments	12-5
12.5 Application, Review and Approval Procedures.....	12-5
12.6 Basis of Determination	12-6
12.7 Permits.....	12-10
12.8 Reapplication	12-11
12.9 Hardship Planned Unit Development	12-11
XIII RESERVED FOR FUTURE USE.....	13-1
XIV OFF-STREET PARKING AND LOADING.....	14-1
14.1 Purpose.....	14-1
14.2 Parking Requirements	14-1
14.3 Loading and Unloading Space Requirements	14-6
14.4 Parking, Loading, and Unloading Area Site Development Requirements.....	14-6
XV LANDSCAPING, BUFFERING & FENCING	15-1
15.1 Purpose.....	15-1
15.2 Lighting Requirements.....	15-1
15.3 Right-of-Way Protection and Public Safety	15-1

TABLE OF CONTENTS
(Continued)

<u>Article</u>	<u>Page</u>
15.4 Required Vegetation	15-2
15.5 Screening	15-3
15.6 Fences and Walls	15-4
XVI SIGNS	16-1
16.1 Purposes	16-1
16.2 Definitions	16-2
16.3 Prohibited Signs	16-5
16.4 Signs Allowed in Any District Without a Permit	16-5
16.5 Signs Authorized With a Permit	16-7
16.6 Construction Requirements	16-10
16.7 Nonconforming Signs	16-11
16.8 First Amendment Protection	16-12
16.9 Reserved for Future Use	16-12
16.10 Permit Requirements	16-12
16.11 Sign Permit Fees	16-13
16.12 Illegal Signs	16-13
16.13 Appeals	16-13
XVII RESERVED FOR FUTURE USE	17-1
XVIII ADMINISTRATION	18-1
18.1 Purpose and Intent	18-1
18.2 Authorization	18-1
Part 1 – Administrative Duties and Responsibilities	18-1
18.3 Responsibility for Administration	18-1
18.4 Duties of the Planning Commission	18-2
18.5 Duties of the Zoning Administrator	18-4
18.6 Reserved for Future Use	18-7
Part II – Permit Application, Review and Approval Procedures	18-7
18.7 General Application and Review Provisions	18-7
18.8 Zoning Permits	18-12
18.9 Temporary Zoning Permits	18-15
18.10 Certificate of Zoning Compliance	18-17
18.11 Zoning Approval Runs With the Land and Status of Prior Uses	18-18
18.12 Conditional Approvals and Recording Conditions With Register of Deeds	18-19
18.13 Performance Guarantees and Performance Bonding for Compliance	18-20
18.14 Reserved for Future Use	18-22
18.15 Reserved for Future Use	18-22
Part III – Notice and Hearing Procedures	18-22
18.16 Public Notice	18-22
18.17 Public Hearings	18-25
18.18 Final Decision	18-27
18.19 Reserved for Future Use	18-27
Part IV – Site Plan Review	18-27

TABLE OF CONTENTS
(Continued)

<u>Article</u>	<u>Page</u>
18.20 Authorization	18-27
18.21 Purpose and Intent	18-27
18.22 Site Plan Review Committee	18-27
18.23 Jurisdiction	18-28
18.24 Site Plan Review Procedures	18-30
18.25 Standards for Site Plan Review Approval	18-35
18.26 Meetings of Site Plan Review Committee	18-38
18.27 Individual Recommendations	18-38
18.28 Site Plan Approval	18-39
18.29 Review Period Limitations	18-39
18.30 Appeal to Zoning Board of Appeals	18-39
18.31 Amendment to Site Plan	18-40
18.32 Conformity to Approved Site Plan	18-40
18.33 As Built Site Plans	18-40
18.34 Reserved for Future Use	18-40
18.35 Reserved for Future Use	18-40
Part V – Complaints, Permit Suspension, Revocation, and Violation Procedures	18-40
18.36 Complaints, Suspension, and Revocation of Permits	18-40
18.37 Judicial Review	18-42
XIX ZONING BOARD OF APPEALS	19-1
19.1 Purpose	19-1
19.2 Creation of Zoning Board of Appeals	19-1
19.3 Rules of Procedure, Limits on Authority of the Board of Appeals, and Use Variances	19-2
19.4 Zoning Appeals	19-3
19.5 Non-Use Variance Standards	19-4
19.6 Rules for Granting Variances	19-5
19.7 Interpretation and Other Powers	19-5
19.8 Determination of a Lot of Record	19-6
19.9 Nonconformity Appeals	19-6
19.10 Appeal Concerning Site Plan Review, Special Land Use or PUD	19-7
19.11 Essential Services	19-7
19.12 Hearings and Rehearings	19-7
19.13 Findings of Fact	19-8
19.14 Conditions and Performance Guarantees	19-9
19.15 Records	19-9
19.16 Burden of Proof and Reapplications	19-9
19.17 Legal Counsel	19-10
19.18 Review by Circuit Court	19-10
XX AMENDMENTS	20-1
20.1 Purpose	20-1
20.2 Initiation of Amendments	20-1
20.3 Fees	20-1

TABLE OF CONTENTS
(Continued)

<u>Article</u>	<u>Page</u>
20.4 Amendment Procedures.....	20-1
20.5 Reserved for Future Use	20-2
20.6 Public Hearing	20-2
20.7 Findings of Fact Required	20-2
20.8 Planning Commission Recommendations	20-3
20.9 Consideration by the Board of Commissioners.....	20-3
20.10 Conditional Rezoning	20-3
20.11 Notice of Amendment Adoption.....	20-7
20.12 Options Upon Denial of Amendment Request.....	20-7
20.13 Resubmittal	20-7
20.14 Comprehensive Review of Zoning Ordinance	20-7
XXI VIOLATIONS & PENALTIES.....	21-1
21.1 Purpose.....	21-1
21.2 Violations & Penalties.....	21-1
21.3 Civil and Criminal Penalties.....	21-2
21.4 Reserved for Future Use	21-2
21.5 Cumulative Rights and Remedies	21-2
21.6 No Permit to Violators.....	21-2
21.7 Municipal Civil Infraction.....	21-2
XXII TRANSITIONAL PROVISIONS, VESTED RIGHTS, SEVERABILITY, REPEAL AND EFFECTIVE DATE	22-1
22.1 Transitional Provisions	22-1
22.2 Vested Rights	22-2
22.3 Severability	22-2
22.4 Repeal.....	22-2
22.5 Effective Date	22-2

FIGURES

<u>Figure</u>	<u>Page</u>
2-1 Accessory Structure & Principal Building Relationship to Building Line	2-2
2-2 Dwelling Types	2-3
2-3 Basement and Story	2-4
2-4 Buildable Area	2-5
2-5 Building Height	2-6
2-6 Average Grade and Finished Grade	2-12
2-7 Lot Frontage, Width & Depth.....	2-14
2-8 Lot Types	2-15
2-9 Lot Lines and Yards.....	2-16
2-10 Parking Space Dimensions	2-19

**FIGURES
(Continued)**

<u>Figure</u>	<u>Page</u>
2-11 Major Thoroughfare Map	2-24
6-1 Recommendations for Retaining a Natural Appearing Landscape as Viewed from Map Thoroughfares in the County	6-10
6-2 Pruning to Maintain a Filtered View of a Waterbody	6-11
7-1 Lots Fronting on a Cul-de-Sac	7-18
14-1 Parking Space Dimensions	14-8
15-1 Clear Vision at Corner Lots	15-2
15-2 Clear Vision at Driveways	15-2
15-3 Berm Dimensions	15-3
16-1 Signs	16-4

TABLES

<u>Table</u>	<u>Page</u>
4-1 Classes, Definitions & Examples of Uses Permitted	4-7
4-2 Keweenaw County Common Accessory Uses, Buildings & Structures Allowed	4-20
5-1 Keweenaw County Schedule of Regulations, Schedule A: Dimension Requirements for Residential Districts	5-2
5-2 Keweenaw County Schedule of Regulations, Schedule A: Dimension Requirements for Residential Districts Continued	5-4
5-3 Keweenaw County Schedule of Regulations, Schedule B: Dimension Requirements for Non-Residential and Mixed Use Districts	5-5
7-1 Accessory Structure Requirements	7-4
7-2 Single Access Drive & Private Road Standards	7-22
12-1 Minimum Permanent Common Open Space	12-8
14-1 Parking Standards	14-3
18-1 Required Copies of Site Plans	18-31
18-2 Site Plan Submittal Requirements and Elements that May be Waived by the Zoning Administrator	18-32

PREAMBLE

An ordinance to establish Zoning Districts for Keweenaw County, Michigan; to establish regulations for those Districts; to encourage and regulate the proper Use of land; to provide for the administration, enforcement, and penalties for violation; to continue a Board of Appeals and to provide duties for the Board of Appeals and Planning Commission pursuant to the County Planning Act, Public Act 282 of 1945, as amended, which incorporate the powers and duties of a zoning commission pursuant to the Michigan Zoning Enabling Act, Public Act 110 of 2006, to repeal all inconsistent ordinances; and saving from the 1975 Zoning Ordinance of Keweenaw County, as repealed, the penalties and liabilities therein imposed.

After careful study of this Ordinance, the Keweenaw County Planning Commission recommends its adoption to the Keweenaw County Board of Commissioners and, the County Board of Commissioners does ordain:

ARTICLE I TITLE, LEGAL BASIS, PURPOSES, INTERPRETATION AND APPLICATION

Section 1.1 TITLE, LEGAL BASIS, HISTORY & JURISDICTION

1.1.1 Title: This Ordinance shall be known as the Zoning Ordinance of Keweenaw County or the Keweenaw County Zoning Ordinance. All Article, Section and other topical headings are for reference only.

1.1.2 Legal Basis: This Ordinance is adopted pursuant to the authority and requirements of the Michigan Zoning Enabling Act, Public Act 110 of 2006.

1.1.3 History: The original Zoning Ordinance of Keweenaw County was adopted August 12, 1975 and became effective September 10, 1975. It was subsequently revised and updated by sixteen amendments between 1975 and September 14, 2005. That ordinance is repealed by and replaced with this Ordinance as provided in Section 22.4 The zoning districts of the 1975 Ordinance remain the foundation of this Ordinance.

1.1.4 Jurisdiction: This Ordinance shall apply to all land and water within the unincorporated areas of the townships of Keweenaw County, and within the Village of Ahmeek by continuation of a long-standing agreement between the Village Council and the Keweenaw County Board of Commissioners. Townships and villages are permitted to adopt independent zoning and if done, land within those jurisdictions is no longer subject to this Ordinance; but if those ordinances are later repealed or ruled invalid, land in those jurisdictions is again subject to this Ordinance.

Section 1.2 PURPOSES

1.2.1 General Purposes: The Districts and other provisions of this Ordinance are based upon the Future Land Use Map and policies of the *Keweenaw County "Blueprint for Tomorrow" Land Use Plan*. That comprehensive plan and this Zoning Ordinance are designed to: 1) promote the public health, safety, and general welfare; 2) to provide

adequate light and air, and protect air and water quality; 3) to encourage the use of lands in accordance with their character and adaptability; 4) to limit the improper use of land; 5) to conserve natural resources and energy; 6) to meet the needs of the state's residents for food, fiber and other natural resources, places of residence, recreation, industry, trade, service and other uses of land; 7) to ensure that uses of land are situated in appropriate locations and relationships; 8) to avoid population overcrowding; 9) to lessen congestion on public streets and highways; 10) to reduce hazards to life and property due to fire, flooding, erosion, pollution, or excessive dust, fumes, smoke, noise, vibration, noxious odors or other hazards; 11) to prevent the overburdening of public services and utilities; 12) to facilitate the provision of adequate systems of transportation, sewage disposal, solid waste disposal, drainage, public water supply, education, recreation and other public requirements; 13) to conserve the expenditure of funds for public Improvements and services; 14) provide advantageous uses of land, resources and properties; 15) to conserve land, community character and property values; and 16) to prevent nuisances.

1.2.2 Other Purposes: It is not the intent of this Ordinance to legitimize activities which are prohibited by local ordinance, state or federal law. If any portion of this Ordinance is found to be invalid or unconstitutional by a court of competent jurisdiction, the County intends that portion to be disregarded, reduced and/or revised so as to be consistent with the purposes of this Ordinance to the fullest extent allowed by law.

Section 1.3 INTERPRETATION & APPLICATION

1.3.1 Introduction: In interpreting and applying the provisions of this Ordinance, the provisions shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

- A. Authority for Interpretation: The Zoning Administrator is responsible for interpreting the text of this Ordinance in accordance with the standards set forth in this Section and applicable Ordinance standards and requirements, and applicable state law. Interpretations made by the Zoning Administrator may be appealed to the Zoning Board of Appeals pursuant to the requirements of Article 19.
- B. Meaning and Intent: All provisions, terms, phrases, and expressions contained in this Ordinance shall be construed according to this Ordinance's stated purpose and intent, and applicable state law.
- C. Text Controls: In case of any difference of meaning or implication between the text of this Ordinance and any heading, drawing, table, or figure, the text shall control.
- D. Statutory References: All references to state law in this Ordinance refer to the Michigan Compiled Laws (MCL), as amended.
- E. Computation of Time: In computing a period of time prescribed or allowed by this Ordinance, the following rules apply:
 - 1. The day of the act or event after which the designated period of time begins to run is not included. The last day of the period is included, unless it is a Saturday, Sunday, or holiday on which the County Courthouse is closed for business; in that event, the period runs until the end of the next day that is not a Saturday, Sunday, or holiday on which County Courthouse is closed for business.
 - 2. If a period is measured by a period of weeks, the last day of the period is the same day of the week as the day on which the period begins.
 - 3. If a period is measured by months or years, the last day of the period is the same day of the month as the day on which the period began. If what would otherwise

be the final month does not include that day, the last day of the period is the last day of that month. For example, "2 months" after January 31 is March 31, and "3 months" after January 31 is April 30.

- F. Delegation of Authority: Whenever a provision requires the head of a department or another officer or employee of the County to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate the responsibility to subordinates, unless the terms of the provision specify otherwise.

1.3.2 Relationship to Other Regulations and Restrictions:

- A. This Ordinance is not intended to interfere with or abrogate or annul any ordinance, rule, regulation, or permit previously adopted or issued and not in conflict with any of the provisions of this Ordinance, or which shall be adopted or issued pursuant to law relating to the use of land, buildings, structures or premises, and not in conflict with this Ordinance.
- B. This Ordinance is not intended to interfere with or abrogate or annul any easements, covenants, deeds or other agreements between parties, provided however, that where this Ordinance imposes a more stringent restriction upon the use of land, buildings, structures or other premises, or upon height of buildings, or requires larger open spaces, or larger lots, or requires mitigating measures or other limitations on a property different from those imposed or required by an easement, covenant, deed or other agreement, then the provisions of this Ordinance shall control in addition to all nonconflicting requirements of an easement, covenant, deed or other agreement.
- C. In the interpretation, application and enforcement of this Ordinance, whenever any of the provisions or limitations imposed are more stringent than any other law, rule, regulation or ordinance, then the provisions of this Ordinance shall govern. However, if the requirements of any other law, rule, regulation or ordinance impose more stringent requirements than are imposed by this Ordinance, then the provisions of such other law or ordinance shall govern. Regardless of any other provision of this Ordinance, no land shall be used and no structure erected or maintained in violation of any state or federal law or regulation.
- D. In the event that the combined effect of the requirements of this Ordinance and any other law, rule, regulation or ordinance so severely limit the use of property subject to this Ordinance that no economically viable use of the property remains and a claim of taking under the Fifth Amendment to the U.S. Constitution could be made, then prior to seeking any redress in a court of law, the property owner shall file a petition with the County Board of Commissioners for a Hardship Planned Unit Development under Article XII of this Ordinance.
- E. Meetings of the Keweenaw County Board of Commissioners, Planning Commission and Zoning Board of Appeals under this Ordinance are subject to the Open Meetings Act, P.A. 267 of 1976, and documents prepared for or retained associated with the administration of this Ordinance are subject to the Freedom of Information Act, P.A. 442 of 1976.

1.3.3 Definitions: Many words, terms and phrases within this Ordinance have a meaning that may be different from their everyday use. Article II presents definitions of words, terms, and phrases used within this Ordinance. Section 2.2 presents rules for the interpretation of words and phrases in the Ordinance. Section 4.4 presents definitions of use classes and lists examples of permitted uses. Some Articles have their own set of definitions which apply only in that Article.

**Article II
Definitions**

**Article II
DEFINITIONS**

Section 2.1 PURPOSE

The purpose of this Article is to clarify the meaning of any term used within this Ordinance for which the common definition may not serve the purpose of this Ordinance, or which is not a commonly used term outside of the context of this Ordinance.

Section 2.2 RULES OF CONSTRUCTION

The following rules of construction apply to the text, tables and illustrations of this Ordinance:

- 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 or illustration, the text shall control.
- C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- D. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- E. A "building" or "structure" includes any part thereof.
- F. The phrase "used for" or "occupied" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
- G. The word "person" includes an individual, a corporation, a limited liability corporation, a partnership, a trust, a firm, an incorporated association, or any other similar entity.
- H. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either...or," the conjunction shall be interpreted as follows:
 1. "And" indicates that all the connected items, conditions, provisions or events shall apply.
 2. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
 3. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- I. Words and phrases not otherwise defined in this Ordinance shall be construed according to the common and approved usage of the language as found in dictionaries, but technical words and phrases not otherwise defined in this Ordinance that may have acquired a particular meaning in law shall be construed and understood according to such meaning.
- J. The word "lot" includes the word "plot", "tract", or "parcel".
- K. The words "this Ordinance" means the text of this Ordinance as well as all maps, tables, graphics, schedules as included or attached and as enacted or subsequently amended. The "County" is Keweenaw County, State of Michigan; the "County Board of Commissioners" is the County Board of Commissioners of Keweenaw County; the "Planning Commission" is the Planning Commission of Keweenaw County which was originally called the Planning & Zoning Commission; the "Board of Appeals" is the Zoning Board of Appeals, or Board of Zoning Appeals of Keweenaw County.
- L. In computing a period of days, see Section 1.3.1(E).

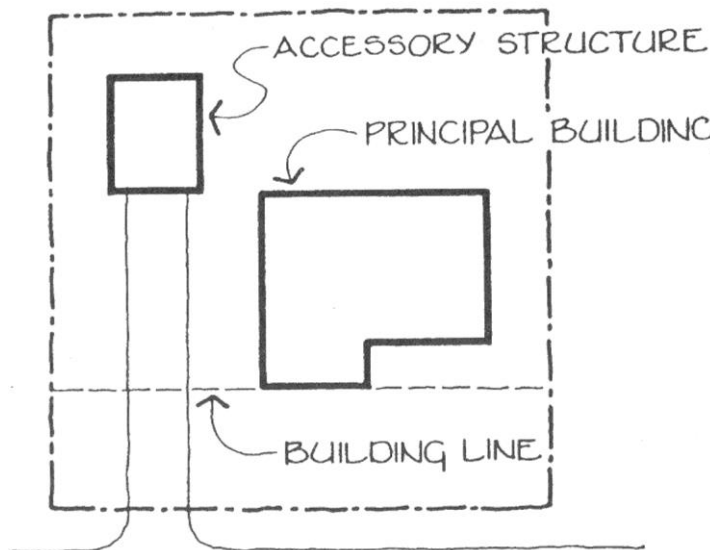
**Article II
Definitions**

M. All statutory citations are to statutes as amended, including codifications and repeals if a new statute is adopted with a similar scope and purpose.

Section 2.3 DEFINITIONS

Accessory Building or Structure: A building or structure customarily incidental and subordinate to the principal building and located on the same lot as the principal building. Except as otherwise permitted by this Ordinance, an accessory building or accessory structure shall not be used for human habitation. An accessory building, including carports which are attached to the principal building, shall comply in all respects with the requirements of this Ordinance applicable to the principal building. Breezeways, as an attachment between the garage or carport and the principal building, shall be considered part of the principal building, but shall not be considered habitable space. See Figure 2-1.

**Figure 2-1
Accessory Structure & Principal Building Relative to Building Line**



Accessory Use: A use which is clearly incidental to, customarily found in connection with, and (except in the case of some accessory off-street parking spaces or loading) located on the same lot as, the principal use to which it is related. For example, a retail business is not considered customarily incidental to a residential use. Residential accessory uses may include storage of household goods, gardening, servant's quarters, private swimming pools, private emergency shelters, and other similar uses.

Agriculture: Means the production of plants and animals useful to humans, including forages and sod crops; grains, feed crops, and field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine, captive cervidae, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities.

Article II
Definitions

Agricultural use includes use in a federal acreage set-aside program or a federal conservation reserve program.

Alley: A dedicated public way, which is not a street, affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

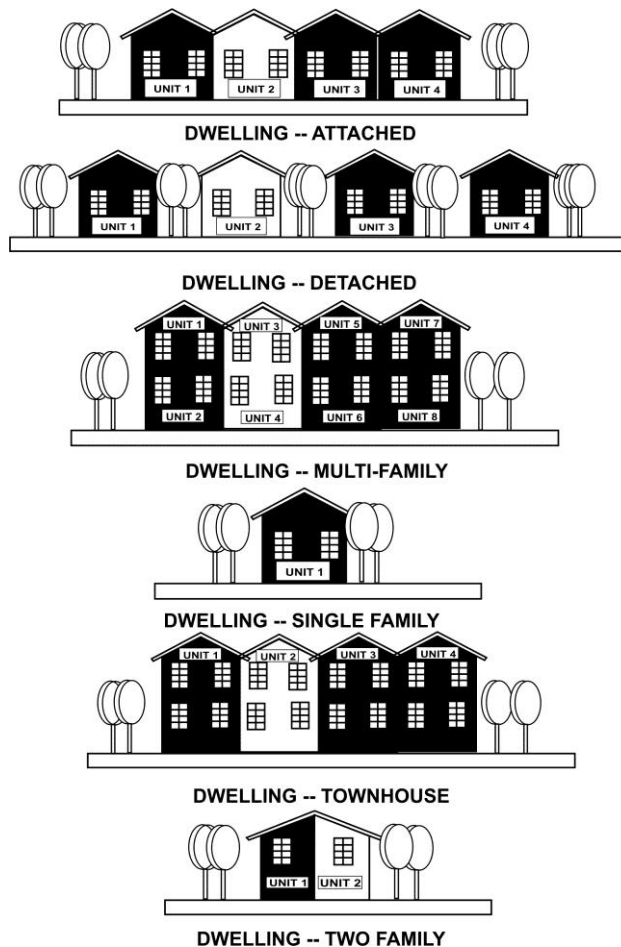
Antenna: A device used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based structures for the purpose of communication.

Apartment: A suite of rooms or a room in a multiple-family building, including bath and kitchen facilities, arranged and intended as a place of residence for a single-family.

Applicant: A person who submits an application under one of the procedures set forth in this Ordinance.

Attached Dwelling: A one-family dwelling attached to two (2) or more one-family dwellings by common vertical walls. A townhouse is an attached dwelling. See Figure 2-2.

Figure 2-2
Dwelling Types

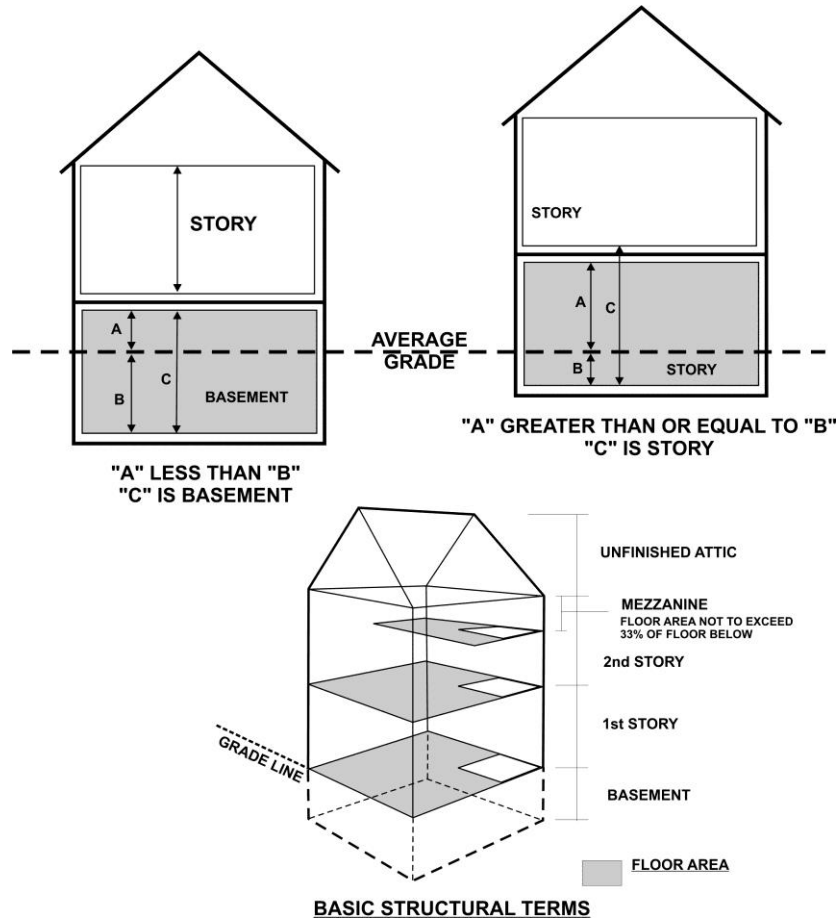


Article II
Definitions

Attic: That part of a building that is immediately below and wholly or partly within the roof framing.

Basement: That portion of a building which is partly or wholly below finished 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 (see Figure 2-3). A cellar is a basement. See also definition of "story". However, any walk-out basement, regardless of average grade, shall be considered a story.

Figure 2-3
BASEMENT AND STORY



Bed and Breakfast: A commercial use which is subordinate to the principal use of a building as a single-family dwelling unit, and in which transient guests are provided a sleeping room in return for remuneration. Meals also may be provided.

Berm: A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes to provide a transition between uses of differing intensity.

Boarding House: A structure in which furnished rooms, or apartments, are let to lodgers on a temporary basis.

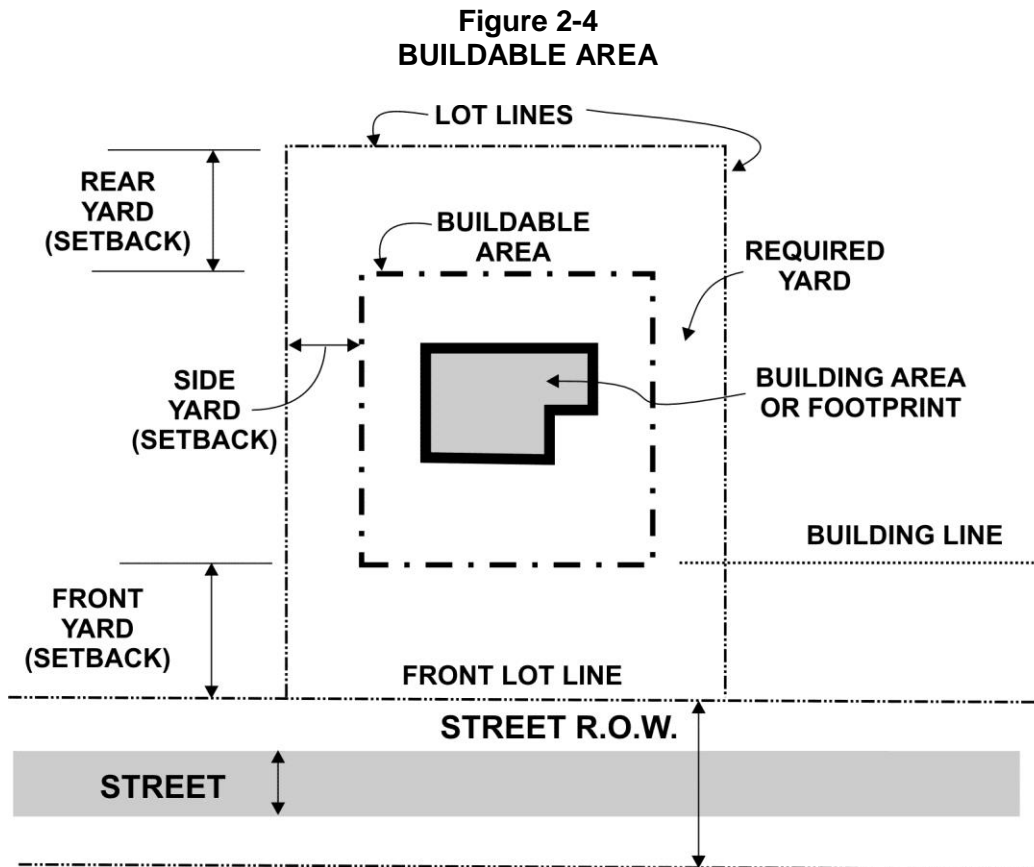
Article II
Definitions

Buffer Strip: A strip of land reserved for plant material, berms, walls, or fencing to serve as a visual and/or sound barrier between properties, often between abutting properties and properties in different zoning districts.

Buildable Area: The portion of a lot remaining after the minimum yard and setback requirements of this Ordinance have been met. See Figure 2-4.

Building: Any structure, either temporary or permanent, having a fixed location and a roof supported by columns, walls or other supports, and used or built for the shelter or enclosure of persons, animals, or property of any kind or for the conduct of business. This shall include but is not limited to awnings, mobile homes, inflatable structures, fabric or membrane structures, sheds, garages, greenhouses and other similar structures. It shall also include trucks, vans, recreational vehicles or other vehicles or parts of vehicles situated on private property, and used for the purposes of a building, whether or not mounted on wheels.

Building Footprint: The total horizontal area of the largest story of the principal building exclusive of uncovered porches, terraces, patios and steps.



Building Height: The vertical distance measured from the floor of the first story to the highest point of the roof surface for flat roofs and A-frames, to the deck line of mansard roofs, and to the average height between the highest eave and the highest ridge for gable, hip and gambrel roofs (see Figure 2-5). A cupola, widow's watch, tower or parapet wall that extends above the roof line shall be considered the highest point of the

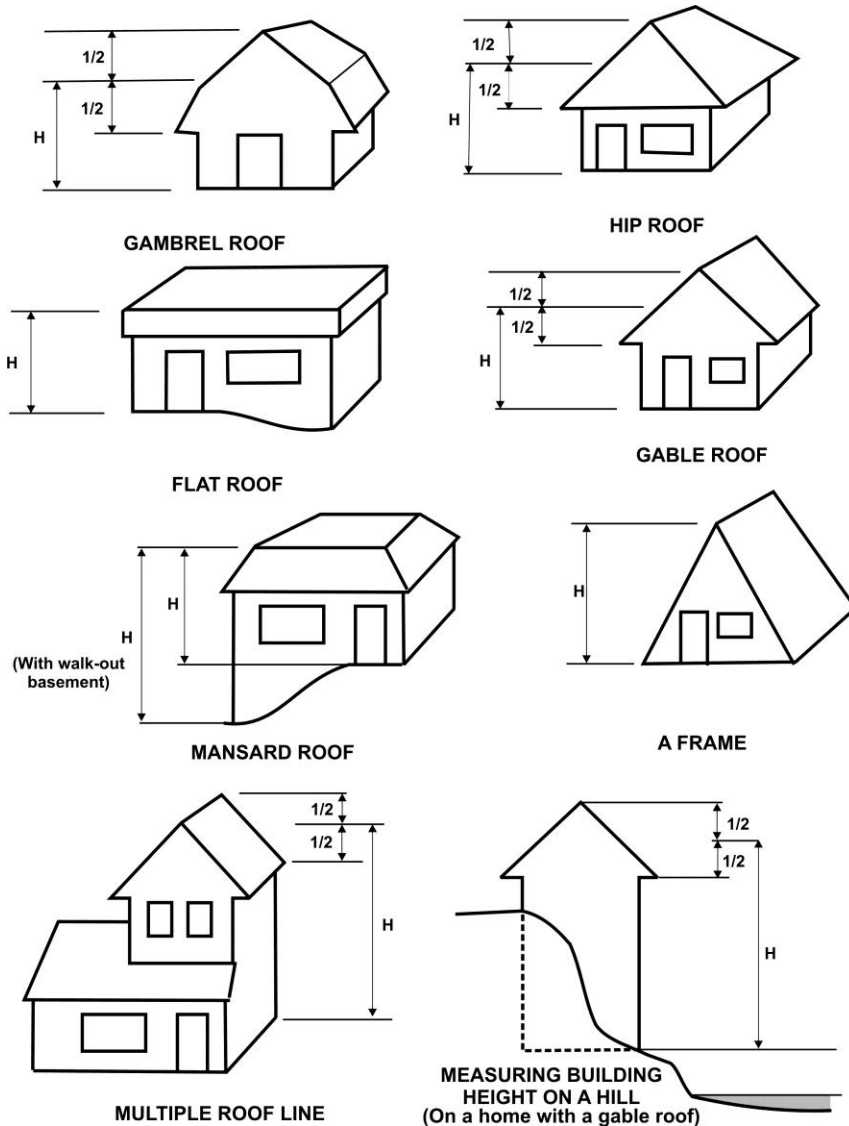
Article II
Definitions

roof surface on roofs with such features. See also Section 7.11 and 7.12 concerning building height exceptions and building grades.

Building Line or Setback Line: A line parallel to a 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. See Figures 2-1 and 2-4.

Building, Principal: A building in which the principal use of a lot is conducted. See Figure 2-1.

Figure 2-5
BUILDING HEIGHT



By Right: A use permitted in a district by action of the Zoning Administrator, without any special review and approval process, or special standards, provided the application demonstrates conformance with all the applicable nondiscretionary standards for that use in that district.

Article II
Definitions

Cabin/Cottage: A single-family dwelling unit of not less than four hundred and eighty (480) square feet designed and built for temporary (usually seasonal) use that meets building and sanitary codes at the time of construction. See Section 7.15.1.A.

Camp, Organized: A parcel or tract of land with one or more buildings under the control of an organization or business which has buildings that provide meeting spaces, dining facilities, sleeping quarters, and recreational and educational facilities. Organized camps include hunting lodges, retreat centers, religious retreats, therapeutic camps, convents and monasteries and have waste disposal and pressurized water systems approved by the Health Department.

Campground: A parcel or tract of land under the control of a person, which has established campsites for five (5) or more recreational units such as tents, camper trailers, travel trailers, recreational vehicles, motor homes, or temporary sleeping quarters of any kind. Campsites may be advertised to the public as available either free of charge or for a fee. A campground does not include a seasonal mobile home park, mobile home park, or manufactured housing community licensed under the Mobile Home Commission Act, P.A. 96 of 1987.

Carport: A partially open structure, intended to shelter one or more vehicles. Such structures shall comply with all setback requirements applicable to garages.

Change of Use: A use of a building, structure or parcel of land, or portion thereof which differs from the previous use in the way it is classified in this Ordinance.

Church: A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory Buildings and uses customarily associated with such primary purpose.

Clear Vision Area: Corner areas at intersecting streets, alleys and driveways in which unobstructed vision of motor vehicle operators is maintained.

Commercial: A use or facility providing building area, parking area, service area, screen plantings and traffic areas designed for the conduct of commerce.

Common Land: A parcel or parcels of land together with the improvements thereon, the use, maintenance, and enjoyment of which are intended to be shared by the owners and occupants of the individual building units in a planned unit development or condominium project.

Common Open Space - Land within or related to a development, not individually owned, that is designed and intended for the common use or enjoyment of the residents and their guests of the development or the public at large if dedicated to and accepted by the public, and may include such complementary structures and improvements as are necessary, appropriate and approved as part of the development according to the requirements of this Ordinance.

Community Residential Care Facilities: Community residential care facilities provide shelter and care for individuals with special needs in single family dwellings for six or

Article II
Definitions

less persons (small) or in larger facilities when more persons are assisted (large). These are all state-regulated facilities.

Communication Tower: A structure including but not limited to monopole, skeleton framework, or other design which is attached directly to the ground or to another structure which supports one or more antennae, used for the transmission or reception of radio, television, microwave, or any other form of telecommunications signals. Antennae permitted as an accessory use under Article IV of this Ordinance are excluded.

Comprehensive Plan: The county plan entitled Keweenaw County "Blueprint for Tomorrow" Land Use Plan adopted by the Keweenaw County Planning Commission pursuant to Public Act 282 of 1945, including text, maps and graphic proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the county, the relationship of land uses to one another, and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

Conditional Use: A use not essentially incompatible with uses permitted in a zoning district, but which possesses characteristics which require individual review in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. A conditional use is permitted by right in a particular district, provided that the use complies with the nondiscretionary standards of Article X of this Ordinance.

Condominium Master Deed: The document recorded as part of a condominium subdivision to which are attached as exhibits and incorporated by reference the approved bylaws for the condominium subdivision and the condominium subdivision plan.

Condominium Project: A plan or project including not less than two (2) condominium units established and approved in conformance with the Condominium Act (Act 59 of the Public Acts of 1978).

Condominium Subdivision: A division of land on the basis of condominium ownership, pursuant to the Condominium Act and which is not subject to the provisions of the Land Division Act of 1967, Public Act 288 of 1967, as amended. Also known as a site condominium or site condo. As used in reference to a "Condominium Subdivision" in this Ordinance, the terms below are defined as follows:

- A. **Condominium Unit:** That portion of a condominium project that is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. The owner of a condominium unit also owns a share of the common elements. The term "condominium unit" shall be equivalent to the term "lot" or "building site", for purposes of determining compliance of the site condominium subdivision with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, and maximum lot coverage, and within which a building or other improvements may be constructed by the condominium unit owner. The condominium unit shall not include any limited common elements.

Article II
Definitions

- B. General Common Area: That portion of a site condominium project designed and intended for joint ownership and maintenance by the condominium association as described in the Master Deed.
- C. Limited Common Area: That portion of a site condominium project designed and intended for separate ownership, but outside the building setbacks for the zoning district the property is located in, as described in the Master Deed.
- D. Building Envelope: The area of a condominium unit within which the principal building or structure may be constructed, together with any accessory structures, as described in the Master Deed.
- E. Building Site: That portion of a condominium project that shall include the condominium unit and that may also include limited common elements as described in the Master Deed. For purposes of determining compliance with the applicable requirements of the Zoning Ordinance (including, without limitation, area, width, and setback requirements) or with other applicable laws, ordinances, or regulations, "building site" shall be considered to be the equivalent of a "lot."
- F. Limited Common Element: That portion of a condominium project other than the condominium unit that is reserved in the master deed for the exclusive use of the owner of the condominium unit.

Condominium Subdivision Plan: The drawings attached to the master deed for a condominium subdivision which describe the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the condominium subdivision, as well as the nature, location and size of common elements.

Congregate Facility: A facility which provides adult foster care for more than twenty (20) adults of which not more than six (6) can be of age sixty-five (65) or older with the condition that each living unit does not exceed twenty (20) individuals and requires functional grouping of residents.

Conservation Easement: The grant of a property right requiring that the described land will remain in its existing natural state in perpetuity. Also means that term as defined in Section 2140 of the Natural Resources and Environmental Protection Act, P.A. 451 of 1994 when applied to a cluster development or open space development as provided in Section 10.12.31.

Convalescent Home (Nursing Home): A building having a principal purpose of providing of sleeping, eating and gathering rooms where infirm persons are housed, often for extended periods of time, and furnished with meals and nursing care.

Day Care Center (Child Care Center): A facility, not located in a private home, licensed by the State of Michigan, receiving 1 or more preschool or school age children for care for periods of less than 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 which provides care for not less than 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. child care center or day care center does not include any of the following:

Article II
Definitions

- A. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than 3 hours per day for an indefinite period, or not greater than 8 hours per day for a period not to exceed 4 weeks during a 12-month period.
- B. A facility operated by a religious organization where children are cared for while persons responsible for the children are on the premises.

Day Care (Family, Home): A licensed day care center as an accessory use in a private home in which 1 but less than 7 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

Day Care (Group, Home) or Day Nursery: As defined in PA 116 of 1973, MCL 722.111, a "group day care home" means a licensed day care center in a private home as an accessory use in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

Day Care (Private, Home): A private residence in which a day care center operator licensed by the State of Michigan permanently resides as a member of the household, which residency shall not be contingent upon caring for children or employment by a licensed or approved child placing agency. Private home includes a full-time foster family home, a full-time foster family group home, a group day care home, or a family day care home.

Deck: An unroofed structure used for outdoor living purposes which may or may not be attached to a building and which is more than six (6) inches above the finished grade.

Deed Restriction: A restriction on the use of a lot or parcel of land that is set forth in the deed and recorded with the County Register of Deeds. It is binding on subsequent owners and is sometimes also known as a restrictive covenant. Unless the county has an ownership interest in the property, a deed restriction is enforced by the parties to the agreement, not by the county.

Detached Dwelling: A dwelling that is not attached to any other dwelling by any means. See Figure 2-2.

District (or Zone): A portion of the county within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.

Driveway: A means of access for vehicles from a street or alley to a parking or loading area, garage, dwelling or other structure or area.

Dwelling: Any building intended for human habitation; for living, sleeping, cooking and eating purposes.

Article II
Definitions

Dwelling, Single-Family: A detached residential building containing only one (1) dwelling unit.

Dwelling, Two-Family: A detached residential building containing two (2) dwelling units.

Dwelling, Multiple-Family: A residential building containing three (3) or more dwelling units.

Dwelling Unit: A room or rooms connected together, constituting a separate, independent housekeeping establishment for one (1) family occupancy, physically separated from any other dwelling units in the same structure, and containing independent cooking, and sleeping facilities, and a Western Upper Peninsula Health Department approved potable water supply and waste disposal system.

ECHO Housing or ECHO Unit: An Elder Cottage Housing Opportunity which is a temporary accessory use that permits residents and caregivers to occupy two dwelling units on a single-family residential zoned lot. See Article X.

Family: An individual or two or more persons related by blood, marriage, or adoption, or a group not to exceed six (6) persons, whether or not related by blood or marriage, occupying premises and living as a single nonprofit housekeeping unit with single culinary facilities as distinguished from a group occupying a boarding house, lodging house, club, fraternity, hotel or similar dwelling for group use. Domestic servants residing on the premises shall be considered as part of the family.

Fence: An unroofed structure erected in such a manner and in such a location as to enclose, secure, partially enclose or secure, provide privacy for, or mark a boundary for all or any part of a lot.

Footprint, Building: See building footprint.

Frontage: The total continuous length of the front lot line. (See Figures 2-7 and 2-9).

Garage: An accessory building or portion of the principal building used for storage by the occupant of the principal building.

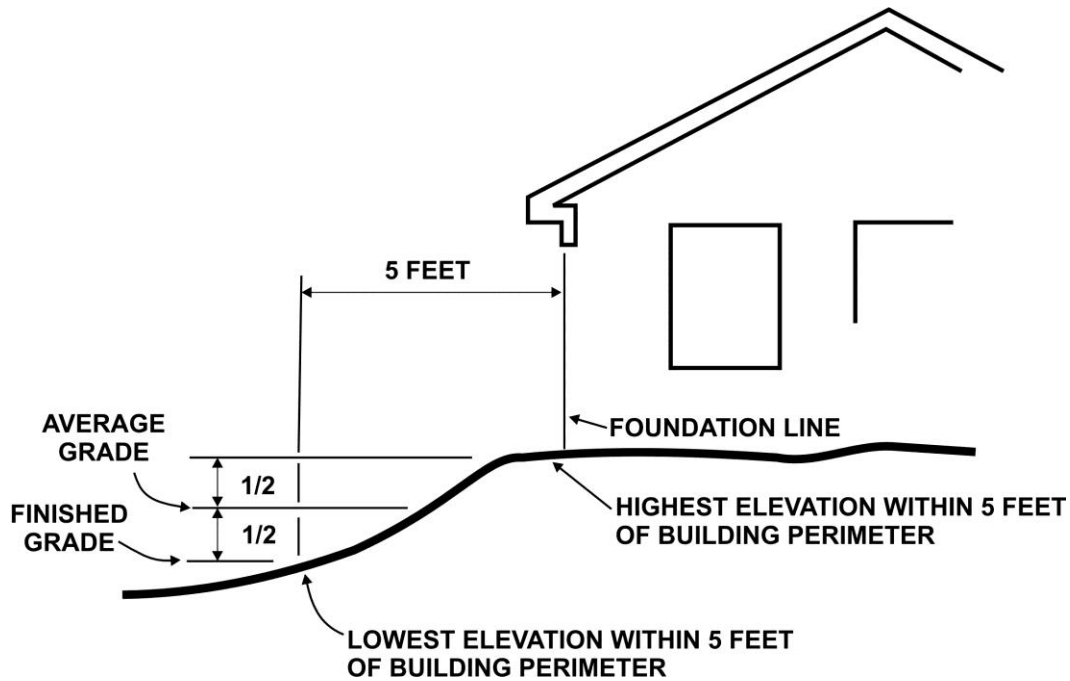
Garage Sale or Yard Sale: The sale or offering for sale to the general public of items of personal property by the owner or tenant of a lot on which a dwelling unit is located, whether within or outside the dwelling unit, a garage or other accessory building.

Grade, Average: The arithmetic average of the lowest and highest grade elevations in an area within five (5) feet of the foundation line of a building or structure not including window wells or required basement egress (see Figure 2-6).

Grade, Finished: The lowest point of elevation between the exterior wall of the structure and a line five (5) feet from the exterior wall of the structure, not including window wells or required basement egress. See Figure 2-6.

Grade, Natural: The elevation of the ground surface in its natural state, before man-made alterations.

Figure 2-6
AVERAGE GRADE AND FINISHED GRADE



Group Home: A facility which provides adult foster care for more than six (6), but not more than twenty adults.

Hazardous Substance:

- A. A chemical or other material which is or may become injurious to the public health, safety, or welfare or to the environment.
- B. "Hazardous substance" as defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, Public Law 96-510, 94 Stat. 2767.
- C. "Hazardous waste" as defined in the Natural Resources and Environmental Protection Act of 1994, as amended, MCL 324.11103.
- D. "Petroleum" as defined in the Natural Resources and Environmental Protection Act of 1994, as amended, MCL 324.21303(d)(ii).

Historic Site: A structure, place, natural object, or configuration, or portion thereof, of historical, archaeological, cultural, or architectural significance and designated as such by federal, state, county, or municipal government.

Home Occupation: A commercial activity, not involving the conduct of an on-site retail business, whether for profit or otherwise, carried on by an occupant of a dwelling unit as a secondary use which is clearly subordinate and incidental to the use of the dwelling unit as a residence.

Hunting Camp: A single building designed only for temporary human occupancy that is not considered a single-family dwelling unit which if constructed after the effective date of this Ordinance shall not be larger than four hundred (400) sq. ft., have an approved

Article II
Definitions

waste disposal system and no pressurized water, nor fixed connection to electrical service.

Improvements: Those features and actions associated with a project which are considered necessary by the body or official granting zoning approval, to protect natural resources, or the health, safety, and welfare of the residents of the county and future users or inhabitants of the proposed project area, including, but not limited to roadways, lighting, utilities, sidewalks, screening, drainage, parking areas, and landscaping.

Junk Yard: Any land or building where waste, used, recycled or secondhand materials are bought and sold, exchanged, stored, baled, parked, disassembled or handled; including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A "junk yard" includes automobile wrecking yards and includes any area of more than fifty (50) 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 dogs, cats, or other household pets, are confined or kept for sale, breeding, or training purposes for remuneration.

Living Fence: A grouping of plants including, but not limited to hedges, shrubs, bushes, or trees, arranged and/or growing in such a manner as to enclose, secure, partially enclose or secure, provide privacy or mark a boundary for all or any part of a lot.

Lot or Parcel: Land described in a recorded plat or by metes and bounds description, including a condominium unit in a condominium subdivision, occupied or to be occupied by a building, structure, land use or group of buildings having sufficient size to comply with the frontage, area, width-to-depth ratio, setbacks, yards, coverage and buildable area requirements of this Ordinance, and having its principal frontage upon a public street or on an approved private road or approved access easement. Such lot may consist of a) a single lot of record; b) a portion of a lot of record; c) a combination of contiguous lots of record or portions of contiguous lots of record; or d) a parcel of land described by metes and bounds. If a lot is split by a public or private road or easement, the portion of the lot on which the principal building is located must be large enough to comply with the frontage, area, width-to-depth ratio, setbacks, yards, coverage and buildable area requirements of this Ordinance. An accessory structure may locate on a portion of the lot severed by a public or private road. For waterfront lots split by a road, see also Sections 9.1 and 9.2.

Lot Area: The area contained within the lot lines or property boundary.

Lot, Corner: A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred and thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred and fifty (150) feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred and thirty-five (135) degrees (see Figure 2-8).

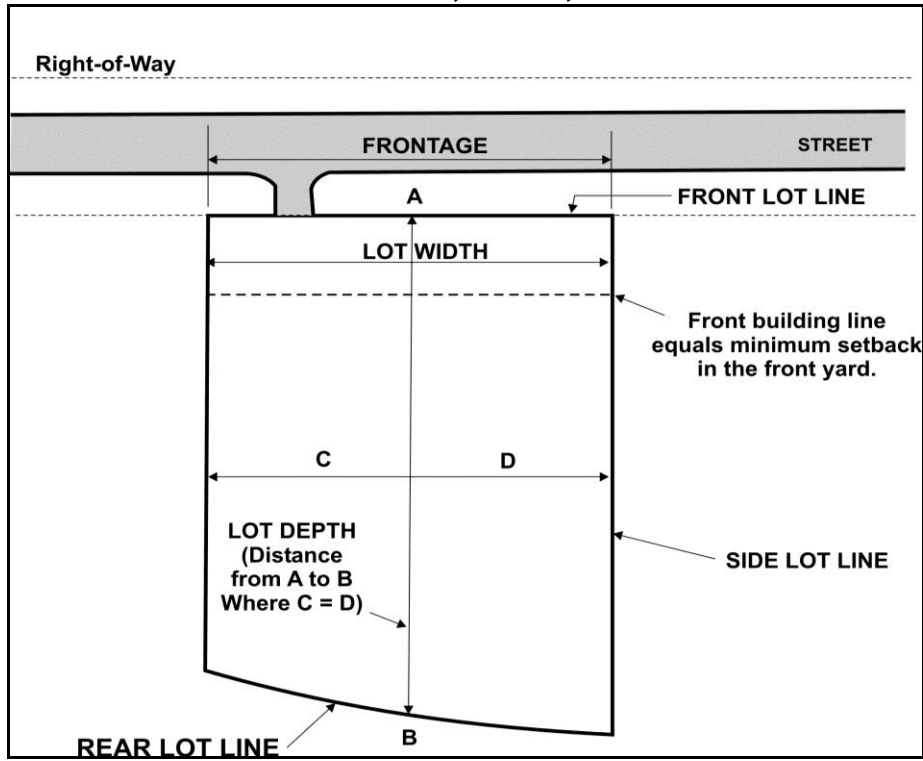
Lot Coverage: The amount of a lot, stated in terms of percentage, that is covered by all buildings and/or structures located thereon. This shall include all buildings and roofed

Article II
Definitions

(whether a partial roof, such as a pergola or trellis, or a full roof) structures such as porches, arbors, breezeways, but shall not include fences, walls, or hedges used as fences, unroofed structures such as decks, patios, swimming pools, or uncovered parking lots. Lot coverage shall be measured from the drip line of the roof or from the wall or foundation if there is no projecting portion of the roof.

Lot, Depth of: The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines. (See Figure 2-7).

Figure 2-7
LOT FRONTAGE, WIDTH, & DEPTH

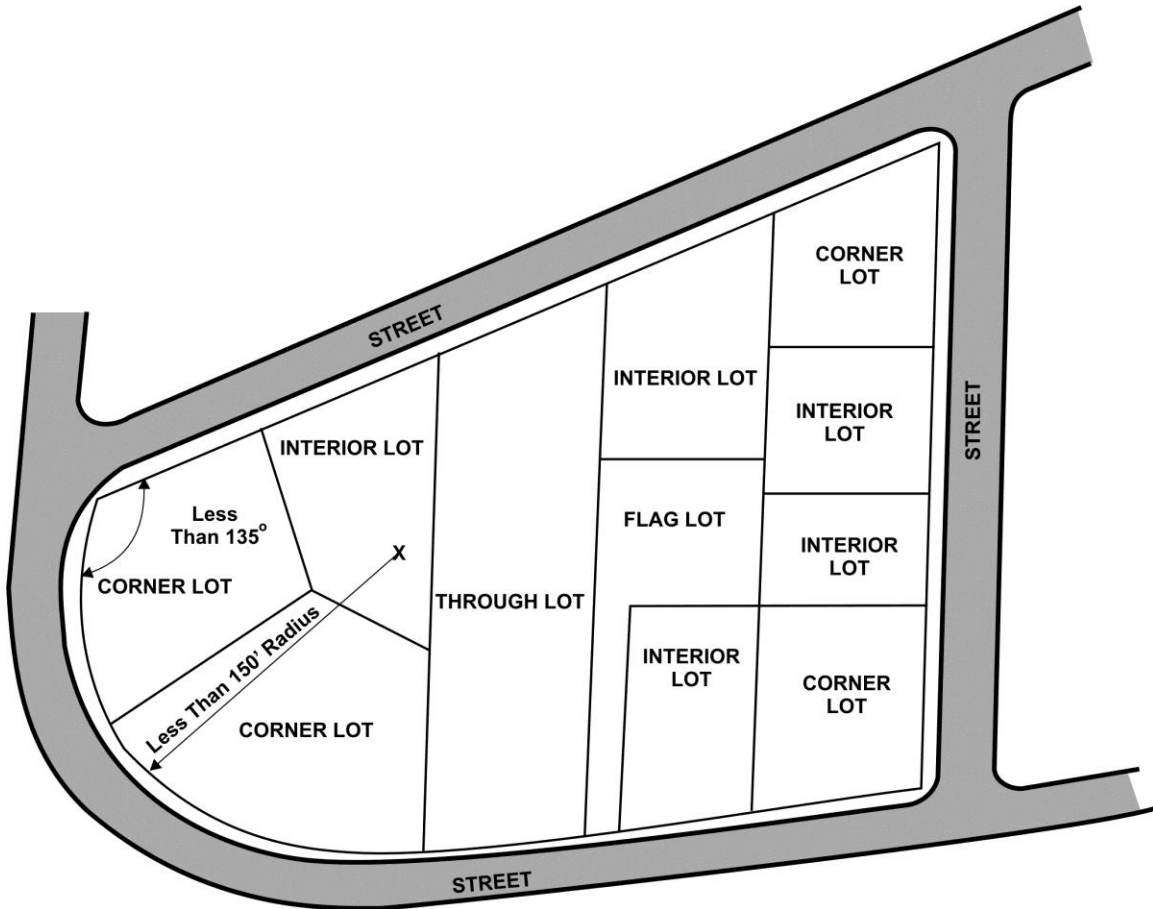


Lot, Flag: A lot whose access to the public street is by a narrow, private right-of-way that is either a part of the lot or an easement across another property. Flag lots are discouraged. See Figures 2-7 and 2-8.

Lot, Interior: Any lot other than a corner lot which has only one lot line fronting on a street. For this purpose, an alley is not considered a street unless the lot has no lot line fronting on a street. See Figure 2-8.

Article II
Definitions

Figure 2-8
LOT TYPES



Lot Line:

Front: In the case of an interior lot, the line separating that lot from the street, a private road, or other access easement. In the case of a corner lot or through lot, the line separating that lot from either the street, a private road, or other access easement, and bearing the assigned street address for that lot. In the case of a flag lot, the line parallel and nearest to the main roadway. See Figures 2-7 and 2-9.

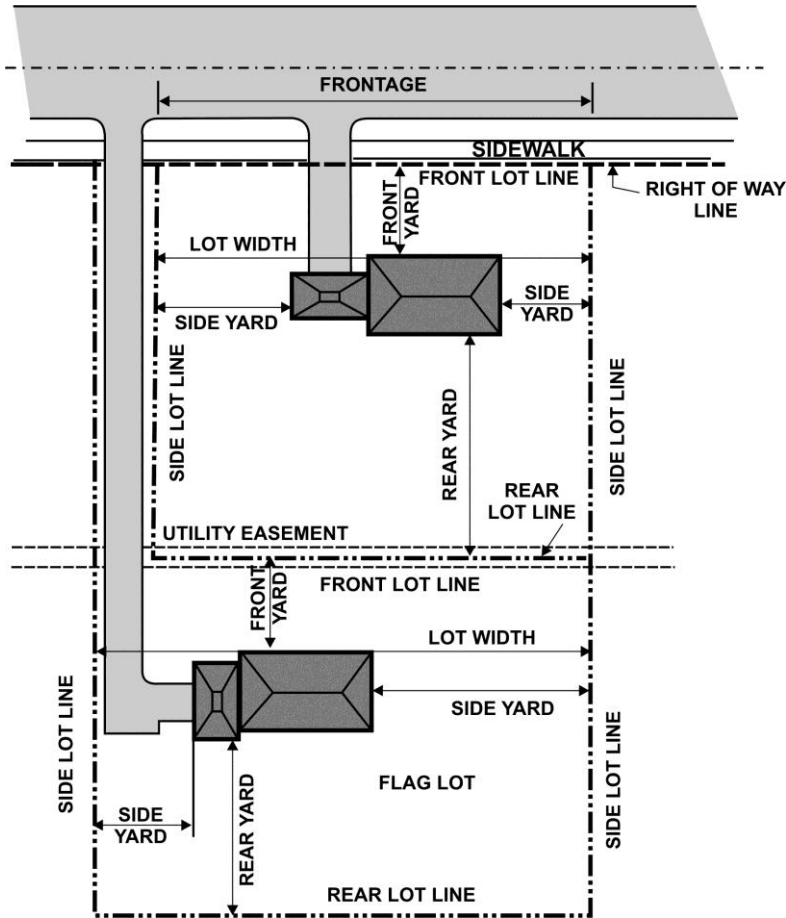
Rear: The line opposite the front lot line. In the case of a corner lot or through lot, the line which is opposite the street address. In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line at least ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line. (See Figures 2-7 and 2-9).

Side: Any lot line other than the front lot line or rear lot line. (See Figures 2-7 and 2-9).

Side Street: A side lot line separating a lot from a street.

Article II
Definitions

Figure 2-9
LOT LINES AND YARDS



Lot of Record: A lot which is part of a subdivision, the map of which was recorded in the Office of the Register of Deeds in Keweenaw County on or before September 10, 1975; or, a lot described by metes and bounds, the deed, survey or land contract, or land contract memoranda, which had been recorded in the Office of the Register of Deeds in Keweenaw County on or before September 10, 1975; or, a lot created since September 10, 1975, which at the time of creation met all of the requirements of the then-current Keweenaw County Zoning Ordinance.

Lot, Through: A lot which is not a corner lot, and with frontage on two or more streets. For this purpose, an alley is not considered a street. On a through lot, all street lines shall be deemed front lot lines for setback purposes. (See Figure 2-8.)

Lot, Waterfront: A lot which fronts on a water body. All waterfront lots have two front yards, except corner waterfront lots which have three front yards. The owners of nonconforming waterfront lots may elect to meet rear lot requirements for the portion of the lot which fronts the public or private road providing access.

Article II
Definitions

Lot, Width of: The horizontal straight line distance between the side lot lines, measured between the two points where the line establishing the setback for the front yard (also known as the front building line) intersects the side lot lines. (See Figures 2-7 and 2-9).

Manufactured Home and Manufactured Housing Community: Dwelling units prefabricated in part or total which meet the HUD Code (42 USC Sec 5401), and are transported to the building site for long-term use.

Manufactured Housing Community: A private community of single family homes on individual lots owned by the owner of the manufactured home that resides upon it, that are built in accordance with the Federal Manufactured Home Construction and Safety Standards Act, and transported, sited and installed in compliance with the act and state requirements in the Michigan Mobile Home Commission Act.

Marina: A boat basin with facilities for berthing and securing recreational craft, which may also provide supplies, provisions, service and fueling facilities, and repair and storage of boats.

Marine Terminal: A dock, pier, landing, structure or property which provides access from land to a water based business.

Mezzanine: An intermediate floor in any story occupying not to exceed one-third (1/3) of the floor area of such story. See Figure 2-3.

Mobile Home: A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. Mobile home does not include a recreational vehicle.

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 therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home, or as otherwise defined in Michigan Public Act 96 of the Public Acts of 1987, as amended.

Motel: A building or group of buildings, whether detached or in connecting units, used or designed as individual sleeping units for transient automobile travelers and providing accessory off-street parking facilities. The term "motel" shall include buildings designed as "auto courts," "tourist courts," "motor courts," "motel hotels," and similar identification of integrated units of individual rooms under common ownership. A motel shall not be considered or construed to be a multiple family dwelling.

Nonconforming Building: A building lawfully existing on the effective date of this Ordinance or subsequent amendment, and which does not conform to the requirements of this Ordinance.

Nonconforming Lot: Any lot of record which at the time it was recorded fully complied with all applicable laws and ordinances, but which does not fully comply with the

Article II
Definitions

dimensional or proportional lot requirements of this Ordinance or subsequent amendment.

Nonconforming Structure: Any structure other than a sign, lawfully existing on the effective date of this Ordinance or subsequent amendment and which fails to meet the requirements of this Ordinance.

Nonconforming Use: An activity using land, buildings and/or structures for purposes which were lawfully established prior to the effective date of this Ordinance or subsequent amendment and that fails to meet the requirements of this Ordinance.

Nonconformity: Any nonconforming use, nonconforming building, nonconforming structure or nonconforming lot as defined in this Ordinance.

Nuisance: Any act, thing, condition, land, building or premises which annoys, injures or endangers the public health, safety, comfort, offends public decency, or in any way renders the public insecure in life or property.

Nursery: A space, building or structure, or combination thereof, for the 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 within the meaning of this Ordinance does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

Off-Street Parking Lot: A facility providing vehicular parking spaces, along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of more than three (3) vehicles.

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 or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space.

Ordinary High Water Mark: The line between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. Pursuant to the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, Part 325, formerly the Great Lakes Submerged Lands Act, P.A. 247 of 1955, as amended, the ordinary high water mark for Lake Superior is 602.6 feet above sea level, International Great Lakes Datum of 1985.

Overlay District or Overlay Zone: A zoning district that encompasses one or more underlying zones and that imposes additional requirements above that required by the underlying zone. See Article VI.

Owner: The owner of the premises or lesser estate in the premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, leasee, or any other person, sole proprietorship, partnership, association, or corporation directly or

Article II
Definitions

indirectly in control of a building, structure, or real property, or his or her duly authorized agent.

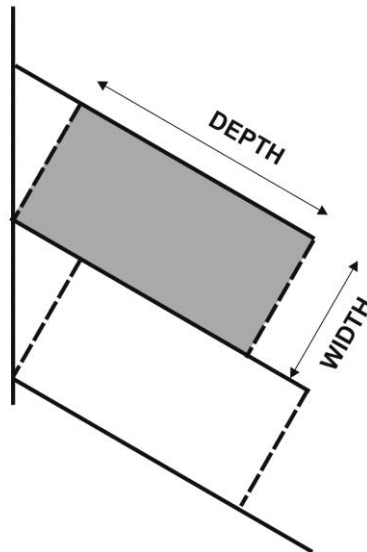
Parcel: See lot.

Park: A parcel of land, building or structure used for recreational purposes including but not limited to playgrounds, sport fields, game courts, beaches, trails, picnicking areas, and leisure time activities.

Parking Space: A land area of not less than ten (10) by twenty (20) feet, exclusive of driveways and aisles, and so prepared as to be usable for the parking of permitted vehicles and so located as to be readily accessible to a public street or alley. See Figure 2-10.

Performance Guarantee: Cash, completion bond, certified check, irrevocable bank letter of credit or other financial security acceptable to the County as assurance that required improvements or conditions associated with project approval are properly built or conformed with.

Figure 2-10
PARKING SPACE DIMENSIONS



Permitted Use: Any use allowed in a zoning district and subject to the regulations applicable to that zoning district.

Person: Means an individual, partnership, association, trust, or corporation, or any other legal entity or combination of legal entities.

Planned Unit Development: A parcel or lot, developed under single ownership or management as a separate neighborhood or community unit. The development shall be based on an approved site plan which allows flexibility of design not available under normal zoning district requirements. The plan may contain a mixture of housing types, common open space and other land uses as provided in this Ordinance.

Article II
Definitions

Plat: A map of a subdivision of land recorded with the County Register of Deeds pursuant to Public Act 288 of 1967, or a prior statute.

Plat Dedication: Means the dedication of private property for public use either on the face of an approved plat or by a separate legal instrument.

Porch: A roofed open area, which may be screened, usually attached to or part of and with direct access to or from a building. A porch becomes a room when the enclosed space is heated or air conditioned and when the percentage of window area to wall area is less than fifty (50) percent.

Premises: A lot, parcel, tract or plot of land together with the buildings and structures thereon.

Principal Use: The primary or predominant use of any lot or parcel of land.

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, telephone, telegraph, transportation, or water.

Ramp: A sloping walkway, roadway or passage used to join and provide a smooth transition between two levels of different elevation, including between land and water at a boat launching site.

Recreational Vehicle: A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle.

Repair: The reconstruction or renewal of any part of an existing building for the purpose of maintenance.

Resort: A place of typically seasonal entertainment, recreation and/or lodging. Resort lodging, if provided, may include hotels, motels, single or multiple-family residential dwelling units, cottages, cabins, campgrounds, bed and breakfasts, or some combination, as regulated by appropriate sections of this Ordinance.

Restaurant: A building in which food is prepared and sold for consumption within the building as opposed to a drive-in establishment where food may be taken outside of the building for consumption either on or off the premises.

Restoration: The reconstruction or replication of an existing building's original architectural features.

Restrictive Covenant: In the case of a cluster or open space development under Section 10.12.31, it means a legal written agreement which runs with the land establishing not less than fifty (50) percent (%) of the land to be developed will remain perpetually in an undeveloped state.

Article II
Definitions

Right-of-Way: A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.

Road, Private: A private way or means of approach to provide access to two (2) or more abutting lots, and which is constructed and maintained by the owner or owners and is not dedicated for general public use.

Road, Public: A road dedicated to the public, such dedication having been accepted by the appropriate public Road Commission or Department of Transportation, which meets the minimum construction standards of said Road Commission or the Michigan Department of Transportation.

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

Setback Line: See Building Line.

Sexually Oriented Businesses (SOBS): Business or commercial enterprises engaging in the provision of sexually oriented products and services to adults. Often of an adult entertainment character. SOBS include but are not limited to adult book or video store, adult entertainment establishment, adult mini-theater, adult motion picture theater, and adult novelty business as defined below.

A. **Adult Book or Video Store**: An establishment having as a substantial or significant portion of its stock in trade, books, magazines, periodicals, films, computer software or video tapes which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined herein.

B. **Adult Entertainment Establishment**: A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances presented for the enjoyment of the audience which has paid or promised to pay an admission fee and which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities".

C. **Adult Mini-Theater**: A commercial establishment where, for any form of consideration, in an enclosed area with a capacity of less than ten (10) persons, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown which are characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas".

D. **Adult Motion Picture Theater**: A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas," as defined herein.

E. **Adult Novelty Business**: A business that has as a substantial or significant portion of its activity in the sale of devices which stimulate human genitals or devices designed for sexual stimulation.

F. **Nudity or State of Nudity**: The appearance of a human bare buttock, anus, male genitals, female genitals, or female breast without a fully opaque complete covering or the breast below a point immediately above the top of the areola, or human male genitals in a discernible turgid state even if complete and opaquely covered.

G. **Specified Anatomical Areas** Includes:

Article II
Definitions

1. Less than completely and opaquely covered human genitals, pubic regions, buttocks and female breasts below a point immediately above the top of the areola;
 2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- H. Specified Sexual Activities Includes:
1. Acts of human masturbation, sexual intercourse, or sodomy;
 2. Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts;
 3. Human genitals in a state of sexual stimulation or arousal.
- I. Substantial or Significant Portion: A SOBS business will be deemed to have a substantial or significant portion of its stock in trade or services if it meets at least one of the following criteria:
1. Thirty-five (35) percent or more of the stock, materials, or services provided describes or relates to specified sexual activities, specified anatomical areas, or both.
 2. Thirty-five (35) percent or more of the usable floor area of the building is used for the sale, display, or provision of services describing or relating to specified sexual activities, specified anatomical areas, or both.
 3. The advertising (on signs, in publications, on television or radio and/or other media forms) associated with the business, describes or relates to specified sexual activities, specified anatomical areas, or both.

Shoreland: The land, water and land beneath the water, which is in close proximity to the shoreline of Lake Superior, or other water body in the county.

Shoreline: That area of shorelands where land and water meet.

Sign: See definitions in Section XVI, 16.2.

Site Plan: A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance.

Ski Resort: Includes base lodges, ski lifts, storage and maintenance buildings, restaurants and related uses. See Resort.

Special Use: A special use "S" is a use on Table 4-1, Section 4.4.3 that is not essentially incompatible with the uses permitted in a zoning district, but possesses characteristics which require individual review and discretion in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and/or adjacent uses of land. A special use is permitted in a particular district only after review by the Planning Commission and issuance of a permit by the County Board of Commissioners, in accordance with the standards set forth in this Ordinance. A use authorized by special use permit is a conforming use. A special use is referred to as a special land use in the zoning enabling act.

Special Use Permit: A permit issued by the Planning Commission to a person or persons intending to undertake the operation of an activity upon land or within a structure specifically permitted as a special use pursuant to standards and procedures established in Article VII General Provisions and Article X Special Use and Conditional Use Regulations.

Article II Definitions

Story: That part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall not be counted as a story unless it is a walkout basement (see Figure 2-3).

Street: A thoroughfare for vehicular traffic, including all area within the right-of-way. Also see Road, Public.

Structure: Anything fabricated, constructed or erected, the use of which requires fixation or placement in, on or attachment to something having location on the ground including but not limited to all buildings, independently supported decks, satellite dishes and free-standing signs; excepting anything lawfully in a public right-of-way including but not limited to utility poles, sewage pumping stations, utility manholes, fire hydrants, electric transformers, telephone boxes, and related public facilities and utilities defined as essential public services. A paved, uncovered parking lot is not considered a structure.

Structure Height: For all structures other than buildings, the vertical distance measured from the finished grade to the highest point of the structure. For buildings, see building height.

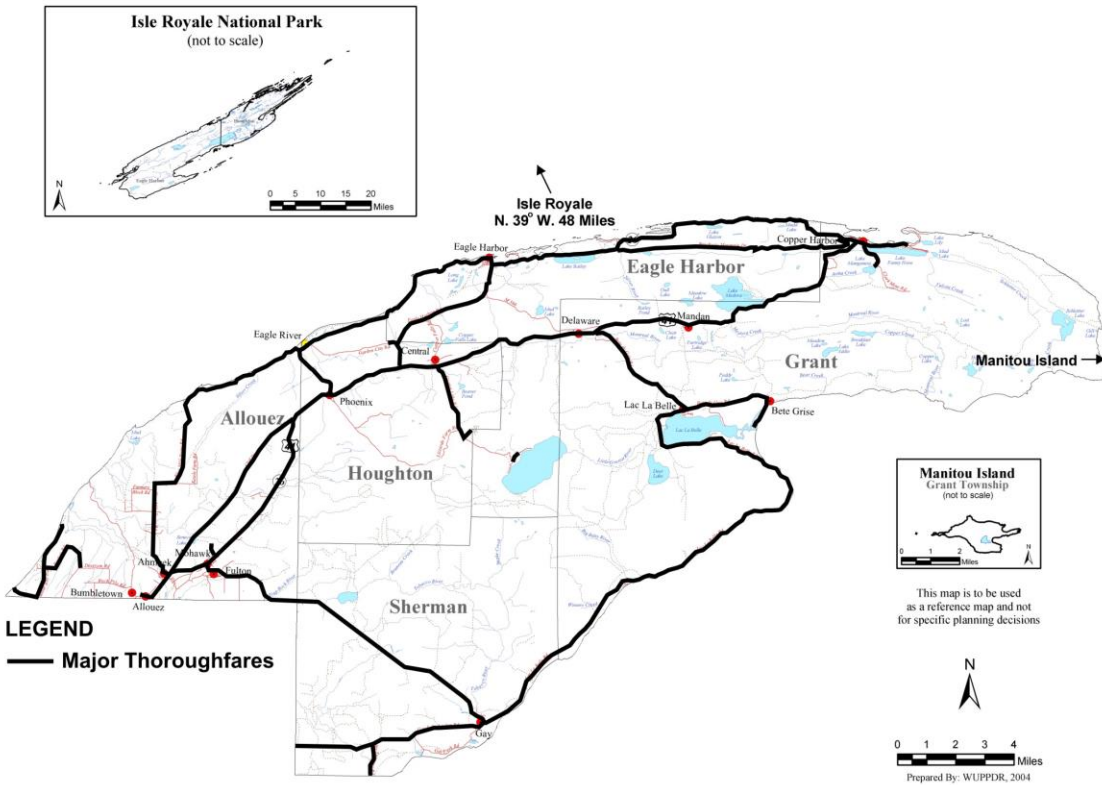
Subdivision: The division of a lot, tract, or parcel of land into one or more lots for the purpose of sale or development, and subject to the requirements of the Land Division Act, Public Act 288 of 1967, as amended, this Ordinance and the requirements of any adopted subdivision control or land division ordinance of Keweenaw County or any local unit of government in the county.

Swimming Pool: Any structure, container, or pool, portable or nonportable, having a depth of one foot or more at any point and designed or used for swimming, wading, or bathing.

Temporary Use or Building: A use, building or structure permitted by Section 7.15 of this Ordinance, to exist during a specified period of time. After the specified time has expired, the temporary use must be terminated and the temporary structure removed from the parcel or the temporary use must be changed to an allowable use.

Thoroughfare, Major: A public street, the principal use or function of which is to provide an arterial route for through traffic, with its secondary function the provision of access to abutting property and which is classified as a county primary, state trunkline, or interstate highway (see Figure 2-11).

Figure 2-11
MAJOR THOROUGHFARE MAP



Underground Storage Tank: A tank or combination of tanks, including underground pipes connected to the tank or tanks, which is, was, or may have been used to contain hazardous substances, and the volume of which, including the volume of the underground pipes connected to the tank or tanks, is ten percent (10%) or more beneath the surface of the ground.

Use: The principal purpose or activity for which the land or a building is arranged, designed, or intended, or for which land or a building is or may be occupied or maintained as permitted in the zoning district in which it is located.

Use, Permitted: A use which may be lawfully established in a particular zoning district or districts provided it conforms with all the requirements, regulations, and performance standards, if any, of such districts. Also known as a use by right ("R"), or a use by right with conditions ("RC").

Use, Principal: The main use of land or a building as distinguished from a subordinate or accessory use. It may be either a permitted ("R" or "RC") or a special ("S") use.

Article II
Definitions

Variance: A modification of the literal provisions of the Zoning Ordinance, granted by the Zoning Board of Appeals, when standards established in Article VII and Article XIX of this Ordinance have been met. These standards seek to ensure that no variance is granted unless: (a) strict enforcement of the Zoning Ordinance would cause practical difficulty, (b) doing so would not be contrary to the public interest, (c) there are circumstances unique to the individual property on which the variance is granted, and (d) the variance request is not due to actions of the applicant.

Waterbody: Any body of water, including any creek, stream, canal, river, lake or bay, or any other body of water, natural or artificial, except a swimming pool or ornamental pool located on a single lot.

WECS: Shall be the approved form of abbreviation of "wind energy conversion system". The following associated definitions are also pertinent.

A. **WECS:** A combination of:

1. A surface area, either variable or fixed, for utilizing the wind for generation of electrical power; and
2. A shaft, gearing, belt or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity producing device; and
3. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and
4. The tower, pylon or other structure upon which any, all, or some combination of the above are mounted.

B. **Tower Height:**

1. Horizontal Axis Wind Turbine Rotors: The distance between the ground and the highest point of the WECS, as measured from the ground, plus the length by which the rotor blade on a horizontally-mounted WECS exceeds the structure which supports the rotor and blades;
2. Vertical Axis Wind Turbine: The distance between the ground and the highest point of the WECS.

C. **Survival Wind Speed:** The maximum wind speed as designated by the WECS manufacturer, at which a WECS, in unattended operation (not necessarily producing power) is designed to survive without damage to any structural equipment or loss of the ability to function normally.

D. **Interconnected WECS:** A WECS which is electrically connected to the local electrical power utility system and which could feed power back into the local electrical power utility system.

Wetland: Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and, that is commonly referred to as a bog, swamp, or marsh.

Yard: An open space on the same lot with a building, unoccupied and unobstructed by a structure from the ground upward, except as otherwise provided herein. See Figures 2-4 and 2-9.

Front: A yard extending across the front of a lot between the front line of the lot and the nearest point of the main building or land use, projected to the side lines of the lot; except on a waterfront lot.

Article II
Definitions

Rear: An open space on the same lot with a main building, unoccupied, except as herein permitted, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the sidelines of the lot.

Side: An open, unoccupied space on the same lot with the building, situated between the building and the sideline of the lot and extending from the front yard to the rear yard. Any lot line not a front or rear line shall be deemed a sideline or side lot line.

Yurt: A generally round domed building constructed of a membrane stretched on a collapsible or rigid frame used for recreational activities. A yurt may be either a temporary or a permanent structure depending upon the design. A yurt may be used as a seasonal single-family dwelling of not less than four hundred eighty (480) square feet if it is erected per manufacturer's requirements and meets all sanitary code requirements for septic and water at the time it is erected. A yurt may also be used for other commercial uses if permitted in the district. See Table 4-1, Single Family Dwellings and Section 7.14 for conditions of use.

Zoning Administrator: The Keweenaw County Zoning Administrator is hired for the purposes of carrying out certain duties and responsibilities as defined in this Ordinance.

Zoning Board of Appeals: The body appointed by the County Board of Commissioners to hear appeals by any aggrieved party by a decision or order of the Zoning Administrator, or where it is alleged that the literal enforcement of this Ordinance would involve practical difficulties or would cause unnecessary hardship to the property owner.

Zoning Permit: A document signed by the Zoning Administrator according to procedures established in this Ordinance, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, that indicates that a site plan, and/or other zoning application or request for special zoning approval or variance for a use, structure or building has been reviewed and determined to comply with the requirements of this Ordinance or has been granted a variance therefrom, or has been granted a planned unit development approval or a Special Use Permit.

Section 2.4 WORDS NOT DEFINED

Any words requiring special interpretation and not listed above shall be used as defined in the dictionary maintained in the office of the Zoning Administrator, unless defined by specific action of the Zoning Board of Appeals.

Section 2.5 ACRONYMS

The following acronyms are used in this Ordinance:

AG – Agricultural District

ATV – All terrain vehicle

B-1 – Business District

BII – basic utility airports as regulated by MAC

BIII – commercial airports as regulated by MAC

Article II
Definitions

CE – Country Estate District
CEP – Conservation Environmental Protection District
CFR – Congressional Federal Register
DEQ – Michigan Department of Environmental Quality
DNR or MDNR – Michigan Department of Natural Resources
ECHO – Elder cottage Housing Opportunity
ED – Extraction District
EPA or USEPA – United States Environmental Protection Agency
FAA – Federal Aviation Administration
FEMA – Federal Emergency Management Authority
FIRM – Flood Insurance Rate Map
FP – Floodplain District
HVAC – Heating, ventilation, air conditioning units
kv – kilovolt
M-1 – Limited Manufacturing District
M-2 – General Manufacturing District
MAC – Michigan Aeronautics Commission
MCL – Michigan Compiled Laws
MDOT – Michigan Department of Transportation
MHP – Mobile Home Park or Manufactured Housing Park
P.A. – Public Act
PDD – Planned Development District
PUD – Planned Unit Development. See definition in Section 2.3
R – Use permitted by right
R-1 – Single-Family Residential District (R-1A and R-1B are sub-districts of R-1)
R-2 – Two-Family & Multi-Family Residential District
RC – Use permitted by right with conditions
ROW – Right-of-Way
RR – Resort Residential District (RR-A, RR-B are sub-districts of RR)
RS (1 & 2) – Resort Service District
RV Park – Recreational Vehicle Park
S – Special use
SLU – Special Land Use
SOBS – Sexually Oriented Business
TR – Timber Resource District
USC – United States Code
W/GP – Wellhead/Groundwater Protection Overlay District
WECS – Wind Energy Conversion System

**Article III
Official Zoning Map**

**Article III
OFFICIAL ZONING MAP**

Section 3.1 PURPOSE

The purpose of this Article is to establish zoning districts within Keweenaw County, to establish and define the Official Zoning Map that shows the location of zoning districts, and to create a framework for the interpretation of the Official Zoning Map and related district boundaries. Furthermore, this Article delineates use classes, definitions, and permitted uses within each zoning district.

Section 3.2 ZONING DISTRICTS & MAPS

3.2.1 Establishment of Districts: To achieve the purposes of this Ordinance, Keweenaw County, Michigan, is hereby divided into the following zoning districts:

AG	Agricultural District
TR	Timber Resource District
ED	Extraction District
CEP	Conservation Environmental Protection District
CE	Country Estate District
R-1 (A & B)	Single-Family Residential District*
R-2	Two-Family & Multi-Family Residential District
RR (A, B & C)	Resort Residential District
RS (1 & 2)	Resort Service District
B-1	Business District
M-1	Light Manufacturing District
M-2	General Manufacturing District
PDD	Planned Development District (an overlay district)
FP	Floodplain District (an overlay district)
W/GP	Wellhead/Groundwater Protection District (an overlay district)

* In addition, the R-1 Single-Family Residence District is divided into three sub-districts known as R-1A, R-1B, and R-1C; the RR Resort Residential District is divided into three sub-districts known as RR-A, RR-B and RR-C; and the RS Resort Service District is divided into two sub-districts RS-1 and RS-2 for the purpose of accommodating different lot sizes and different dimensional regulations (see Table 5-1). However, no more RS-1 lots are to be created.

NOTE: Also depicted on the Zoning Map for information purposes are High Risk Erosion Areas and Critical Sand Dunes. These areas require a separate permit from the DEQ. See Section 6.10.

3.2.2 Official Zoning Map: The boundaries of the respective zoning districts are defined and established as depicted on the map entitled "Keweenaw County Zoning Map," which is an integral part of this Ordinance, and which, with the accompanying explanatory notes, shall be published as part of this Section and is incorporated by reference at the end of the Zoning Ordinance.

A. The Official Zoning Map shall be identified by the signature of the Chairperson of the County Board of Commissioners, attested by the County Clerk, and bearing the seal

Article III
Official Zoning Map

of the County under the following words: "This is to certify that this is the Official Zoning Map referred to in Article 4, Section 3.2.2, of the Zoning Ordinance of Keweenaw County, Michigan" together with the date of adoption of this Ordinance.

- B. If in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the County Board of Commissioners. No amendment to this Ordinance which involves matters portrayed on the Official Zoning Map shall become effective until such change and entry has been made on the map.
- C. If amendments are made in district boundaries or other matters depicted on the Official Zoning Map, such changes shall not be considered final, and building permits shall not be issued until the appropriate amendments have been made on the Official Zoning Map. Such amendments shall be made within ten (10) normal working days after the effective date of the amendment. Each amendment shall be accompanied by a reference number on the map, which shall refer to the official action of the County Board of Commissioners. One (1) copy of the Official Zoning Map shall be maintained and kept up-to-date in the office of the Zoning Administrator of Keweenaw County, along with a chronological file of the official actions taken.
- D. Any unauthorized change on or defacing of the Official Zoning Map by any person or persons shall be considered a violation of this Ordinance.
- E. Regardless of the existence of copies of the Official Zoning Map which may be made or published, the Official Zoning Map retained in the office of the Zoning Administrator shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the County.

3.2.3 Replacement of Official Zoning Map: In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the County Board of Commissioners, hereinafter also referred to as "Legislative Body," may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Chairperson of the County Board of Commissioners, attested by the County Clerk, bearing the seal of the County under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of the Zoning Ordinance of Keweenaw County, Michigan" together with the date of adoption of this resolution. Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts that remain, shall be preserved together with all available records pertaining to its adoption or amendment.

Section 3.3 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

3.3.1 Interpretation of District Boundaries: Where a question arises with respect to the boundary of any district the following shall govern:

- A. Boundaries indicated as approximately following the center lines of streets or alleys shall be construed to follow the center lines.

Article III
Official Zoning Map

- B. Where boundaries follow the shore line of a stream, lake or other body of water, the boundaries shall follow such shoreline, and in the event of change in the shoreline, the boundaries shall be the actual shoreline; where boundaries follow the centerline of streams, rivers, canals or other bodies of water, such shall follow the centerlines thereof.
- C. A boundary indicated as approximately following a recorded lot line or the line bounding a parcel (such as a section or quarter-section line) shall be construed as following the lot line.
- D. A boundary indicated as following the municipal boundary line of a city, village, or township shall be construed as following the boundary line.
- E. A boundary indicated as following a railroad line shall be construed to be midway between the main tracks or in the center of the right-of-way if the tracks have been removed.
- F. Boundaries indicated as parallel to, or extensions of features indicated in subsections A-E above, shall be so construed. A distance not specifically indicated in the Official Zoning Map shall be determined by the scale of the map to the nearest foot.
- G. Where physical features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Subsections A through F above, the Board of Appeals shall interpret the district boundaries.

Should the above rules not fully explain a question of boundaries, the Zoning Board of Appeals shall have the authority to make an interpretation on appeal based upon the aforementioned standards. See Article XIX.

Article IV
ZONING DISTRICTS & PERMITTED USES

Section 4.1 PURPOSE

This Article describes the scope of the district provisions, presents the purpose of each district and defines the use classes of permitted and special land uses. Examples of each class are presented, along with the districts in which each use class is allowed.

Section 4.2 SCOPE OF DISTRICT PROVISIONS

4.2.1 Land Uses, Buildings, Structures and Premises Subject to Regulation:

- A. Every building or structure erected, any use of land, building, structure or premises, any structural alteration or relocation of an existing building or structure and any enlargement of, or addition to, an existing use of land, building, structure or premises occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable within the zoning district in which such land use, building, structure or premises shall be located.
- B. Only uses permitted per the provisions of this Article may be established on a parcel. All other uses may be permitted only if this Ordinance has been amended to permit them, unless authorized by means of approval of a Planned Unit Development by the Planning Commission or County Board of Commissioners pursuant to Article XII.
- C. A change in use group under the Stille-DeRossett-Hale Single State Construction Code Act, PA 230 of 1972, such as from "storage" or "business" to "mercantile" or "assembly" is a change of use which also requires review and approval under this Ordinance.
- D. All zoning approvals granted under this Ordinance run with the land. All future owners are subject to the terms and conditions of any permit issued under this Ordinance prior to their ownership, unless such a permit is no longer valid as determined by the Zoning Administrator.
- E. No lot, yard, parking area, building area, or other required space shall be reduced in area or dimensions so as not to meet the requirements of this Ordinance. No part of any lot, yard, parking area, or other space required for a building or use, shall be used for any other structure or use.

4.2.2 Categories of Permitted Uses: The principal and accessory uses permitted by zone are listed on tables in Sections 4.4.3 and 4.4.4.

- A. Uses listed as "R" on Table 4-1, Section 4.4.3 are permitted by right. Uses listed as "RC" on Table 4-1, Section 4.4.3 are permitted by right if the nondiscretionary conditions associated with that use, as set forth in Article X, are met.
- B. Accessory uses are permitted as indicated with a "R" on Table 4-2, Section 4.4.4 for the various zoning districts, if such uses are clearly incidental to the permitted principal uses. See Standards in Article VII and if an "RC" use in Article X.
- C. Uses listed as "S" on Table 4-1, Section 4.4.3 are permitted by Special Use Permit if the required discretionary and nondiscretionary standards associated with that use, as set forth in Article X, are met, as reviewed by the Planning Commission and considered by the County Board of Commissioners.
- D. Any of the uses permitted in a district can be combined in a Planned Unit Development per the requirements of Article XII.

Article IV
Zoning Districts & Permitted Uses

4.2.3 Unlisted Uses: Where a proposed use of land or use of building is not contemplated or specified by this Ordinance or where the Zoning Administrator has a question as to the appropriateness of a use which, although basically permitted, involves other features which were not contemplated or specified by this Ordinance, the Zoning Administrator shall request the Planning Commission to consider the proposed use, and if deemed appropriate, to then initiate the necessary amendment to this Ordinance to provide for the requested use in appropriate districts and according to standards recommended by the Planning Commission. Following adoption of the amendment by the County Board of Commissioners, an application may be made to the Zoning Administrator to establish that use on a parcel in a district in which that use is permitted.

4.2.4 Required Open Spaces: No part of a setback area, or other open space, or off-street parking or loading space required in connection with any use of land, building or structure, for the purpose of complying with this Ordinance shall be included as part of a setback area, open space, or off-street parking lot or loading space similarly required for any other use, building or structure, except as provided for joint use of parking in Section 14.2.5.

4.2.5 Site Plan Review Threshold: No use of land, buildings, structures or portions thereof of a size or character greater than the threshold as provided in Section 18.23 of this Ordinance, shall be erected or utilized without the prior approval of the site plan in accordance with Article XVIII of this Ordinance.

4.2.6 Public Land, Buildings, Structures and Premises Are Subject to this Ordinance: All land within the territory subject to this Zoning Ordinance which is owned by Keweenaw County shall be subject to the provisions of this Ordinance. All land within the County which is owned by the State or Federal governments, or other local agencies, including public schools and universities, or by any other public or quasi-public entity is subject to the requirements of this Ordinance, except as exempted or varied herein (see e.g., Essential Services Section 7.5 in Article VII), or as specifically exempted by State or Federal law (such as military establishments), or by action of a judge in a court of law.

4.2.7 Zoning of Vacated Areas: Whenever any street, alley or other public way within Keweenaw County shall be vacated by official action, such street, alley or other public way, or portion thereof, shall automatically be classified in the same zoning district as the property to which it attaches.

4.2.8 Other Applicable Regulations: Every use must comply with all applicable regulations in this Ordinance. All relevant Sections must be consulted to understand the scope of regulations that apply in a particular case. The most common applicable regulations in addition to the use regulations of this Article, as well as Articles V Schedule of Regulations and Article X Special Uses and Conditional Uses are found in Article VI Overlay Zones and Related Regulations; Article VII General Provisions; Article XIV Parking, Loading, Traffic & Access; Article XV Landscaping, Buffering & Fencing; and Article XVI, Signs.

Article IV
Zoning Districts & Permitted Uses

Section 4.3 INTENT & PURPOSE OF ZONING DISTRICTS

4.3.1 Intent and Purpose of Zoning Districts: The Keweenaw County Zoning Ordinance is based upon, and is intended to help, implement the Keweenaw County Comprehensive Plan. Following is a description of the purpose and intent of each of the Zoning Districts. Some of the districts have sub-districts which vary only with regard to lot sizes as provided in Article V.

4.3.2 Agricultural District: The Agricultural District (AG) is designed to provide for the continuation of the limited agricultural activities that remain in the county along with certain compatible uses. These areas are designed to protect those areas suitable for agricultural pursuits and to encourage “hobby” farms within the county. It is also the purpose of this district to prevent the mixture of urban and rural uses which creates incompatibility and conflict, places unbalanced tax loads on agricultural lands to help pay for urban services, and contributes to the premature termination of agricultural pursuits. Open space and clustered development with large areas of permanently protected open space are encouraged in order to protect the character of the county.

4.3.3 Timber Resource District: The Timber Resource District (TR) is created to identify and provide for the continuation of forest programs and related uses in those areas best suited for such activities. It is intended to encourage the economic growing and harvesting of timber and to protect compatible recreational opportunities. The primary purpose of these areas is to protect and encourage the economic, sustainable growing and harvesting of timber and related recreation by protecting large blocks of contiguous forestland. The Comprehensive Plan encourages private property currently listed under the Commercial Forest Act and private interior lands currently zoned CEP to remain in CEP. Camps, cabins and organized camps are considered compatible within these areas, but small lots and permanent residential occupancy are discouraged.

4.3.4 Extraction District: The Extraction District (ED) is designed to identify and protect lands used for all forms of extractive operations and to ensure required land reclamation in areas for extraction or extraction-related manufacturing or processing operations in a manner consistent with county, state and federal standards. Land overlying underground mining operations need not be designated as Extraction Districts.

4.3.5 Reserved for Future Use.

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

- Subject to periodic flooding.
- To be kept open to preserve unique ecosystems and endangered species, i.e. wetlands.
- To be kept open to protect sources of water supplies, i.e., aquifer recharge, discharge, and potential water impoundment areas.

Article IV
Zoning Districts & Permitted Uses

- To protect scenic viewsheds that define the wilderness and waterfront beauty of the county.
- To be kept open from development because of unsuitable and unstable soil conditions.
- To be kept open for general conservation purposes such as the preservation of hydrologic functions of adjacent tributary stream land areas and the preservation of timber resource areas.

Lands include those that are currently or are soon to be held in conservancy ownership, public lands (or soon to be) that have been identified for preservation and compatible recreation, undevelopable coastline where preservation is in the best public interest, and those lands where owner intention has indicated future conservation efforts.

4.3.7 Country Estate District: The Country Estate District (CE) is established to provide for large lot single-family residential development. The purpose of these areas is to provide for a recommended minimum of five (5) acre lots, and to preserve the rural-open character of the community. Cluster development through open space design is both promoted and encouraged in these areas provided at least fifty (50) percent of the site is permanently retained as open space.

4.3.8 Single Family Residential District: The Single Family Residential District (R-1) is one of two urban residential districts established to provide the full range of residential housing types in an urban environment where all of the facilities for urban living, including community sewer and water facilities, are available. This district is intended for use within the core communities of Allouez, Ahmeek, Fulton, Mohawk, Gay and Eagle Harbor.

4.3.9 Two-Family & Multi-Family Residential District: The Two-Family & Multi-Family Residential District (R-2) is an urban residential district that allows for the highest density housing in the county and thus provides an important diversity to housing choices. This district is only intended where all of the facilities for urban living, including community sewer and water facilities, are available. It is intended to accommodate apartment development, as well as mobile home park and manufactured housing community development. This district is intended for use within the core communities of Allouez, Ahmeek, Fulton, and Mohawk.

4.3.10 Resort Residential District: The purpose of the Resort Residential District (RR) is to accommodate single-family residential homes at varying densities of the type and character which would allow possible conversion to year-round dwelling on or near waterfront, woodland or other resort or vacation areas. Land should have adequate access, water and sewer/septic, and suitable topography. On Table 5-1, two subdistricts differentiate lot size based on the presence or absence of public sewer or water systems.

4.3.11 Resort Service District: This is a mixed business/residential district. The purpose of the Resort Service District (RS) is to provide recreation or vacation convenience goods and services (restaurants, lodging, small gift shops, outdoor outfitters, etc.) for families living in or tourists using the variety of resort or vacation areas in the county. Development should be limited to those uses that are compatible with the character of Keweenaw County. The RS-1 District accommodates existing lots with 60

Article IV
Zoning Districts & Permitted Uses

feet of frontage, but it is the intent of this Ordinance to prohibit the creation of any additional lots that are only 60 feet in width.

4.3.12 Business District: The Business District (B-1) is established to provide areas for commercial establishments that offer a wide range of goods and services. Uses such as retail and wholesale activities; consumer services; professional, business, and government offices; and other compatible uses should be directed to these areas. The business category encourages a mix of uses primarily focused along US-41 from Allouez to Mohawk.

4.3.13 Light Manufacturing District: The Light Manufacturing District (M-1) is established to provide areas for light industrial, office and administrative uses having few, if any, adverse effects on neighboring properties. The M-1 use has been identified for areas along US-41 and in Mohawk where compatible with the surrounding property. Because of the proximity to residential homes, high standards of neighborliness are expected in these areas.

4.3.14 General Manufacturing District: The general Manufacturing District (M-2) is established to provide areas in which manufacturing and related commercial operations are the principal use of land. Such uses have some adverse effects on surrounding properties, and are not compatible with residential and retail uses.

4.3.15 Planned Development District: The Planned Development District (PDD) is a form of overlay district intended to provide a single uniform procedure for total review of a proposed development, both design and use. The Planned Development procedure is provided in Article XII, and is also intended to permit flexibility in the development of land and to permit the mixing of uses in accordance with a specific plan for development that takes maximum advantage of unique site characteristics and potentials. Planned developments are of such a nature as to require specific regulations, separate and apart from those of general application to the other districts created in this Ordinance. The procedure enables the County Planning Commission to review the initial concept of a planned development and to exercise greater final control over the approved development than is possible through pre-regulated zoning districts. Approval of a PDD does not require going through the rezoning process, as each Planned Development goes through the separate process established in Article XII.

4.3.16 Overlay Districts: The intent of and provisions for uses within overlay districts are found in Article VI.

Section 4.4 DEFINITIONS OF USE CLASSES AND PERMITTED USES

4.4.1 Definitions of Use Classes:

- A. Use classes arrange land uses and activities into use categories based on common functional, product or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered and site conditions. The categories provide a systematic basis for assigning present and future land uses into appropriate zoning districts.
- B. When all principal uses of a development fall within one use category, the entire development is assigned to that use category. A development that contains a coffee shop, delicatessen and bakery, for example, would be classified in the Food and

Article IV
Zoning Districts & Permitted Uses

Drink Service Establishments category, because all of the development's principal uses are in that category. When the principal uses of a development fall within different use categories, each principal use is classified in the applicable category and each use is subject to all applicable regulations for that category. A mail order facility may simply be a call center or it may have warehouse or storage facilities on site. The Zoning Administrator shall classify the facility into the proper zoning district based on the characteristics of the use.

- C. Accessory uses are permitted in conjunction with a principal use subject to any special regulations applicable to it, and to the regulations applicable to the principal use if there are no special regulations. See also Article VII for additional accessory use regulations.
- D. The list of examples of permitted uses on Table 4-1, Section 4.4.3, lists common examples of uses included in the respective use category. The names of these sample uses are generic. They are based on common meanings and not on what a specific use may call itself. For example, a use that calls itself "Wholesale Warehouse" but that sells mostly to consumers, is included in the General Retail Establishments category rather than the Wholesale Trade Establishments category. This is because the actual activity on the site matches the description of the General Retail Establishments category.
- E. Many uncategorized uses are Special Uses for which particular standards are provided in Article X. Others are basic uses permitted by right. Some uses are listed in more than one category (e.g. drugstores as Convenience Retail and also as Medical Service Establishments).

4.4.2 Similar Use Interpretations:

- A. The following considerations are examples of the factors that may be evaluated by the Zoning Administrator in making similar use interpretations (see also Section 19.7 on an appeal):
 - 1. The actual or projected characteristics of the activity in relationship to the stated characteristics of each use category.
 - 2. The relative amount of site area or floor space and equipment devoted to the activity.
 - 3. Relative amounts of sales from each activity.
 - 4. The customer type for each activity (retail or wholesale).
 - 5. The relative number of employees in each activity.
 - 6. Hours of operation.
 - 7. Building and site arrangement.
 - 8. Vehicles used with the activity.
 - 9. The relative number of vehicle trips generated by the use.
 - 10. How the use advertises itself.
 - 11. Any other relevant considerations.
- B. The Zoning Administrator shall keep a log of all use interpretations indicating the use, the options considered and the selection made, along with the reasons for that decision.

4.4.3 Use Classes, Definitions, and Examples of Uses Permitted: Table 4-1 presents land use classes, definitions and examples of uses permitted.

4.4.4 Accessory Use Table: Table 4-2 presents accessory uses, structures and buildings by district and the type of approval required

**Article IV
Zoning Districts & Permitted Uses**

Section 4.4.3

Table 4-1

**Classes, Definitions & Examples of
Uses Permitted**

USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED	PERMITTED DISTRICTS
<p>Agricultural Service Establishments Establishments primarily engaged in supplying soil preparation services, crop services, landscaping, horticultural services, and farm labor and management services.</p>	Livestock auction yards; livestock transport facilities; slaughterhouses; sawmills; grain and seed elevators and sales; fertilizer, herbicide and pesticide sales; farm implements sales or repair; and cold storage of agricultural products.	"S" in AG and B-1, "R" in M-1 and M-2
	Animal hospitals, animal shelters, commercial kennels and veterinary services.	"R" in AG and B-1
	Other establishments similar to and compatible with the above establishments, as first determined by the zoning administrator.	"S" or "R" as appropriate
<p>Business Service Establishments Establishments primarily engaged in rendering services to business establishments on a fee or contract basis.</p>	Advertising and mailing; stenographic services; temporary personnel services; duplicating and copying services; building maintenance; employment services; commercial food catering management and consulting services; protective services; equipment rental and leasing; commercial research; photo finishing; data processing; telemarketing sales; vending machine service; and office supply services. Other establishments similar to and compatible with the above establishments, as first determined by the zoning administrator.	"R" in B-1, M-1
<p>Commercial Agriculture or Horticulture The commercial production, harvesting and storage of farm products on a farm and the farm operations typically attendant thereto, as "farm" is defined in the Michigan Right to Farm Act, Public Act 93 of 1981; <i>as amended</i>.</p>	Field crop and fruit farming; truck farming; nurseries; greenhouses; turf/sod farms; apiaries; annelid farms; equine breeding and grazing; mushrooms; aquaculture; similar agricultural enterprises; and the usual farm buildings associated with such uses. A cervidae livestock operation as defined and regulated by Act No, 191 of the Public Acts of 2000. Other agricultural uses similar to and compatible with the above uses, as first determined by the zoning administrator.	"R" in AG
	Composting	"S" in A
<p>Community Residential Care Facilities Community residential care facilities provide shelter and care for individuals with special needs in single family dwellings for more than six persons. These are all state-regulated facilities.</p>	Large: child care center/day care center; family day care home; Group day care homes; adult foster care: group homes and congregate homes. [Each of these terms is defined in Article II, regulation of small community residential care facilities is found under "single family dwellings"]	"R" in, B-1 "RC" in RS-1 and AG
	Other establishments similar to and compatible with the above establishments, as first determined by the zoning administrator.	"R" or "RC" as appropriate

Article IV
Zoning Districts & Permitted Uses

USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED	PERMITTED DISTRICTS
<p>Convenience Retail Establishments A retail establishment offering for sale prepackaged food products, milk, bread, donuts, sandwiches, beverages, newspapers and magazines, household items, pharmaceuticals, and other items for off-premises consumption. These are usually short trip, high volume uses not more than 3,500 square feet in size. A convenience retail establishment can share a building with another use, such as an automobile service station.</p> <p>Drive-through establishments are not convenience retail establishments.</p>	<p>Party stores; drug stores; grocery stores; bakeries; delicatessens; magazine and newspaper stands.</p> <p>Other retail establishments similar to and compatible with the above establishments, as first determined by the zoning administrator.</p>	<p>“R” in RS-1, RS-2, B-1, M-1</p>
<p>Dangerous Chemicals and Fuels: Manufacturing, Storage and/or Distribution Manufacturing or storage establishments which produce or store flammable, explosive or corrosive substances subject to state or federal regulation.</p>	<p>Manufacture and/or storage of fireworks, petroleum products, propane, bottled gas storage, industrial acids or similar substances; refineries.</p> <p>Other establishments similar to and compatible with the above establishments, as first determined by the zoning administrator.</p> <p>Temporary storage under Fire Department supervision.</p>	<p>“S” in M-1 and M-2</p> <p>All districts.</p>
<p>Drive-through Establishments An establishment that by design, physical facilities, service or by packaging procedures encourages or permits customers to conveniently make deposits, view specified objects, receive services, or obtain goods without disembarking from their motor vehicles, and then proceeding elsewhere. Distinguished from a drive-in establishment by the absence of parking while the service is being provided (as in a drive-in theater).</p>	<p>Drive-through fast food restaurants, banks, drug stores, photo shops, grocery or party stores, and related businesses. A drive-through window, or motor vehicle oriented pick-up window, even if accessory to the principal use, shall subject the use to all the standards applicable to uses in which the drive-through aspect is a principal feature of the use.</p> <p>Other retail and business service establishments similar to and compatible with the above uses, as first determined by the zoning administrator.</p>	<p>“S” in RS-1, RS-2, B-1, and M-1</p>
<p>Educational Institutions An educational institution is any government or privately-owned and/or operated facility, building or part thereof which is designed, constructed, or used for education or instruction at the primary or secondary level. Educational institutions may have</p>	<p>Governmentally or privately owned and operated elementary and secondary schools.</p> <p>Other institutions similar to and compatible with the above uses, including research and development establishments when associated with an educational institution. See “research and development establishments”.</p>	<p>“R” in R-1, R-2, RS-1, RS-2, B-1, and AG</p>

Article IV
Zoning Districts & Permitted Uses

USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED	PERMITTED DISTRICTS
offices, meeting areas, food preparation or serving areas, and athletic facilities as accessory uses.		
<p>Essential Services The erection, construction, alteration or maintenance by public utilities or government departments or commissions of overhead, surface or underground gas, communication, telephone, television, electrical, steam, fuel or water distribution or transmission systems, collection, supply or disposal systems including mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, and other similar equipment and accessories in connection therewith, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare, BUT NOT INCLUDING communication towers or office buildings, substations, or structures for service equipment, or maintenance depots.</p>	<p>Telephone, television, and electrical lines (except as noted below); sanitary sewer, storm sewer and water lines; railroad right-of-way and uses related thereto; gas and oil lines that link homes, businesses, schools and other buildings to utility and public services structures, but excluding "structures" such as telephone pedestals, cable television service boxes, and the like, so long as they do not exceed 10 sq. ft. in base building footprint and are no more than 4 ft. tall.</p> <p>Anything more than a pole, box and basic lines are classified as utility and public service installations.</p> <p>Also includes public roads and road rights-of-way.</p>	"R" in all districts
<p>Extractive Industries Excavating and removing rock, stone, ore, soil, gravel, sand, minerals, and similar materials from the surface and/or subsurface.</p>	<p>Sand and gravel extraction processing and transport including manufacture of cement and cement products.</p> <p>Underground mining, processing and transport.</p>	"R" in ED "S" in M-2, AG, TR
<p>Food and Drink Service Establishments An establishment where food and drink are prepared, served and consumed primarily on the premises.</p>	<p>Restaurants (eat-in or take-out, but not drive-through); bakeries; cafes; bars and taverns; nightclubs; cabarets; brewpubs (allowed only in conjunction with and as part of a restaurant); coffee shops; delicatessens; diners; soup kitchens; and related uses similar to and compatible with the above uses.</p>	"R" in RS-1, RS-2, and B-1

Article IV
Zoning Districts & Permitted Uses

USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED	PERMITTED DISTRICTS
<p>Forest Management The operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or the performing of forest services. Usually done in accordance with a forest management plan establishing best conservation and management practices, including schedules and responsible entities.</p>	<p>Tree planting, harvesting, sawing, chipping, temporary storage, and transport of forest products, as well as forest research facilities are permitted uses. Sawmills, whether temporary or permanent are common uses. The processing of wood products is an industrial activity (see Manufacturing Establishments).</p>	<p>“R” in AG, and TR</p>
	<p>Tree trimming/cutting, but not sawmills.</p>	<p>“R” in all districts</p>
<p>General Retail Establishments The principal activity of general retail establishments is the purchase and resale, leasing or renting of goods or merchandise to the public for personal, household, or business use or consumption and rendering services incidental to the sale of such goods. There may be processing or manufacturing of products incidental or subordinate to the selling activities (such as a bakery or delicatessen at a grocery store). A common accessory use is repair of products sold on the premises. See also Tourist Service Establishments.</p>	<p>Stores selling, leasing, or renting new or used consumer, home and business goods including but not limited to: apothecary and pharmaceutical goods; appliances; art and art supplies; antiques; bicycles; books, magazines, newspapers and stationery; clothing; furs; dry goods; electronic equipment; fabric; flea market; furniture; lawn and garden supplies, plants and flowers; gifts and novelties; groceries; hardware; home improvements; household products; jewelry; packaged liquor sales; lumber and building materials and incidental millwork; music and instruments; office supplies; pets and pet food; sporting goods; tableware; toys; and videos, prepackaged and fresh food. Other retail establishments similar to and compatible with the above establishments, as first determined by the zoning administrator.</p>	<p>“R” in B-1</p>
<p>Group Housing Group housing is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of a "family" but often share a common situation. The size of the group may be larger than the average size of a household. Tenancy is usually arranged on a monthly or longer basis. It may be a form of transient lodging. There is usually a common eating area for residents.</p>	<p>Monasteries, seminaries and convents. Boarding house, rooming house, fraternity or sorority. Other housing similar to and compatible with the above housing.</p> <p>Does not include prisons, other correctional facilities, community residential care facilities or institutions for human care.</p>	<p>“S” in R-2, AG, and RR</p>
<p>Indoor Entertainment Establishments Business establishments providing recreation that diverts, amuses, entertains, or provides entertainment or other hospitality associated with food service or accommodations. Does not include drive-through establishments.</p>	<p>Athletic/fitness/exercise establishments; bowling alleys; ice or roller blade rinks; indoor soccer fields and racquet courts; amusement centers and game arcades; bingo parlors; pool or billiard halls; dance halls; theaters; membership clubs; saunas, hot tubs and similar establishments; indoor archery and shooting ranges; swimming pools/clubs; hotels, motels and other temporary lodging with an average length of stay of less than 30 days.</p>	<p>“R” in B-1, RS-1, RS-2</p>

Article IV
Zoning Districts & Permitted Uses

USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED	PERMITTED DISTRICTS
<p>Additional state regulations apply to indoor entertainment establishments that serve alcohol.</p>	<p>Other establishments similar to and compatible with the above establishments, as first determined by the zoning administrator.</p> <p>Restaurants and cafes without entertainment are not indoor entertainment establishments, they are food service establishments. Hotels, motels and other temporary lodging are not indoor entertainment establishments if there is no entertainment offered, they are lodging/accommodation establishments.</p>	
<p>Industrial Service Establishments Industrial service firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.</p> <p>“Light”: fully enclosed; no outdoor operations or storage of materials or vehicles.</p> <p>“Medium”: same uses identified in “light”, but with some outdoor operations or temporary storage of materials or vehicles.</p> <p>“Heavy”: same uses as light or medium, but at a greater scale or volume of activity plus other uses with greater nuisance characteristics.</p>	<p><u>Light</u>: Welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; auto and small truck engine, radiator, transmission, body and frame repair; building, heating, plumbing or electrical contractors; general building contractors; exterminators; recycling operations (other than vehicles); janitorial and building maintenance services; fuel oil distributors, solid fuel yards, propane storage and distribution; research and development laboratories; laundry, dry-cleaning and carpet cleaning plants; diaper services; linen supply services; lawn and garden services; mini-warehouse and photo-finishing laboratories.</p> <p><u>Heavy</u>: Sales, repair, storage, salvage or wrecking of heavy machinery, metal and building materials; towing and vehicle storage; auto and truck salvage and wrecking; junkyards; heavy truck servicing and repair; tire retreading or recapping; truck stops; asphalt and cement batching and redi-mix; contractors with large equipment stored on site; heavy equipment trade schools; meat and poultry processing and packing (wholesale excluding slaughtering); and sawmills.</p> <p>Other establishments similar to and compatible with the above establishments. The scale or volume of an otherwise light industrial activity may result in classification as a medium or heavy industrial activity.</p>	<p>Light and Medium: “R” in M-1, M-2</p> <p>Heavy: “R” in M-2 except junkyards “S” in M-1 and M-2 if junk is stored on the exterior.</p> <p>“R” in M-1 and M-2 depending on most similar use.</p>
<p>Institutions for Human Care and Habitation Institutions for human care include a broad spectrum of facilities for the diagnosis, treatment, care, rehabilitation or training of persons who may be ill, physically disabled, mentally retarded, emotionally disturbed, drug or alcohol dependent. Also includes facilities designed to meet the temporary</p>	<p>Nursing or convalescent homes; homes for the aged; assisted living facilities; orphanages; sanitariums; halfway houses; spouse abuse shelters; homeless shelters.</p> <p>Other institutions similar to and compatible with the above uses, as first determined by the zoning administrator.</p>	<p>“R” in R-2, B-1</p>

Article IV
Zoning Districts & Permitted Uses

USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED	PERMITTED DISTRICTS
housing needs of special populations (e.g. homeless, abused spouses, etc.). Does not include correctional facilities.		
<p>Lodging/Accommodations A facility offering transient lodging accommodations to the general public and possibly providing additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities as accessory uses.</p>	<p>Hotels, motels, auto courts, bed & breakfast operations, residence inns, tourist homes and other resident lodging facilities.</p> <p>Other establishments similar to and compatible with the above uses, as first determined by the zoning administrator.</p>	<p>“R” in B-1, RS-1, and RS-2 Bed & breakfast operations also “RC” in RR and AG</p>
	<p>Organized camps, hunting lodges, and campgrounds for tents or recreational vehicles, as permitted in Section 10.12.4 or 10.12.24 Hunting camps as permitted in Sec 10.12.19.</p>	<p>“RC” in AG, RR, RS-2 and TR RC in AG AND TR</p>
<p>Manufacturing Establishments Manufacturing and production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.</p>	<p><u>Light</u>: Creameries; bottling works; bakery goods; candy; food products; ice making; greenhouses and nurseries; taxidermists; printing, publishing and engraving shops; automotive products; vehicle and machinery assembly; fabricated metal products; forming and molding plastic products; cosmetics; pharmaceuticals; toiletries; hardware and cutlery; tool, die, gauge and machine shops; processing of machine parts; musical instruments; toys; novelties; metal or rubber stamps; molded rubber products; monument and art stone production; industrial laundry operations; furniture and related wood products processing facility; assembly of electrical appliances, electronic instruments and devices; radios and phonographs.</p>	<p>Light: “R” in M-1, M-2, and B-1 as appropriate</p>
	<p><u>Heavy</u>: Wood products manufacture involving extensive use of glues and other chemicals, such as sheet boards and chip boards; drop forging; heavy stamping; punch pressing; heat treating, plating, hammering; or other similar activities; automobile, truck, farm or other large equipment assembly; manufacture of metallurgical products; and heavy machinery fabrication; dry bulk blending plant or handling of liquid nitrogen fertilizer and/or anhydrous ammonia.</p>	<p>Heavy: “R” in M-2</p>
	<p>Other manufacturing establishments similar to and compatible with the above establishments in each class. The scale or volume of any otherwise light manufacturing activity may result in a classification as a heavy manufacturing activity.</p>	<p>“R”</p>

Article IV
Zoning Districts & Permitted Uses

USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED	PERMITTED DISTRICTS
<p>Medical Service Establishments Health care facilities providing medical, dental, surgical and preventive health services to patients as well as establishments providing support to health professionals and patients such as medical laboratories for research and testing, medical suppliers and service establishments.</p>	<p><u>Small</u>: Medical or dental clinics; doctor or dentist offices; medical or dental labs; blood collection facilities; x-ray and related scanning facilities; emergency medical care facilities; sales of medical supplies and prosthetics; drug stores; pharmacies; therapeutic massage by licensed masseuses, physical therapists, rehabilitation therapists, nurses, or physicians; veterinary clinics.</p>	<p>Small: "R" in RS-1, RS-2 and B-1</p>
	<p><u>Large</u>: Hospitals.</p>	<p>Large: "R" in B-1</p>
	<p>Other establishments similar to and compatible with the above establishments, as first determined by the zoning administrator.</p>	<p>"R" as appropriate</p>
<p>Mobile Home Park and Manufactured Housing Community See definitions in Article II.</p>	<p>Mobile home park and manufactured housing communities.</p>	<p>"RC" in R-2</p>
<p>Multiple Family Dwellings A building or portion thereof used and designed to contain separate living quarters for three or more families on one or more levels, but which may have joint services or facilities, such as for laundry or storage.</p>	<p>Apartment building, townhouses, and row houses, garden apartments, and condominiums when considering the entire structure (not the individual dwelling units).</p> <p>Other housing similar to and compatible with the above housing.</p>	<p>"RC" in R-2, RS-1 and RS-2</p>
<p>Office Establishments Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, financial services. Accessory uses may include cafeterias and health facilities established primarily to service the needs of employees on the premises.</p>	<p>Financial institutions: lenders, brokerage houses, banks; insurance offices; real estate offices; offices for attorneys, accountants, architects, engineers and similar professionals; government offices; public utility offices; and telemarketing sales offices.</p> <p>Other office establishments similar to and compatible with the above establishments.</p>	<p>"R" in B-1</p>
<p>Outdoor Commercial Recreation & Entertainment Establishments Outdoor recreation and entertainment uses provide continuous, intermittent or seasonal recreation and/or entertainment-oriented activities largely in an outdoor setting. They may take place in a number of structures that are arranged together in an outdoor setting. There may be concessions, restaurants, retail shops selling</p>	<p>Amusement and water parks; theme parks; fairgrounds zoos; archery, ranges; golf driving ranges; miniature golf facilities; golf courses and country clubs; amphitheaters; air gun or survival games; batting cages; riding stables; swimming clubs, tennis clubs; and skate board parks.</p>	<p>"R" in B-1 "S" in RS-1, RS-2 and AG</p>
	<p>Archery, rifle, skeet, trap shooting ranges.</p>	<p>"S" in TR</p>
	<p>Animal racing; automobile and motorcycle race tracks.</p>	<p>'S" in AG</p>

Article IV
Zoning Districts & Permitted Uses

USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED	PERMITTED DISTRICTS
<p>items related to the recreation or entertainment uses, office for management functions, spectator seating and service areas, including locker rooms and rest rooms, caretaker's quarters and maintenance facilities in addition to structures for the principal uses.</p> <p>Additional regulations apply to outdoor entertainment establishments that serve alcohol.</p>	<p>Ski slope and ski resorts</p> <p>Other uses similar to and compatible with the above establishments, as first determined by the zoning administrator.</p>	<p>"R" in RS-1 and RS-2</p> <p>"R", "RC" and "S" as appropriate</p>
<p>Personal Service Establishments Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel.</p>	<p>Laundry pick-up stations; dry cleaning establishments performing the cleaning processes on site; self-service laundries; nails, beauty and barber shops and salons; shoeshine and shoe repair; tattoo parlors; tanning, steam baths, reducing salons and health clubs; tailor and dressmaker shops; tuxedo rental; photographic studios; animal grooming; and domestic services.</p> <p>Other personal service establishments similar to and compatible with the above establishments. Does not include massage services except as accessory to a beauty shop or salon.</p>	<p>"R" in B-1</p>
<p>Planned Unit Development (PUD) A planned residential, commercial, industrial, public or semi-public land use development consisting of two or more principal uses located on a parcel of land or prescribed minimum area and approved by the County after site plan review. A PUD may include such concepts as cluster development, planned development, community unit plan, planned residential development, and other terminology denoting zoning requirements designed to accomplish the objectives of this Ordinance through a land development project review process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area.</p>	<p>Single family or multiple family developments with cluster units around common open space; mixed use developments such as golf course communities surrounded by residences; ski resorts with common lodging, detached and/or attached single family residences; neotraditional or new urbanist developments mixing single family homes around a traditional small town commercial area with a common public open space; research and small manufacturing facilities in a campus like setting.</p> <p>NOTE: Rural cluster developments are <u>not</u> PUDs or PDDs. They are exclusively single-family residential developments permitted as an "RC" use pursuant to Section 10.12.31.</p>	<p>"R" in PDD (once approved)</p>
<p>Funeral services and crematoria.</p>	<p>Funeral services and crematoria.</p>	<p>"R" in B-1</p>

Article IV
Zoning Districts & Permitted Uses

USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED	PERMITTED DISTRICTS
<p>Public Buildings & Related Facilities Buildings housing public services of cities, villages, townships, counties, state and federal government, usually in offices, including publicly-owned "Utility and Public Service Installations" and "Educational and Social Institutions".</p>	<p>Libraries, museums, township hall, county courthouse, police station, fire station, public works, schools, publicly owned tourist information centers, public boat launches/marinas, and other public buildings similar to and compatible with the above uses, and any publicly-owned "Utility and Public Service Installations". Trails, trail easements (motorized and nonmotorized).</p>	<p>"S" in all districts</p>
	<p>Roadside parks and all other public parks.</p>	<p>"R" in all districts</p>
<p>Religious Institutions Religious institutions primarily provide meeting areas for religious activities. They may be associated with a convent (group housing) or provide caretaker housing or a parsonage on site (as an accessory use).</p>	<p>Churches, synagogues, temples, mosques. Other institutions similar to and compatible with the above establishments, as first determined by the zoning administrator. NOTE: Schools, day care centers, homeless shelters, soup kitchens and other uses sometimes associated with religious institutions are separate principal uses.</p>	<p>"R" in R-1, R-2, RR, RS-1, RS-2, B-1, and AG</p>
<p>Repair Services Establishments that service or repair appliances, electrical equipment or other mechanical equipment or consumer goods. Includes customer drop-off and pick-up as well as off-site service calls.</p>	<p><u>Light</u>: Repair of televisions, bicycles, clocks, watches, cameras, shoes, guns, appliances and office equipment; clothing; locks, and upholstery.</p>	<p>Light: "R" in B-1, RS-1, RS-2, M-1 and M-2</p>
	<p><u>Medium</u>: Repair of small engines like lawn motors and small electric motors, snowmobiles, boat motors, ATV, trail groomers.</p>	<p>Medium: "R" in B-1, M-1 and M-2; "S" in RS-1, and RS-2</p>
	<p>Other establishments similar to and compatible with the above establishments, as first determined by the zoning administrator. Does not include repair of motor vehicles.</p>	<p>"R" and "S" as appropriate</p>
<p>Research and Development Establishments An establishment or other facility for carrying on investigation in the natural, physical or social sciences which may include engineering and product development.</p>	<p>Laboratories, research park, computer and related development and testing facility, software development. Other establishments similar to and compatible with the above establishments, as first determined by the zoning administrator. See "industrial service establishments".</p>	<p>"R" in B-1, M-1 and M-2</p>
<p>Sexually Oriented Businesses Business or commercial enterprises engaging in the provision of sexually oriented products and services to adults. Often of an adult entertainment character.</p>	<p>Adult bookstore, adult club, adult massage parlor, adult model studio, adult motel, adult theater or escort agency. Other adult entertainment establishments similar to the above establishments, as first determined by the zoning administrator.</p>	<p>"RC" in M-2</p>
<p>Single Family Dwelling A building containing not more than one dwelling unit used, intended or designed to be used as the home, residence or sleeping</p>	<p>Single family dwelling, site condominium, mobile or manufactured home on an individual lot. Note: absolutely no single family dwellings are permitted in TR or CEP; and single-wide mobile homes are only permitted in mobile home parks.</p>	<p>"R" in R-1, RR, RS-1, RS-2, AG, and CE "RC" in B-1 (not on</p>

Article IV
Zoning Districts & Permitted Uses

USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED	PERMITTED DISTRICTS
place of one-family. Includes site constructed, modular mobile home and other manufactured dwellings for a single family.	Other housing similar to and compatible with the above housing.	street level/first floor unless in the back of the building and not on more than 50% of total floor area).
Temporary dwelling units	Temporary dwellings, tents/yrts, recreational vehicles (not in campgrounds). Note: absolutely no temporary single family dwellings are permitted in CEP without a special use permit. See Section 7.15.	"RC" in all districts
Seasonal Single Family Dwelling	Cabins and cottages for a single family for seasonal occupancy.	"R" in AG, RR, RS-1 and RS-2.
	Yurts for a single family for seasonal occupancy. See Section 7.14.1	"RC" in AG, CE, RR, RS-1, RS-2
	Open space and rural cluster developments	"RC" in AG, CE, RR, RS-1, RS-2, R-1, and R-2.
	Community Residential Care Facilities: Small - Child care center/day care center with under 6 persons; Family day care homes with under 6 persons; Group day care homes with under 6 persons; Adult foster care facilities with under 6 persons. [See definitions of terms in Article II].	"R" in R-1, R-2, RR, RS-1, RS-2, AG, CE, B-1
	Tourist homes/bed & breakfast establishments	"RC" in, RR, RS-1, RS-2, and AG
	An ECHO unit (also known as mother-in-law flat) approved pursuant to Section 10.12.11 does not redefine a single-family dwelling as a two-family dwelling for the purposes of this Ordinance.	"S" in RR, R-1, R-2, RS-1, RS-2, CE and AG
<p>Social Institutions A social institution is a privately owned or operated facility which is designed, constructed, or used to provide service of a public, nonprofit, or charitable nature to the people of the community on an ongoing basis (not just special events). Social institutions include privately owned or operated facilities which provide education or instruction in any branch of knowledge.</p>	Facilities to house charitable, eleemosynary or philanthropic organizations such as United Way, Red Cross, Salvation Army, as well as centers for social activities such as neighborhood, community or senior centers; military schools; business, trade and vocational schools (not construction equipment or large vehicles); art, music and dance schools; drivers' training (not large vehicles); institutions for higher education; auditoriums and other places for public assembly.	<p>"R" in B-1</p> <p>"S" in R-2</p>

Article IV
Zoning Districts & Permitted Uses

USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED	PERMITTED DISTRICTS
<p>Social institutions may have offices, meeting areas, food preparation or serving areas, and athletic facilities as accessory uses.</p>		
<p>Tourist Service Establishments Business establishments providing either/or: lodging/accommodations; gift shops and/or certain tourist related services; banks, real estate and other professional offices; and/or recreation that diverts, amuses entertains, or provides entertainment or other hospitality associated with food service or accommodations. Does not include drive-through establishments.</p> <p>Additional state regulations apply to tourist service establishments that serve alcohol.</p>	<p>Hotels, motels, auto courts, bed & breakfast operations, residence inns, tourist homes and other temporary lodging with an average length of stay of less than 30 days.</p> <p>Theaters; membership clubs and lodges; saunas, hot tubs and similar establishments; indoor archery and shooting ranges; swimming pools/clubs; rental, sales and service of non-motorized recreational equipment such as snow ski, bicycle, kayak, canoe, and other rentals. Motorized watercraft are under "Waterfront Sales and Service."</p> <p>Self-service laundries; nails, beauty and barber shops and salons; shoeshine and shoe repair; tattoo parlors; tanning, steam baths, reducing salons and health clubs.</p> <p>Gift shops, handicraft shops, candy, baked goods, pottery, furniture and other handcrafted enterprises.</p> <p>Financial institutions, banks, real estate offices; offices for attorneys, accountants, architects, engineers and similar professionals; government offices; and public utility offices.</p>	<p>"R" in B-1, RS-1, and RS-2</p>
	<p>Charter boat fishing.</p>	<p>"RC" in RS-1, RS-2, and "S" in RR</p>
	<p>Gasoline and auto service station.</p>	<p>"S" in RS-2 and B-1</p>
	<p>Other establishments similar to and compatible with the above uses, as first determined by the zoning administrator.</p>	<p>"R", "RC", and "S" as appropriate</p>
<p>Two-Family Dwelling A building containing not more than two dwelling units, each designed and used exclusively as the home, residence or sleeping place of one-family.</p>	<p>A duplex; a building with two dwellings constructed side-by-side, front-to-back, over and under, or some combination of the above. Can be new construction or modification of an existing structure provided each dwelling is separate.</p> <p>Other housing with only two units similar to and compatible with the above housing.</p>	<p>"R" in R-2, RS-1, and RS-2</p>

Article IV
Zoning Districts & Permitted Uses

USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED	PERMITTED DISTRICTS
<p>Utility and Public Service Installations A building or structure within which a utility or transportation service deemed necessary for the public health, safety or general welfare (an essential service) is provided to the public by an entity under public franchise or ownership; including but not limited to facilities created for the generation, transmission and/or distribution of electricity, gas, steam, communications, television, and water; the collection and treatment of sewage and solid waste; and the provision of roads, rails, air or mass transportation.</p> <p>Accessory uses may include offices, truck and large equipment parking, fueling and maintenance.</p>	<p>Heavy: Water and sewage treatment facilities; water towers; large scale artificially constructed stormwater retention and detention facilities; telephone exchanges; recycling collection centers; solid waste; road maintenance and other public works garages.</p>	<p>“R” in M-1 and M-2 “S” in TR</p>
	<p>Light: Electrical substations, gas regulator stations; radio, television, cellular and microwave transmitter towers or other communication towers; satellite antennas larger than ten feet in diameter.</p>	<p>“S” in all districts</p>
	<p>345kv or larger overhead electric transmission lines and towers constructed after the effective date of this Ordinance are prohibited in Keweenaw County. Buried 345kv or larger electric transmission lines are permitted by special use permit.</p>	<p>“S” in all nonresidential districts</p>
	<p>Other utility and public service structures similar to and compatible with the above establishments, as first determined by the zoning administrator.</p>	<p>“R” and “S” as appropriate</p>
	<p>Public airports, harbors, and rail yards.</p>	<p>Airports “S” in AG, other uses “R” in, RS-1, RS-2, B-1, AG.</p>
	<p>WECS wind towers under 35 feet in height are allowed in any zone.</p>	<p>“R” in all districts.</p>
	<p>WECS towers between 35 and 80 feet in height.</p>	<p>“RC” in all districts.</p>
	<p>WECS towers over 80 feet in height.</p>	<p>“S” in M-1, M-2, AG, and TR</p>
<p>Vehicle Sales and Service Establishments Retail sales and service of motorized land and water vehicles. Except for filling vehicles with gasoline or diesel, or for an oil change, generally the customer does not wait at the site while the service or repair is being performed. Accessory uses may include offices, showrooms, sales of parts, and vehicle storage.</p>	<p>Sales or rental of new and used automobiles, light and medium trucks; mobile homes; boats; campers and other recreational vehicles; trailers; motorcycles, snow mobiles, ATV’s, personal watercraft and other motorized sporting goods.</p> <p>Service and repair of the above vehicles including: car wash, engine or transmission repair, muffler, brakes and windshield repair or replacement; upholstery repair; tire sales, alignment and mounting; auto detailing; vehicle wash; oil change, lubrication and related services; automobile service stations where fuel is dispensed; towing and short term vehicle storage.</p> <p>Other establishments similar to and compatible with the above establishments, as first determined by the zoning administrator. Does not include: auto body shop; frame</p>	<p>“R” in B-1, M-1 and M-2</p>

Article IV
Zoning Districts & Permitted Uses

USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED	PERMITTED DISTRICTS
	reconstruction; repair and service of industrial vehicles and heavy trucks. See also Industrial Services Use Class.	
<p>Warehousing and Wholesale Trade Establishments A structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time to persons and businesses.</p> <p>Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. There is little on-site sales activity with the customer present. Accessory uses may include offices, truck fleet parking, fueling and maintenance.</p>	Self-service storage facilities, also known as: mini-warehouses, and rental storage units.	"R" in M-1 and M-2 "RC" in B-1 "S" in RS-2
	Warehousing, storage or transfer buildings, excluding the storage of flammable liquids. Truck, rail or air freight terminals; bus barns; cold storage facilities; parcel services, fertilizer sales, seed sales; lumber companies selling at wholesale; stockpiling of sand, gravel or other aggregate materials.	"R" in M-1 and M-2 "RC" in B-1
	Other retail establishments similar to and compatible with the above establishments, as first determined by the zoning administrator.	"R" and "RC" as appropriate
<p>Water Based Business and Watercraft Sales and Services: Any business in which the proprietor, employee(s) or customer(s) physically board a ship, boat, barge or vessel at a marine terminal. Activities that may or may not be directly dependant upon access to a water body, but which provide goods and services that are directly associated with water-dependent or waterway uses. Includes land-based intense commercial and recreational uses and boat-related services and sales where the potential for development attracts the public for its nautical ambience and amenity.</p>	<p>Dinner boats, charter boats, passenger service, ferrys, boat tours, watercraft rental and commercial fisheries.</p> <p>Marinas, with or without a ships store with related supplies and services; boat sales, rental, service and storage.</p>	"RC" in RS-1 and RS-2

**Article IV
Zoning Districts**

Section 4.4.4

Table 4-2

**Keweenaw County
Common Accessory Uses, Buildings & Structures Allowed**

Accessory Uses, Buildings & Structures	AG	TR	ED	CEP	CE	R-1	R-2	RR	RS-1 RS-2	B-1	M-1	M-2	PDD	Special Standards Section #
Airport, private	R													10.12.2
Amateur Radio, and TV Antennae	R	R	R		R	R	R	R	R	R	R	R	R	7.11.C
Boathouses and hoists					R	R		R	R				R	6.2.5, 7.9
Bus Shelter	R				R			R						7.9
Decks and patios	R	R			R	R	R	R	R	R			R	7.9.7
Dog Shelter	R	R	R		R	R	R	R	R	R	R	R	R	7.9
ECHO Unit	S				S	S	S	S	S					10.12.11
Exterior lighting	R		R		R	R	R	R	R	R	R	R	R	15.2, and others
Fences, walls, and Berms	R	R	R	R	R	R	R	R	R	R	R	R	R	15.4, 15.5, 15.6
Flagpoles	R	R	R	R	R	R	R	R	R	R	R	R	R	7.11.D
Garages and small sheds ¹	R		R		R	R	R	R	R	R	R	R	R	7.9
Garage sales	R	R	R	R	R	R	R	R	R	R	R	R	R	
Gazebos, fireplaces, and other outdoor appurtenances	R ²	R			R ²	R ²	R ²	R ²	R ²				R	7.9
Greenhouses	PR				R	R	R	R	R	R			R	7.9.2
HVAC units	R					R ²	R ²	R ²	R ²	R ²	R ²	R ²	R ²	7.11.B, 15.5.2
Home Occupations	RC				RC	RC	RC	RC	RC	RC			RC	10.12.18
Off-street loading and unloading	R		R				R	R	R	R	R	R	R	14.3, 14.4
Off-street parking	R	R	R	R	R	R	R	R	R	R	R	R	R	Article XIV
Outdoor storage	R		R		R	R	R	R	R	R	R	R	R	7.9.5
Outdoor tennis courts	R				R	R	R	R	R	R			R	7.9
Outdoor walkways and stairways	R	R	R	R	R	R	R	R	R	R	R	R	R	
Pole barn	R	R	R		R	R	R	R	R	R	R	R	R	7.9

**Article IV
Zoning Districts**

Accessory Uses, Buildings & Structures	AG	TR	ED	CEP	CE	R-1	R-2	RR	RS-1 RS-2	B-1	M-1	M-2	PDD	Special Standards Section #
Property management or temporary real estate office					R	R	R	R	R	R	R	R	R	7.15.D
Pumphouses	R	R	R		R	R	R	R	R	R	R	R	R	6.2.5
Sauna	R	R	R		R	R	R	R	R	R	R	R	R	7.9
Satellite dishes	R				R	R	R	R	R	R	R	R	R	7.9, 7.10
Security Station			R		R	R	R	R	R	R	R	R	R	7.9
Signs and name plates	R	R	R	R	R	R	R	R	R	R	R	R	R	Article XVI
Swimming Pools	R				R	R	R	R	R	R			R	7.9.8
Swing sets, play sets, tree houses and other playground equipment	R	R			R	R	R	R	R	R			R	7.9, 7.10
WECS, Private under 35 feet	R	R	R		R	R	R	R	R	R	R	R	R	10.12.39
Temporary Buildings, Structures & Uses														
Temporary contractor's Buildings	R				RC	RC	RC	RC	RC	RC	RC	RC	RC	7.15.1.C
Temporary Buildings incidental to a church or school	R				R	R	R	R	R	R			R	7.15.1.E
Temporary sawmills	R	R	R	R	R			R			R	R		

Reference Notes:

- 1 – Garages and sheds must be located off the alley if one is present.
- 2 – Permitted only in the rear or side yard, and in front yard if behind the front building line.

See requirements in Article VII, Table 7-1, and also 7.9.1.

R = Permitted Use by right; RC= Use permitted by Right with Conditions; and S = Special Use; see Section 4.2.2.

**Article IV
Zoning Districts**

Section 4.5 REGULATIONS SPECIFIC TO MANUFACTURING DISTRICTS

4.5.1 The following regulations apply to all permitted uses in the district specified:

- A. M-1 Limited Manufacturing District
 1. All processing shall be conducted within completely enclosed buildings.
 2. Storage of materials, products, and goods is permitted within completely enclosed buildings.
 3. Outdoor storage of uncontained bulk materials is prohibited.
 4. Impact noises shall not exceed eighty (80) decibels at any point beyond a lot line of any lot in the M-1 District. Between the hours of 7:00 p. m. and 7:00 a. m., the decibel values tabulated above shall be reduced by six (6) decibels when measured in a residential district.

- B. M-2 General Manufacturing District
 1. Processing and storage of materials, products, and goods is permitted within completely enclosed buildings, or outdoors if screened properly from public view.
 2. Outdoor storage of uncontained bulk materials is prohibited within twenty (20) feet of property lines.
 3. Any use established in a M-2 Manufacturing District shall be operated in such a manner as to comply with the applicable performance standards as hereinafter set forth governing noise, vibration, smoke, toxic matter, odors, fire and explosive hazards, and glare. No use already established on the effective date of this Ordinance shall be so altered or modified as to conflict with or further conflict with the applicable performance standards for the district, in which such use is located.
 4. Impact noises shall not exceed eighty-six (86) decibels at any point beyond a lot line of any lot in the M-2 District. Between the hours of 7:00 p. m. and 7:00 a. m., the decibel values tabulated above shall be reduced by twelve (12) decibels when measured in a residential district.

Article V
SCHEDULE OF DISTRICT REGULATIONS

Section 5.1 PURPOSE

The purpose of this Article is to present the density and dimensional standards applicable to lots and parcels subject to regulation under the Keweenaw County Zoning Ordinance. These include minimum lot sizes, minimum lot width, minimum yard and setbacks, minimum floor area, maximum total lot area coverage, maximum height of buildings and special notes related to some of these standards. Other exceptions and special situation standards can be found in the regulations of Articles VI through X. The standards of this Article are presented as minimums and maximums to provide clear guidance as well as flexibility to landowners while still ensuring the long-term character of the individual districts is being maintained. The zoning districts are listed on each of the Schedules by their abbreviated names as defined in Article 3, Section 3.2.1.

Section 5.2 SCHEDULE OF DISTRICT REGULATIONS

- A. Table 5-1 sets forth the density, lot and building dimension requirements for residential districts.
- B. Table 5-2 sets forth the minimum square footage for residences in the districts in which residences are permitted, as well as the maximum lot coverage and height requirements.
- C. Table 5-3 sets for the lot and building dimension requirements for non-residential districts.
- D. See Section 7.9 for accessory structure regulations.

**Article V
Schedule of District Regulations**

Section 5.2

Table 5-1

**KEWEENAW COUNTY
SCHEDULE OF REGULATIONS**

SCHEDULE A: DIMENSION REQUIREMENTS FOR RESIDENTIAL DISTRICTS

Zoning District	Minimum Lot Area per dwelling unit, building or structure with:		Minimum Lot Width measured along a street upon which the lot principally fronts:	Minimum Yard Setback of principal structures for recorded platted and non-platted areas :			Minimum Setback of principal structure from the ordinary high water mark of a lake, river, or stream ^{abd.} :
				Front yard	Side yard	Rear yard	
RR-A	Onsite Sewage Disposal	20,000 sq ft.	80 ft.	25 ft.	10 ft	30 ft.	50 ft
RR- B	Onsite Sewage Disposal	20,000 sq ft.	80 ft.	25 ft.	10 ft.	30 ft.	75 ft.
	Public or Approved Community Sewer and/or Water	12,000 sq ft.	75 ft.	25 ft.	10 ft.	30 ft.	75 ft.
RR-C	platted lot size Not less than 5000 sq ft		40 ft.	25 ft	7.5 ft	20 ft.	75 ft.
R-1A	12,000 sq ft		75 ft.	25 ft.	10 ft	30 ft.	75 ft.

**Article V
Schedule of District Regulations**

Zoning District	Minimum Lot Area per dwelling unit, building or structure with:		Minimum Lot Width measured along a street upon which the lot principally fronts:	Minimum Yard Setback of principal structures for recorded platted and non-platted areas :			Minimum Setback of principal structure from the ordinary high water mark of a lake, river, or stream ^{abd.} :
				Front yard	Side yard	Rear yard	
R-1B	platted lot size Not less than 5000 sq ft		50 ft.	25 ft	7.5 ft	20 ft.	50 ft.
R-2	Minimum Area	2-Family – 15,000 sq ft.	100 ft.	Principal – 20 ft. from lot lines			75 ft.
	Maximum Area	Multi-family – 15 du/ac or 30 bedrooms/ac		Accessory – 5 ft. from lot lines			
CE	5 acres		200 ft	50 ft.	50 ft.	50 ft.	75 ft.
MHP ^c	Per State Mobile Home Commission Act, must have approved public or community sewer and water		200 ft.	50 ft.	50 ft.	50 ft.	75 ft.

NOTES:

- a. Setbacks for all residential districts may be greater for any waterfront lot if the land is within a designated coastal floodplain, high risk erosion area or sand dune regulated by the Dept. of Environmental Quality. See Section 6.2.8, 6.10.A, 6.10.E.
- b. By variance in all residential districts, the setback from a waterbody may be reduced to not less than 50 ft. where unique conditions, such as bedrock, make it economically unfeasible to setback at 75 ft.
- c. Mobile home parks are not a separate district, but are allowed by Special Use Permit in the R-2 Districts when public water and sewer are provided.
- d. Waterfront lots shall have two front yards, one fronting on the water body, one on the street or road, and shall meet the requirements of front yards in each portion of the lot, except where lot depth is too shallow and the owner declares only one of the front yards as the front yard for dimensional purposes and the other as back yard (for dimensional purposes). All new waterfront lots shall meet the dimensional requirements for front yards on both the waterfront and street or road sides.
- e. Setback of the principle structure from the road Right of Way for any yard shall be: County and State primary roads – 25 feet, local roads with speed limit 35 mph or over – 20 feet, local roads with speed limit less than 35 mph – 10 feet.

**Article V
Schedule of District Regulations**

Section 5.2

Table 5-2

Zoning District	Minimum requirement floor area per unit building or structure as measured at ground level		Maximum total lot area coverage of principal structures plus accessory structures as percent of total lot size	Maximum height of principal structures	
				Feet	Stories
CE, RR	Cottages/cabins/ Seasonal Homes	480 sq ft.	30%	35 ft.	2 ½
	Single-family dwellings	480 sq ft.	30%	35 ft.	2 ½
RS-1, RS-2	Cottages/cabins/ Seasonal Homes	480 sq ft.	60%	35 ft.	2 ½
R-1	All dwellings	480 sq ft.	30%	35 ft.	2 ½
R-2 ¹	Efficiency Apt.	480 sq ft.	30%	45 ft	3
	1-Bedroom Apt. ²	480 sq ft.	30%		
	2-Bedroom Apt. ²	580 sq ft.	30%		
	3+ Bedroom Apt. ²	200 sq ft. per bedroom	30%		

Notes:

1. Maximum height of buildings on all waterfront lots is 28 feet.
2. Apt. means apartment which is a type of dwelling unit. The same apartment provisions apply to condominium units if they are rental units, otherwise condominium units must conform with the standards for all other single family dwelling units.

See Section 7.9 for accessory structure regulations.

**Article V
Schedule of District Regulations**

Section 5.2

Table 5-3

**KEWEENAW COUNTY
SCHEDULE OF REGULATIONS**

SCHEDULE B: DIMENSION REQUIREMENTS FOR NON-RESIDENTIAL AND MIXED USE DISTRICTS

Zoning Districts	Minimum lot area & lot width for each building, structure or use		Minimum yard setback of principal structures for each lot			Setback from the ordinary high water mark of lake or water body ^{ab}	Maximum height of principal structures	Maximum lot coverage all principal plus accessory structures
	Area	Minimum Width	Front yard as measured from the road right-of-way line	Side yard as measured from each side property line	Rear yard as measured from the rear property line			
AG (by right)	5 acres <small>note d</small>	330'	50 ft. from federal or state highways, 35 ft. from county roads	50 ft. from federal or state highways, 35 ft. from county roads	50 ft. from federal or state highways, 35 ft. from county roads	75 ft.	35 ft. dwellings,	5%
AG (for cluster zoning option pursuant to Section 10.12.31)	Density at 1 dwelling unit/5 acres, but no dwelling may occupy a lot of more than 1 acre unless required by District Health Dept. or DEQ and 50% or more of site must be permanent open space	100 ft	50 ft. from federal or state highways, 35 ft. from county roads	50 ft. from federal or state highways, 35 ft. from county roads	50 ft. from federal or state highways, 35 ft. from county roads	75 ft.	35 ft. dwellings,	30%
AG (special uses)	Depends on the use	Depends on the use	100 ft	100 ft	100 ft	75 ft	35 ft. unless more approved as part of special use permit.	5%

**Article V
Schedule of District Regulations**

Zoning Districts	Minimum lot area & lot width for each building, structure or use		Minimum yard setback of principal structures for each lot			Setback from the ordinary high water mark of lake or water body ^{ab}	Maximum height of principal structures	Maximum lot coverage all principal plus accessory structures
	Area	Minimum Width	Front yard as measured from the road right-of-way line	Side yard as measured from each side property line	Rear yard as measured from the rear property line			
TR	40 acres	330 ft.	50 ft. from federal or state highways, 35 ft. from county roads	50 ft. from federal or state highways, 35 ft. from county roads	50 ft. from federal or state highways, 35 ft. from county roads	75 ft.	35 ft.	5%
TR (camp option)	10 acres	330 ft.	50 ft. from federal or state highways, 35 ft. from county roads	50 ft. from federal or state highways, 35 ft. from county roads	50 ft. from federal or state highways, 35 ft. from county roads	75 ft.	35 ft.	5%
CEP (special uses) ^c	Depends on the use	Depends on the use	100 ft	100 ft	100 ft	75 ft.	35 ft.	Depends on the special use
RS-1	6,000 ft ²	50 ft.*	10 ft.	7.5 ft.	10 ft.	20 ft.	35 ft.	60%
RS-2	10,000 ft ²	100 ft.	35 ft.	10 ft.	20 ft.	75 ft.	35 ft.	60%
B-1	10,000 ft ²	100 ft.	25 ft.	10 ft.	20 ft.	75 ft.	35 ft.	50%
M-1	1 acre	150 ft.	50 ft.	20 ft.	20 ft.	75 ft.	35 ft.	50%
M-2	1 acre	150 ft.	50 ft.	20 ft.	20 ft.	75 ft.	35 ft.	50%
ED	5 acre	400 ft	100 ft	100 ft	100 ft	75 ft.	35 ft.	5%
PDD Overlay	5 acres min. tract size	200 ft.	50 ft.	20 ft.	20 ft.	75 ft.	35 ft.	Per terms of PDD approval

NOTES:

- a. Setbacks for all non-residential districts may be greater for any waterfront lot if the land is within a designated coastal floodplain, high risk erosion area or sand dune regulated by the Dept. of Environmental Quality. See Article VI.
- b. Existing 100 ft wide lots may not be split into two 50 ft. lots.

Article V
Schedule of District Regulations

- c. By special land use in all non-residential districts, the setback from a waterbody may be reduced to not less than 50 ft. where unique conditions, such as bedrock, make it economically unfeasible to setback at 75 ft.
- d. No structures permitted by right in CEP Districts.
- e. AG parcels of a non-conforming size are required to meet the same setback requirements as RRA parcels with on-site sewage disposal, see Table 5-1.
- f. For non-conforming lots in RS-1 see section 9.2, subsection C for allowable setbacks.
- g. Setback of the principle structure from the road Right of Way for any yard shall be: County and State primary roads – 25 feet, local roads with speed limit 35 mph or over – 20 feet, local roads with speed limit less than 35 mph – 10 feet.

See Section 7.9 for accessory structure regulations and Table 7-1.

**Article VI
SPECIAL DISTRICTS &
ENVIRONMENTAL PROTECTION PROVISIONS**

Section 6.1 PURPOSE

The Special Districts in this Article are designed to protect and promote the public health, safety, and general welfare. They are all overlay districts which have regulations that apply in addition to those of the underlying district as illustrated on the Zoning Map. Most of the environmental protection provisions are designed to alert landowners to permit requirements administered by other county, state or federal authorities before seeking final approval under this Ordinance.

Section 6.2 FLOODPLAIN DISTRICT

6.2.1 Intent: Certain portions of Keweenaw County are subject to periodic or seasonal inundation of storm water which may result in flood damage to property; health and safety hazards of loss of life; disruption of commercial, industrial, and municipal and other economic activities; and adverse effects upon the general welfare of the community. It is the purpose of this Section to significantly reduce hazards to persons and damage to property as a result of flood conditions in the county, and to comply with the provisions and requirements of (1) the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001-4128, and subsequent enactments and the rules and regulations promulgated in furtherance of this program by the Federal Emergency Management Agency, as published in the Federal Register, vol. 44 CFR, Part 59, October 1, 1995 and subsequent amendments, and (2) the relevant requirements of the Michigan Natural Resources and Environmental Protection Act, PA 451 of 1994, as amended. Further, the objectives of this Section include:

- A. The protection of human life, health and property from the dangerous and damaging effects of flood conditions.
- B. The minimization of public expenditures for flood control of projects, rescue and relief efforts in the aftermath of flooding, Repair of flood damaged public facilities and utilities, and the redevelopment of flood damaged homes and neighborhoods, commercial and industrial areas.
- C. The prevention of private and public economic loss and social disruption as a result of flood conditions.
- D. The maintenance of stable development patterns not subject to the blighting influence of flood damage.
- E. To insure that the public has access to information indicating the location of land areas subject to periodic flooding.
- F. To preserve the ability of floodplains to carry and discharge a base flood.

6.2.2 Definitions: Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application. The following definitions apply to terms used in Sections 6.2.1 through 6.2.10:

- A. Area of Special Flood Hazard means the land in the floodplain within Keweenaw County, subject to a one (1%) percent or greater chance of flooding in any given year.

Article VI
Schedule of District Regulations

- B. Base Flood means the flood having a one (1%) percent chance of being equaled, or exceeded, in any given year.
- C. Development as used in Sections 6.2.1 through 6.2.10 means any man-made change, including remodeling or other substantial improvement, to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, mobile home placement, excavation, or drilling operations located within the Area of Special Flood Hazard.
- D. Flood or Flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland or Lake Superior waters; (2) the unusual and rapid accumulation or runoff of surface waters from any source.
- E. Floodplain means any land area susceptible to being inundated by water from any source (see definition of flood).
- F. Floodway means the channel of a river or other watercourse and the adjacent land areas which must be reserved in order to discharge the base flood.
- G. Flood Insurance Rate Map (FIRM) means the official map on which the Federal Insurance Administration has delineated both the Areas of Special Flood Hazards, and the risk premium zones applicable to the community.
- H. Flood Insurance Study means the official report provided by the Federal Insurance Administration or the Federal Emergency Management Agency that includes flood profiles, flood boundary, floodway map, and the water surface elevation of the base flood.
- I. Substantial Improvement means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either:
 - 1. Before the repair or improvement is started, or
 - 2. If the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure.
- J. Variance means a grant of relief from the requirements of this Ordinance which permits construction in a matter that would otherwise be prohibited by this Ordinance.

6.2.3 Areas of Special Flood Hazards: The Areas of Special Flood Hazard identified on the most current Flood Insurance Rate Map released by the Flood Insurance Administration of the Federal Emergency Management Authority, shall be used as the official map depicting flood hazard areas under this Ordinance. Unless, a more current study by the Federal Emergency Management Agency (FEMA), or a successor agency with an accompanying flood insurance rate map and/or flood hazard boundary maps, is available, in which case said maps are adopted by reference and declared to be a part of this Ordinance. Where there are disputes as to the location of a flood hazard area boundary, the Zoning Board of Appeals shall resolve the dispute per the requirements of subsection 6.6.6 of this Section.

6.2.3.1 Floodplain District

The provisions of Section 6.2 apply in all flood hazard areas depicted on Flood Insurance Rate Maps by FEMA. As of the effective date of this Ordinance, the following Townships had official Flood Insurance Rate Maps:

Article VI
Schedule of District Regulations

1. Houghton Township (available online at the FEMA Map Service Center or from the Zoning Administrator),

6.2.4 Designation and Duties of the Zoning Administrator: The Zoning Administrator shall maintain a log of all Zoning Permits issued for areas within the Area of Special Flood Hazard. In addition, the duties of the Zoning Administrator shall include, but are not limited to:

- A. Notification of adjacent communities and the Department of Environmental Quality of the proposed alteration or relocation of any watercourse, and the submission of such notifications to the Federal Insurance Administration.
- B. Recording of written notification to all applicants to whom variances are granted in an Area of Special Flood Hazard indicating the terms of the variance, the increased danger to life and property, and that the cost of flood insurance will increase commensurate with the increased flood risk. A record of all variance notifications and variance actions shall be maintained together with the justification for each variance.
- C. All records and maps pertaining to the National Flood Insurance Programs shall be maintained in the office of the Zoning Administrator and shall be open for public inspection.
- D. It shall be the responsibility of the Zoning Administrator to obtain and utilize the best available flood hazard data for purposes of administering this Ordinance in the absence of data from the Federal Insurance Administration.

6.2.5 Development Prohibition and Allowable Uses: All development shall be prohibited within the Areas of Special Flood Hazard, except as provided below. It shall be further a requirement that any structure built in the Area of Special Flood Hazard have its lowest occupied level one foot above the base flood elevation for any area.

- A. Within the Area of Special Flood Hazard, no land shall be used except for one or more of the following uses:
 - 1. harvesting of a native or wild crop permitted by law such as wild rice, marsh hay, berries and seeds
 - 2. harvesting of trees
 - 3. parks, picnic areas, playgrounds, playfields, athletic fields, golf courses, bridle paths, nature paths, trails, day camps, outdoor recreational clubs, golf courses and public open land
 - 4. wildlife preserves, conservation areas, arboretum or botanical gardens
 - 5. historic sites and structures
 - 6. swimming beaches, fishing and boating docks in accord with Part 301 of the Natural Resources and Environmental Protection Act, P.A. 451 of 1994, as amended.
 - 7. required open space or yard for structural uses that are landward of the Areas of Special Flood Hazard
 - 8. agriculture and nurseries
 - 9. mining and extraction activities.
- B. Accessory structures and uses are permitted in the Area of Special Flood Hazard, provided they are constructed/used in a manner consistent with the requirements of permitted uses (above) and accessory uses (below):
 - 1. off-street parking, streets, roads, bridges, outdoor play equipment, sheds and garages, boathouses, boat hoists, utility lines, pumphouses, bleachers, bank protection structures, signs, fences, gazebos and similar outdoor equipment and appurtenances, provided each of the following requirements are met:

Article VI
Schedule of District Regulations

- a) the structure would not cause an increase in water surface elevation, obstruct flow or reduce the impoundment capacity of the floodplain.
 - b) all equipment and structures shall be anchored to prevent flotation and lateral movement.
 - c) compliance with these standards is certified by an engineering finding by a registered engineer.
- C. Dredging and filling and/or dumping or backfilling with any material in any manner is prohibited unless through compensating excavation and shaping of the floodplain, the flow and impoundment capacity of the floodplain will be maintained or improved, and unless all applicable state regulations are met, including but not limited to approvals pursuant to the Natural Resources and Environmental Protection Act, P.A. 451 of 1994 as amended and all applicable administrative rules adopted thereunder.

6.2.6 Variance Procedure: The Zoning Board of Appeals shall hear and decide appeals and requests for variance from the requirements of this section consistent with the following standards of Section 60.3 (d) and 60.6 (a) of the Rules and Regulations of the National Flood Insurance Program (44CFR.59). A sealed verification of the "as-built" elevations 60.3(d) of lowest occupied level shall be filed. The Zoning Administrator shall maintain a log, by year, of any variance granted for development within the Area of Special Flood Hazard.

- A. A variance shall be granted only upon a determination of compliance with the standards in Section 19.5 and each of the following specific standards:
 - 1. a showing of good and sufficient cause;
 - 2. a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - 3. a determination that the granting of a variance will not result in a harmful increase in flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
- B. The variance granted shall be the minimum necessary, considering the flood hazard, to afford relief to the applicant.
- C. The Board of Appeals may attach conditions to the granting of a variance to ensure compliance with the standards contained in this Ordinance.
- D. Variances may be granted for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the Michigan Historic Markers listing of historic sites, or any other state register of historic places without regard to the requirements of this section governing variances in Areas of Special Flood Hazard.

6.2.7 Mapping Disputes:

- A. Where disputes arise as to the location of the Area of Special Flood Hazard, or the limits of the floodway, the Zoning Board of Appeals shall resolve the dispute and establish the boundary location. In all cases, the decision of the Zoning Board of Appeals shall be based upon the most current floodplain studies issued by the Federal Insurance Administration. Where Federal Insurance Administration information is not available, the best available floodplain information shall be utilized.
- B. Where a dispute involves an allegation that the boundary is incorrect as mapped and Federal Insurance Administration floodplain studies are being questioned, the Zoning Board of Appeals shall modify the boundary of the Area of Special Flood Hazard or the floodway, only upon receipt of an official letter of map amendment issued by the Federal Insurance Administration or FEMA.

Article VI
Schedule of District Regulations

- C. All parties to a map dispute may submit technical evidence to the Zoning Board of Appeals.
- D. The burden of proof shall be upon the owner(s) of the land to demonstrate where the boundaries of the district with respect to their individual parcel(s) of land show should be located. If the owner(s) request that the local government agency determine more accurately the boundaries of the district with respect to individual parcels of land, the agency may engage a professional engineer, hydrologist, geologist, or soil scientist and charge the owner(s) for the cost of the investigation.

6.2.8 General Standards for Flood Hazard Reduction:

- A. No building or structure shall be erected, converted or substantially improved or placed, and no land filled or structure used in an Area of Special Flood Hazard unless a Zoning Permit, or variance from the Zoning Board of Appeals, is obtained, which approval shall not be granted until a permit from the Department of Environmental Quality has been obtained. Where a development permit cannot be issued prior to the issuance of a Zoning Permit, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance shall be acceptable.
- B. All public utilities and facilities shall be designed, constructed and located to minimize or eliminate flood damage.
- C. The Zoning Administrator shall review development proposals to determine compliance with the standards in this Section.
- D. Land shall not be divided in a manner creating parcels or lots which cannot be used in conformance with the requirements of this Section.
- E. The flood carrying capacity of any altered or relocated watercourse not subject to state or federal regulations designed to insure flood carrying capacity shall be maintained.
- F. Available flood hazard data from federal, state or other sources shall be reasonably utilized in meeting the standards of this Section. Data furnished by the Federal Insurance Administration or FEMA shall take precedence over data from other sources.

6.2.9 Area of Special Flood Hazard Application Information: In addition to the information required with an application for a Zoning Permit, Special Use Permit, variance, or any other type of development permission required under this Ordinance the following information shall be submitted as part of an application for permission to commence any type of development within an Area of Special Flood Hazard:

- A. The elevation in relation to ordinary high water mark level of the floor, including basement, of all structures;
- B. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development;
- C. Proof of development permission from appropriate local, state, and federal agencies as required by Section 6.2.9.A above, including a floodplain permit, approval, or letter of no authority from the Michigan Department of Environmental Quality;
- D. Base flood elevation data where the proposed development is subject to Public Act 288 of 1967, the Land Division Act, or the land is greater than five acres in size; and
- E. Additional information which may be reasonably necessary to determine compliance with the provisions of this Ordinance.

6.2.10 Disclaimer of Liability: The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based upon

Article VI
Schedule of District Regulations

engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. Approval of the use of land under this Article shall not be considered a guarantee or warranty of safety from flood damage. This Ordinance also does not imply that areas outside of the Areas of Special Flood Hazard will be free from flood damage. This Ordinance does not create liability on the part of Keweenaw County or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

Section 6.3 WELLHEAD/GROUNDWATER PROTECTION DISTRICT

6.3.1 Purpose and Intent:

- A. The purpose of the Wellhead/Groundwater Protection District is to protect public health and safety by minimizing contamination of shallow/surficial aquifers and preserving and protecting existing and potential sources of drinking water supplies. It is the intent to accomplish this through both public education and public cooperation, as well as by creating appropriate land use regulations that may be imposed in addition to those currently imposed by existing zoning districts or other county regulations.
- B. The Wellhead/Groundwater Protection District is superimposed on current zoning districts and shall apply to all new construction, reconstruction, or expansion of existing buildings and new or expanded uses. Land uses allowed in the underlying zoning districts which fall within the Wellhead/Groundwater Protection District must additionally comply with the requirements of this district. Uses prohibited in either the underlying zoning districts or this overlay zone shall not be permitted.

6.3.2 Definitions: For the purposes of this section, the following terms are defined below:

- A. Aquifer. A geological formation, group of formations or part of a formation composed of rock, sand or gravel capable of storing and yielding groundwater to wells and springs.
- B. Contamination. An impairment of water quality by chemicals, radionuclides, biologic organisms, or other extraneous matter whether or not it affects the potential or intended beneficial use of water.
- C. Development. The carrying out of any construction, reconstruction, alteration of surface or structure or change of land use or intensity of use.
- D. Facility. Something that is built, installed, or established for a particular purpose.
- E. Grey Water. All domestic wastewater except toilet discharge water.
- F. Wellhead/Groundwater Protection District: The zoning district defined to overlay other zoning districts as illustrated on the Environmental Protection Map. This district may include specifically designated recharge areas that collect precipitation or surface water and carry it to aquifers.
- G. Hazardous Material. As defined in Article II.
- H. Primary Containment Facility. A tank, pit, container, pipe or vessel of first containment of a liquid or chemical.
- I. Release. Any unplanned or improper discharge, leak, or spill of a potential contaminant including a hazardous material.
- J. Secondary Containment Facility. A second tank, catchment pit, pipe, or vessel that limits and contains liquid or chemical leaking or leaching from a primary containment area; monitoring and recovery are required.
- K. Shallow/Surficial Aquifer. An aquifer in which the permeable medial (sand and gravel) starts at the land surface or immediately below the soil profile.

Article VI
Schedule of District Regulations

L. Spill Response Plans. Detailed plans for control, recontainment, recovery, and clean up of hazardous material releases, such as during fires or equipment failures.

M. Stormwater Treatment Practices (STPs). Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

N. Time-Of-Travel Distance. The distance that groundwater will travel in a specified time. This distance is generally a function of the permeability and slope of the aquifer.

6.3.3 Zones Within the Wellhead/Groundwater Protection District.

6.3.3.1 Zone 1 – Drinking Water Critical Impact Zone.

Zone 1 is defined as the area within the 6-month time-of-travel distance mapped around all the public water supply well(s).

A. **Encouraged Uses**. The following uses are encouraged within Zone 1 provided they meet the appropriate performance standards outlined below and are designed so as to prevent any groundwater contamination.

1. Parks, greenways, or publicly-owned recreational areas such as foot, bicycle and/or horse paths, and bridges.
2. Necessary public utilities/facilities including the construction, maintenance, repair, and enlargement of drinking water supply related facilities such as, but not limited to, wells, pipelines, aqueducts, and tunnels.
3. Conservation efforts for soil, water, plants, and wildlife.

B. **Special Uses**. The following uses are permitted only under the terms of a Special Use Permit and must conform to provisions of the underlying zoning district and meet the performance standards outlined below in 6.3.3.2.c.

1. Expansion of existing nonconforming uses to the extent allowed by the underlying district. The applicant should consult the Zoning Map to confirm nonconforming uses.
2. The county reserves the right to review all applications and shall not grant approval unless it finds such expansion does not pose greater potential contamination of groundwater than the existing use.

C. **Prohibited Uses**. The following uses, unless granted a Special Use Permit, are prohibited within Zone 1, the 6- month time-of-travel zone.

1. Automobile body/repair shop;
2. Gasoline service station;
3. Fleet/trucking/bus terminal;
4. Dry cleaner;
5. Electrical/electronic manufacturing facility;
6. Machine shop;
7. Metal plating/finishing/fabricating facility;
8. Chemical processing/storage facility;
9. Wood preserving/treating facility;
10. Junk/scrap/salvage yard;
11. Mines/gravel pit
12. Irrigated nursery/greenhouse stock
13. Confined animal feeding operations
14. Land divisions resulting in high density (>1 unit/acre) septic systems;
15. Equipment maintenance/fueling areas;
16. Injection wells/dry wells/sumps, except for single-family residences directing gutter downspouts to a drywell;

Article VI
Schedule of District Regulations

17. Underground storage tanks, (except those with spill, overflow, and corrosion protection requirements in place);
18. All other facilities involving the collection, handling, manufacture, use, storage, transfer or disposal of any solid or liquid material or waste having potentially harmful impact on groundwater quality;
19. All uses not permitted in the underlying zone district.

6.3.3.2 Zone 2 – Drinking Water Potential Impact Zone.

Zone 2 is established as the remainder of the Wellhead/Groundwater Protection Overlay District not included in Zone 1, but deemed necessary to ensure adequate protection of public drinking water supplies.

- A. **Permitted Uses:** All uses permitted in the underlying zoning districts provided that they can meet the standards of this district.
- B. **Special Uses:** All Special uses allowed in underlying districts may be approved by the county provided they can meet the standards of this district.
- C. **Performance Standards:** The following standards shall apply to uses in Zones 1 and 2 of the Wellhead/Groundwater Protection Overlay District:
 1. Any facility involving the collection, handling, manufacture, use, storage, transfer or disposal of any solid or liquid material or wastes, including hazardous materials, unless granted a Special Use Permit either through permit or another ordinance, must have a secondary containment system which is easily inspected and whose purpose is to intercept any leak or release from the primary containment vessel or structure. Underground tanks or buried pipes carrying such materials must have double walls and inspectable sumps.
 2. Open liquid waste ponds containing materials referred to in item (1) above will not be permitted without a secondary containment system.
 3. Storage of petroleum products in quantities exceeding five (5) gallons in one tank or in a series of tanks must be in elevated tanks; such tanks must have a secondary containment system noted in item (1) above.
 4. All permitted facilities must adhere to appropriate federal and state standards for storage, handling and disposal of any hazardous waste materials.
 5. An acceptable contingency plan for all permitted facilities must be prepared for preventing hazardous materials from contaminating the shallow/surficial aquifer should floods, fire, or other natural catastrophes, equipment failure, or releases occur:
 - (a) For flood control, all underground facilities shall include but not be limited to a monitoring system and secondary standpipe above the 100 year flood control level, for monitoring and recovery. For above ground facilities, an impervious dike, above the 100 year flood level and capable of containing 100 percent of the largest volume of storage, will be provided with an overflow recovery catchment area (sump).
 - (b) For fire control, plans shall include but not be limited to a safe fire fighting procedure, a fire retarding system, effective containment of any liquid runoff, and provide for dealing safely with any other health and technical hazards that may be encountered by disaster control personnel in combating fire. Hazards to be considered are pipes, liquids, chemicals, or open flames in the immediate vicinity.
 - (c) For equipment failures, plans shall include but not be limited to:
 1. Below ground level, removal and replacement of leaking parts, a leak detection system with monitoring, and an overflow protection system.

Article VI
Schedule of District Regulations

2. Above ground level, liquid and leaching monitoring of primary containment systems, the replacement or repair and cleanup and/or repair of the impervious surface.
- (d) For any other release occurring, the owner and/or operator shall report all incidents involving liquid or chemical material to the groundwater protection coordinator designated by the Township, as well as to the County Sheriff and DEQ.
6. Since it is known that improperly abandoned wells can become a direct conduit for contamination of groundwater by surface water, all abandoned wells should be properly plugged according to state regulations.

6.3.4 Liability

Nothing in this Ordinance shall be construed to imply that the county or township has accepted any of an owner/developer's liability if a permitted facility or use contaminates groundwater in any aquifer.

6.3.5 District Boundary Disputes

Where disputes arise as to the location of the Wellhead/Groundwater Protection District, or the limits of Zone 1 or Zone 2, the Zoning Board of Appeals shall resolve the dispute and establish the boundary location. In all cases, the decision of the Zoning Board of Appeals shall be based upon the most current wellhead protection study. Where a detailed inventory is not available, the best available information shall be utilized. The burden of proof shall be upon the owner(s) of the land to demonstrate where the boundaries of the district with respect to their individual parcel(s) of land should be located. If the owner(s) request that the local government agency determine more accurately the boundaries of the district with respect to individual parcels of land, the agency may engage a professional engineer, hydrologist, geologist, or soil scientist and charge the owner(s) for the cost of the investigation.

6.3.6 Designation and Duties of the Zoning Administrator:

The Zoning Administrator shall maintain a log of all Zoning Permits issued for areas within the Wellhead/Groundwater Protection Zone. In addition, the duties of the Zoning Administrator shall include, but are not limited to:

- A. Notification of adjacent communities and the Department of Environmental Quality of the proposed location of any land use not permitted within the overlay zone.
- B. Recording of written notification to all applicants to whom variances are granted within the overlay zone indicating the terms of the variance. A record of all variance notifications and variance actions shall be maintained together with the justification for each variance.
- C. All records and maps pertaining to the National Flood Insurance Programs shall be maintained in the office of the Zoning Administrator and shall be open for public inspection.

Section 6.4 SCENIC HERITAGE HIGHWAY DISTRICT

6.4.1 Purpose

A Scenic Heritage Highway District is an overlay district created to protect the natural appearing landscape along major thoroughfares in Keweenaw County. Since county residents are so dependent on tourists for economic sustenance and since tourists, like existing residents, cherish the natural landscape of the county, it is critical to protect it as

Article VI
Schedule of District Regulations

development occurs. Since most of the land along major thoroughfares is in private ownership, it will be the actions of private landowners which most determine whether there will be a natural appearing landscape in the county in the future.

6.4.2 Recommended Actions

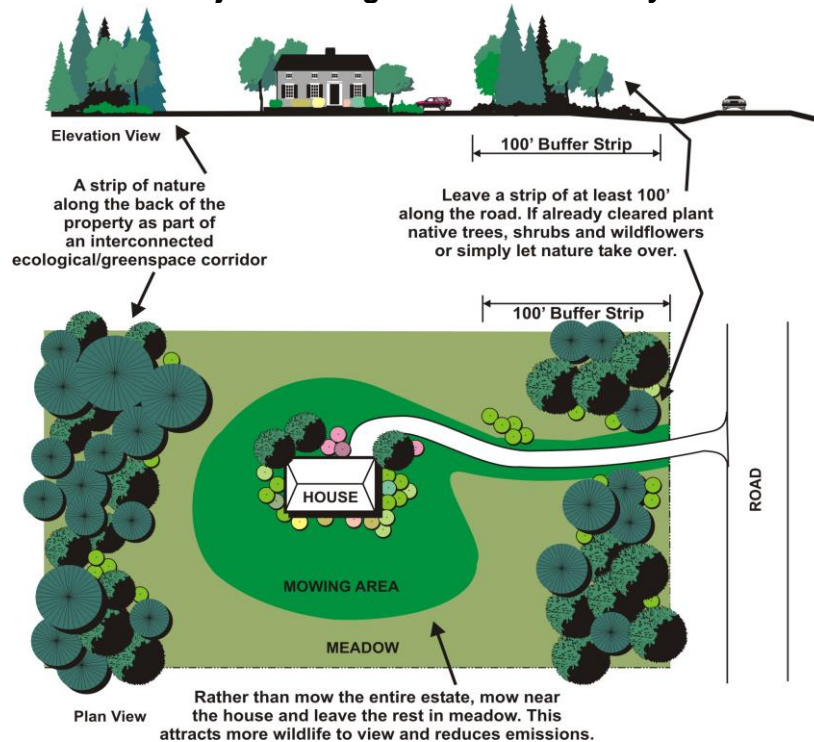
A. The following are recommended guidelines that are not mandatory, they are guidelines that landowners can use to preserve a natural landscape in Keweenaw County as development occurs outside of established villages and settlements in the county:

1. Avoid cutting down healthy native vegetation within one-hundred (100) feet of a major thoroughfare and a new, remodeled or expanded building, except where an easement agreement requires more such as along US-41.
2. Use native vegetation to landscape or replace diseased, damaged or destroyed vegetation as illustrated in Figure 6-1.
3. Wind the access road in to the building so it is not visible from the road.
4. Only create lots at least four hundred (400) or more feet wide along major thoroughfares.

B. As trees are harvested in the county, no trees should be cut within one-hundred (100) feet of a major thoroughfare, unless they are diseased, damaged or present a threat to human or vehicular use of the right-of-way. Trees should only be harvested according to a sustainable forest management plan.

C. In the CE and AG districts, all new residences should be clustered in locations not viewed from the road.

Figure 6-1
Recommendations for Retaining a Natural Appearing Landscape as Viewed from Major Thoroughfares in the County



Article VI
Schedule of District Regulations

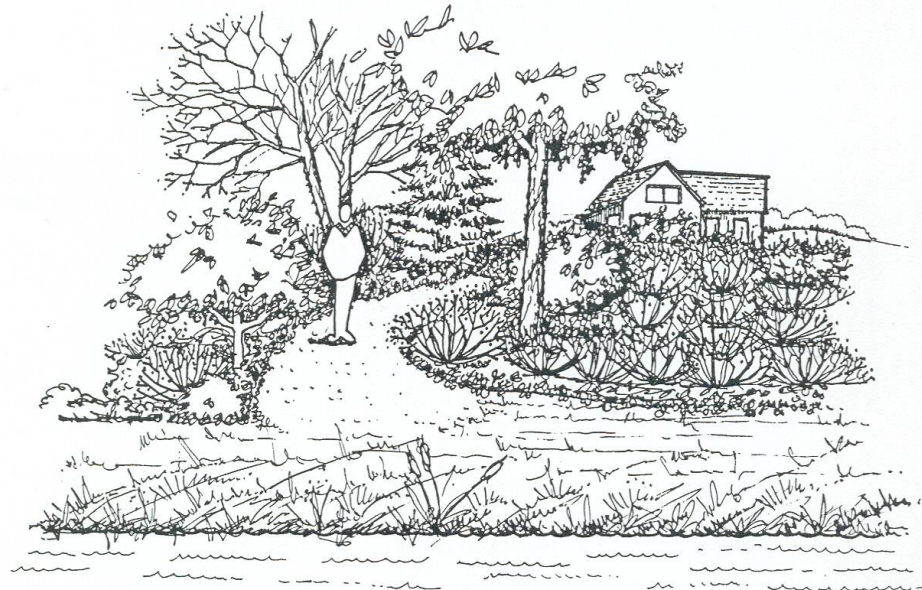
Section 6.5 NATURAL SHORELINE DISTRICT

6.5.1 Purpose: Most of those who enjoy the beauty of Keweenaw County from someplace other than the road, do so from the water. For all the same reasons as in Section 6.4, it is in the best interests of the residents and visitors of Keweenaw County to keep a shoreline that is as natural appearing as possible. The following provisions apply as an overlay district.

6.5.2 Recommended Actions: Following are recommended guidelines that are not mandatory, they are actions landowners can take to preserve a natural shoreline in Keweenaw County. All lots fronting on Lake Superior are encouraged to meet the following standards because of the aesthetic, water quality and fish habitat benefits:

- A. On waterfront lots, a strip of land extending a minimum of fifty (50) horizontal feet from the ordinary high water mark should be maintained and forested with native trees and shrubs, or retained in no less than its natural and undeveloped state. No further alteration, including the removal of stumps below ground level, should be performed unless required in connection with a plan designed for erosion control, reforestation or bank stabilization with the intent of maintaining a fifty (50) foot root and vegetative barrier to keep nutrients from entering the water at temperatures near the natural levels.
- B. Dead, diseased, unsafe or fallen trees, shrubs, and noxious plants including poison ivy, poison sumac, and poison oak, and other plants regarded as a common nuisance in Section 2, Public Act 359 of 1941, as amended, may be removed.
- C. Trees and shrubs may be pruned for a filtered view of a waterbody. See Figure 6-2.

Figure 6-2
Pruning to Maintain a Filtered View of a Waterbody



Article VI
Schedule of District Regulations

- E. Clear cutting is strongly discouraged.
- F. Planting of perennial native species in the natural vegetation strip is encouraged, especially where exposed soils and steep slopes exist. The Department of Natural Resources, the Department of Environmental Quality or the Keweenaw Conservation District should be consulted for selection of plant species best suited for erosion control and/or screening of existing developments.

Section 6.6 HISTORIC PRESERVATION DISTRICT

If property is in a designated historic preservation district as adopted by a local unit of government in Keweenaw County, then all development shall conform with the regulations adopted by the local unit of government, as well as with the regulations of this Ordinance.

Section 6.7 RESERVED FOR FUTURE USE

Section 6.8 RESERVED FOR FUTURE USE

Section 6.9 RESERVED FOR FUTURE USE

Section 6.10 ENVIRONMENTALLY SENSITIVE AREAS

The protection of areas of environmental concern, such as wetlands, high risk erosion, dunelands, 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, PA 451 of 1994, Parts 353 and 323 respectively (formerly, the Sand Dunes Protection Act, PA 222 of 1976, as amended by Public Act 146 and 147 of 1989, and the Shorelands Protection and Management Act, Public Act 245 of 1970, as amended). The general areas subject to these regulations are indicated on the Zoning Map.

B. Wetlands are defined by degree of soil wetness, generally including those soils classified by the Michigan Natural Resources & Environmental Protection Act, PA 451 of 1994, Part 303, Section 324.30301 et seq (formerly, the Goemere-Anderson Wetlands Act, PA 203 of 1979) 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 324.9101 et seq of the Michigan Natural Resources & Environmental Protection Act, Public Act 451 of 1994, (formerly, PA 346 of 1972). See also E. below and Section 6.1.

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 324.30101

Article VI
Schedule of District Regulations

et seq of the Michigan Natural Resources & Environmental Protection Act, Public Act 451 of 1994, (formerly, PA 345 of 1966).

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 (see Section 6.1). A structure proposed within a floodplain is not permitted to be erected until a permit from the Michigan Dept. of Environmental Quality is obtained pursuant to Part 31 of the Michigan Natural Resource & Environmental Protection Act, Public Act 451 of 1994 and Section 22.9 of this Article.

F. Steep Slopes

When the proposed building site has slopes in excess of fifteen (15) percent, questionable soils stability or evidence of erosion, the Zoning Administrator shall require the applicant to obtain a site analysis and conform with the applicable requirements of this Article.

Section 6.11 RETAINING WALL PERMIT

No shoreline retaining wall shall be erected without first having obtained a permit from the Michigan Department of Environmental Quality.

Section 6.12 GRADING AND FILLING OF PROPERTY AND STORMWATER DETENTION

A. When any land in the County is developed or altered in any way which affects stormwater runoff, the owner shall detain such stormwater from runoff onto adjacent properties, including roads and other rights-of-way, in such a manner which shall result in the maximum amount of stormwater runoff not exceeding that which existed prior to the development or improvement of the property, and in accord with the requirements of the Michigan Natural Resources & Environmental Protection Act, PA 451 of 1994, Part 91, Section 324.9101 et.seq. formerly the Soil Erosion/Sedimentation Control Act, PA 347 of 1972, as amended. In addition, all development shall conform to the County Soil Erosion, Sedimentation and Stormwater Control Resolution and any general rules or administrative guidelines.

B. Special attention shall be given to proper site drainage so that runoff of stormwater will not adversely affect neighboring properties or the water quality of the county's lakes and streams. Stormwater control mechanisms, such as retention/detention basins, vegetative buffers, swales, and infiltration trenches, shall be required to ensure that the peak rate of stormwater runoff after development does not exceed the rate prior to development.

C. The final grade surface of ground areas remaining after the construction of a building or structure, and any earth changes made in connection with use of land shall be designed and landscaped such that surface water flows away from the building or structure and is collected or managed in a manner which avoids any increase in surface water discharge onto adjacent properties or public roads, the erosion of or filling of any road ditch, the blockage of any natural or public watercourse, the creation of standing water over a private sewage disposal drainage field, and any unnecessary impoundment of surface water. The provisions of this section shall be administered and enforced

Article VI
Schedule of District Regulations

pursuant to the site plan review provisions of Article XVIII, when applicable. In all other cases, the Zoning Administrator shall determine after consultation with the Soil Erosion, Sedimentation, and Stormwater Control administrator whether the provisions of this section are met. When it is determined that inadequate surface water control exists, no Zoning Permit shall be issued until the situation is corrected and approved by the Zoning Administrator.

D. Creation of Ponds: A manmade excavation or impoundment of surface water designed to retain or detain water with a surface area of at least one thousand (1000) square feet is subject to the following regulations:

1. A pond is an accessory or conditional use in all zoning districts.
2. No person shall commence the excavation, dredging, or construction of a dam, that is designed, intended or results in the creation or enlargement of a pond without first making application for and receiving a Zoning Permit approving the specific plans for a pond.
3. An application for a Zoning Permit for a pond shall be made pursuant to Article XVIII of this Ordinance.
4. Proposed ponds of less than one (1) acre in size shall be considered under a minor site plan.
5. Applications for ponds larger than one (1) acre and/or ponds which are located within five-hundred (500) feet of a lake, river, stream, or open county drain shall be required to be submitted to the Michigan Department of Environmental Quality to determine the extent to which the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, apply to the proposal.
6. Ponds (or man made lakes) in excess of 5 acres shall be considered major site plans under Part IV of Article XVIII.
7. Plans for ponds shall indicate the size, depth, and proposed finished grade of the land both above and below water level, any proposed fencing location and specifications. In addition, the applicant shall indicate sources of water being used to supply the pond (such as stream impoundment, surface water runoff, springs, and wells).
8. No pond shall be closer than fifty (50) feet from any property line, easements for egress, dwelling units, septic drainage fields and domestic wells.
9. Ponds on parcels of less than 20 acres in size that are not enclosed by a four feet high fence shall be required to provide and maintain one or more safety stations in compliance with the following:
 - a. U.S. Coast Guard approved ring buoys securely connected to forty feet of rope mounted on posts located at 500 feet intervals around the perimeter of the pond.
 - b. A twelve feet long pole shall be attached to one safety station.
10. Ponds under five (5) acres are permitted without regard to the nine (9) previous subsections if:
 - a. On a bonafide commercial agriculture or horticulture operation in an Agriculture (AG) District;
 - b. The pond is approved by the National Resources Conservation Service as being in conformance with their existing pond design standards.

Article VI
Schedule of District Regulations

Section 6.13 GENERAL ENVIRONMENTAL PROTECTION & NUISANCE PREVENTION PROVISIONS

A. Every use shall be so conducted and operated so that it is not detrimental to the health, safety, or welfare of persons or property, or obnoxious by reason of heat, glare, fumes, odors, dust, noise, smoke, water runoff, light, ground vibration or other nuisance beyond the lot on which the use is located. It shall be unlawful to carry on or permit to be carried on any activity or operation of use of any land, building, or equipment that produces irritants to the sensory perceptions greater than the measures herein established which are hereby determined to be the maximum permissible hazards to humans or to human activity.

B. Dangerous Explosive and Flammable Materials:

1. No use of a building or premises shall in any way represent a fire or explosion hazard to a use on adjacent property or to the public on a public street. All buildings, above or below ground storage and handling areas where dangerous chemicals, salts, flammable materials, or hazardous substances are regularly used, moved or stored shall conform to all applicable local, County, State and Federal regulations and requirements; including the maintenance of any clear zone and/or containment structures required by government authorities. Failure to disclose such materials to fire, emergency services agencies and the Michigan Department of Environmental Quality as may be required by State or Federal laws, is also a violation of this Ordinance.
2. All outdoor above or below ground handling area and storage facilities for dangerous chemicals, explosive or flammable materials, fuels and other hazardous substances in excess of 50 gallons or 150 pounds per month, shall:
 - a. Be constructed and maintained in compliance with:
 1. All applicable Michigan Department of Environmental Quality, Michigan Department of Agriculture, State Fire Marshal and U.S. EPA Standards;
 2. The State Construction Code Act, Public Act 230 of 1972; and
 3. All applicable County, local Fire Code and "Right-to-Know" laws.
 4. A Pollution Incidence Prevention Plan (PIPP) if required under state law.
 - b. Be located on a lot at least one-half (½) acre in size.
 - c. Not store fuel in above or below ground tanks closer than seventy-five (75) feet to a building unless it is liquefied petroleum gas or heating fuel in an approved tank, in which case it shall not be closer to a building than the distance allowed by the State Mechanical Code.
 - d. Secondary containment structures shall be required to protect the environment from accidental spills of all hazardous liquids. Hazardous liquids shall include all "hazardous wastes" as defined by Act 64 of 1979, that are in liquid form. Secondary containment structures shall include structures such as but not limited to dikes and berms surrounding transfer and storage areas, enclosed structures, and interior storage rooms with sills and no floor drains. All secondary containment structures shall be at least large enough to hold the capacity of the largest drum or tank in the transfer or storage area. Secondary containment structures shall be

Article VI
Schedule of District Regulations

covered, but if flammable, not fully enclosed, with a satisfactory dewatering plan to prevent leaks and spills from entering drains, sewers, surface or groundwater.

- e. No floor drains shall be permitted in any areas involving the transfer or disposal of hazardous liquids unless all hazardous liquids are collected and properly treated or disposed of off site.
 - 3. If the quantity of material in Section 16.3.B.2 above is less than the regulatory threshold of the Michigan Department of Environmental Quality, the Michigan Department of Agriculture, State Fire Marshal or U.S. EPA Standards then the secondary containment structures required in subsection 2.d. above shall conform with standards prepared by the Zoning Administrator and adopted by the Planning Commission.
 - 4. The owner shall supply the Zoning Administrator, Sheriff's Department and Emergency Services Coordinator with the name and phone number of persons responsible for materials on the site and who is available 24 hours in case of a leak or spill.
- C. Junk:
The administration and enforcement of a junk ordinance is the responsibility of the townships. According to Michigan State Law, the creation and enforcement of such an ordinance cannot be at the County level.
- D. All proceedings of the Planning Commission, Zoning Board of Appeals, and County Board of Commissioners shall be conducted, and all decisions shall be made with due consideration given to the maintenance of reasonable circumstances regarding: emission and transmission of injurious or obnoxious noise, fire or explosive hazard, liquid or solid waste disposal, vibration, gas fumes, smoke, dust, dirt, litter, odor, light, glare, traffic congestion, ingress and egress, ease of police and fire protection, drainage, lateral land support, blighting influence, effect on property values, adequate light and air, overcrowding of persons, sanitation, general appearance of the area, surface and groundwater quality, and other similar considerations having an effect on public health, safety and general welfare of the people of the surrounding area.

**Article VII
General Provisions**

**Article VII
GENERAL PROVISIONS**

Section 7.1 PURPOSE

This Article is intended to establish general regulations for lots, uses, and activities that relate to accessory uses, various exceptions, and aspects of land use and design that are not addressed in other Articles of this Zoning Ordinance.

Section 7.2 THE EFFECT OF ZONING

Zoning applies to every building, structure or use within the county. No use of land, buildings or structures is permitted without zoning approval as specified in this Ordinance. Zoning approval runs with the land, not with the property owner.

Section 7.3 RELATIONSHIP TO BUILDING PERMITS

No excavation for construction shall be commenced and no building or structure shall hereafter be erected, enlarged, altered or reconstructed until a Zoning Permit is obtained from the Zoning Administrator and a Building Permit has been issued by the Building Inspector, unless the Building Inspector determines the building or structure does not require a Building Permit. No Building Permit shall be issued until other permits required by this Ordinance have been obtained. A Zoning Permit is required before the issuance of a Building Permit. All barrier free requirements shall be enforced by the Building Inspector.

Section 7.4 RECOMMENDED BUILDING MATERIALS

New buildings are strongly encouraged to mimic designs and materials indigenous to the area and long recognized as part of the “northwoods” character of Keweenaw County. Except for buildings in industrial districts, extensive exterior areas of glass, metal or concrete are strongly discouraged.

Section 7.5 ESSENTIAL SERVICES AND MUNICIPAL FACILITIES

7.5.1 Essential Services:

- A. The erection, construction, alteration or maintenance by public utilities or governmental units, boards or commissions of overhead or underground gas, electrical, steam or water distribution, transmission, collection, communication, or supply systems including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, water towers, poles, street lighting, electrical substations, gas regulator stations, utility pump and metering stations, and other similar equipment and accessories, but not including communication towers, which are reasonably necessary for the furnishing of adequate service by such public utility or public department or commission or for the public health, safety or general welfare is permitted in any zoning district.
- B. Notwithstanding the exceptions contained in the immediately preceding sentence:

Article VII
General Provisions

1. Electrical substations and/or gas regulator stations shall be enclosed with a fence or wall six (6) feet high and adequate to obstruct passage of persons or materials.
2. Public utility facilities in any zoning district are required to be constructed and maintained in a neat and orderly manner. Any building which is constructed shall be landscaped and shall conform with the general character of the architecture of the surrounding neighborhood.
3. Communication towers are permitted only by Special Use Permit according to the standards of Section 10.12.6.

7.5.2 Governmental Facilities: Buildings, structures, facilities and/or uses owned or operated by Keweenaw County are subject to the provisions of this Ordinance. All buildings, structures and/or uses owned or operated by a local, state or federal agency require review and approval of a site plan by the Planning Commission prior to construction or alteration, except as provided elsewhere in this Ordinance, or by State or Federal Law.

Section 7.6 POTABLE WATER AND SEWAGE DISPOSAL

- A. Any building erected for human occupancy after the effective date of this Ordinance and used for dwelling, business, industrial, recreational, institutional, mercantile or storage purposes shall not be erected, altered, used or moved upon any premises unless that structure shall be provided with a potable water supply and waste water disposal system that ensures a safe and effective means of collection, treatment, and disposal of human, commercial, and industrial wastes.
- B. All on site sewage disposal and potable water facilities shall be constructed and maintained in accordance with the requirements and standards of the District Health Department as well as those of other applicable township, county, state, or federal agencies.

Section 7.7 TWO DWELLING UNITS ON A LOT

Except as provided in Section 10.12.11 for ECHO housing or Section 7.15 for temporary buildings, no lot on which a dwelling unit is permitted may have a second dwelling unit erected on the lot unless the size of the parcel is large enough and the dwelling unit is located such that the lot could be divided in a manner that fully conformed with this Ordinance, if the structure were ever occupied on a permanent basis. Second dwellings on lots at the time of the adoption of this Ordinance are nonconforming and shall only be occupied seasonably, temporarily or as an ECHO housing unit unless the lot is large enough to permit splitting in conformance with this Ordinance.

Section 7.8 LOTS OF RECORD AND DIVISION OF LOTS

7.8.1 Lots of Record: A lot of record may be used as specified in the zoning district in which it is located. Any structure shall be located on the lot in compliance with all yard and setback requirements for the zoning district in which the lot is located.

7.8.2 Division of Lots: No lot shall be divided except in conformance with the requirements of the Land Division Act, Public Act 288 of 1967, being MCL 560.101 et seq. as amended, and any applicable county ordinances.

Article VII
General Provisions

7.8.3 Combination of Lots: No lot shall be divided and combined with an abutting lot if the portion remaining following the division would not meet the minimum requirements for lots in the district, including the ability to support a septic system and well under the requirements of the District Health Department.

Section 7.9 ACCESSORY USES AND STRUCTURES

7.9.1 General Standards:

- A. Subordinate to Principal Use: Accessory uses and structures must be subordinate to the principal use and structure on the subject lot in terms of area, extent and purpose.
- B. Time of Establishment: Accessory structures must be constructed in conjunction with or after the principal building, and may not be constructed prior to the construction of the principal building, except as provided in 1., 2. and 3. below. Accessory uses may be established no earlier than the commencement of the principal use, except as provided in 1., 2. and 3. below.
 - 1. A permitted accessory structure may be erected following receipt of a Zoning Permit, and following receipt of a Zoning Permit and Building Permit for the construction of a permitted principal structure on the lot. On parcels of 5 acres or more a permitted accessory structure may be built without a principal structure provided the accessory structure is set back at least 100 feet from any road right-of-way or property line.
 - 2. Bona fide agricultural accessory structures can be erected independent of a permitted principal structure in the AG district.
 - 3. A permitted accessory structure may be erected prior to the erection of a single family dwelling in the RR-A, RR-B and RS-2 districts provided the accessory structure:
 - a. Has no foundation;
 - b. Is not habitable and in particular has no kitchen or bathroom facilities; and
 - c. The accessory structure is not more than 200 square feet or more than one story in height.
- C. If a garage or other accessory structure is built before a dwelling, where permitted above, the building footprint for the dwelling must be established prior to determining the size of the accessory structure, and before a Zoning Permit can be issued. The permitted single family dwelling which the accessory structure is to accompany, shall be erected within two (2) years as required in Section 18.8.5.
- D. No garage or other accessory structure may be used as a dwelling before or after a principal structure is erected.

7.9.2 Accessory Structure Requirements:

- A. Table 7-1 sets forth the standards for site, setback and height of accessory structures. Total lot coverage may not exceed the requirements on Tables 5-2 and 5-3 in Section 5.2. No accessory structure shall be closer than ten (10) feet to a principal structure.

**Article VII
General Provisions**

Table 7-1
Accessory Structure Requirements

Zoning District	Minimum Setback in Feet			Maximum Height in Feet
	Front	Side	Rear	
AG	50 ^a	50 ^a	50 ^a	35 ft. except barns and silos 100 ft.
TR	50 ^a	50 ^a	50 ^a	35 ft. except barns and silos 100 ft.
ED	100	100	100	100
CEP	100	100	100	As established in special use permit
CE	50	25	25	18
R-1	Not allowed in front yard ^b	5	10 ^c	18
R-2	Not allowed in front yard ^b	5	10 ^c	18
RR	Not allowed in front yard ^b	5	10 ^c	18
RS-1	Not allowed in front yard ^b	5	10 ^c	18
RS-2	Not allowed in front yard ^b	5	10 ^c	18
B-1	25	5	10	Not more than the principal building
M-1	50	10	10	Not more than the principal building
M-2	50	10	10	Not more than the principal building
PDD	As established in the permit authorizing the PDD	As established in the permit authorizing the PDD	As established in the permit authorizing the PDD	As established in the permit authorizing the PDD

NOTES:

- a. Accessory structures shall comply with all setbacks from the ordinary high water mark of a lake, river or stream that apply to primary structures.
- b. Except if livestock are sheltered, then 100 ft. See Section 7.32.D.
- c. Accessory structures may not be located in the front yard, except for waterfront lots, see Section 5.2, Table 5-1, Note D.
- d. Accessory structures not more than fifteen (15) feet in height may be located in required rear setbacks if they do not occupy more than thirty-three percent (33%) of the actual rear yard area and are located at least five (5) feet from any lot line; except, in those instances where the rear lot line is coterminus with an alley right-of-way, the accessory structure may be as close as one (1) foot to such rear lot line.

Also see exceptions in Section 7.9 B.

7.9.3 Other Accessory Structure Yard Exceptions:

- A. The yard requirements of this Ordinance may be waived for the following accessory structures:
 1. Mechanical structures, such as heat pumps, air conditioners, emergency generators, and water pumps are not allowed in front yards, but they may be located in rear or side setbacks if they are located at least three (3) feet from rear and side lot lines.
 2. Fences or screening walls, as permitted by Article XV, may be located in any required setback. Residential fences are permitted on the property lines in residential districts, but shall not be closer than two (2) feet to any public right-of-way.
 3. Essential services, utilities, electric power and communications transmission lines are exempt from the yard and setback requirements of this Ordinance. See also Section 7.5
 4. Landscaping and vegetation are exempt from the yard and height requirements of this Ordinance. See also requirements in Article XV.

Article VII
General Provisions

B. Additions

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

C. Average Front Yards

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

7.9.4 Height of Accessory Buildings: Unless otherwise expressly stated, no accessory building in a residential district may exceed eighteen (18) feet in height. In a nonresidential district, no accessory building may exceed the height of the principal building on the same lot.

7.9.5 Open Storage:

A. Major recreational equipment such as utility trailers, boat trailers, boats, recreational vehicles and similar major recreational equipment may be stored in the open on any lot having a principle structure subject to the following:

1. Dead storage only is allowable and no connection to any permanent power, water or sewer facilities is allowed.
2. Such equipment shall not be used for human occupancy nor used as business, recreational or housekeeping purposes.
3. Such equipment must be in usable and in safe condition for use except for periods when necessary repairs or alterations are being conducted.
4. Said equipment shall be stored in the side or rear yard provided accessory building setbacks are met, unless it is stored in an existing garage or carport.
5. No such equipment shall be parked or stored in such manner or in such location in the lot or parcel as to create a dangerous or unsafe condition.

B. Major recreational equipment such as utility trailers, boat trailers, boats, recreational vehicles and similar major recreational equipment may be stored in the open on any lot in AG, ED and TR which does not have a principle structure subject to the following:

Only one (1) recreational vehicle may be stored on parcels up to five (5) acres. A maximum of four (4) recreational vehicles may be stored on parcels larger than five (5) acres.

7.9.6 Separation Requirement: No detached accessory structure, apart from a porch or deck, shall be located closer than ten (10) feet to any principal building.

7.9.7 Porches and Decks:

- A. All enclosed porches proposed to be constructed and all existing open porches, decks or patios that are proposed to be enclosed shall meet the setback and area requirements of this Ordinance.
- B. An open, unenclosed and uncovered porch or deck six (6) inches or more above finished grade shall meet the setback and area requirements of the district for a principal building if connected to, touching or adjacent to and accessed from the principal building. Otherwise the porch or deck shall meet the yard and area requirements for an accessory structure.
- C. Paved terraces, patios and unenclosed, uncovered porches and decks shall not be subject to yard requirements, provided that all of the following conditions are met:
 1. It is less than six (6) inches above the finished grade.

Article VII
General Provisions

2. The paved or decked area is unroofed and without such walls, parapets, or other forms of solid, continuous enclosure that so link the paved or decked area to the principal building that an enclosed area is formed which appears functionally a part of the principal building.
3. No portion of any paved or decked area is closer than three (3) feet from any side or rear lot line, except that if the yard proposed to be encroached abuts a public street or approved private road, the setback shall be observed.

7.9.8 Swimming Pools:

- A. Pools used for swimming or bathing and all fencing, gates or other barrier around them shall be in conformity with the State Construction Code, as amended.
- B. Swimming pools shall conform with the following requirements:
 1. The yard setback requirements as required for accessory uses and structures in this Ordinance.
 2. No swimming pool shall be located over a septic system, drain field, or on any area designated by the District Health Department as reserved for a replacement drain field unless approved by the District Health Department.
 3. No lights shall be erected, operated or maintained, in connection with a swimming pool in such a manner as to create a nuisance or hazard to nearby properties.
 4. Service drop conductors and any other open overhead wiring shall not be located above a swimming pool.
 5. No swimming pool shall be used unless adequate public health measures are periodically taken to ensure that use of the pool will not cause the spread of disease.

Section 7.10 PROJECTIONS IN YARDS

The following projections into yards are permitted:

- A. For existing structures, ramps to accommodate wheelchairs and/or related devices to assist the handicapped or infirm are permitted to encroach on the yard requirements of any district, provided an application for a Zoning Permit is filed with the Zoning Administrator who shall find as a condition of issuing the requested permit, that the location selected minimizes the yard encroachment while still meeting the ramp needs of the applicant. No ramp is permitted to extend from a front or side door directly to the front sidewalk or curb, if it is reasonably feasible to connect to an existing private sidewalk or paved driveway. Ramps may not be covered within any setback. For ramps constructed as part of a new building, ramps must meet all setback requirements. Ramps must meet the requirements imposed by all applicable federal, state and local regulations.
- B. Self-supporting awnings in residential districts may project into a required yard area no more than three (3) feet and in commercial or industrial districts no more than five (5) feet. Awnings shall be at least eight (8) feet above grade at every point. No awning shall be erected over public right-of-way.
- C. Uncovered Stairs, landings, and fire escapes may project into any yard, but not to exceed six (6) feet, and not closer than three (3) feet to any lot line.
- D. Architectural Projections such as chimneys, flues, sills, eaves, belt courses and ornaments may project into any required yard, but such projection shall not exceed two (2) feet.

See Article II, Figure 2-4 for required yard area.

**Article VII
General Provisions**

Section 7.11 HEIGHT EXCEPTIONS

The following non-residential structures and appurtenances shall be exempt from height regulations in all zoning districts in which they are permitted, provided no portion of the excepted structure may be used for human occupancy:

- A. Church spires, provided they do not exceed seventy-five (75) feet in height to the top of the spire.
- B. Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks and water towers, elevator and stairwell penthouses, ventilators, screening walls, fire and hose towers, cooling towers, or other structures where the manufacturing process requires a greater height, provided these appurtenances do not exceed seventy-five (75) feet in height or not more than fifteen (15) feet higher than the highest point of the structure, whichever is higher, and are set back a distance from the property line at least equal to the height of the structure or the height of the appurtenance above the roofline. Public-owned water tanks and water towers are not subject to any height limitation.
- C. Communication towers shall not exceed the height limits established in Section 10.12.6. Ham or amateur radio towers (and similar antennae) are exempt from the height limitations in this Ordinance and are not required to obtain a Special Use Permit under the requirements of Article X; however, such antennae shall be located on a parcel of land so as to provide a fall zone of not less than one hundred-ten (110%) of the height of the tower to any lot line.
- D. Flagpoles shall not exceed thirty-five (35) feet in height.
- E. Barns, silos.
- F. Except in the M-2 General Industrial District, all objects stored within an allowable outdoor storage area may not exceed the height of any required screen or fence except for recreational vehicles and boats.

Section 7.12 BUILDING GRADES, FILL TO INCREASE HEIGHT

Filling with earth or other materials to an elevation above the established or natural grade of adjacent land is prohibited without the express written approval of the Zoning Administrator. The intent of this provision is to prohibit the erection of buildings taller than the natural grade plus what the height restriction of this Ordinance would otherwise permit. All water runoff shall be stored on site; no water shall be directed into public storm drains, sanitary sewers or abutting property unless owned by the applicant. Where a new building is constructed between two existing buildings or on a vacant lot adjacent to an existing building, the natural grade shall be used to determine the finished grade for the new building and the required yard space. See also Section 6.12.

Section 7.13 Recreational Vehicles

See Section 2.3 for the definition of a recreational vehicle.
Except for recreational vehicles in bonafide campgrounds the following shall apply;

All recreational vehicles must obtain an approved Recreational Vehicle Permit, adhere to all the required setbacks and comply with all Health Department requirements regarding safe handling of potable water and sewage.

Article VII
General Provisions

In Residential Districts, only one recreational vehicle is allowed on any parcel. A recreational vehicle is not allowed to occupy any parcel for more than ninety (90) days in a calendar year without an "Intent to Build" permit. On parcels two (2) acres or larger a recreational vehicle may remain longer than ninety (90) days with a valid Special Use Permit. (See Section 10.12.28)

In Agriculture, Extraction, and Timber Resource Districts, only one (1) recreational vehicle is allowed to occupy parcels up to five (5) acres in size, no more than two (2) recreational vehicles are allowed to occupy parcels larger than five (5) acres.

Intent to Build: The Zoning Administrator may issue an "Intent to Build" Permit to a parcel owner who requests to use a recreational vehicle for temporary dwelling purposes, subject to conformance with the following standards:

1. The purpose of the temporary housing is to provide on-site housing for residents of a lot while a new dwelling is being constructed.
2. The permit is for a period not longer than one (1) year based on evidence presented by the applicant that he/she has a construction plan including WUPDHD approved well, sewage and utilities. The construction plan shall include the foundation and complete building framing within a specified period of time. The permit is valid for one year and may be extended by the Zoning Administrator when the following conditions are met:
 - a) A good faith effort has been shown;
 - b) The time extension is reasonably necessary considering the practical difficulties associated with actual construction;
 - c) Occupancy of the structure being rebuilt is reasonably possible within the time extension;
 - d) Granting of the time extension to the applicant and other similarly situated parties will not prohibit enforcement of any provisions of this Ordinance, unduly overburden administration and enforcement resources, or adversely affect general health, welfare and safety of adjacent properties or the general community.
3. The lot or parcel is located in any residential district;
4. The performance guarantee pursuant to Section 18.13 is collected and said RV is removed or placed in storage within fifteen (15) days after an occupancy permit is issued.
5. The following additional approvals are obtained:
 - a) Any applicable permits from the building inspector;
 - b) Approval of septic system and well from the District Health Department;
 - c) A driveway permit from the County Road Commission or Michigan Department of Transportation, as applicable.

**Article VII
General Provisions**

Section 7.14 SEASONAL BUILDINGS AND STRUCTURES

7.14.1 **General:** Seasonal buildings and structures are permanent structures that are specifically designed for seasonal or short term use. They are not intended for year around occupancy, however, seasonal dwellings must meet the requirements of a dwelling unit. They are permitted in the following districts with the conditions given.

Yurts: A yurt may be a permanent structure if it meets the design requirement to carry a Keweenaw County snow load and all other building code requirements. A yurt used as a seasonal single family dwelling must be constructed to all the manufacturer's requirements and meet all sanitary code requirements for septic and water at the time it is erected.

- A. In the "RR" district it must be on a minimum one (1) acre parcel.
- B. In any zoning district, if it is within 300 feet of a dwelling located on an adjacent parcel, a landscape buffer shall be required in accordance with section 15.4.

Section 7.15 TEMPORARY BUILDINGS AND STRUCTURES

7.15.1 **General:** Temporary buildings, structures, and uses are permitted in all districts only under the following conditions:

- A. Temporary Dwellings: Accessory Structures, Tents, Yurts and Travel Trailers.
Except for tents and recreational vehicles in bona fide campgrounds, no structure shall be used for dwelling purposes that does not meet the minimum standards for a dwelling unit as defined in this Ordinance and the State Construction Code Act, Public Act 230 of 1972, with amendments. This means that no garage or other accessory building, cellar, basement, camp or partial structure, whether of a fixed or portable construction, nor any tent, yurts, travel trailer, recreational vehicle, trailer coach, mobile home, or other structure not in compliance with P.A. 230 of 1972, or the previous sentence, shall be erected or moved onto a lot for more than ninety (90) days in one year, unless authorized by the Zoning Administrator by the issuance of a Temporary Zoning Permit as provided for in Section 18.9, or by means of a Special Land Use Permit pursuant to Article X.
 - 1. A temporary yurt is only allowed on a minimum lot of 10 acres in the TR district.
- B. Temporary Housing: The Zoning Administrator may issue a temporary Zoning Permit for a mobile home or other temporary dwelling unit used for temporary dwelling purposes, subject to the following limitations and procedures:
 - 1. The purpose of the temporary housing is either to provide on-site housing for residents of the lot while a new dwelling unit is being constructed or while rebuilding due to fire, collapse, explosion, act of God or acts of a public enemy;
 - 2. The permit is for a period not longer than one (1) year based on evidence presented by the applicant that he/she can have the foundation and complete building framing in place within six (6) months and the entire residence completed within one (1) year. This period may be extended up to one (1) additional year by the Zoning Administrator when the following standards are met:

Article VII
General Provisions

- a) A good faith effort has been shown to build a new or rebuild a destroyed dwelling unit;
 - b) The time extension is reasonably necessary considering the practical difficulties associated with actual construction;
 - c) Occupancy of the structure being rebuilt is reasonably possible within the time extension;
 - d) Granting of the time extension to the applicant and other similarly situated parties will not prohibit enforcement of any provisions of this Ordinance, unduly overburden administration and enforcement resources, or adversely affect general health, welfare and safety of adjacent properties or the general community.
3. The lot or parcel is located in any residential district;
 4. A performance guarantee pursuant to Section 18.13 is collected and said temporary dwelling is removed within fifteen (15) days after construction is complete
 5. The following additional approvals are obtained:
 - a) Any applicable permits from the Building Inspector
 - b) Approval of a septic system and well from the District Health Department
 - c) A driveway permit from the County Road Commission or Michigan Department of Transportation, as applicable.
 6. Any mobile home permitted by temporary permit for purposes other than a) or b) above prior to the effective date of this amendment, may be issued a temporary permit by the Zoning Administrator for continuation of use of an existing mobile home by the present occupant, but no other, provided the dwelling remains in good structural condition, the septic system and well remain approvable by the District Health Department and a performance guarantee pursuant to Section 18.13 is collected to insure the temporary mobile home is removed within thirty (30) days of its no longer being used by the present occupant.
- C. Temporary Contractor's Buildings: Temporary structures and temporary uses incidental to construction work, such as contractor storage buildings, semis or mobile homes used for contractor equipment, foreman offices and related activities, but not for habitation are not required to observe setbacks, and no temporary Zoning Permit is needed, provided:
1. Such buildings, structures or uses impede no clear vision area (see Section 15.3); and
 2. Are removed upon the completion or abandonment of the construction work or within the period of one (1) year, whichever period of time is the shortest.
- D. Temporary Real Estate Offices: Are permitted within approved development projects. No cooking or sleeping accommodations shall be maintained. The temporary Zoning Permit shall be valid for not more than one (1) year, but is renewable. The office shall be removed upon sale of seventy (70%) percent of the lots in the subdivision. A model home may be used as a temporary sales office.
- E. Churches & Schools: Temporary buildings incidental to a church or school, provided that all wiring, plumbing, fire protection and exits are approved by the Fire Chief and Building Inspector, and by relevant state agencies and all yard requirements of this Ordinance are met.
- F. Christmas Tree Sales: The display and sale of Christmas trees on a farm in the AG Districts or at a business in the Commercial Districts, or at a church in any District, is

Article VII
General Provisions

permitted without a temporary Zoning Permit, provided it is incidental and accessory to the principal use or a temporary use of a vacant lot. The display and sale of Christmas trees is permitted for a period not to exceed forty-five (45) days. All unsold trees must be removed from the property by December 31 of each calendar year. Any Christmas tree sales in a location or under circumstances other than those defined above is permitted only by a Temporary Zoning Permit issued at the discretion of the Zoning Administrator.

- G. Auctions: The public sale of property to the highest bidder shall be permitted for not more than five (5) days and no sales activity shall occur within thirty (30) feet of any street or road right-of-way. Off-street parking areas shall be provided and parking is prohibited within the right-of-way of a major thoroughfare.
- H. Roadside Stands: Roadside stands selling products grown on the premises are permitted in the AG District provided the following standards are complied with:
 - 1. Space for the parking of the customers' vehicles shall be furnished off the road right-of-way in the ratio of one (1) parking space for each fifteen (15) square feet of roadside stand floor area with a minimum of three (3) off-street parking spaces.
 - 2. The roadside stand shall be located at least twenty-five (25) feet from the edge of the road and any property line.
 - 3. Any roadside stand structure shall be seasonally erected and removed once the growing season is complete or November 1st, whichever comes first.
- I. Transient and Amusement Enterprises: Circuses, carnivals, other transient amusement enterprises, music festivals, and similar temporary gatherings of people, may be permitted as a conditional use in specified zoning districts if approved by the Planning Commission and upon the finding by the Planning Commission that the location of such activity will not adversely affect adjoining properties or adversely affect public health, safety, morals, or general welfare. The Planning Commission may require posting of a bond or other acceptable security payable to Keweenaw County in an amount sufficient to hold the County free of all liabilities incidental to the operation of such activity and indemnify any adjoining land owners for any damage resulting from operation of such activity. Such damages shall be provable before the court having jurisdiction over the premises upon which the damages occurred and shall be payable through such court.

Section 7.16 RESERVED FOR FUTURE USE

Section 7.17 RESERVED FOR FUTURE USE

Section 7.18 MINIMUM REQUIREMENTS FOR SINGLE FAMILY DWELLINGS

- A. It is the intent of this Section to provide a wide variety of single family housing options in Keweenaw County, including the need for lower cost single family housing while protecting the public health and safety. It is recognized that the modern mobile home and manufactured home compares favorably with existing site constructed dwellings, provided that such mobile homes and manufactured homes are similar in appearance, design, and construction with existing single family dwellings in the vicinity. It is the purpose of this Section to provide standards for the construction, installation, and appearance of all single family homes in order to insure compatibility with existing dwellings located in the surrounding area.

Article VII
General Provisions

- B. The following minimum requirements apply to all dwelling units outside of mobile home parks except as provided in subsection C of this Section.
1. All construction required in this Section shall be commenced only after a building permit has been obtained in accordance with the applicable Michigan Construction Code provisions and Ordinance requirements. Mobile homes which do not conform to the standards of this Section shall not be used for dwelling purposes within the county unless located within a mobile home park or unless used for temporary residence purposes as provided in Section 7.15.1.B.
 2. All dwelling units located outside of mobile home parks shall comply with the following requirements:
 - a. The wheels, pulling mechanism, and tongue of any mobile home shall be removed prior to placement on a foundation.
 - b. All dwellings shall be connected to a sewer system and water supply system approved by the District Health Department.
 - c. All dwellings shall provide steps or porch areas, permanently attached to the foundation, where there exists an elevation differential of more than one (1') foot between any door and the surrounding grade. All dwellings shall provide a minimum of two points of ingress and egress.
 - d. The dwelling shall not contain additions or rooms or other areas which are not constructed with similar or better quality work as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein. All additions to dwellings shall meet all of the requirements of this Ordinance and any applicable Codes.
 - e. All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity including: a 1:4 roof pitch, with either a roof overhang of not less than six inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along sides of the dwelling; not less than two exterior doors with the first one facing the front yard and the second one being in either the rear or side of the dwelling; and, contains permanently attached steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.
 - f. The compatibility of design and appearance shall be determined in the first instance by the Zoning Administrator upon review of the plans submitted for a particular dwelling. An appeal by an aggrieved party may be taken to the Board of Appeals within a period of fifteen (15) days from the receipt of notice of said Zoning Administrator's decision. Any determination of compatibility shall be based upon the standards set forth in this Section as well as the character, design, and appearance of single family dwellings located outside of mobile home parks within two thousand (2,000) feet of the subject dwelling where such area is developed with dwellings to the extent of not less than 20% of the lots situated within said area or, where said area is not so developed by the character, design, and appearance of one or more single family dwellings located outside of mobile home parks within a four (4)

Article VII
General Provisions

- square mile area. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
- g. Prior to issuance of a Zoning Permit for any dwelling unit, construction plans adequate to illustrate compliance with the requirements of this Ordinance shall be submitted to the Zoning Administrator. If the dwelling unit is a mobile home, there shall also be submitted adequate evidence to assure that the dwelling complies with all the standards applicable to mobile homes set forth in this Section.
 - h. All mobile homes shall meet the standards for mobile home construction contained in the United States Department of Housing and Urban Development of Housing and Urban Development Regulations entitled "Mobile Home Construction and Safety Standards" effective June 15, 1976, as amended. All other dwellings shall meet the requirements of the State Construction Code. All dwellings shall meet or exceed all applicable roof snow load and strength requirements.
 - i. A minimum of one hundred (100) square feet of enclosed storage space, excluding closets, shall be provided for each dwelling. Said enclosed storage space may consist of a basement, garage, shed or other structure, as approved by the Zoning Administrator.
 - j. For legal nonconforming mobile homes that are located outside mobile home parks, mobile home plats, or of places where Temporary Permits for placement of a mobile home have been issued; once that mobile home is removed it must be replaced with a mobile home in good condition that is also certified by the American National Standards Institute or the HUD Mobile Home Construction and Safety Standards or by a site constructed home or manufactured home that meets all applicable code requirements.
- C. A single family dwelling in the AG, CE, R-1, R-2, RR, RS-1 and R-2 districts, including a mobile home except in a mobile home park, shall have a minimum width of twenty (20) feet over fifty (50) per cent of the entire structure length.

Section 7.19 CONDOMINIUM SUBDIVISIONS

All condominium subdivisions shall conform to the following provisions in addition to all other applicable District provisions and shall be approved pursuant to the requirements of Article XIII, Planned Unit Development Regulations.

- A. A condominium unit, including single-family detached units, shall comply with the applicable site development standards contained in the district in which it is located unless those standards are waived as part of a PUD approval pursuant to the requirements of Article XIII.
- B. A condominium subdivision shall comply with the requirements of the Michigan Department of Environmental Quality and the District Health Department pertaining to potable water supply and waste disposal facilities.
- C. The condominium subdivision shall provide for dedication of easements to the appropriate public agencies for the purposes of construction, operation,

Article VII
General Provisions

maintenance, inspection, repair, alteration, replacement and/or removal of pipelines, conduits, mains and other installations of a similar character for the purpose of providing public utility services, including conveyance of sewage, potable water and stormwater runoff across, through and under the property subject to said easement, and excavation and refilling of ditches and trenches necessary for the location of such installations.

- D. In addition to the materials required by Article XVIII, Site Plan Review Requirements, and other requirements of Article XII, Planned Unit Development Regulations, a PUD permit application for a condominium subdivision shall include a condominium subdivision plan containing the following information:
1. A site plan showing the location, size, shape, area and width of all condominium units.
 2. A description of the common elements of the condominium subdivision as will be contained in the master deed.
 3. Proposed use and occupancy restrictions as will be contained in the master deed.
- E. All provisions of the condominium subdivision plan which are approved by the County Board of Commissioners shall be incorporated, as approved, in the master deed for the condominium subdivision. Any proposed changes to the approved condominium subdivision plan shall be subject to review and approval by the Planning Commission as an amendment to a PUD, subject to the procedures of Article XII.
- F. All condominium projects which consist in whole or in part of condominium units which are building sites shall be marked with monuments as provided below:
1. Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium subdivision if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.
 2. All monuments used shall be made of solid iron or steel bars at least one half (1/2) inch in diameter and thirty six (36) inches long and completely encased in concrete at least four (4) inches in diameter.
 3. Monuments shall be located in the ground at all angles in the boundaries of the condominium subdivision; at the intersection lines of streets with the boundaries of the condominium subdivision and at the intersection of alleys with the boundaries of the condominium subdivision; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys; and at all angles of an intermediate traverse line.
 4. If the required location of a monument is in an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the condominium subdivision and referenced to the true point.
 5. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one half (1/2) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
 6. All required monuments shall be placed flush with the ground where practicable.
 7. All lot corners shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one half (1/2) inch in diameter or other approved markers.

**Article VII
General Provisions**

- G. All streets within a condominium subdivision shall be public and shall be constructed in compliance with the construction standards of this Ordinance or as otherwise required by the County Road Commission.

Section 7.20 RESERVED FOR FUTURE USE

Section 7.21 RAZING OF BUILDINGS

No building shall be razed until a demolition permit has been obtained from the Building Inspector who shall be authorized to require a performance bond in any amount not to exceed one thousand dollars (\$1,000) for each one thousand (1,000) square feet or fraction thereof of floor area of the building to be razed. That bond shall be conditioned on the applicant completing the razing within such reasonable period as shall be prescribed in the permit and complying with such regulations as to health and safety as the Building Inspector may, from time to time, prescribe, including filling of excavations and proper termination of utility connections. If the building is safely razed and the site cleaned as specified in the permit, then the bond shall be returned within thirty (30) days of completion of the razing. If razing is not accomplished according to the terms of the approval, then the county shall cash the performance bond and use the money to restore the site to a safe condition. Costs in excess of the bond shall be charged back to the property owner and placed as a lien on the property if not paid in a timely fashion. This performance bond will be administered as described in Section 18.13, except, as described above, the Building Inspector rather than the Zoning Administrator is responsible for administering this requirement, and that Planning Commission approval is not necessary to return the bond.

Section 7.22 MOVING OF BUILDINGS

No existing building or structure shall be moved into or within the county unless in accordance with a moving plan approved by the Zoning Administrator pursuant to Section 18.8. The relocated structure shall comply with all the requirements of this Ordinance.

Section 7.23 DAMAGED BUILDINGS

Any building or structure that has been partially destroyed by fire, storm, water, or other disaster, or is in such a state of disrepair, as to be declared unsafe or unfit for human occupancy by the proper authority shall either be entirely removed or repaired by the owner within twelve (12) months from the date of the determination or the effective date of this Ordinance. In the interim, the site shall be fenced or otherwise protected and prevented from becoming a nuisance.

Section 7.24 RESERVED FOR FUTURE USE

Section 7.25 VACATED STREET

Whenever any street, alley, or other public way is vacated by official action, the zoning district adjoining each side of such public way shall automatically be extended to the center of such vacation.

Article VII
General Provisions

Section 7.26 ACCESS MANAGEMENT STANDARDS

7.26.1 Curb Cuts and Driveways: No driveway shall connect to a public street or road without first receiving approval of the driveway location and cross section specifications from the County Road Commission on a county road or the Michigan Department of Transportation (MDOT) on a state highway. However, such approval shall not be given where such curb cuts and driveways shall cause an unreasonable increase in traffic hazards, including but not limited to allowing adequate sight distance for ingress and egress.

- A. All plans for structures to be erected, altered, moved or reconstructed, and use of premises within the county shall contain a plan for the proposed driveway access to the premises. Such plan shall be approved by the Zoning Administrator prior to the issuance of a Zoning Permit. No such plan shall be approved unless such driveway access is onto a dedicated public street or road, or to a pre-existing private street or road. Driveways shall, at a minimum, meet the following standards:
1. Storm drains shall be installed in line with and on the same grade as those being connected with.
 2. Drives should enter perpendicular to the existing public street, private street, or alley.
 3. No portion of the driveway entrance within the right-of-way shall have a grade of greater than fifteen (15) percent (1 foot vertical rise in 6.7 feet of horizontal distance) unless a greater slope is necessary because of site conditions.
 4. The driveway shall meet clear vision standards of Section 15.3.
 5. Driveways shall be a minimum of fifty (50) feet from the nearest right-of-way line of an intersecting road or street except on a nonconforming lot of record, in which case the maximum separation feasible shall be achieved, but in no case shall it be less than twenty-five (25) feet.
 6. Driveways shall be designed to minimize runoff and erosion and shall not alter existing drainage unless approved by the County Road Commission or MDOT depending on which agency is responsible.
- B. The County Road Commission or MDOT shall inspect the driveway as developed for compliance to the above standards and shall so notify the Building Inspector prior to issuance of a Building Permit.
- C. In nonresidential zones, no more than one driveway shall be allowed per lot or parcel on a street unless separated by two hundred (200) feet, or unless traffic safety requires another driveway within a shorter distance as established by the County Road Commission, or MDOT or a qualified traffic engineer by means of a traffic impact study prepared according to MDOT guidelines, or unless additional driveways are permitted in Special Use standards for a particular use.
- D. The new driveways shall align with existing or planned driveways, crossovers, turn lanes or other access features. This shall only be required if the resulting alignment provides safe access and if all other access requirements of this Ordinance are met.
- E. The location of new driveways shall conform with road improvement plans or corridor plans that have been adopted by the County Road Commission or Michigan Department of Transportation.
- F. No driveway shall serve more than one (1) dwelling unless the use is duplex, a multiple-family structure, a PUD, an apartment building, or the Zoning Administrator approves allowing not more than two dwelling units to be served by a single driveway pursuant to Section 7.26.3.

Article VII
General Provisions

- G. An individual driveway serving more than one non-residential use is permitted as described in Section 7.26.2.
- H. No single or two-family driveway shall have a width of less than nine (9) feet or more than sixteen (16) feet at the street right-of-way line. The curb cut, including flares, shall not be more than 1.5 times the width of the driveway at the street right-of-way.

7.26.2 Nonresidential Access: No nonresidential use access shall cross residentially-zoned property. Nonresidential driveway width at the sidewalk shall be at least twenty-five (25) feet for two-way access and at least fifteen (15) feet for one-way access unless a different width is more appropriate for the use characteristics as determined by the County Road Commission or MDOT as appropriate.

7.26.3 Driveways per Parcel: All land in each parcel having a single tax code number, as of the date of the amendment adding this provision to the Ordinance, which front on one side of a major thoroughfare shall be entitled to one (1) driveway access from that street or highway. Subsequent division of each parcel, either as metes and bounds descriptions, as plats created in accord with P.A. 288 of 1967 as amended, or as site condominiums in accord with Act 59 of 1978 as amended, shall provide access by a single public road or by an approved joint parking area or driveway, as described in Section 14.2.5. No direct additional access to the major thoroughfare shall be permitted with subsequent land divisions unless the parcel has more than six hundred (600) feet of frontage and driveway separation is at least six hundred (600) feet; except following a careful review of on site conditions by the County Road Commission or MDOT, as applicable, a lesser separation distance is approved. However, if a parcel is split by a street or road, there may be a driveway on both sides of the road, provided they are both in direct alignment with one another.

Two driveways per parcel will be allowed with the correct permits being obtained from the proper Highway Authority, County Road Commission, or Michigan Department of Transportation. The driveway permits must be obtained prior to the granting of a County Zoning Permit.

Section 7.27 SIDEWALKS

Every subdivision, condominium project, PUD, commercial, industrial, marina or other public or private project newly constructed in the county or which must go through site plan review shall have sidewalks or another approved walkway system at least five (5) feet in width that meet the construction standards of the county for sidewalks.

**Article VII
General Provisions**

Section 7.28 PUBLIC STREET STANDARDS

7.28.1 Requirements: New public roads or streets shall conform to the requirements of this Section.

7.28.2 Construction Standards: The creation of a street that serves a division of land, a subdivision or a parcel shall meet or exceed the cross-sectional construction standards established by the County Road Commission in their "Procedures for Plat Development, New Road Construction and Standards & Specifications."

7.28.3 Right-of-Way Width: All streets shall have a minimum right-of-way easement of at least sixty-six (66) feet.

7.28.4 Dedication of Rights-of-Way or Easements: All new streets shall be dedicated to and accepted by the public, and no structure or development activity shall be established within approved rights-of-ways or easements. All plans as submitted for approval must show the proposed street including a legal description and sketch of description, and must include profiles with the horizontal and vertical alignments and drainage systems for these streets.

7.28.5 Connection to County Roads and State Highways: Construction authorization from the County Road Commission is required for connection to county roads and from the Michigan Department of Transportation for connection to a state highway. At the discretion of the County Board of Commissioners, a proposed public street may be disapproved unless it connects to another public street or road within the County when necessary to provide safe traffic flow and emergency vehicle access.

7.28.6 Cul-de-Sacs: Cul-de-sacs shall meet or exceed cross-section specifications established by the County Road Commission and:

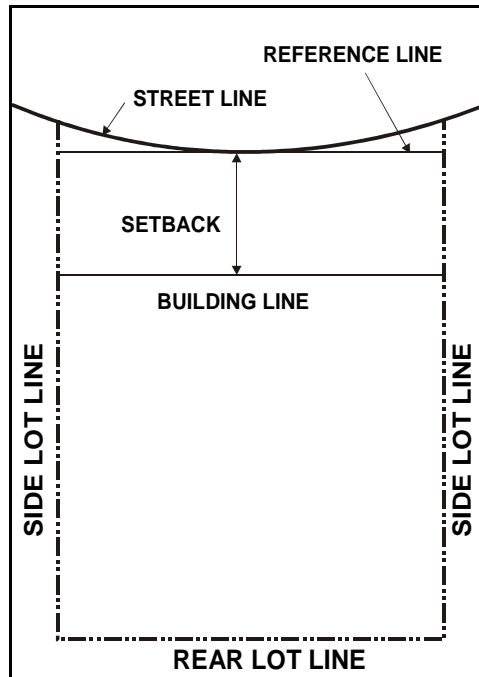
- A. Any cul-de-sac shall terminate at the property line except when precluded by a natural barrier or when the cul-de-sac terminates at the last available lot or parcel within the development which lot or parcel fronts upon the cul-de-sac.
- B. Frontage measurements for cul-de-sac lots shall be from the curve tangent that meets both side lot lines. See Figure 7-1.
- C. Not more than four (4) lots or parcels shall have frontage on a cul-de-sac.

7.28.7 RESERVED FOR FUTURE USE.

7.28.8 Maximum Number of Lots Served: No more than twenty-five (25) lots may gain access to a single street if only one point of intersection is provided between the new street and another existing public street. No more than seventy-five (75) lots may gain access to a new street where two or more points of intersection are provided between the new street and other public streets.

**Article VII
General Provisions**

Figure 7-1
LOTS FRONTING ON A CUL-DE-SAC



7.28.9 Application Review and Approval or Rejection:

- A. The Zoning Administrator shall review, and send to the County Road Commission for review and comment, the plans of a new public street. If the new street is proposed to connect to a county road or state highway, a copy of the application shall be sent to the County Road Commission or MDOT as applicable, for review and comment with a date specified as to when comments are needed.
- B. The Zoning Administrator, MDOT, County Attorney and 911 Street Addressing recommendations shall be forwarded to the County Road Commission for final approval. The Zoning Administrator shall ensure that new public streets conform to the standards of this Ordinance.
- C. The Zoning Administrator will arrange for inspections by the County Road Commission during construction of, and upon completion of the new street.
- D. If the application is rejected, the reasons for the rejection and any requirements for approval shall be given in writing to the applicant.

7.28.10 Failure to Perform: Failure by the applicant to begin construction of the new street according to approved plans on file with the county within one (1) year from the date of approval shall void the approval and a new plan shall be required by the county subject to any changes made herein or subject to any changes made by the county in its standards and specifications for road construction and development. The new street shall be completed within one and one-half (1 ½) years of the date of approval of the street.

7.28.11 Issuance of Building Permit: No building permit shall be issued for a structure on any new public street until such street is given final approval by the County Road Commission.

Article VII
General Provisions

7.28.12 Posting: All new public streets shall be designated as such and shall be posted by the county with an easily readable name which can be clearly seen in an emergency. The sign shall be paid for by the developer. The Zoning Administrator shall check with adjoining jurisdictions to avoid a duplicate of names and give approval of same. If the street is a stub street that eventually will be extended into adjoining property, the street shall have a sign posted at the end of the stub clearly informing sign readers that the stub street will someday be expanded.

Section 7.29 PRIVATE ROAD DEVELOPMENT

7.29.1. Intent: The purpose of this Section is to provide for the general location, character, and extent of private roads in Keweenaw County. Lot orientation and other development circumstances also are regulated herein. The private road development Section is hereby established to provide for the proper development and utilization of land abutting private roads while at the same time making proper provision for the present and future health, safety and welfare of the people of the community.

7.29.2. Uses Regulated: Except as provided below, any development resulting in the use by one or more lots, parcels or site condominium units of a roadway other than a public road for direct access must be reviewed and the private road approved before any Zoning Permits are issued. In the case of a private road that is part of a development requiring site plan review, the private road may be approved as part of the site plan review process. In those cases, the Site Plan Review Committee may require the same information as in this Article for private road approval and shall use the same standards for approval as contained in this Article.

- A. Townships subject to this Zoning Ordinance which have an adopted private road ordinance automatically waive the application of this Section 7.29 on proposed private roads in that Township, if that Township reviews and approves a private road proposal pursuant to the private road ordinance effective in that Township.
- B. Private roads in place at the effective date of this Ordinance are nonconforming and exempt from the provisions of this Section 7.29, provided:
 - 1. The private roads were built and have been subsequently maintained in accordance with any regulations, permit or agreement in place at the time they were approved; and
 - 2. Any increase in the number of dwelling units served by a nonconforming private road will require the private road serving that lot to be examined in light of these standards, and the private road may be required to be upgraded per the standards of this Section 7.29 and prior to issuance of a Zoning Permit for any new dwellings served by the private road, if the private road is found to be substandard.

7.29.3. Preliminary Conference with Zoning Administrator: The applicant shall contact the Zoning Administrator to request a preliminary conference prior to any financial investment in the proposed development, in order to ensure it will be compatible with County Ordinances. There is no extra fee for the preliminary conference.

Article VII
General Provisions

7.29.4. Application for Private Road Development Permit:

- A. Following a preliminary conference with the Zoning Administrator, if the applicant wishes to proceed, the applicant must file an application for a Private Road Development Permit with the Zoning Administrator, pay the required filing fee and request placement of the request on the Planning Commission agenda.
- B. The applicant must provide proof of ownership or written consent of the property owner to make the application, along with the address of the applicant and owner (if different).

7.29.5 Site Plan Submittal Requirements:

- A. The information in B. below shall be on or accompany a site plan depicting the proposed private road unless waived by the Zoning Administrator.
- B. Sufficient copies of a site plan in a scale of at least 1" = 100' must be provided to the Zoning Administrator at least forty-five (45) days prior to a Planning Commission meeting. The site plan shall include the following:
 - 1. A sketch showing the general relationship of the proposed property division to the surrounding area within one-half (1/2) mile in a scale of not less than 1" = 200'.
 - 2. Property lines of existing or proposed parcels to be served by the private road, property lines of adjacent tracts of subdivided and un-subdivided land, shown in relation to the proposed property division (if any), including those areas across abutting roads.
 - 3. Locations, widths, and names of existing or prior easements of record, public and/or private.
 - 4. Location of existing sewers, water mains, storm drains and other underground facilities within or adjacent to the property.
 - 5. Existing and proposed drainage patterns and any proposed retention ponds.
 - 6. For parcels over twenty (20) acres in size, the site plan shall show the topography drawn as contours with the interval available on the U.S. Geological Survey map of the area where the property is located.
 - 7. The location of significant natural features such as natural water courses, bodies of water, wetlands, and slopes over twelve (12) percent.
 - 8. Indication of parcels of land intended to be dedicated or set aside for public use or for the use of property owners in the subdivision for dedicated open space easements, or easements for future utilities, if any.
 - 9. Future divisions, if any.
 - 10. Layout of the proposed private road, indicating right-of-way widths, surface width, grades, connections to other private roads or public streets.
 - 11. Proposed private road maintenance agreement and proposed private road easement agreement.
 - 12. Proposed street name.

7.29.6 Road Commission & County Prosecutor Review: A copy of the private road site plan and all attachments shall be transmitted by the Zoning Administrator to the Keweenaw County Road Commission for review and comment. The Zoning Administrator shall send the proposed road maintenance agreement and road easement agreement to the County Prosecutor for review and comment. At least fourteen (14) days shall be provided for their review and comment. A reply shall be provided to the

Article VII
General Provisions

Zoning Administrator. If no response is received, it shall be conclusively presumed that the County Prosecutor has no objections.

7.29.7 Standards for Approval: The following criteria represent minimum standards for approval of private roads. The approving body shall determine if unusual conditions exist that warrant higher standards or conditions of approval. Any unusual conditions shall be set forth in the record of the approving body along with the rationale for higher design standards or conditions of approval.

- A. All private roads serving fifteen (15) or more dwellings shall have a minimum sixty-six (66) foot wide right-of-way and be built to Keweenaw County Road Commission specifications, as outlined in "Procedures for Plat Development, New Road Construction and Standards and Specifications" Private roads and single access drives that serve one (1) through fourteen (14) single family dwellings shall conform with the requirements in Table 7-2.
- B. Building setbacks shall be measured from the outside edge or boundary of the private road right-of-way easement. This will help provide snow storage from plowing and minimum space for storm water runoff.
- C. Private roads shall be planned and so constructed in relation to land contours and obstructions as to provide safe, adequate, ingress and egress by private driveway for each parcel. Clearing and grubbing is required for a clear line of sight and passage throughout the corridor, with a minimum of fifteen (15) feet wide and fifteen (15) feet of clear height throughout the corridor. This will accommodate fire fighting equipment, other emergency vehicles, snow plows, school buses, sanitation vehicles and similar service vehicles.
- D. Road layout shall fit the general pattern established by adjacent roads and streets. All intersections shall be at ninety (90) degree angles.

**Article VII
General Provisions**

**Table 7-2
SINGLE ACCESS DRIVE & PRIVATE ROAD STANDARDS**

# of Lots Served	Roadway Width or Easement Width	Width of Improved Road Surface	Surface Type	Bump Out or Turnaround	Ditch/Utilities Minimum Side Slope	Max Grade
1	20 ft.	10 ft.	Dirt/gravel	18 ft. x 60 ft. at 400 ft. intervals	Min. 2 ft. below shoulder with side slope of 1:3 or 33%	6% up to 10% with approval of Fire Chief
2-4	33 ft.	18 ft. with 2 ft shoulders on each side	6" gravel/clay mix over 6" granular material	Cul-de-sac min. 120 ft. radius with 12 ft. one-way traveled surface, OR Hammer-Head T, 198 ft. by 66 ft. ROW with 18 ft. of road surface back-in/turn around	Min. 2 ft. below shoulder with side slope of 1:3 or 33%	6% up to 10% with approval of Fire Chief
5-15	66 ft.	20 ft. with 3 ft shoulders on each side	6" gravel/clay mix over 6" granular material	Cul-de-sac min. 120 ft. radius with 12 ft. one-way traveled surface, OR Hammer-Head T, 198 ft. by 66 ft. ROW with 20 ft. of road surface back-in/turn around	Min. 2 ft. below shoulder with side slope of 1:3 or 33%	6% up to 10% with approval of Fire Chief
>15	66 ft.	20 ft. with 5 ft. shoulders on each side	2" Bituminous over 5" aggregate over 12" class II sub-base	Cul-de-sac min. 120 ft. radius with 12 ft. one-way traveled surface, OR Hammer-Head T, 198 ft. by 66 ft. ROW with 20 ft. of road surface back-in/turn around	Min. 2 ft. below shoulder with side slope of 1:3 or 33%	6% up to 10% with approval of Fire Chief

- E. All road sub-bases shall be designed, constructed and maintained to withstand usage by utility, service and emergency vehicles. The ground for a road shall be prepared as follows:
1. Fill slopes must not be constructed on natural slopes steeper than one (1) unit vertical in two (2) units horizontal (50% slope). The ground surface must be prepared to receive fill by removing woody vegetation such as shrubs, topsoil and other unsuitable materials and scarifying to provide a bond with the new fill.

Article VII
General Provisions

- Where slopes are steeper than one (1) unit vertical in five (5) units horizontal (20% slope) and the height is greater than five (5) feet, stability must be achieved by benching at the toe into sound bedrock or other competent material.
2. Composition of fill material must follow these requirements:
 - a. Detrimental amounts of organic material will not be permitted in fills
 - b. Rock sizes greater than twelve (12) inches in maximum dimension must be placed two (2) feet or more below grade, measured vertically.
 - c. Rocks must be placed so as to assure filling of all voids with well-graded soil
 - d. The upper two (2) feet of fill must be compacted for stability in preparation for placement of surfacing material.
 - F. Regulation Michigan State Highway stop signs shall be positioned and installed in accordance with the "Michigan State Manual of Uniform Traffic Control Devices" on all private roads where such roads intersect public streets or another private road.
 - G. Rights-of-way shall connect the private road system of the proposed development to any road or right-of-way of existing abutting developments or subdivisions where an existing road or right-of-way terminates at the boundaries of the proposed development. This requirement may be waived by the Planning Commission for private roads serving more than four (4) lots, or the Site Plan Review Committee for private roads serving four (4) or fewer lots. The waiver may be granted if findings in the record of the approving body show that natural barriers, pre-existing man-made barriers, or other factors result in a practical difficulty which is greater than the public safety and traffic efficiency benefits to be gained by the connection.
 - H. A private road legal description shall grant easements for installation and maintenance of public utilities.
 - I. The layout of roads shall provide a continuous circuit of travel. This requirement may be waived by the Planning Commission for private roads serving more than four (4) lots, or the Site Plan Review Committee for private roads serving four (4) or fewer lots. The waiver may be granted upon making finding in the record of the approving body that the lands to be developed are limited in area by purpose or by natural barrier. Granting of the waiver allows the road to terminate in an approved cul-de-sac that meets the design requirements in the Keweenaw County Road Commission specifications, as outlined in their publication "Procedures for Plat Development, New Road Construction and Standards & Specifications", provided a right-of-way is established extending from the end of the cul-de-sac to the development boundary. Road right-of-ways or easements created for this purpose shall be non-exclusive and shall prohibit the construction or placement of buildings or structures within the right-of-way. Where a natural barrier exists or a future tie-in with an existing road in an adjoining development or subdivision is not feasible, this right-of-way requirement may be also waived.
 - J. Names of all private roads may be suggested by the applicant and are subject to the approval of the Keweenaw County Road Commission. Directional and street signs shall be erected at the cost of the applicant, in the same manner and method, and in accordance with the requirements of this Ordinance.
 - K. The road maintenance agreement signed by applicant/owner(s) to be recorded with the County Register of Deeds shall provide for:
 1. A method of initiating and financing of such road in order to keep the road up to properly engineered specifications and free of snow or debris.
 2. A workable method of apportioning the costs of maintenance and improvements to current and future properties served by the private road.

Article VII
General Provisions

3. A notice that if repairs and maintenance are not made, the County may bring the road up to established County Road Commission standards for public roads and assess owners of parcels on the private road for the improvements, plus an administrative fee in an amount not to exceed twenty-five (25) percent of total costs.
4. A notice that no public funds of the County of Keweenaw are to be used to build, repair, or maintain the private road.
- L. Road easement agreement signed by the applicant/owner(s) to be recorded with the County Register of Deeds providing for:
 1. Easements to the public for purposes of emergency and other public vehicles for whatever public services are necessary.
 2. A provision that the owners of any and all of the property using the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress, egress and use shall include use by family, guests, invitees, vendors, tradesman, delivery persons, and others bound to or returning from any of the properties having a need to use the road.
- M. Spacing of Private Roads: No more than one (1) private road may be established for each parcel of land existing at the time of the effective date of this provision, and it shall have at least the roadway width or easement depicted on Table 3-1, depending on the number of dwelling units serviced. Private roads, or driveways serving an individual parcel, which are created after the effective date of this provision, must observe at least six hundred (600) feet of separation between the center lines of driveways, private roads and any intersecting public roads as measured along the centerline of the public street to which the driveway or private road connects.
- N. Private roads which serve four (4) or more lots; or that are located in the AG, TR and CE Districts may reduce the required minimum lot frontage to one-hundred (100) feet for the lots fronting on the private road.
- O. Nothing in this section shall be interpreted to allow residential development that requires platting under the Land Division Act, as amended to occur without first obtaining approval as a platted subdivision.
- P. Failure to maintain the private road in compliance with the standards for horizontal and vertical clearance, ditching, road and shoulder grading, and the other dimensional requirements of Table 7-2 shall constitute a violation of this Ordinance.
- Q. The plan requirements of the County Road Commission publication "Procedures for Plat Development, New Road Construction and Standards & Specifications" shall be followed in addition to the site plan requirements of Part IV of Article 18, for all private roads serving more than fifteen (15) lots. Plans shall be prepared and endorsed by a Michigan registered civil engineer. As built plans are required and shall contain the engineer's certification that all specifications have been complied with during construction and that the plans are a true representation of the actual construction.

7.29.8 Application Review and Approval or Rejection:

- A. The private road shall be reviewed as part of the review of the development proposal served by the proposed road. Said review may be conducted as part of a site plan review process, or at the applicant's discretion, separately if no other development approvals from the County are needed.
- B. If the private road plans are approved by the Site Plan Review Committee, construction authorization will be issued by the Zoning Administrator. One copy of

Article VII
General Provisions

the approved plan shall be returned to the applicant. If the application is rejected, the reasons for the rejection and any requirements for approval shall be given in writing to the applicant.

7.29.9 Issuance of Permit for Structures Served by Private Roads:

- A. No Building Permit or Occupancy Permit shall be issued for a structure or use provided access by a private road until such private road is approved pursuant to the requirements of Section 7.29.8.
- B. No private road shall be constructed until the Zoning Administrator has issued a Private Road Construction Permit and a Soil Erosion and Sedimentation Control Permit has been issued by the Soil Erosion and Sedimentation Control officer, when applicable.

7.29.10 Failure to Perform: Failure by the applicant to begin construction of the private road according to approved plans on file with the Zoning Administrator within one (1) year from the date of approval shall void the approval and a new site plan shall be required by the County subject to any changes made herein or subject to any changes made by the County Road Commission, Planning Commission or County Board of Commissioners in its standards and specifications for road construction and development.

7.29.11 Notice of Easements: All purchasers of property where a private road provides access to the premises shall, prior to closing of the sale, receive from the seller a notice of easement, in recordable form, substantially conforming to the following:

“This parcel of land has private road access across a permanent easement which is a matter of record and a part of the deed.

This notice is to make Purchaser aware that this parcel of land has egress and ingress over this easement only.”

Section 7.30 RESERVED FOR FUTURE USE

Section 7.31 RESERVED FOR FUTURE USE

Section 7.32 KEEPING OF ANIMALS AND LIVESTOCK

The following shall apply to the keeping of animals and livestock:

- A. The having or keeping of livestock, except chickens, and other farm animals, is permitted on any lot in the AG district, and on any lot larger than five (5) acres in the CE, RR and R-1 districts, and such animals are not permitted in any other district.
- B. Backyard Poultry
 - a. Limit the raising of chickens to single or two family residences only and the number of chickens to six (6) per residence.
 - b. No roosters may be kept due to noise.
 - c. Poultry shall not be allowed in a residence, porch, or attached garage. Chickens must be confined in a coop in the backyard of a residence. An outside enclosed run may be allowed.
 - d. The owner shall dispose of all waste materials in an environmentally safe manner. The materials can be composted or bagged and disposed of in the trash.

Article VII
General Provisions

- e. The poultry coop shall be the normal setback and at least twenty (20) feet from a neighboring residence.
- f. The impact and spread of disease can be reduced if households with poultry can be readily identified. Zoning permits are required; a site visit is not necessary.
- C. Non-domesticated, wild, or exotic species of animals, or crossbreeds or hybrids thereof, shall be allowed only with written approval of the County Animal Control Officer or supervising agency with jurisdiction.
- D. No storage or unusual accumulation of manure or odor or dust-producing materials shall be permitted in any district within one hundred (100) feet of any side or rear property line abutting a residential district or existing structure used for residential purposes.
- E. All buildings in which livestock and other animals are sheltered shall be located in a structure a minimum of one-hundred (100) feet from any property line.
- F. The provisions of this section shall not be interpreted to restrict any rights of farmers on land in districts in which agriculture is permitted in this Ordinance from the keeping of livestock in a manner permitted under Michigan's Right to Farm Act, being Public Act 93 of 1981, as amended, or consistent with any management practices established pursuant to that Act.

Article VIII
(RESERVED FOR FUTURE USE)

**ARTICLE IX
NONCONFORMING LOTS, USES AND STRUCTURES**

Section 9.1 INTENT AND PURPOSE

It is recognized that there exists within the districts established by this Ordinance and subsequent amendments, lots, structures, and uses of land and structures which were lawful before this Ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments.

It is the intent of this Article to permit legal nonconforming lots, structures or uses to continue until they are removed or terminated, but not to encourage their survival.

Section 9.2 NONCONFORMING LOTS

- A. In any District permitting residences, a single-family detached dwelling and its accessory structures may be erected on any legal lot or parcel of record that was recorded in the office of the County Registrar of Deeds before August 14, 1975, provided such lots meet the requirements of subsections B, C and D below. No use of any nonconforming lot of record which was divided after the effective date of this Ordinance shall be permitted which created a lot with a width, depth or area below the requirements stated in this Ordinance.
- B. Where two or more vacant nonconforming lots were in common ownership on August 14, 1975, and have remained in common ownership since then, and were contiguous to one another along side lot lines, such lots shall be considered as a single lot of record for purposes of this Ordinance, and no portion of said parcel shall be used in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall they be transferred or sold except in blocks that equal the original ownership interest, or in a combination of lots that meets the minimum requirements of the District in which they are located.
- C. Provided that adequate potable water and proper and safe septic or sewerage disposal can be provided, as determined by the District Health Department, the Zoning Administrator shall permit single lots of record or combinations of single lots of record (those in subsection B above) that are nonconforming because they are substandard in area, width, or depth to be built on without variances provided the requirements for yards, width, depth and area is no less than seventy-five (75%) percent of that required by the terms of this Ordinance. Further, the Zoning Administrator shall allow setbacks for front, rear, and side yards which are compatible with neighboring/adjacent principle structures provided that no front/rear yard be less than ten (10) feet, no side yard be less than seven and one half (7.5) feet, and no waterfront setback be less than twenty (20) feet.
- D. The Zoning Board of Appeals shall consider a request for a variance of area, width, depth or yard requirements for legal nonconforming lots of record, beyond that permitted by the Zoning Administrator in subsection C. above, and may grant such a variance when other nonconforming lots in the area have already been built upon or fairness otherwise dictates such a result. Such a variance shall be conditioned upon

Article IX
Nonconforming Lots, Uses and Structures

approval of the necessary safe water and septic/sewer disposal by the District Health Department, and without such approval, neither the Zoning Administrator nor Building Administrator shall issue a permit authorizing use of such lot for residential or other purposes requiring potable water and safe sewerage disposal.

Section 9.3 NONCONFORMING USES OF LAND

Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued in the same manner and to the same extent as it existed when it became nonconforming, and so long as it remains otherwise lawful, subject to the following provisions:

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

Except in the case of gravel extraction operations, existing holes may be worked and enlarged on the land which constituted the lot or parcel on which operations were conducted at the time of becoming nonconforming. However, no new holes shall be established unless a Special Use Permit is obtained pursuant to the procedures of Article X and the applicable standards of Section 10.12.13.

- B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Article, nor to any other lot or parcel, unless reestablished in conformance with the requirements of this Ordinance.

Section 9.4 NONCONFORMING STRUCTURES

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

- A. No such structure may be enlarged or altered in a way which increases its nonconformity, but the use of a structure and/or the structure itself may be changed or altered, provided that all such changes are also in conformance with the requirements of the District in which it is located. Furthermore, a nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use and which existed at the time of the adoption of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- B. Should such structure be destroyed by any means it shall not be reconstructed except in conformity with the provisions of this Ordinance, unless it is impractical to do so, in which case it shall be rebuilt on not more than the building footprint at the time of destruction and in accordance with section 9.4.A above.
- C. Should such structure be moved for any reason for any distance whatever on the same or a different lot or parcel, it shall thereafter conform to the regulations for the District in which it is located after it is moved.

Article IX
Nonconforming Lots, Uses and Structures

- D. Any structure, or structure and land in combination, in 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.

Section 9.5 CHANGES IN NONCONFORMING USES IN BUSINESS AND INDUSTRIAL DISTRICTS

Irrespective of other requirements of this Article in any business or industrial district, if no structural alterations are made, any nonconforming use of a structure and premises may be changed to another nonconforming use of the same or a more restricted use classification, provided that the Board of Appeals, either by general rule or by making findings in the specific case, finds and documents that the proposed use is equally appropriate or more appropriate to the District than the existing nonconforming use. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Article. Where a nonconforming use of a structure, land or structure, and land in combination is hereafter changed to a more restrictive use classification, then it shall not thereafter be changed to a less restricted use classification.

Section 9.6 REPAIRS AND MAINTENANCE

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing to an extent not exceeding fifty percent (50%) of the assessed value of the building. Nothing in this Article 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.

Section 9.7 CHANGE OF TENANCY OR OWNERSHIP

A nonconforming building, structure, use or lot may be sold or a tenant may change with the nonconforming use right intact, provided that the physical dimensions of the nonconforming lot, or the use of the nonconforming structure or lot do not result in a change contrary to the requirements of this Article (see especially Section 9.2).

Section 9.8 DISTRICT CHANGES

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

Section 9.9 HARDSHIP CASES

Article IX
Nonconforming Lots, Uses and Structures

Nonconforming buildings or structures may be structurally changed, altered or enlarged with the approval of the Board of Appeals when the Board finds that the request is a case of exceptional hardship in which failure to grant the relief requested would unreasonably restrict continued use of the property or would restrict valuable benefits that the public currently derives from the property as used in its nonconforming status, except that any approval for structural changes, alterations, or enlargements may be granted only with a finding by the Board of Appeals that approval will not have an adverse affect on surrounding property and that it will be the minimum necessary to relieve the hardship.

Section 9.10 ILLEGAL NONCONFORMING USES AND LOTS

- A. Nonconforming uses of structures or land existing at the effective date of this Ordinance that were established without zoning approval or without a valid building permit or those nonconforming uses which cannot be proved conclusively as existing prior to the effective date of this Ordinance shall be declared illegal nonconforming uses and are not entitled to the status and rights accorded legally established nonconforming uses.
- B. Lots or parcels which are substandard in area, width or depth and were established after the effective date of this Ordinance, August 14, 1975 are illegal lots of record and are not entitled to the status and rights accorded legally established nonconforming lots.

Section 9.11 NONCONFORMING USE DISCONTINUED

In the event that any nonconforming use of land or use of a structure is abandoned for a period of twelve (12) consecutive months, any subsequent use shall conform to the uses permitted in the District in which the premises are located.

Section 9.12 ELIMINATION OF NONCONFORMING USES

Property owners are strongly encouraged to make changes to their property over time, which bring it into conformance with this Ordinance. The County may eliminate any and all nonconforming uses it deems necessary to advance the public health and safety interests of the citizens of the County by whatever means are provided by law in such cases.

Article X
Special Land Use and Conditional Use Regulations

Article X
SPECIAL LAND USE AND CONDITIONAL USE REGULATIONS

Section 10.1 PURPOSE

The purpose of this Article is to establish procedures and criteria that shall be applied in the determination of requests to establish Special Land Uses and Conditional Uses. Special Land Uses and Conditional Uses are not essentially incompatible with uses permitted in a Zoning District, but possess characteristics which require individual review and discretion in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. The criteria for decision and requirements set forth in this Article shall be in addition to those required elsewhere in this Ordinance which are applicable to the use under consideration.

Section 10.2 TYPES OF USE REGULATIONS

- A. Conditional Uses are permitted by right in a particular District and are listed as "RC" on Table 4-1, Section 4.4.3, provided that the use complies with the standards of this Article.
- B. Special Land Uses are uses that may be permitted in a particular District and are listed as "S" on Table 4-1, Section 4.4.3, but only after review by the Planning Commission and issuance of a permit by the County Board of Commissioners, in accordance with the standards set forth in this Ordinance.

Section 10.3 CONDITIONAL USES

Before establishing, expanding, or amending a Conditional Use, with the exception of terminating a Conditional Use, any person shall obtain a Zoning Permit from the Zoning Administrator pursuant to the requirements of Section 18.7 and 18.8, using a form provided by the County. The Applicant shall provide sufficient information to allow the Zoning Administrator to determine whether the proposed use complies with the requirements of this Ordinance. If the application is denied, the Zoning Administrator shall identify the reasons for that denial. In such a case, an aggrieved Applicant may appeal the Zoning Administrator's determination to the Zoning Board of Appeals, as described in Section 19.4.

Section 10.4 SPECIAL LAND USE PERMIT APPLICATION PROCEDURES

Any person must obtain a permit before establishing, expanding or amending a Special Land Use, with the exception of terminating the Special Land Use as described in Section 10.8.4. Any application for a combined Special Land Use Permit and Planned Unit Development shall not be subject to the requirements of Article X, but shall instead be subject to the requirements of Article XII.

10.4.1 Application: The Zoning Administrator shall review each application pursuant to the requirements of Section 18.7 and when it is determined to be complete, schedule it for a public hearing at a regular Planning Commission meeting, unless the applicant pays all the costs for a special meeting.

Article X
Special Land Use and Conditional Use Regulations

10.4.2 Required Information: An application for a Special Land Use Permit shall be accompanied by the following documents and information:

- A. A Special Land Use Permit application form supplied by the Zoning Administrator, which has been completed in full by the Applicant.
- B. A Major Site Plan, satisfying the requirements of Part IV of Article XVIII entitled Site Plan Review.
- C. A statement with regard to compliance with the standards required for approval in Section 10.5 and other standards imposed by this Ordinance affecting the Special Land Use under consideration, including but not limited to those in Section 10.12, those in Article XIV, XV, and XVI.

10.4.3 Public Notice, Public Hearing, and Approval Procedure: A notice of the public hearing shall be given pursuant to Section 18.16, and the public hearing shall be conducted by the Planning Commission pursuant to the requirements of Section 18.17. The Planning Commission's recommendation shall be forwarded to the County Board of Commissioners for final action. The Planning Commission and County Board of Commissioners, in their respective meetings, shall review the application, comments received, the Site Plan, and other pertinent information received and shall make a determination in accordance with the criteria described in Section 10.5.1, and such other standards contained in the Ordinance which relate to the Special Land Use under consideration.

10.4.4 Post-Hearing Actions:

- A. Upon the approval, or approval with conditions, by the County Board of Commissioners, the Zoning Administrator shall prepare and issue a permit to the Applicant incorporating the conditions if any, imposed by the County Board of Commissioners.
- B. The County Board of Commissioners may by majority vote of its members deny, approve, or approve with conditions the application for Special Land Use approval. Its decision shall be incorporated in a statement of conclusions relative to the Special Land Use under consideration, and shall specify the basis for the decision and any conditions imposed. A request for approval of a land use or activity which is in compliance with Ordinance standards, other applicable ordinances, and state and federal statutes shall be approved.
- C. An appeal of a decision by the County Board of Commissioners to approve, deny or approve with conditions a Special Land Use Permit application may be taken to Circuit Court, and may not be first appealed to the Board of Appeals.

Section 10.5 BASIS OF DETERMINATION

10.5.1 General Standards: The Planning Commission and the County Board of Commissioners, shall make a specific finding of compliance with each of the following standards:

- A. The Special Land Use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
- B. The Special Land Use shall not change the essential character of the surrounding area.

Article X
Special Land Use and Conditional Use Regulations

- C. The Special Land Use shall not be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, ground vibration, water runoff, odors, light, glare or other features of the proposed use.
- D. The Special Land Use shall not place demands on public services and facilities in excess of current capacity unless planned Improvements have already been scheduled for completion.
- E. The Special Land Use shall meet the Site Plan review requirements of Part IV of Article XVIII and in particular those of Section 18.8.3 and 18.25.
- F. The Special Land Use shall meet the requirements of Section 10.12 specific to that use.
- G. The Special Land Use shall meet the requirements for parking, landscaping and signage as required in Articles XIV, XV, and XVI respectively.
- H. The Special Land Use shall demonstrate compliance with all other related requirements of this Ordinance.
- I. The Special Land Use shall conform with all applicable County, state and federal requirements for that use.
- J. The applicant is in substantial compliance with any previously issued Zoning Permits and is not otherwise disqualified from receiving a permit under Section 21.7 of this Ordinance.

10.5.2 Conditions: The Planning Commission may recommend, and the County Board of Commissioners may impose, conditions with approval of a Special Land Use Permit which are necessary to ensure compliance with the standards for approval stated in this section and any other applicable standards contained in this Ordinance. Such conditions shall be considered an integral part of the Special Land Use Permit and shall conform with the requirements of Section 18.12 and 18.13.

Section 10.6 PREVIOUSLY APPROVED SPECIAL LAND USES

A Special Land Use approved by the County Board of Commissioners prior to the adoption or amendment of this Ordinance may be amended only through the filing and approval of a new application under this Article. The application shall be considered under the current standards of this Ordinance, rather than the standards in effect at the time of the original approval. If the application is denied, the previously approved Special Land Use shall remain valid.

Section 10.7 RESERVED FOR FUTURE USE

Section 10.8 PERMITS

10.8.1 Validity of Permit: A Special Land Use Permit shall be valid for a period of one (1) year from the date of issuance, unless another, longer, time period is set by the County Board of Commissioners as a condition of approval. If the use has not commenced by the end of this time period, the permit shall expire automatically without any further action or notice by the County unless an extension is granted pursuant to Section 18.7.12.

Article X
Special Land Use and Conditional Use Regulations

10.8.2 Permit Revocation: In the event the County Board of Commissioners believes the holder of a Special Land Use Permit has failed to comply with one or more of the terms or conditions of the permit or of this Ordinance, the County Board of Commissioners may schedule a hearing to consider the revocation of the permit. The permit holder shall be given reasonable notice of the hearing date, which shall in any event be not less than ten (10) business days from the date of the notice. The notice of hearing shall include a written statement of the reasons for the possible revocation. The permit holder shall be allowed to appear at the hearing and to present evidence pertinent to whether the permit should be revoked. If the County Board of Commissioners decides to revoke the permit, the use for which the permit was granted must cease within sixty (60) days of the hearing date. Failure to terminate the use for which the permit was revoked within sixty (60) days is declared to be a nuisance per se and a violation of this Ordinance.

10.8.3 Permit Transferability: A Special Land Use Permit may be transferred from one owner of the property to which it is affixed to the next owner of the same property. A Special Land Use Permit may not be transferred from one property to another property. A new owner may continue to use the property for the purposes for which the Special Land Use Permit was granted as long as all conditions and terms of the permit are satisfied. Permit transfer is automatic, provided that within sixty (60) days of acquiring ownership the new Owner registers his intent to continue the Special Land Use with the Zoning Administrator on a form established for that purpose. The Zoning Administrator shall review with the new owner all the applicable Ordinance requirements that apply to the property and any special conditions imposed upon the Special Land Use when the transfer form is submitted.

10.8.4 Termination of a Special Land Use Permit if the Use Changes: If there is a change in the use of a property for which a Special Land Use Permit was issued, the Special Land Use shall automatically terminate and the property shall only be used for a use permitted in the District in which the property is located. A Special Land Use Permit for a seasonal use is also subject to termination, if the season passes in which the Special Land Use would normally occur and a different use is in place instead.

10.8.5 Recording with Register of Deeds: A Special Land Use Permit, or expiration, revocation or termination thereof, may be recorded by the County with the Keweenaw County Register of Deeds.

Section 10.9 REAPPLICATION

No application for a Special Land Use Permit which has been denied, wholly or in part, shall be resubmitted for a period of one (1) year from the date of the denial, except on satisfactory proof of substantially changed conditions, newly discovered evidence or a falsehood previously relied upon by the County, which, through the exercise of normal diligence, could not have been discovered before the hearing as determined by the Zoning Administrator. A reapplication shall be processed as a new application.

Section 10.10 SITE PLAN

The Site Plan, as approved, shall be part of the Special Land Use Permit.

Article X
Special Land Use and Conditional Use Regulations

Section 10.11 RESERVED FOR FUTURE USE

Section 10.12 STANDARDS FOR SPECIAL LAND USES AND CONDITIONAL USES

The following standards apply to Special Land Uses and Conditional Uses permitted in this Ordinance, in addition to any other applicable standard or regulation.

10.12.1 Agricultural Service Establishments:

Agricultural service establishments are permitted as a Special Land Use in the AG and B-1 Districts when in conformance with the following requirements:

- A. Shall be on a parcel or lot with a minimum size of ten (10) acres and a minimum frontage of three hundred (300) feet in the AG District and on a lot of at least two (2) acres in the B-1 District.
- B. Shall meet all Health Department and MDEQ standards, as applicable.
- C. If within three hundred (300) feet of a dwelling unit, the use must be screened and buffered as provided for in Section 15.4
- D. No storage or loading activities shall be permitted within one hundred (100) feet of any lot line; all lighting shall be down-shining and shielded from other properties and roadways.
- E. Parking and signage shall be as required in Article XIV and XVI respectively.

10.12.2 Airports: All airports and landing strips are permitted as a Special Land Use in the AG District provided they are designed and built:

- A. In conformance with all FAA and MAC regulations, including, but not limited to 1950 PA 23, 1999 PA 382 and 383, which require an Airport Layout Plan, and an Airport Accident Safety Zone.
- B. Bill basic utility airports (as defined and regulated by MDOT) shall be located on property served by a paved road or street; Bill commercial airports (as defined and regulated by MDOT) shall be located on property served by a paved major thoroughfare.
- C. Lodges, schools, churches, or other assembly buildings shall not be located within two thousand six hundred-forty (2,640) feet of any runway.
- D. A six (6) foot chain link fence shall be provided to prevent the attendant hazards of inadvertent entries onto the airport properties.
- E. All lights, used for landing strips and other lighting facilities, should be so arranged as not to reflect towards adjoining districts or uses.
- F. The storage and handling of flammable liquids, liquefied petroleum gases and explosives at the airport shall comply with applicable State Rules and Regulations.
- G. Off-street parking should be provided in sufficient amounts to provide for the parking of automobiles and other motor vehicles used by the employees, patrons and visitors to the airport and which should not be less than one (1) parking space for each one (1) employee, and one (1) parking space for each one (1) aircraft harbored at the airport.

10.12.3 Bed & Breakfast Establishments: Tourist homes and bed & breakfast establishments are permitted as a Conditional Use in the RR, AG, RS-1 and RS-2 Districts when in conformance with the following requirements:

Article X
Special Land Use and Conditional Use Regulations

- A. The minimum lot size and yard requirements shall conform with district requirements in Article V.
- B. One (1) off-street parking space per room to be rented shall be provided on site or if the dwelling had no on site parking prior to conversion to a bed and breakfast, on the side of the road or on a site within two hundred (200) feet of the site at the nearest point, in addition to the parking required for a single-family dwelling. Parking shall be screened from adjacent residential parcels.
- C. The bed and breakfast must be the primary dwelling unit for the owner, who must operate and occupy the structure. The bed and breakfast facility may have up to six (6) bedrooms used for transient guests for compensation.
- D. The applicant shall provide a scaled floor plan of the premise as part of the Special Land Use application.
- E. The exterior appearance of the structure shall be harmonious with the character of the surrounding District.
- F. A fire escape plan shall be developed and graphically displayed in each guest room.
- G. A minimum of one (1) fire extinguisher, in proper working order, shall be located on each floor, in a place readily accessible to guests.
- H. The establishment shall contain at least two exits to the outdoors.
- I. No guest room shall be located in a basement or cellar.
- J. No transient occupant shall reside on the premises for more than ninety (90) days in any calendar year.
- K. Lavatories and bathing facilities shall be available to all persons using the premises.
- L. No separate or additional kitchen facilities shall be provided for the guests.
- M. Retail sales are not permitted beyond those activities serving the registered overnight patrons.
- N. Meals shall not be served to the public at large but only to registered guests.
- O. No receptions, private parties or activities for which a fee is paid shall be permitted except for those which involve only registered guests.
- P. The rental sleeping rooms shall have a minimum size of one-hundred (100) square feet for each two (2) occupants, excluding bathrooms, with an additional thirty (30) square feet for each additional occupant, to a maximum of four (4) occupants per room.
- Q. The outdoor storage of trash or rubbish shall be screened per the requirements of Section 15.5.3.
- R. Signage shall conform to the requirements of Article XVI.

10.12.4 Campgrounds and RV Parks: Campgrounds and RV Parks are allowed by Conditional Use in AG, RR, and RS-2, and by Special Use Permit in TR Districts when in conformance with the following requirements:

- A. Sites shall be a minimum of ten (10) acres, developments shall comply with the provisions of Act 368 of the Public Acts of 1978, as amended, and also with the following:
 - 1. Management headquarters, recreational facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to the operation of a travel trailer park are permitted as accessory uses in the districts in which trailer parks are allowed, provided that:
 - a. Such establishments and the parking area primarily related to their operations shall not occupy more than ten percent (10%) of the area of the park.
 - b. Such establishments shall be restricted in their use primarily to occupants of the park.

Article X
Special Land Use and Conditional Use Regulations

- c. Such establishments shall present no visible evidence of their commercial character which would attract customers other than occupants of the park.
2. No space shall be so located that any part intended for occupancy is within one hundred (100) feet of a residential district and buffered as provided in Section 15.4.
3. In addition to meeting the above requirements the site plan shall be subject to the review and approval of the Health Department.
4. Storage areas for unoccupied travel trailers, motor homes and similar units may be allowed as an accessory use in designated areas.
5. Lighting shall meet the requirements of Section 15.2 and signage shall meet the requirements of Article XVI.

10.12.5 Charter Boat Fishing: Charter boat fishing is permitted as a conditional use in the RS-1 and RS-2 Districts and as a special Land use in the RR District when in conformance with the following standards:

- A. Must be adequate parking on site or in the adjacent public right-of-way to safely store vehicles.
- B. Operator must be properly licensed by the state and in conformance with all applicable state and federal laws, including those applicable to the docks.

10.12.6 Communication Towers, Utility and Public Service Installations:

Communication towers are permitted as a Special Land Use in all Districts under the following conditions:

- A. The location of a proposed communication tower shall not be approved unless the Zoning Administrator determines that the communications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building located within the applicant's search radius of the proposed tower due to one or more of the following reasons:
 1. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
 2. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.
 3. Existing or approved towers and buildings within the search area cannot accommodate the planned equipment at a height necessary to provide reasonable coverage and/or capacity as documented by a qualified and licensed professional engineer.
 4. Other reasons that make it infeasible to locate the planned equipment upon an existing or approved tower or building, including but not limited to documented proof that the owner of such tower or building will not lease space to the applicant, that there is insufficient ground, building, roof or tower area on which equipment may be installed, existing towers or buildings would not provide required setback distances, etc.

Article X
Special Land Use and Conditional Use Regulations

- B. Subject to the setback and other requirements of this Ordinance, a communication tower shall be located on a parcel of land so as to provide a fall zone of not less than one hundred ten percent (110%) of the height in the tower to any lot line. This fall zone shall be maintained throughout the existence of the communication tower. No land division shall be approved which would violate this provision.
- C. Communication towers shall be of a monopole or self-supporting lattice design, unless the County Board of Commissioners finds that an alternative design will not adversely impact the surrounding area.
- D. Proposed wireless telecommunication towers of the guyed or self-supporting lattice type shall be structurally designed, to accommodate both the applicant's antennas and comparable antennas for at least two additional users. Proposed monopole wireless telecommunication towers shall be structurally designed to accommodate both the applicant's antennas and comparable antennas for at least one additional user. All towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.
- E. The base of the tower and wire/cable supports shall be fenced with a minimum six foot (6') climb-resistant fence.
- F. All communication towers erected, constructed, or located within the County shall comply with the following requirements:
 - 1. Discontinuance and Abandonment: The holder of a Special Land Use Permit for a wireless telecommunications tower shall remove all discontinued communication towers and give notice of discontinuance of use of a tower within ninety (90) days of the date that the use of the tower ceases. If at any time the use of the tower is discontinued for more than 365 consecutive days, the Zoning Administrator may declare the tower abandoned. Notice of abandonment shall be sent by first-class mail to the applicant instructing the applicant that the tower must either be reactivated or dismantled and removed from the site within 120 days of the date the notice is sent to the applicant. If reactivation or dismantling and removal of the tower does not occur, the County may contract to remove the tower and assess all cost on the property taxes of the owner of the tower.
 - 2. Towers shall not be artificially lighted unless required by the Federal Aviation Administration (FAA). If required to be lighted, all options for lighting shall be presented to the County Planning Commissioners which shall select the option with the least negative visual impact in the area, unless the FAA dictates a particular option.
 - 3. There shall be no display advertising or identification of any kind intended to be visible from the ground or other structures.

10.12.7 Community Residential Care Facilities, Large: Community residential care facilities for more than six (6) persons are permitted as a Conditional Use in the RS-1 and AG District under the following conditions.

- A. Prior to the issuance of any permit to operate a community residential care facility, and no later than December 31 of each subsequent year, the Applicant or operator shall submit to the Zoning Administrator a photocopy of a valid and current license issued by the State of Michigan. Proof of such licensing shall be required prior to the opening, and as a condition for the continued operation.
- B. Safe areas for pick-up and discharge of users shall be provided that do not interfere with the free flow of traffic on adjacent streets. Accessible routes shall be provided from the pick-up/discharge areas to the facility.

Article X
Special Land Use and Conditional Use Regulations

- C. Community residential care facilities shall be in full compliance with all applicable requirements of the Americans with Disabilities Act.
- D. Adequate provision shall be made for access by emergency medical and fire vehicles.
- E. The outdoor storage of trash or rubbish shall be screened per the requirements of Section 15.5.3.
- F. For any child care center there shall be provided and maintained an outdoor area suitable for play activity and containing a minimum of two thousand (2,000) square feet. The outdoor play area shall be immediately contiguous to the facility it is intended to serve and shall be enclosed by a protective wall or fence.

10.12.8 Composting: Composting as a principal use of land or accessory to a commercial operation is allowed by Special Use Permit in the AG District when in conformance with the following requirements:

- A. The site shall be at least twenty (20) acres and have access from a paved road or high quality gravel road that is maintained in a quality condition.
- B. Compost piles shall be managed using contemporary best management practices that include measures to minimize odor, dust and wind blown debris, rodents and other nuisance animals.
- C. No compost shall be located closer than six hundred-sixty (660) feet to any dwelling unit, church, school, other public gathering space or residential District.
- D. There shall be a plan for controlling waterponding and runoff approved by the County Soil Erosion and Sedimentation Control officer.

10.12.9 Dangerous Chemicals, Fuel Storage and Manufacturing:

Dangerous chemicals, fuel storage and manufacturing is permitted by Special Use Permit in the M-1 and M-2 Districts when in conformance with the following requirements:

- A. Minimum lot size shall be three (3) acres, and no fuel tanks shall be located less than seventy-five (75) feet from any occupied building or lot line, and shall be mounted on a concrete slab to prevent overturning and spilling.
- B. Adequate room shall be provided for vehicle movement, the perimeter shall be fenced for safety and appropriate screening shall be provided to limit noise and headlight glare onto adjoining properties. See Article XV.
- C. Pollution Prevention Plans shall be approved by the MDEQ and State Fire Marshall as required.
- D. Parking and signage shall be as provided in Articles XIV and XVI respectively.

10.12.10 Drive-Through Establishments: Drive-through establishments, including drive-through establishments as an accessory use, are permitted as a Special Land Use in the RS-1, RS-2, B-1 and M-1 Districts when in conformance with the following requirements:

- A. The minimum lot area shall be twenty thousand (20,000) square feet.
- B. The minimum lot width shall be one hundred twenty-five (125) feet.
- C. The site shall have at least one (1) lot line on a paved major thoroughfare.
- D. The outdoor storage of trash and rubbish shall be screened per the requirements of Section 15.5.3.
- E. An adequate number of outdoor trash receptacles shall be provided in convenient locations at drive-in and carry-out food establishments.

Article X
Special Land Use and Conditional Use Regulations

- F. Vehicular circulation patterns into and out of such businesses shall be located and designed to minimize disruption of and conflicts with through traffic movement on abutting streets.
- G. Devices for the transmission or broadcasting of voices or music shall be so directed or muffled as to prevent sound or music from being audible beyond the boundaries of the site.
- H. Bathroom facilities shall be provided at food establishments for use by patrons even if no indoor seating is provided.
- I. There shall be at least two (2) temporary vehicle stopping spaces after the delivery window so motorists may prepare themselves for a safe exit onto the public roadway.
- J. Parking shall comply with the requirements of Article XIV, landscaping with Article XV, and signage with the requirements of Article XVI.

10.12.11 ECHO Housing: ECHO housing dwelling units are permitted as a Special Land Use in the RR, R-1, R-2, RS-1, RS-2, CE, and AG Districts when in conformance with the following requirements:

- A. An ECHO Unit must be an accessory use on a lot containing one, and only one, single-family residential structure, and there may be a maximum of one (1) ECHO dwelling unit per lot.
- B. The ECHO Unit may be an expansion or alteration of the principal dwelling unit or garage, or if in an AG District, a new separate building. If a separate building, the ECHO Unit shall comply with all setback requirements and lot coverage requirements as a principal building, and shall be located not less than ten (10) feet from the existing single-family residential structure.
- C. The property owner may reside in either the accessory (ECHO) Dwelling Unit or the principal dwelling unit.
- D. Potable water and wastewater disposal shall be provided, as required by the District Health Department.
- E. Dwellings modified in conjunction with an ECHO Dwelling Unit shall, on sides adjacent to streets, retain the appearance of a single-family detached dwelling.
- F. The ECHO Dwelling Unit shall provide adequate access for emergency vehicles.
- G. The ECHO Dwelling Unit shall meet all applicable construction codes for a dwelling.
- H. One (1) additional off-street parking space shall be provided.
- I. Separate sale or ownership of the ECHO Dwelling Unit from the primary dwelling on a lot or parcel is prohibited. No person who is not a relative of the property owner shall be permitted to reside in the ECHO Unit, except for a caregiver of the ECHO Unit occupant.
- J. If the ECHO Unit is a separate removable structure like a manufactured home, the ECHO Unit must be removed from the property within six (6) months of the ECHO Use ceasing. If the ECHO Unit is an expansion or alteration of a single-family structure, upon cessation of the ECHO use, the ECHO Unit shall no longer be considered a separate living unit and shall be considered to be incorporated into the single-family structure.

10.12.12 Electric Transmission Lines: 345 kv overhead electric transmission lines or larger are prohibited in Keweenaw County. Buried 345 kv or larger electric transmission lines are permitted in any non-residential District by Special Use Permit when in conformance with the following requirements:

- A. Siting shall conform with the requirements of the Electric Transmission Line Certification Act, PA 30 of 1995, (MCL 460.561-460.575).

Article X
Special Land Use and Conditional Use Regulations

- B. All 345 kv or larger electric transmission lines shall be within a right-of-way or easement which is at least six hundred-sixty (660) feet from any residential District, existing dwelling unit, church, school or other public gathering place.

10.12.13 Extractive Industries: Mining of clay, gravel, sand, peat, topsoil, rock, stone or minerals is permitted by Special Use Permit in the M-2, AG and TR Districts when in conformance with the following requirements:

- A. All uses shall be established and maintained in accordance with all applicable State of Michigan Statutes.
- B. The applicant may be required to file a cash bond, performance bond or irrevocable letter of credit of sufficient amount, or other guarantees, to assure reclamation of the site following excavation, as required by item (J) of this Section.
- C. The minimum lot size shall be twenty (20) acres. No machinery shall be erected, maintained, or operated within two hundred (200) feet of any property line.
- D. All uses shall be enclosed by a fence, berm or suitable plantings six (6) feet or more in height for the entire exposed periphery of the property if there are any dwelling units within one-half mile, per the requirements of Article XV.
- E. All slopes and banks shall be graded and treated to prevent erosion or any other potential deterioration.
- F. No building shall be erected on the premises except as temporary shelter for machinery or field office unless specifically approved as part of the Special Use Permit.
- G. Routes shall be established for truck movement to and from the site in order to minimize the wear on public roads and to prevent hazards and damage to properties in the County. That portion of access roads within the area of operation shall be constructed or treated to minimize dust if there are any dwelling units within one-half mile.
- H. All installations shall be maintained in a neat, orderly condition so as to prevent injury to property, any individual, or the County in general.
- I. Proper measures shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include limitations upon the practice of stock-piling excavated materials on the site.
- J. When excavation and removal operations are completed, the excavated area shall be graded according to an approved reclamation plan so that no gradients in disturbed earth shall be steeper than a slope of three (3) to one (1) in horizontal-vertical gradient. A layer of arable top soil shall be spread over the excavated area, in accordance with an approved contour plan furnished by the applicant. The area shall be seeded with a perennial grass, or other similar soil-holding material, and maintained by the applicant until the area is stabilized.
- K. Individual excavation areas shall not exceed three (3) acres in size before reclamation.
- L. All extraction areas in existence on the effective date of this Ordinance are considered nonconforming. Any expansion of any area is subject to the requirements of this Ordinance, including the preparation and implementation of an approved reclamation plan. Sites owned and maintained by the County Road Commission are subject to these regulations, the same as any privately owned site.

10.12.14 Reserved For Future Use

Article X
Special Land Use and Conditional Use Regulations

10.12.15 Gasoline and Auto Service Station: Automotive services to passenger vehicles and trucks is permitted by Special Use Permit in the B-1 and RS-2 Districts when in conformance with the following requirements:

- A. All uses and services, except gasoline, diesel or other fuel dispensing, are conducted within a completely enclosed building.
- B. The proposed site shall have at least one (1) property line on a major thoroughfare.
- C. The service station building or buildings shall be set back fifty (50) feet from all street right-of-way lines and shall not be located closer than twenty-five (25) feet to any property line in a residential district.
- D. No more than two (2) driveways shall be permitted directly from any major thoroughfare nor more than one (1) additional driveway from any other public street.
 1. Driveway widths shall not exceed thirty-six (36) feet measured at the property line.
 2. Driveways shall be located as far from street intersections as practical, but no less than ninety (90) feet.
 3. No driveway or curb cut for a driveway shall be located within fifteen (15) feet of an adjoining property line, unless it is a shared driveway.
 4. Exterior lighting shall be so arranged that light is down-shining and is deflected away from adjacent properties and roadways. See Section 15.2.
 5. Signs shall conform with Article XVI.
 6. Off-Street Parking shall conform with Article XIV.
 7. Fencing/buffering shall conform with requirements of Section 15.4.

10.12.16 Group Housing: Group housing is permitted by Special Use Permit in R-2, A and RR Districts when in conformance with the following requirements:

- A. The minimum site size is one (1) acre.
- B. There shall be one off-street parking space for each resident and staff.
- C. There shall be at least fifty (50) feet between buildings with dwelling units or sleeping space and abutting single-family dwellings.
- D. There shall be a written fire safety and emergency escape plan.
- E. Must conform with all other applicable local, county, state and federal requirements.

10.12.17 Reserved For Future Use.

10.12.18 Home Occupations: Home occupations are permitted as a Conditional Use in AG, CE, R-1, R-2, RR, RS-1, RS-2, and B-1 Districts when in conformance with the following requirements:

- A. Uses Allowed: Uses that comply with all of the standards of this subsection will be allowed as home occupations unless they are specifically prohibited. The home occupation must be clearly subordinate and incidental to the use of the dwelling as a dwelling unit, and no more than one home occupation is permitted in a dwelling.
- B. Size: A home occupation may not occupy more than twenty-five percent (25%) of the gross area of any one story used for the home occupation.
- C. Prohibited Uses: The following uses are prohibited as home occupations in the RR, R-1, and R-2 Districts:
 1. Vehicle and Large Equipment Storage/Repair: Any type of repair, assembly or storage of vehicles or equipment with internal combustion engines (such as autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chain saws, and other small engines) or of large appliances (such as

Article X
Special Land Use and Conditional Use Regulations

- washing machines, dryers, and refrigerators) or any other work related to motor vehicles and their parts.
2. Animal Boarding Facilities: This includes kennels, commercial stables and all other similar uses.
 3. Restaurants are prohibited as home occupations in all districts.
- D. Resident Operator: The operator of a home occupation must be a full-time resident of the subject dwelling unit and be on the premises during the hours of operation of the home occupation.
 - E. Employees: A maximum of one (1) nonresident employee may be on the premises at any one time. For the purpose of this provision, the term "nonresident employee" includes an employee, business partner, co-owner, independent contractor, or other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation.
 - F. Location: All work areas and activities associated with home occupations must be conducted and located inside the principal dwelling unit, or in accessory buildings or garages. If in a detached accessory structure, the space allocated to the home occupation shall not exceed four hundred (400) square feet.
 - G. Exterior Appearance: There may be no visible evidence of the conduct of a home occupation when viewed from the street right-of-way or from an adjacent lot, except there may be one (1) non-illuminated sign advertising the home occupation, no larger than two (2) square feet and firmly affixed to the dwelling unit as a wall sign. There may be no change in the exterior appearance of the dwelling unit that houses a home occupation or the site upon which it is conducted that will make the dwelling appear less residential in nature or function. Examples of such prohibited alterations include construction of parking lots, paving of required setbacks, or adding commercial-like exterior lighting or signs.
 - H. Operational Impacts: No home occupation or equipment used in conjunction with a home occupation may cause odor, vibration, noise, electrical interference or fluctuation in voltage, or light beyond that customary for residential uses that is perceptible beyond the lot line of the lot upon which the home occupation is conducted. No hazardous substances may be used or stored in conjunction with a home occupation.
 - I. Retail Storage, Sales and Display: No stock-in-trade may be stored, produced or sold upon the premises, other than within the allowed area used for the home occupation.
 - J. Deliveries: Vehicles used for delivery and pick-up are limited to those normally servicing residential neighborhoods. Tractor-trailers or semi-trucks are expressly prohibited.
 - K. Traffic: No traffic shall be generated by any home occupation in greater volume than would normally be expected in a residential neighborhood.
 - L. Registration: Any person conducting a home occupation shall register with the Zoning Administrator, on a form to be provided by the Zoning Administrator, within thirty (30) days of beginning that use, or within sixty (60) days of the effective date of this Ordinance, whichever is later.

Article X
Special Land Use and Conditional Use Regulations

10.12.19 Hunting Camps

Hunting Camp: A hunting camp is permitted as an RC use in an AG or TR district, provided:

- a. The parcel on which the hunting camp is located is at least ten acres in size.
- b. Potable water must be obtained from a WUPHD approved potable water supply.
- c. There is a waste disposal system that has been inspected and approved by the Western Upper Peninsula District Health Department.

10.12.20 Junk Yards: Establishments primarily engaged in assembling, breaking up, sorting and wholesale or retail distribution of scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap, or for the purpose of selling secondhand parts, or for the recycling of reusable materials including paper, cardboard, glass and plastics. Junk yards with no exterior storage or disassembly of junk or recycled materials outside of a building are allowed by Right in the M-1 and M-2 Districts. All other junkyards are allowed by Special Use Permit in the M-1 and M-2 Districts when in conformance with the following requirements:

- A. All uses shall be established and maintained in accordance with all applicable State of Michigan and federal statutes.
- B. The site shall be a minimum of ten (10) and a maximum of twenty (20) acres in size.
- C. A solid uniformly finished fence or wall at least eight (8) feet in height shall be provided along the exposed sides of the site. The fence height shall be great enough to screen all materials from the road and abutting properties.
- D. All activities, equipment, or material shall be confined within the fenced-in area and there shall be no stacking of material above the height of the fence, or wall.
- E. All fenced-in areas shall be set back at least one hundred (100) feet from a public street or highway right-of-way line. The front yard shall be landscaped with plant materials as approved by the Planning Commission pursuant to the requirements of Article XV.
- F. Burning of material shall conform to state regulations.
- G. Whenever the installation abuts upon property within a residential district, a transition strip at least one hundred (100) feet in width shall be provided between the fenced-in area and the property within a residential district. Such strip shall contain plant materials, grass, and structural screens of a type approved by the Planning Commission to effectively minimize the appearance of the installation.
- H. No oils, lubricants or other such fluids shall be disposed of on-site except in MDEQ approved facilities.
- I. At least two (2) parking spaces per one-hundred (100) square feet of office or retail space shall be provided.

10.12.21 Reserved For Future Use.

10.12.22 Reserved For Future Use.

10.12.23 Marinas and Other Watercraft Sales & Services: Marinas and liveries for a variety of watercraft are not necessarily directly dependent upon access to a water body,

Article X
Special Land Use and Conditional Use Regulations

but provide goods and services that are directly associated with water-dependent or waterway uses. These uses include land-based intense commercial and recreational uses and boat-related services and sales where the potential for development attracts the public for its nautical ambience and amenity. Marinas, ships stores with related supplies and services, boat sales, service and storage, and private ramps or launch sites are all included and are permitted as Conditional Uses in the RS-1 and RS-2 Districts when in conformance with the following requirements.

- A. All sites shall be located on a major thoroughfare or paved road and all ingress and egress to the site shall be from said thoroughfare.
- B. All points of entrance or exit for motor vehicles shall be located no closer than one hundred fifty (150) feet from the intersection of any two (2) streets or highways.
- C. Whenever any use abuts property within any Residential District, a transition strip at least fifty (50) feet in width shall be provided between all operations and structures, and the residential property. Plant materials, grass and structural screens or fences of an approved type per Article XV shall be placed within said transition strip.
- D. All repairs must be conducted within an enclosed building. Outside storage must be screened from adjoining residential properties and roadways per Article XV.
- E. Light must be down-shining and shielded from adjoining properties and roadways per Section 15.2.
- F. Parking shall be as required in Article XIV, except that ferrys, dinner boats, boat tours and similar services need not have on site parking, if an adequate shuttle service is provided.
- G. Signage shall be as required in Article XVI.
- H. Secondary containment shall be provided for any petroleum or other volatile liquids used or sold on premises as required by the DEQ.
- I. A valid DEQ marina permit shall be maintained where there is a marina on the property.
- J. Structures for servicing boats may be adjacent to the water, or over it, if all the proper state and federal permits are secured.

10.12.24 Organized Camps

Organized Camp: Permitted as an RC use in AG, RR, RS-2 and TR, provided:

- a. The parcel on which the camp is located is at least ten acres in size.
- b. There is a pressurized water supply.
- c. There is a waste disposal system that has been inspected and approved by the District Health Department.

10.12.25 Multiple Family Development: A building for multiple family dwellings is permitted as a Conditional Use in the R-2 District when in conformance with the following requirements:

- A. Density no greater than one dwelling unit per every four thousand (4,000) square feet of parcel area.
- B. Maximum lot coverage shall be forty (40%) percent of the parcel.
- C. All ingress and egress driveways or roadways within the development are connected to a major thoroughfare, except for restricted emergency exits.
- D. The ingress and egress drives or roadways shall be paved, to the parking lot, and shall be at least twenty-four (24) feet wide.

Article X
Special Land Use and Conditional Use Regulations

- E. The development shall be screened from adjacent properties by a greenbelt, buffer strip or berm at the developers option, as required in Section 15.4, and lighting shall meet the requirements of Section 15.2.
- F. The outdoor storage of trash or rubbish shall be screened in accordance with Section 15.5.3.
- G. The signage shall be as required in Article XVI.
- H. The minimum distance between two (2) residential structures shall be thirty (30) feet, whether on or off the site.

10.12.26 Mobile Home Park: A development of three (3) or more mobile homes, either on individual privately owned lots or on private elements within a condominium project comprise a mobile home park which is permitted by Conditional Use Permit in the R-2 District when in conformance with the following requirements:

- A. All Mobile Home Parks and Subdivisions shall conform to Public Act 96 of 1987, as amended.
- B. A ten (10) acre site accessible to a major thoroughfare is required as the minimum park size.
- C. The mobile home park shall be located so that all ingress and egress driveways or roadways within the mobile home park development are connected to a major thoroughfare, except for restricted emergency exits.
- D. All mobile home park developments with more than thirty (30) mobile homes shall provide at least two (2) points of entrance or exit from the park located no closer than two hundred (200) feet from the intersection of any two (2) public roads. The ingress and egress drives or roadways within the park shall be paved, and for a distance of at least one hundred (100) feet from the public roads, the ingress and egress routes shall be no less than twenty-four (24) feet wide.
- E. The mobile home park shall be screened from adjacent properties by a greenbelt, buffer strip or berm at the developer's option, as provided in Section 15.4 of this Ordinance.
- F. The outdoor storage of trash or rubbish shall be screened in accordance with Section 15.5.3 of the Ordinance.
- G. The signage shall be as required in Article XVI.

10.12.27 Outdoor Commercial Recreation: Archery, rifle, skeet and trap shooting ranges are allowed by Special Use Permit in the TR District; and all other outdoor recreation and entertainment establishments are permitted by Special Use Permit in the RS-1, RS-2 and AG Districts when in conformance with the following requirements:

- A. Shall be on an appropriate sized property to accommodate the activity, with on-site auto stacking and on-site parking, one hundred (100) feet setback from existing dwelling units, and screening to reduce noise and headlight glare onto adjoining residential uses. No conversation or speaker systems shall be audible on adjoining properties. Miniature golf requires a fifty (50) foot setback from existing dwelling units.
- B. No more than one dwelling unit occupied by the owner, manager or employee shall be allowed. No dwelling unit is permitted in the TR District.
- C. All lighting shall be down-shining and shielded from adjoining properties and roadway per the requirements of Section 15.2.
- D. Site shall be directly accessible from a major thoroughfare.
- E. Signage shall meet the requirements of Article XVI.

Article X
Special Land Use and Conditional Use Regulations

- F. Facilities which have a capacity for greater than two hundred (200) people must have favorable letters of review from the County Sheriff, Fire Chief and Road Commission or MDOT.
- G. Operating hours shall be determined by the Planning Commission based on the nature of the use.
- H. All archery, rifle, skeet and trap shooting ranges shall be carefully designed to prevent safety or nuisance noise problems on abutting property. To that end, each application shall be accompanied with a written description of all the design characteristics and operational measures to be taken to ensure safety and prevent unwanted noise impacts on nearby property. Such measures shall be consistent with the most current DNR and National Rifle Association guidelines as directly referenced in the application.

10.12.28 RV's in Residential Districts

RV's are allowed by Special Use in CE, R-1, R-2, RR, RS-1, and RS-2 when in conformance with the following requirements:

- A. Residential lot size must be at least two (2) acres.
- B. Shall be harmonious with the character of adjacent properties and the surrounding area.
- C. Shall not change the essential character of the surrounding area.
- D. Must have Western Upper Peninsula Health Department approved potable water and sewer permits or other documentation proving compliance.

Special Use Permits granted by the County Board of Commissioners under this section are exclusive to the approved applicant and the approved RV and are not transferable. This special designation does not run with the land and is only valid for three (3) years. Violation of any portion of this Ordinance shall automatically revoke this Special Use designation.

Conditions upon approval:

- A. The recreational vehicle (RV) is not a permanent or primary structure.
- B. The RV must be removed upon expiration of the Special Use designation or transfer of ownership of the property.
- C. The placement of the RV on the parcel must meet all setbacks required in Table 5-1.

10.12.29 Public Buildings:

Public buildings and facilities owned by governmental entities including the County of Keweenaw are permitted as a Special Land Use in all Districts when in conformance with the following requirements:

- A. No building, structure (except for flagpoles), or use shall be located within thirty (30) feet of a residential zoned parcel or use.
- B. If located in a Residential District, all buildings and structures shall be designed to be compatible with the character of the surrounding neighborhood.
- C. Off-street parking shall be screened from adjacent residential uses or Districts per the requirements of Article XIV.
- D. The outdoor storage of trash or rubbish shall be screened per the requirements of Section 15.5.3.
- E. The property shall be suitably landscaped per the requirements of Article XV.

Article X
Special Land Use and Conditional Use Regulations

F. Signs shall conform with the requirements of Article XVI.

10.12.30 Repair Services, Medium: Medium Repair Services are permitted as a Special Land Use in the RS-1 and RS-2 Districts so long as the establishment is in a fully enclosed facility and all services, activities, and storage takes place inside an enclosed building. Fuels and dangerous chemicals shall be stored and managed consistent with the requirements of Section 6.13 B

10.12.31 Rural Cluster Development: This residential open space development option is available as a Conditional Use in the AG, CE, RS-1, RS-2, R-1 and R-2 Districts when in conformance with the following requirements:

- A. At least fifty (50) per cent of the lot (or parent parcel) to which this development option is applied, shall be retained permanently in agriculture, woods or other natural open space use.
- B. Density shall be as established in the District, but measured as described in C. below.
- C. The applicant shall prepare a drawing to scale that divides the site into the maximum number of lots permitted under this Ordinance without clustering. That means dividing the total area of the site by the minimum lot area requirements per lot, while still conforming to minimum lot width or frontage requirements, and ensuring that each lot has sufficient area to meet District Health Department requirements for septic waste disposal, unless the site is served by public sewer, and ensuring that adequate right-of-way for a public road meeting County Road Commission standards is provided, and ensuring that no parcel so created for a dwelling unit violates state or federal wetland, floodplain, sand dune or high risk erosion regulations. No existing or proposed easement shall be counted as available for development. The whole number of lots that results from this calculation, is the maximum number of lots, or dwelling units that may be clustered on the site under this Section. For example, in an AG District, if a parcel has forty (40) contiguous acres, it could have four (4) residential lots in a cluster development on twenty (20) acres if all land was developable, and before land for a road were subtracted (which would further reduce the number of permitted lots). If five (5) of the forty (40) acres were undevelopable due to wetlands, then a maximum of three (3) residential lots could be constructed, before land were subtracted for a road.
- D. The site shall have direct access to a county road or state highway via a new public road built to County Road Commission standards.
- E. The density of the Rural Cluster Development shall conform with all the following standards:
 1. At least fifty (50) percent of the lot or parent parcel shall remain in agriculture, woods or other open space in an undeveloped state after the single family dwellings in the rural cluster development are constructed. Land in an undeveloped state means a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course, but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be dedicated to the use of the public.
 - a. The proposed open space shall be clearly depicted on the site plan and differentiated from the land proposed for clustering the single family dwelling units.

Article X
Special Land Use and Conditional Use Regulations

- b. Specific uses for the proposed open space shall be clearly indicated on the site plan and described in appropriate detail in the accompanying application.
 - c. Open space is encouraged around the perimeter of a site to screen and buffer the clustered units from abutting property.
 - d. New development should be separated by at least one hundred (100) feet from wetlands, surface waters or other sensitive open space.
 - e. Open space shall be reasonably shaped and contiguous, and located for convenient use by residents of the development.
 - f. The open space shall be permanently protected by recording the use restriction with the County Register of Deeds in a form approved by the County Attorney such as by means of a conservation easement, plat dedication, restrictive covenant or other legal means that keeps the open space undeveloped in perpetuity.
2. The open space may be retained by the original landowner or held in common by one or more of the new landowners in the rural cluster development.
 3. Up to twenty (20) percent of the useable common open space may be used for septic drainfields for individual dwelling units, provided a homeowners association assumes liability for any problems, and if the method is approved by the District Health Department and the Michigan Department of Environmental Quality. No part of the preserved open space shall be used for an access road.
 4. Lot size for individual lots within the rural cluster shall not be more than two and one-half (2.5) acres nor less than one-third (1/3) acre in size and no parcel shall have an area less than that required to meet District Health Department septic waste disposal requirements if served by individual septic systems. If public sewer is available, individual lot size could be reduced to one-quarter (1/4) of an acre.
 5. Minimum width of an individual lot in a cluster at the building line shall not be less than sixty (60) feet.
 6. Dwelling units shall be separated from nearby farm structures by at least five-hundred (500) feet, unless a lesser amount is approved by the farm structure owner.
 7. The cluster development design shall protect roadside character and improve public safety and preserve vehicular carrying capacity by not fronting lots along an existing county road or state highway.
- F. The application shall be accompanied by a Site Plan that conforms to the requirements of Section 18.24.
- G. A pre-application conference between the applicant, the site designer, the chairperson of the Planning Commission, the Zoning Administrator and any planning consultant retained by the County shall be held prior to submittal or review of any site plan for a Rural Cluster Development. A site visit may be scheduled as a part of the pre-application conference. The purpose of the pre-application conference is to review Ordinance requirements as they apply to the site, before the applicant spends any significant money on even preliminary site designs. The Zoning Administrator will direct the applicant to various publications on Rural Cluster Development available from MSU Extension and the American Planning Association to help the applicant step through the design process with the least amount of difficulty.

Article X
Special Land Use and Conditional Use Regulations

10.12.32 Sexually Oriented Businesses: Sexually oriented businesses are permitted as a Conditional Use in the M-2 District, when in conformance with the following requirements:

- A. No person shall reside in or on, or permit a person to reside in or on, a building or property occupied by a sexually oriented business.
- B. No sexually oriented business shall be established on a parcel which is within one thousand three-hundred twenty feet (1,320) of any parcel zoned RR, R-1, and R-2.
- C. No sexually oriented business shall be established on a parcel within one thousand three hundred twenty feet (1320") of any dwelling unit, park, school, child care organization or place of worship. The distance between a proposed sexually oriented business and any dwelling unit, park, school, child care organization, place of worship, or other sexually oriented business shall be measured in a straight line from the nearest property line upon which the proposed sexually oriented business is to be located to the nearest property line of the dwelling unit, school, child care organization, place of worship or other sexually oriented business.
- D. The proposed use shall conform with all regulations of the zoning district in which it is located unless those regulations conflict with these standards, in which case these standards shall control.
- E. The proposed use must meet all applicable written and duly promulgated standards of Keweenaw County and of other townships, villages or other governmental agencies having jurisdiction, and must, to the extent required, have the approval of these governments and/or governmental agencies or be reasonably assured of such approval.
- F. The outdoor storage of trash or rubbish shall be screened from view and located so as not to be visible from neighboring properties or adjacent roadways in accordance with Section 15.5.3 of this Ordinance.
- G. Any sign or signs proposed for the sexually oriented business shall not include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination, and otherwise shall conform with the requirements in Article XVI.
- H. Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting from the business, and using lettering no less than two (2) inches in height that way:
 - 1. "Persons under the age of 18 are not permitted to enter the premises", and
 - 2. "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
- I. No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift, shall be displayed so as to be visible from the nearest adjoining roadway or a neighboring property.
- J. Hours of operation shall be limited to 10:00 AM to 9:00 PM., Monday through Saturday.
- K. All off-street parking areas shall be illuminated during all hours of operation of the sexually oriented business, and until one-half hour after the business closes, and shall conform with applicable regulations of Article XIV.
- L. Any booth, room or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities shall:

Article X
Special Land Use and Conditional Use Regulations

1. Be handicap accessible to the extent required by the Americans With Disabilities Act;
 2. Be unobstructed by any door, lock or other entrance and exit control device;
 3. Have at least one side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
 4. Be illuminated by a light bulb of wattage of no less than 25 watts;
 5. Have no holes or openings in any side or rear walls not dedicated for use by a utility, or a heating, air conditioning or ventilation system.
- M. Special Hardship: If the regulations above, or in combination with other regulations of this Ordinance have, in the opinion of the applicant, the effect of precluding establishment of a sexually oriented business, then the applicant shall not have exhausted his/her administrative remedies under this Ordinance without first applying for a Hardship PUD according to the provisions of Section 12.9.

10.12.33 Social Institutions: Social institutions are permitted as a Special Land Use in the R-2 District so long as such uses conform with the same requirements as for Public Buildings in Section 10.12.29.

10.12.34 Reserved for Future Use.

10.12.35 Trails and Trail Easements. Trails and trail easements for motorized and non-motorized use are permitted by Special Use Permit in all districts provided there is conformance with each of the following requirements:

- A. Trails for public use shall be owned and managed by a public entity or a nonprofit land trust, or nonprofit conservation organization, or a private entity approved by the Planning Commission.
- B. Wherever feasible, trails shall be sited to minimize negative impacts on nearby residences, churches and schools.
- C. Signs on trails shall conform with the requirements of Article XVI and shall conform with accepted standards for trail management. Signs along the trail advertising products, services or businesses shall not be visible from nearby roadways.
- D. Trail management shall be guided by a plan prepared and adopted by the management entity. A current copy of such plan shall be filed with the Zoning Administrator.
- E. All trail access points at which there is vehicular parking and/or toilet facilities shall conform with the following requirements:
 1. No building, structure (except for flagpoles), or parking lot shall be located within thirty (30) feet of a residentially zoned parcel or use.
 2. All buildings and structures shall be designed to be compatible with the character of the surrounding area.
 3. Off-street parking shall be screened from adjacent residential uses or Districts per the requirements of Article XIV.
 4. The outdoor storage of trash or rubbish shall be screened per the requirements of Section 15.5.3.
 5. The property shall be suitably landscaped per the requirements of Article XV.
 6. Signs shall conform with the requirements of Article XVI.

10.12.36 Utility and Public Service Installations, Light: Utility and public service installations such as electrical substations and gas regulator stations that do not qualify

Article X
Special Land Use and Conditional Use Regulations

as essential services (see Section 7.5) are permitted by Special Land Use Permit in all Districts when in conformance with the following requirements:

- A. Buildings, structures (except for flagpoles), and uses shall be located at least thirty (30) feet from all lot lines and street lines.
- B. Exterior equipment shall be screened from adjacent residential Districts per the requirements of Section 15.4.
- C. The outdoor storage of trash or rubbish shall be screened per the requirements of Section 15.5.3.
- D. Lighting shall be down directed and conform with the requirements of Section 15.2.

10.12.37 Reserved For Future Use.

10.12.38. Warehousing: Self-service storage facilities, such as mini-warehouses, and rental storage units as well as warehousing for businesses primarily engaged in selling merchandise to retailers are permitted as Conditional Uses in the B-1 District, and by Special Use Permit in the RS-2 District when in conformance with the following requirements:

- A. Mini-warehousing storage sites shall be no less than one (1) acre, and all other warehousing shall be no less than two (2) acres unless there is outdoor storage of boats or other recreational vehicles in which case the minimum lot size shall be five (5) acres, accessible by a year-round public maintained road.
- B. Drives, between buildings, shall be a minimum width of thirty-five (35) feet if one-way with parking allowed, or forty-five (45) feet if two-way. Where no parking is allowed, the building separation need be only twenty-five (25) feet. Traffic direction and parking shall be prominently indicated.
- C. No retail, wholesale, fabrication, manufacturing or service activities shall be conducted in mini-warehousing storage units. Storage of goods shall be limited to personal property with no commercial distribution allowed.
- D. All storage shall be within an enclosed building except for boats and vehicles.
- E. When adjoining a Residential District or use, adequate buffering, either by a wall, fence, berm or dense vegetation strip shall be erected and maintained per the requirements of Section 15.4. A twenty (20) foot landscaped strip shall be required adjacent to any public road.
- F. Lighting shall be down-shining and shielded from adjacent properties and roadways per the requirements of Section 15.2.
- G. Signage shall be as required by Article XVI.
- H. The outdoor storage of trash or rubbish shall be screened in accordance with Section 15.5.3.
- I. No storage of hazardous substances, toxic, or explosive materials shall be permitted at the facility.

10.12.39 Wind Towers: See tower height definitions on page 2-25. Wind Energy Conversion Systems (WECS) under thirty-five (35) feet in height are allowed by right in any District. WECS between thirty-five (35) and eighty (80) feet in height are allowed as conditional uses in all zones and WECS greater than eighty (80) feet are allowed by Special Use Permit in the M-1, M-2, AG and TR Districts when in conformance with the following requirements:

- A. In addition to the requirements of this section, the site plan of the property shall show the location of overhead electrical transmission or distribution lines, whether utilized or not, and the location of the WECS with its specific dimensions, including the entire

Article X
Special Land Use and Conditional Use Regulations

- area through which the rotor(s) may pass, the location of any guy wires or other support devices, and the location of all occupied buildings within three-hundred feet (300') of the WECS.
- B. Each application shall be accompanied by a complete set (either the original or an accurately reproduced copy) of the manufacturer's instructions which shall, at a minimum, include the following:
1. A standard foundation and anchor design or specifications for normal soil conditions; and
 2. A detailed parts list; and
 3. Clearly written detailed instructions for the assembly, installation, check-out, operation and maintenance of the WECS on site; and
 4. The list of warning labels required by this section;
 5. Grounding and lightning protection procedures which follow the National Electrical Code Articles 250 (Grounding) and 280 (Lightning Arresters) or any subsequent, superceding regulations; and
 6. Underwriters label; and
 7. Proof of insurance.
 8. Results of avian and bat mortality analysis and measures to be taken to reduce negative impacts on birds and bats.
 9. Analysis of minimum, mean and maximum noise analysis at each property line.
 10. Analysis of ice throw under minimum, mean and maximum wind conditions.
- C. The entire WECS (including turbines, alternators, generators, and interconnect systems) shall be filtered and/or shielded to prevent the emission of generated radio frequency energy which would cause any interference with radio, and/or television broadcasting or reception, and shall comply with Federal Communication Rules, 47 CFR Parts 15 (including subparts A and F) and 18 (including subparts A,D. and H) or any subsequent, superceding regulations.
- D. The maximum level of noise permitted to be generated by any WECS shall be sixty (60) decibels, as measured on the dBA scale, and measured at the property line nearest the WECS. The WECS shall not cause human detectible vibrations at the property line.
- E. Setbacks. No WECS shall be erected such that any portion of the tower or turbine is closer to utility lines or property lines than the total distance equal to the height of the tower and rotor combined. If the ice throw distance is greater than this distance, and if there are any principal or accessory structures within reach of ice throws, then the WECS location shall be adjusted to prevent ice throw impact on all abutting property. The lowest point of the arc created by rotating blades shall be at least fifteen (15) feet above ground level.
- F. Labeling:
1. The following information shall be provided on labels attached to the WECS tower subsystem in a visible, easily accessible location:
 - a. Equipment weight of the tower subsystem;
 - b. Manufacturer's name and address;
 - c. Model number;
 - d. Serial number;
 - e. The following tower warning label or equivalent warning: Installation and Maintenance of This Product Near Power Lines is a Danger. For your Safety Follow the Installation and Maintenance Instructions.

Article X
Special Land Use and Conditional Use Regulations

- G. WECS shall be sited and constructed of materials which use the best available technology at the time, with special consideration to minimizing noise and threats to birds and bats.
- H. WECS shall require the applicant to make application to the Federal Aviation Administration to apply for lighting standards that:
 - 1. Are the lowest intensity allowable.
 - 2. Avoids strobe lighting or other intermittent white lighting fixtures.
 - 3. May be a green or red top light that does not pulsate or blink.
 - 4. Are in compliance with legal minimums per FAA requirements. A written FAA report shall be submitted to verify lighting requirements.
- I. WECS shall be secured or protected to prohibit access by unauthorized persons and a security fence may be required if determined to be in the best interest of the community.

**Article XI
RESERVED FOR FUTURE USE**

Article XII
PLANNED UNIT DEVELOPMENT REGULATIONS

Section 12.1 PURPOSE

The purpose of this Article is to permit innovation and variety in land use, design, and layout of property in order to achieve economy and efficiency in the use of land, natural resources, energy and the provision of public services and utilities; encourage useful open space, and provide opportunities particularly suited to the needs of the residents of the County of Keweenaw, provided such opportunities do not unreasonably create adverse economic, social or environmental impacts on surrounding land uses.

The use, area, height, bulk and placement regulations of this Ordinance are primarily applicable to the usual situation of one principal building on a lot. In certain developments, including but not limited to condominium, townhouse, and apartment developments, these regulations might require design and land use arrangements with multiple buildings on a lot and a design less in the interest of public health, safety and welfare than if a controlled degree of flexibility in the regulation of land development were allowed. The Planned Unit Development (PUD) is intended to permit and control the development of preplanned areas for various compatible uses. It is a discretionary review and approval procedure that results in an approved development if all standards of this Article are met and denial if they are not. The Zoning District does not change if a PUD is approved, but like a Special Use, an approved PUD has all the rights and privileges of an approved use by right as long as all conditions attached to the approval are satisfied and the approved use continues.

These regulations are adopted to ensure each PUD affords each type of land use within the PUD reasonable protection from encroachment or interference by other incompatible land uses, and to provide reasonable protection to uses adjacent to a PUD.

Section 12.2 OBJECTIVES

The applicant shall demonstrate that approval of the PUD would result in a recognizable and substantial benefit to the community that could not be achieved under the normal regulations of the District, in one or more of the following areas:

- A. To provide more desirable living, shopping and working environments by preserving as much of the natural character of the property as possible, including but not limited to, open space, stands of trees, brooks, ponds, river and lake shorelines, floodplains, hills, and similar natural assets.
- B. To encourage the provision of open space and the development of recreational and other common facilities in a generally central location within reasonable distance of all seasonal and permanent dwelling units. Developments having water frontage should be designed to preserve public vistas where possible.
- C. The long-term protection and/or preservation of natural resources and natural features and/or historical and/or architectural features of a significant quantity and/or quality in need of protection or preservation on a local, state and/or national basis.
- D. Reducing to a significant extent the nonconformity of a nonconforming use, building or structure, i.e., modification of a nonconforming use or structure so that, to a

Article XII
Planned Unit Development Regulations

significant extent, it is rendered more conforming, or less offensive, to the Zoning District in which it is situated.

- E. The provision of additional amenities which would not otherwise be provided in a conventional development, including but not limited to more usable open space.
- F. To promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land uses, and utilities.
- G. To combine and coordinate architectural styles, building forms, and building relationships within the PUD.

Section 12.3 GENERAL

12.3.1 Relationship of PUDs to Zoning Districts: Except as otherwise provided in other Sections of this Article, while PUDs are permitted in all Zoning Districts except RS-1, TR and CEP, the underlying Zoning District that applies to a particular parcel establishes the permitted uses and densities, as well as the basic limitations on height, bulk, setback, yard area and related requirements. Yet, because of the inherent flexibility necessary for application of the PUD technique, land uses, densities, height, bulk, setbacks, parking, signage, and related standards can be waived or reduced as a part of the Site Plan Review and approval process for a PUD, provided such actions are within the parameters provided for that type of PUD as detailed in the remainder of this Section and Section 12.6.3. Property subject to an approved PUD shall be labeled PDD on the zoning map.

12.3.2 Minimum Requirements:

- A. The site shall be not less than five (5) acres in area.
- B. The site shall be located within an AG,ED, CE, R-1 A & B, R-2,RR, RS-2, B-1, M-1 or M-2 District.
- C. Minimum yard restrictions of the Zoning District in which the project is located shall be maintained around the perimeter of the project.
- D. Required open space shall be dedicated to the public or set aside for common use of the owners and users within the PUD so that there are assurances that the required open spaces shall remain open. Required open space shall conform with the requirements of Section 12.6.2.
- E. Permitted density in terms of dwelling units per acre may be increased in a PUD up to fifteen percent (15%), when the design of PUD demonstrates complete conformance with the requirements of this Article. See especially Section 12.3.4. No intensity increase is permitted for a PUD overlying a B-1, M-1 or M-2 District.
- F. The following uses may be permitted within a residential planned unit development:
 - 1. All uses permitted by right, by right with conditions, or by Special Use Permit in the district in which the property is located and subject to all restrictions specified for that district except as modified by a PUD Permit.
 - 2. Recreation and open space, provided that the following uses may be set aside as common land for open space or recreation use under the provisions of this Section:
 - a. Private recreational facilities such as golf courses, swimming pools, ski resorts, or other recreational facilities which may or may not be limited to the use of the owners or occupants of the lots located within the PUD, depending on what is permitted in the underlying District.

Article XII
Planned Unit Development Regulations

- b. Historic building sites or historical sites, parks, and parkway areas, ornamental parks, extensive areas with tree cover, lowlands along streams, or areas of rough terrain when such areas have natural features worthy of scenic preservation.
- G. The following uses may be permitted within a nonresidential planned unit development: All uses permitted by right, by right with conditions, or by Special Use Permit in the District in which the property is located and subject to all restrictions specified for that District except as modified by a PUD Permit. Limited permanent dwelling units may be permitted, especially if above ground floor commercial uses. All nonresidential PUDs shall have direct access to a paved public road.
- H. In the case of a mixed-use PUD which includes a use permitted by right in the Zoning District, a building devoted primarily to such a permitted use must be built before or concurrently with any building devoted primarily to any use not permitted by right. If there is no building devoted primarily to a use permitted by right, a building including such a use permitted by right must be built before or concurrently with any building that does not include such a permitted use.
- I. A PUD must be designed as a single development and shall be at least fifty percent (50%) completed within two (2) years, unless otherwise stated in the approved PUD permit.

12.3.3 Eligibility Requirements: No PUD shall be approved unless the applicant demonstrates, through written submittal that the land use and development substantially advances objectives described in Section 12.2, and meets the eligibility requirements and the standards set forth in this Ordinance, and in addition that:

- A. The PUD shall result in a recognizable and substantial benefit to the ultimate users of the project and to the County of Keweenaw. Such benefit must otherwise be unfeasible or unlikely to be achieved by development under a single Zoning District taking into consideration the reasonably foreseeable detriments of the proposed development and use(s).
- B. Noncontiguous parcels may be considered where other benefits to the public are sufficiently great to warrant such consideration in the opinion of the County Board of Commissioners as provided in MCL 125.216c.
- C. The PUD shall remain under the control or authority of a single individual, corporate or organizational owner who is authorized to administer the PUD.

12.3.4 Calculating Density: The permitted density on a specific parcel or parcels subject to a PUD application is first established by applying the minimum lot size in the underlying district to the buildable portion of the parcel or parcels and then applying a density bonus of not more than fifteen percent (15%) as the design warrants and in the complete discretion of the County Board of Commissioners. This density is achieved either by reducing the minimum lot size of the underlying district, or by clustering lots, or both, and is calculated as follows:

- C. The applicant shall prepare a drawing to scale that divides the site into the maximum number of lots permitted under this Ordinance without a bonus or clustering. That means dividing the total area of the site by the minimum lot area requirements per lot, while still conforming to minimum lot width or frontage requirements, and ensuring that each lot has sufficient area to meet District Health Department requirements for septic waste disposal, unless the site is served by public sewer, and ensuring that adequate right-of-way for a public road meeting County Road Commission standards is provided, and ensuring that no parcel so created for a

Article XII
Planned Unit Development Regulations

dwelling unit violates state or federal wetland, floodplain, sand dune or high risk erosion regulations. No existing or proposed easement shall be counted as available for development. The whole number of lots that results from this calculation, is the maximum number of lots, or dwelling units that may be clustered on the site under this Section before any bonus is applied. For example, in an AG District, if a parcel has forty (40) contiguous acres, it could have four (4) residential lots if all land was developable, and before land for a road were subtracted (which would further reduce the number of permitted lots). If five (5) of the forty (40) acres was undevelopable due to wetlands, then a maximum of three (3) residential lots could be constructed, before lands were subtracted for a road.

- D. The site shall have direct access to a county road or state highway via a new public road built to County Road Commission standards.
- E. The PUD shall conform with all the following standards:
 - 1. Open space shall conform with the requirements of Section 12.6.2.
 - 2. The proposed open space shall be clearly depicted on the site plan and differentiated from the land proposed for clustering the single family dwelling units.
 - 3. Specific uses for the proposed open space shall be clearly indicated on the site plan and described in appropriate detail in the accompanying application.
 - 4. Open space is encouraged around the perimeter of a site to screen and buffer the clustered units from abutting property.
 - 5. New development should be separated by at least one hundred (100) feet from wetlands, surface waters or other sensitive open space.
 - 6. Open space shall be reasonably shaped and contiguous, and located for convenient use by residents of the development.
 - 7. The open space may be retained by the original landowner or held in common by one or more of the new landowners in the rural cluster development.
 - 8. Up to twenty (20) percent of the useable common open space may be used for septic drainfields for individual dwelling units, provided a homeowners association assumes liability for any problems, and if the method is approved by the District Health Department and the Michigan Department of Environmental Quality. No part of the preserved open space shall be used for an access road.
 - 9. Minimum width of an individual lot in a cluster at the building line shall not be less than sixty (60) feet.
 - 10. Dwelling units shall be separated from nearby farm structures by at least five-hundred (500) feet, unless a lesser amount is approved by the farm structure owner.
 - 11. The PUD design shall protect roadside character and improve public safety and preserve vehicular carrying capacity by not fronting lots along an existing county road or state highway.
- D. The application shall be accompanied by a Site Plan that conforms to the requirements of Section 18.24.
- E. A pre-application conference between the applicant, the site designer, the chairperson of the Planning Commission, the Zoning Administrator and any planning consultant retained by the County shall be held prior to submittal or review of any site plan for a PUD. A site visit may be scheduled as a part of the pre-application conference. The purpose of the pre-application conference is to review Ordinance requirements as they apply to the site, before the applicant spends any

Article XII
Planned Unit Development Regulations

significant money on even preliminary site designs. The Zoning Administrator will direct the applicant to various publications on PUD available from MSU Extension and the American Planning Association to help the applicant step through the design process with the least amount of difficulty.

- F. The applicant shall receive a 5% bonus density for each of the following up to a maximum of 15%:
1. 15% more usable, common open space (not wetland) than the minimum required in Table 12-1.
 2. A design that blends well with the natural environment/or abutting lands.
 3. A design that is aesthetically pleasing and compatible with structures on abutting property.
 4. A design that is functional, safe and efficient to serve.

Section 12.4 PREVIOUSLY APPROVED PLANNED UNIT DEVELOPMENTS

A PUD approved by the County Board of Commissioners prior to the adoption or amendment of this Ordinance may be amended only through the filing and approval of a new application under this Article. The application shall be considered under the current standards of this Ordinance, rather than the standards in effect at the time of the original approval. If the application is denied, the previously approved PUD shall remain valid even if the underlying district has been changed.

Section 12.5 APPLICATION, REVIEW AND APPROVAL PROCEDURES

12.5.1 Application: The Zoning Administrator shall review each application pursuant to the requirements of Section 18.7, and when it is determined to be complete, schedule it for a public hearing at a regular Planning Commission meeting, unless the applicant pays all of the costs for a special meeting.

12.5.2 Required Information: An application for PUD shall be accompanied by the following documents and information:

- A. A PUD application form supplied by the Zoning Administrator which has been completed in full by the Applicant.
- B. A Major Site Plan satisfying the requirements of Part IV of Article XVIII entitled Site Plan Review.
- C. A statement with regard to compliance with the objectives of a PUD stated in Section 12.2, the minimum and eligibility requirements of Sections 12.3.2 and 12.3.3 respectively, the criteria for approval in Section 12.6, and other criteria imposed by this Ordinance affecting the PUD under consideration, including but not limited to those in Article XIV, XV and XVI.

12.5.3 Public Notice, Public Hearing and Approval Procedure:

- A. A notice of the public hearing shall be given pursuant to Section 18.16, and the first public hearing shall be conducted by the Planning Commission pursuant to the requirements of Section 18.17. The Planning Commission's recommendation shall be forwarded to the County Board of Commissioners for final action. Prior to action on the request, the County Board of Commissioners shall also conduct a public hearing, preceded by notice in the same manner as for the public hearing by the Planning Commission.

Article XII
Planned Unit Development Regulations

- B. The Planning Commission and County Board of Commissioners, in their respective meetings, shall review the application, comments received, the Site Plan, and other pertinent information received and shall make a determination in accordance with the criteria described in Section 12.3.2, 12.3.3 and 12.6, and such other standards contained in the Ordinance which relate to the PUD under consideration.

12.5.4 Post-Hearing Actions:

- A. The County Board of Commissioners may by majority vote of its members deny, approve, or approve with conditions the application for PUD approval. Its decision shall be incorporated in a statement of conclusions relative to the PUD under consideration, and shall specify the basis for the decision and any conditions imposed. A request for approval of a land use or activity which is in compliance with Ordinance standards, other applicable ordinances, and state and federal statutes shall be approved.
- B. Upon the approval, or approval with conditions, by the County Board of Commissioners, the Zoning Administrator shall prepare and issue a permit to the applicant incorporating the conditions if any, imposed by the County Board of Commissioners.
- C. An appeal of a decision by the County Board of Commissioners to approve, deny or approve with conditions a PUD Permit application may be taken to Circuit Court, and may not be first appealed to the Board of Appeals.
- D. The Zoning Map shall have the notation "PDD" written on any parcel for which PUD approval has been granted and remains in effect.

Section 12.6 BASIS OF DETERMINATION

12.6.1 General Standards: The Planning Commission and the County Board of Commissioners, in their respective hearings, shall review the particular circumstances of the PUD application under consideration in terms of the following standards and shall recommend approval, or approve, respectively, a PUD only upon a specific finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance:

- A. The PUD shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
- B. The PUD shall be designed in a manner to ensure healthful living conditions and adequate light, air, and accessibility for fire and police protection for the inhabitants and users of the development as well as adjacent County residents.
- C. The PUD shall be consistent with the intent of the Keweenaw County Comprehensive Plan.
- D. The PUD shall not change the essential character of the surrounding area.
- E. The PUD shall not be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, ground vibration, water runoff, odors, light, glare or other features of the planned use.
- F. The PUD shall not place demands on public services and facilities in excess of current capacity, unless planned improvements have already been scheduled for completion.
1. The PUD site plan shall demonstrate a safe and adequate on-site system of potable water and wastewater lines that can accommodate the proposed development, that are efficiently integrated into off-site potable water and

Article XII
Planned Unit Development Regulations

- wastewater public improvement plans, where public off-site facilities are available.
2. Adequate off-site facilities for potable water supply, sewage disposal, solid waste disposal, electrical supply, fire protection and roads are planned and programmed for the development proposed in the PUD site plan, and the development is appropriately located in relation to schools, police protection and other emergency services.
- G. The PUD shall be designed to preserve public vistas and existing important natural, historical, and architectural features of significance within the development.
 - H. The PUD shall be designed so that its pedestrian, non-motorized and automobile circulation systems are safely and conveniently integrated with those of abutting property and any linear trail or park systems.
 - I. The PUD shall provide that vehicular and pedestrian traffic within the site shall be safe and convenient and that parking layout will not adversely affect the flow of traffic within the site or to and from the adjacent streets. Safe and adequate access for emergency vehicles and adequate space for turning around shall be provided.
 - J. The PUD shall not result in any greater stormwater runoff to adjacent property after development, than before.
 - K. The design of the PUD shall exhibit a reasonable harmonious relationship between the location of buildings on the site relative to buildings on lands in the surrounding area; and there shall be a reasonable architectural and functional compatibility between all structures on the site and structures within the surrounding area. It is not intended that contrasts in architectural design and use of facade materials is to be discouraged, but care shall be taken so that any such contrasts will not be so out of character with existing building designs and facade materials so as to create an adverse effect on the stability and value of the surrounding area.
 - L. The design of the PUD shall ensure that outdoor storage of garbage and refuse is contained, screened from view, and located so as not to be a nuisance to the subject property or neighboring properties as provided in Section 15.5.3.
 - M. The PUD shall be designed such that phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility services, drainage or erosion control.
 - N. The PUD shall conform with all applicable County, state and federal requirements for that use.
 - O. The Applicant shall be in substantial compliance with any previously issued Zoning Permits and shall not otherwise be disqualified from receiving a permit under Sections 18.8.4 or 21.6 of this Ordinance.
 - P. All signs in a PUD shall comply with the requirements of Article XVI, except that the County Board of Commissioners may approve different signage if a comprehensive sign plan for the proposed PUD is submitted that does not result in greater total sign area, or sign height, even though more signs are used, and is otherwise consistent with the intent and purpose of the sign regulations as determined by the Planning Commission.
 - Q. The Planning Commission shall find that review of the Site Plan for the Planned Unit Development provides safe and convenient vehicular and pedestrian traffic within the site and that the proposed parking layout will not adversely affect the flow of traffic within the site or to and from the adjacent streets. All parking shall comply with the requirements of Article XIV, except that where the overall integrity of the PUD would be improved with a waiver of parking design standards that do not undermine the intent and purpose of the parking regulations, then the County Board of

Article XII
Planned Unit Development Regulations

- Commissioners may grant such waiver, however, the total number of required parking spaces cannot be reduced below that necessary to meet anticipated need.
- R. Landscaping shall ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property and will create a pleasant pedestrian scale outdoor environment. All landscaping shall comply with the requirements of Article XV, except that the County Board of Commissioners may approve different landscaping, if a comprehensive landscape plan for the proposed PUD is submitted that would result in a comparable or better design that is also consistent with the intent and purpose of the landscape regulations.

12.6.2 Open Space Requirements:

- A. The minimum amount of permanent common open space that shall be provided for each PUD by underlying District is listed in Table 12-1. Permanent common open space and maximum open space that is wetlands or open water in columns two and three of Table 12-1 respectively, shall be measured as a percentage of the total acreage of the land that makes up the PUD, except as otherwise provided in this Article.

Table 12-1
Minimum Permanent Common Open Space

Underlying District	Minimum Open Space	Maximum Open Space that is Wetlands or Open Water
RR	50%	25%
R-1	40%	25%
R-2	40%	25%
RS-2	40%	25%
CE	50%	25%
AG	50%	25%
Nonresidential Districts	0%	0%

- B. All land designated and approved as common open space in a PUD shall remain as permanently protected open space. All open space, tree cover, recreational area, scenic vista, or other approved open land areas shall be either set aside as common land for the sole benefit, use, and enjoyment of present and future lot owners or residents within the PUD, or at the initiative of the applicant and acceptance by the appropriate public body, may be dedicated to the public as park land for the use of the general public. The Planning Commission shall determine which is most appropriate based on the following considerations:
1. That open space land shall be legally conveyed from the tract owner or owners to a home owners association or other similar nonprofit organization so that fee simple title shall be vested in tract lot owners as tenants in common, provided that permanent arrangements have been made for the maintenance of said land and any buildings thereon and that an open space easement for said land may be conveyed to the public to assure that open space land shall remain open.
 2. That open space land may be voluntarily dedicated to the public for park or recreational purposes by the tract owner or owners, provided that the location and extent of said land conforms to the Keweenaw County Comprehensive Plan,

Article XII
Planned Unit Development Regulations

and that access to and the characteristics of said land is such that it will be readily available to and desirable for public use, development, and maintenance in which event the developer shall not be required to improve the same.

3. The dedicated open space shall be set aside by the developer through an irrevocable conveyance that is reviewed and approved by the County Attorney, such as: recorded deed restrictions, covenants that run with the land, transfer to a nonprofit land trust, a recorded conservation easement such as that provided in the State of Michigan Conservation and Historic Preservation Easement Act, Public Act 197 of 1980, as amended (MCL 399.251) or dedication to and acceptance of the open space by the County or other public entity. Such conveyance shall assure, unless the land is dedicated to the County and accepted by it, that the County will not be liable for any uses or activities occurring within the dedicated open space and that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use unless mutually agreed by the written consent of the County Board of Commissioners and the property owner or homeowners association. Such conveyance shall also:
 - a. Indicate the proposed allowable use(s) of the dedicated open space.
 - b. Require that the dedicated open space be maintained by parties who have an ownership interest in the open space in the manner specified in the PUD approval.
 - c. Provide standards for scheduled maintenance of the open space.
 - d. Provide for maintenance to be undertaken by the County in the event that the dedicated open space is inadequately maintained, or is determined by the County to be a public nuisance, with the assessment of costs upon the property owners.
 - e. Bind all successors and future owners in fee title to commitments made as a part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the County and the land uses continue as approved in the planned unit development.

12.6.3 Waiver of Planned Unit Development Standards: The County Board of Commissioners, following the recommendation of the Planning Commission, may waive partially or wholly any of the standards for a PUD contained in this Article or other relevant standard in this Ordinance where all of the following findings are documented along with the rationale for the decision:

- A. No substantial public purpose will be achieved by requiring conformance with the standards sought by the applicant to be waived.
- B. The spirit and intent of the PUD provisions will still be achieved and there will be no increase in density or intensity of use of more than 5% above what is otherwise allowed in this Article, or of mass of buildings or structures, or of traffic that will be generated (beyond the amount that would be permitted without this waiver).
- C. No nuisance will be created.

12.6.4 Conditions: The Planning Commission may recommend, and the County Board of Commissioners may impose, conditions with the approval of a PUD which are necessary to ensure compliance with the standards for approval stated in this Section and any other applicable standards contained in this Ordinance. Such conditions shall

Article XII
Planned Unit Development Regulations

be considered an integral part of the PUD approval and shall conform with the requirements of Section 18.12 and 18.13.

12.6.5 Appeal of PUD Decision: An appeal of a decision by the County Board of Commissioners to approve, deny or approve with conditions a PUD application may be taken to Circuit Court, and may not be first appealed to the Board of Appeals.

Section 12.7 PERMITS

12.7.1 Validity of Permit: A Zoning Permit authorizing a PUD (hereafter referred to as a PUD Permit) shall be valid for a period of one (1) year from the date of issuance, unless another, longer, time period is set by the County Board of Commissioners as a condition of approval. If the use has not commenced by the end of this time period, the permit shall expire automatically without any further action or notice by the County unless an extension is granted pursuant to Section 18.7.12.

12.7.2 Permit Revocation: In the event the County Board of Commissioners believes the holder of a PUD Permit has failed to comply with one or more of the terms or conditions of the permit or of this Ordinance, the County Board of Commissioners may schedule a hearing to consider the revocation of the permit. The permit holder shall be given reasonable notice of the hearing date, which shall in any event be not less than ten (10) business days from the date of the notice. The notice of hearing shall include a written statement of the reasons for the possible revocation. The permit holder shall be allowed to appear at the hearing and to present evidence pertinent to whether the permit should be revoked. If the County Board of Commissioners decides to revoke the permit, the use for which the permit was granted must cease within sixty (60) days of the hearing date. Failure to terminate the use for which the permit was revoked within sixty (60) days is declared to be a nuisance per se and a violation of this Ordinance.

12.7.3 Permit Transferability: A PUD Permit may be transferred from one owner of the property to which it is affixed to the next owner of the same property. A PUD permit may not be transferred from one property to another property. A new owner may continue to use the property for the purposes for which the PUD was granted as long as all conditions and terms of the permit are satisfied. Permit transfer is automatic, provided that within sixty (60) days of acquiring ownership the new owner registers his intent to continue the PUD with the Zoning Administrator on a form established for that purpose. The Zoning Administrator shall review with the new owner all the applicable Ordinance requirements that apply to the property and any special conditions imposed upon the PUD when the transfer form is submitted.

12.7.4 Termination of a PUD if the Use Changes: If there is a change in the use of a property for which a PUD was issued, the PUD shall automatically terminate and the property shall only be used for a use permitted in the underlying District in which the property is located. A PUD including a seasonal use is also subject to termination, if the season passes in which the seasonal use would normally occur and a different use is in place instead.

12.7.5 Recording with Register of Deeds: A PUD Permit, or expiration, revocation or termination thereof, shall be recorded by the County with the Keweenaw County Register of Deeds.

12.7.6 Continuing Adherence to Approved Site Plan: Any property owner who fails to develop and maintain an approved PUD according to the approved Site Plan shall be deemed in violation of the provisions of this Ordinance and shall be subject to the penalties for same.

12.7.7 Amendments: Amendments to an approved Site Plan for a PUD shall be processed according to the procedure in Section 18.31.

12.7.8 Scheduled Phasing: When proposed construction is to be phased, the project shall be designed in a manner that allows each phase to fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to ensure protection of natural resources and the health, safety and welfare of the users of the open space development and the residents of the surrounding area.

12.7.9 Timing of Phases: Each phase of the project shall be commenced within the schedule set forth on the approved Site Plan. One phase must be completed before beginning work on the next unless explicitly authorized during Site Plan approval. If construction of any phase is not commenced within the approved time period, an extension may be granted, following review of a formal request for extension by the developer and approval of same by the County Board of Commissioners.

Section 12.8 REAPPLICATION

No application for a PUD Permit which has been denied, wholly or in part, shall be resubmitted for a period of one (1) year from the date of the denial, except on satisfactory proof of substantially changed conditions, newly discovered evidence, or a falsehood previously relied upon by the County which, through the exercise of normal diligence, could not have been discovered before the hearing, as determined by the Zoning Administrator. A reapplication shall be processed as a new application.

Section 12.9 HARDSHIP PLANNED UNIT DEVELOPMENT

12.9.1 Intent and Purpose: It is the intent of this section to provide a site specific administrative remedy to allow reasonable Use of property in those limited instances in which a property owner demonstrates to the County Board of Commissioners that (1) the applicant's property cannot be used for the purposes permitted in the Zoning District, (2) the plight is due to the unique circumstances peculiar to the property and not to the general neighborhood conditions, (3) the proposed development and use would not alter the essential character of the area, and (4) the applicant's problem has not been self-created.

If and when a property owner meets such four-part threshold burden of proof, it is not intended that any use may then be approved. Rather, this section is intended to authorize administrative relief to the minimum extent necessary to allow reasonable use

Article XII
Planned Unit Development Regulations

of property on the particular site, which is compatible to the extent possible with the uses of adjacent properties.

In order to satisfy the finality requirement dictated by the Michigan Supreme Court in *Paragon Properties Company v. County of Novi*, 452 Mich 568 (1996), a property owner shall not be required to seek variance relief at the Zoning Board of Appeals if relief is sought and denied under this Section.

12.9.2 Application Requirements:

- A. In addition to the information required for other variance requests, an application for a Hardship Planned Unit Development shall include a Site Plan and a summary of the facts which support each of the following conclusions:
 - 1. Applicant's property cannot be used for the purposes permitted in the Zoning District.
 - 2. Applicant's plight is due to unique circumstances peculiar to his property and not to general neighborhood conditions.
 - 3. Applicant's suggested use would not alter the essential character of the area.
 - 4. Applicant's problem has not been self-created.
- B. At the end of each statement (1 through 4 in Subsection A above) identify all persons who will appear at the hearing with respect to each of the facts, and, separately, identify all persons who will appear at the hearing relative to the respective conclusion (and if any person is to be offered as an expert witness, include with the application a resume which shows the education and experience of such person within the particular area of expertise).

12.9.3 Pre-Hearing Conference:

- A. Prior to the scheduling of a hearing, the applicant shall contact the Zoning Administrator for the purpose of scheduling a pre-hearing conference.
- B. The purposes of the pre-hearing conference shall be to:
 - 1. Review the procedure for the hearing and identify all persons who will appear (directly or through affidavit) and the evidence to be offered on behalf of the applicant.
 - 2. Attempt to secure a statement of agreed upon facts to be used to narrow the matters of dispute and shorten the hearing.
 - 3. Explore a means of providing relief to the applicant by way of non-use variance from the zoning board of appeals.
 - 4. Discuss the need, desirability, and the terms of providing, a verbatim record of the hearing.
- C. The Zoning Administrator shall determine who should be present at the pre-hearing conference based upon the application submitted, and taking into consideration the discussion with the applicant or the applicant's representative.
- D. The pre-hearing conference shall be scheduled and conducted on an expeditious basis so as to avoid unreasonable delay to the applicant. Sufficient time shall be taken, however, to achieve the purposes of the pre-conference hearing, stated above.

12.9.4 Hearing Procedure:

- A. The applicant shall have the burden of proof. In order to be entitled to relief, the applicant must demonstrate each of the four factors set forth in Section 12.9.2.A, subsections 1 through 4.

Article XII
Planned Unit Development Regulations

B. Manner of Presentation:

1. Community representatives shall present an overview of the zoning regulations involved. This may include an indication of the objectives sought to be achieved in the Zoning District, and any planning, engineering, financial, environmental or other considerations which are generally relevant within the Zoning District and/or in the general area of the property at issue.
2. The applicant may present witnesses, including the applicant, or may submit affidavits, for the purpose of attempting to prove facts or conclusions. The applicant shall be provided with the opportunity to present all testimony and evidence proposed to be presented at the pre-hearing conference, either through witnesses or affidavits, however, the chairperson of the County Board of Commissioners may restrict testimony and evidence which would result in unreasonable duplication. In addition, by motion made on its own or at the request of a person at the hearing, the County Board of Commissioners may require the presence of any witness who has offered either testimony by affidavit on a material question of fact or testimony of any expert nature, with the view of permitting members of the County Board of Commissioners to ask questions of such witnesses.
3. At the conclusion of the applicant's presentation, interested persons attending the hearing shall be provided with the opportunity to present testimony and evidence in the same manner and subject to requiring the presence and questioning of witnesses, as provided above for the applicant.
4. When interested persons have completed their presentations, at the same meeting and/or at an adjourned meeting date, testimony and evidence may be presented on behalf of the community in the same manner, and subject to requiring the presence and questioning of witnesses, as provided above for the applicant. The purpose of such presentation shall be to ensure that a full picture, including all relevant information, is before the County Board of Commissioners for consideration as it relates to the specific application presented.
5. If testimony or evidence has been offered by or on behalf of interested persons and/or the community, the applicant shall have the opportunity to make a responsive presentation, restricted to answering the points raised by interested persons and community representatives. The manner of presenting witnesses, and requirement of their presence and questioning, shall be the same as provided above for the applicant's principal presentation.
6. At the hearing, the County Board of Commissioners may determine to establish other rules of procedure, such as meeting hours on any given day, procedure for presentations by interested persons and/or on behalf of the community, or other rules found to be necessary or appropriate by the County Board of Commissioners. When questions of procedure arise during the hearing, the chairperson of the County Board of Commissioners may solicit the recommendation of the representatives of both the applicant and the community.
7. If a hearing is not completed at a given meeting within the time period allowed by the County Board of Commissioners, the County Board of Commissioners shall adjourn the hearing to a date certain for continuation.

12.9.5 Decision of the County Board of Commissioners:

- A. The County Board of Commissioners may deem it appropriate in any given case to provide an opportunity for anyone presenting testimony or evidence to submit proposed findings of fact and conclusions.

Article XII
Planned Unit Development Regulations

- B. At the conclusion of the hearing, the County Board of Commissioners may make its decision at that meeting, or it may adjourn the hearing to a new date for the purpose of reviewing the testimony and evidence, and reviewing proposed findings and conclusions submitted by hearing participants, in preparation for making its decision.
- C. If the County Board of Commissioners determines to grant a Hardship Planned Unit Development, it shall be the minimum relief required to allow reasonable Use of property, while maintaining the essential character of the area. The motion may include conditions that are authorized by law.
- D. If the County Board of Commissioners adopts a motion to grant a Hardship Planned Unit Development, such motion may be made as a tentative grant of relief, subject to review by the Planning Commission, Zoning Administrator, County Engineer or other person or official with expertise, with a view of obtaining recommendations on any conditions that may be relevant and authorized by law, and for the further purpose of ensuring that the grant of relief would not violate applicable law. If a motion authorizing such a tentative grant of relief is made, the County Board of Commissioners, in the same motion, should request the completion of all reviews by other boards or persons by a specific date, so that relief may be expeditiously finalized.

**Article XIII
RESERVED FOR FUTURE USE**

**Article XIV
OFF-STREET PARKING AND LOADING**

Section 14.1 PURPOSE

The purpose of this Article is to prescribe provisions, criteria and standards for off-street parking and loading areas. The County recognizes that inadequate off-street parking and loading areas may lead to traffic congestion and loss of economic opportunities, as well as unauthorized parking in adjacent lots and on nearby streets. Excessive parking and loading areas are an inefficient use of resources, and increase the potential for drainage problems. This Article seeks to balance the public and the private needs for off-street parking and loading areas.

Section 14.2 PARKING REQUIREMENTS

14.2.1 Intent: Parking spaces shall be provided and adequately maintained by each property owner in every zoning District for the off-street storage of motor vehicles for the use of occupants, employees and patrons of each building and premise constructed, altered or enlarged under the provisions of this Ordinance, except as otherwise provided by this Ordinance.

14.2.2 General Provisions:

- A. Whenever a use requiring off-street parking is increased in floor area, or when interior building modifications or a change in use result in an increase in the required parking under this Ordinance, additional parking shall be provided and maintained as required by this Ordinance.
- B. No parking area or parking space or loading area which exists at the time this amendment becomes effective or which later is provided for the purpose of complying with the provisions of this Ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance unless and until equal or better parking facilities meeting the requirements of this Ordinance are approved and provided.
- C. Required parking areas shall be used only for the parking of vehicles.
- D. All parking spaces shall be designed and located consistent with all applicable barrier free and handicapped parking requirements under federal, state, county and local law.

14.2.3 Right-of-way: No parking space located within or along the traveled portion of any street shall be counted toward the off-street parking requirements set forth in this Ordinance.

14.2.4 Reserved for Future Use.

14.2.5 Joint Use of Parking Areas: The joint use of parking areas by two or more uses may be approved by the Zoning Administrator whenever such joint use is practical and satisfactory to each of the uses intended to be served, and when all requirements for location, design, and construction are met.

- A. **Computing Capacities:** In computing capacities of any joint parking area, the total parking space requirement is the sum of the greatest number of parking spaces

required for the individual uses that will occur at the same time. If the maximum space requirements for individual uses occur at distinctly different times, the total number of off-street parking spaces required for joint use may be reduced by the Zoning Administrator.

- B. Record of Agreement: A copy of an agreement between joint users shall be filed with and must be approved by the Zoning Administrator, and recorded with the Register of Deeds of Keweenaw County prior to the issuance of the Zoning Permit. The agreement shall include provisions for the continued long-term use and maintenance of the parking area as well as the allocation of parking spaces to each use.

14.2.6 Measurements and Calculations:

- A. Definition of Usable Floor Area: The gross floor area used or intended to be used for services to the public, including those areas occupied by fixtures and equipment used for display or sale of merchandise, but excluding floor areas which are used exclusively for storage, housing of mechanical equipment integral with the building, maintenance facilities, or other areas where customers, patients, clients, salesmen, and the general public are denied access. Floor area, whether usable or gross, shall be measured from the exterior faces of exterior walls, except in a case where an interior building wall separates two uses or users. In such a case, the floor area shall be measured from the inside face of such an inside wall.
- B. Fractional Space: When a calculation determining the number of required parking spaces results in a fractional space, any fraction to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.
- C. Employees: Requirements for parking stated in terms of employees shall be based upon the maximum number of employees likely to be on the premises during the largest shift.
- D. Seating Capacity: When benches, pews or other similar seating is used, each 18 inches of that seating shall be counted as one seat, unless Table 14-1 specifies otherwise.

14.2.7 Parking Space Requirements:

- A. Parking spaces shall be not less than ten feet (10') wide and twenty feet (20') long, as shown in Figure 14-1.
- B. Plans and specifications showing the number of required off-street parking spaces for every use, as listed on Table 14-1, shall be provided and approved prior to the issuance of a zoning or building permit. If there is more than one principal use on a lot, then the combined parking requirements for each of the permitted uses must be met unless there is an approved joint use agreement as set forth above. If a use is not listed, then the Zoning Administrator may apply the off-street parking standards for a similar use. Accessible parking spaces required under the Americans with Disabilities Act shall be counted toward the number of parking spaces required under this section. Loading and unloading spaces required under Section 14.3 shall not be counted toward the number of parking spaces required under this section.
- C. Any proposed use for which there is no comparable use parking standard on Table 14-1, shall conform with the standard for that use in the most recent edition of **Parking Standards** published by the American Planning Association.

**Article XIV
Off-Street Parking and Loading**

Section 14.2.7

Table 14-1

PARKING STANDARDS	
USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
RESIDENTIAL & RELATED USES	
Bed and breakfast operations	One (1) space for each sleeping room, plus two (2) spaces for permanent residents.
Boarding houses, fraternities, sororities	One (1) space for each bedroom or each two (2) occupants of the structure, whichever is greater.
Community residential care facilities 6 or less persons	Four (4) spaces.
Convalescent Homes, convents or similar uses	One (1) space for each three (3) beds, plus one (1) space for every three (3) employees.
Mobile Home parks	Two (2) spaces for each mobile home site, plus one (1) space for each mobile home park employee.
Multiple-family dwellings	Two (2) spaces for each dwelling unit.
Single- and two-family dwellings	Two (2) spaces for each family dwelling unit.
CIVIC, NONPROFIT, INSTITUTIONAL, PUBLIC & PRIVATE, RECREATION & RELATED USES	
Public buildings	One (1) space for each two hundred (200) sq. ft. of gross floor area used by the public, and one (1) space for each six hundred (600) sq. ft. of gross floor area not used by the public.
Religious institutions and houses of worship	One (1) space for each three (3) seats or six (6) feet of pews in the main unit of worship.
COMMERCIAL & RELATED USES	
Automatic teller machine (ATM) (free standing, not applicable when associated with another use)	Two (2) spaces per machine.
Automobile service and repair garages, gasoline filling and service stations (see convenience retail establishments)	Three (3) spaces for each repair and service stall, plus one (1) space for every employee.
Other business service establishments: <ul style="list-style-type: none"> • Advertising and mailing • Banks and credit unions • Employment services • Investment companies • Real estate companies 	One (1) space for every two hundred (200) sq. ft. of usable floor area.
Drive-through restaurants or fast-food establishments	One (1) space per fifty (50) sq. ft. of eating area, plus one (1) space for each employee on the largest working shift.
Food service establishments:	
<ul style="list-style-type: none"> • Carry-out food or walk-up, establishment including bakeries, ice cream shops and delicatessens if carry-out only, or if all seating is exterior only. 	One (1) space for each employee, plus five (5) spaces.
<ul style="list-style-type: none"> • Restaurant or establishment for sale and consumption, of beverages, food or refreshments on the premises including drive-in, but not including drive-through restaurants 	One (1) space for each seventy-five (75) sq. ft. of usable floor area, or one (1) space for each two (2) persons allowed within the maximum occupancy load as established by the local fire marshal.

**Article XIV
Off-Street Parking and Loading**

Table 14-1 continued

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
General retail stores, except otherwise specified herein	One (1) space for every one hundred and fifty (150) sq. ft. of usable floor area.
Motels, hotels, and auto courts	One (1) space for each sleeping unit, plus, one (1) space for each two (2) employees.
Personal service establishment	One (1) space per two hundred (200) sq. ft. of retail sales area, and one (1) space for each four hundred (400) sq. ft. of service area.
Planned commercial or shopping center	One (1) space for each one hundred (100) sq. ft. of usable floor area.
Repair services	One (1) space for each two hundred (200) sq. ft. of usable floor area, plus one (1) space for each employee.
Supermarket, self-service food store	One (1) space for every fifty (50) sq. ft. of usable floor area.
Taverns, bars	One (1) space for every seventy-five (75) sq. ft. of usable floor area, or one (1) space for every three (3) seats, whichever is greater.
Vehicle wash (automatic)	Three (3) spaces each stall.
Vehicle wash (self-service or coin operated)	Three (3) spaces for each washing stall, in addition to, the stall itself..
Indoor Entertainment	
All indoor entertainment facilities	One (1) space for every two hundred (200) sq. ft. of usable floor area.
Outdoor Entertainment	
Campground	Two (2) 10'x30' spaces for every campsite.
Golf courses open to the public	Four (4) spaces for each hole, plus one (1) space for each employee, plus required spaces for each accessory use, such as a restaurant or bar.
Golf driving range	One (1) space for each tee, plus one (1) space for each employee on the largest work shift.
Marinas	One and one-half (1-1/2) spaces per boat mooring slip.
Trailheads	Comply with DNR parking requirements for trailheads.
Ski resorts	One space for every 3 skiers expected to be simultaneously on the premises and one space for every two (2) employees.
INDUSTRIAL & RELATED USES	
Industrial or manufacturing establishments, testing laboratories, creameries, bottling works, printing and engraving shops, and industrial service establishments	One space for every two (2) employees for industries working two (2) or more shifts. One space for every three (3) employees for industries working one shift or one space for every 400 square feet of gross floor area, whichever is greater.
Mini-warehouse (self-service storage facility)	One (1) space per ten (10) storage units plus one (1) space per employee.
Research and development establishments	One (1) space per employee on the largest shift.
Wholesale trade establishments and warehouses	One (1) space for every eight hundred (800) square feet of gross floor area.

**Article XIV
Off-Street Parking and Loading**

Table 14-1 continued

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
PLANNED UNIT DEVELOPMENTS	
Planned Unit Developments: <ul style="list-style-type: none"> • Commercial • Industrial Park • Institutional • Mixed use • Residential 	Parking standards shall be established by the Planning Commission after receiving the recommendation of the Zoning Administrator based on the mix of proposed uses compared to the standards for those, or the most similar uses in this Table 14-1.

14.2.8 Location of Parking Areas: Unless otherwise permitted under this Ordinance, all off-street parking areas shall be located on the same lot or on adjacent premises in the same District as the use they are intended to serve. If on adjacent premises, they shall be under the ownership of the applicant or part of an approved joint parking area under Section 14.2.5. All parking areas shall be fully accessible for the parking of motor vehicles and suitable for the uses described in this Article. If no parking is available on the same or an adjacent lot, the applicant shall submit a request with the Planning Commission for a Special Use Permit, which shall be approved only upon a finding of no significant negative impact on adjacent uses of land.

14.2.9 Parking Area Plan Review: Whenever vehicle parking spaces are required for a given use, plans and specifications for the construction or alteration of an off-street parking area shall be submitted to the Zoning Administrator for review and approval before a zoning and/or building permit is issued. Such plans and specifications shall indicate the location of buildings and parking areas, basis of capacity calculation, size, site design, surfacing, marking, lighting, drainage, curb cuts, entrances, exits, landscaping, signage, and any other detailed feature essential to the complete design and construction of the parking area. For site development requirements for off-street parking and loading, see Section 14.4.

14.2.10 Reserved for Future Use.

14.2.11 Special Parking Restrictions for Residential Districts:

- A. Reserved for Future Use.
- B. Driveways.
 - 1. When a curb cut is permitted and constructed, a hard surface driveway meeting the requirements of 14.4.2.E leading to the carport, garage or parking area shall be constructed.
 - 2. Lots less than three-hundred (300) feet wide fronting on a paved street or road shall not have more than one driveway unless the lot is a corner lot in which case there may be one (1) driveway per street provided it is at least ninety (90) feet from the intersection.
- C. Vehicle Parking.
 - 1. The outdoor parking of motor vehicles on parcels in the R-1 and R-2 Districts shall be limited to passenger vehicles and a single commercial vehicles built on a chassis which is rated one-and-one-half (1 ½) tons or less and not exceeding twenty thousand (20,000) pounds in gross vehicle weight. All such vehicles shall be currently operable and registered and shall

Article XIV
Off-Street Parking and Loading

display a current license plate. These vehicles may be parked in the front yard for a period not to exceed twelve (12) hours in any calendar day, provided that this time limitation shall not apply if the vehicles are parked in front of the required parking spaces such as a garage or carport or in front of the adjacent side yard.

2. Mobile homes and recreational vehicles or equipment intended or adaptable for sleeping purposes shall remain unoccupied and shall not be connected to sanitary sewer facilities, or have a fixed connection to electricity, water or gas, except as otherwise permitted in this Ordinance.

Section 14.3 LOADING AND UNLOADING SPACE REQUIREMENTS

14.3.1 Loading Space Requirements: Plans and specifications showing the number of required off-street loading and unloading spaces for every use, including the means of ingress and egress and interior circulation, shall be provided and approved prior to the issuance of a zoning or building permit. Every lot used for commercial or industrial purposes and having a building or buildings with a total floor area of at least ten thousand (10,000) square feet and every Lot used for office or research purposes on which there is a building having a total floor area of at least twenty thousand (20,000) square feet, shall be provided with one off-street loading space. One additional off-street loading space shall be required for lots used for commercial or industrial purposes where the floor area of all buildings exceeds one hundred thousand (100,000) square feet. If there is more than one principal use on a lot, then the greater of the loading and unloading requirements for each of the permitted uses must be met. Each loading and unloading space required by this section shall not be less than twelve (12) feet in width, fifty (50) feet in length, and fourteen (14) feet in height. Accessible parking spaces required under the Americans with Disabilities Act and parking spaces required under Section 14.2 shall not be counted toward the number of loading and unloading spaces required under this section.

14.3.2 Access: Access to a loading and unloading space shall be so arranged to provide sufficient off-street maneuvering space as well as adequate ingress and egress to and from a street or alley.

14.3.3 Site Requirements: Off-street loading spaces and access drives shall be paved, drained, lighted, and shall have appropriate bumper or wheel guards where needed. Any light used for illumination shall be so arranged as to reflect the light away from adjoining premises and streets. Where any off-street loading space adjoins or abuts a Lot or premises used for residential, educational, recreational, or religious purposes, or abuts a residential District, there shall be provided a masonry wall or solid fence not less than four (4) feet in height between the off-street loading space and said residential, educational, recreational, or religious premises or residential zone.

Section 14.4 PARKING, LOADING, AND UNLOADING AREA SITE DEVELOPMENT REQUIREMENTS

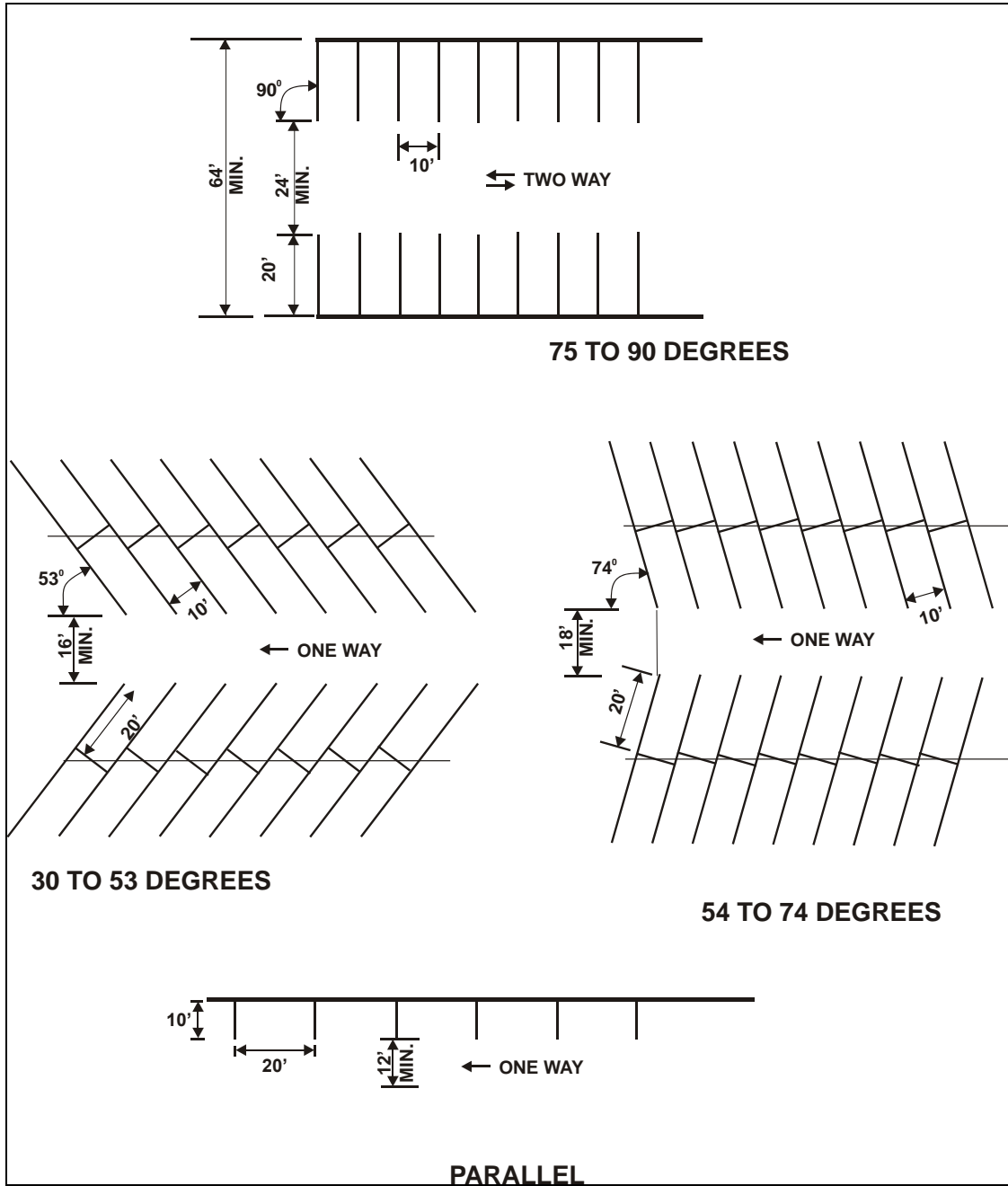
14.4.1 Site Development Requirements: All off-street parking, loading, and unloading areas shall be designed, constructed, and maintained in accordance with the following

Article XIV
Off-Street Parking and Loading

standards and requirements. For the purposes of this section, "parking area" shall mean any area serving as a parking area or a loading and unloading area:

- A. Each parking, loading or unloading space shall meet the minimum dimensional standards established in Section 14.2 or 14.3, as appropriate, depending upon the use and layout of the area; each space shall be definitely designated and reserved for parking, loading or unloading purposes exclusive of space requirements for adequate ingress and egress.
- B. Each parking area shall be so designed and marked as to provide for orderly and safe movement and storage of vehicles.
- C. Adequate ingress and egress to the parking area by means of clearly limited and defined drives shall be provided. See also the access requirements of Section 14.5. Except for parking areas accessory to single-family and two-family residential lots, drives for ingress and egress to the parking area shall be not less than twenty-five (25) feet wide for two-way access and at least fifteen (15) feet wide for one-way access.
- D. Each parking, loading, or unloading space shall be provided with adequate access by means of maneuvering lanes. The width of required maneuvering lanes for parking spaces varies, depending upon the proposed parking pattern as follows and as illustrated in Figure 14-1:
 - 1. For right angle parking patterns, seventy-five (75) to ninety (90) degrees, the maneuvering lane width shall be a minimum of twenty-four (24) feet.
 - 2. For parking patterns, fifty-four (54) to seventy-four (74) degrees, the maneuvering lane width shall be a minimum of eighteen (18) feet.
 - 3. For parking patterns, thirty (30) to fifty-three (53) degrees the maneuvering lane width shall be a minimum of sixteen (16) feet.
 - 4. For parallel parking, one-way drives or boulevards, the maneuvering lane width shall be a minimum of twelve (12) feet.
- E. Parking areas shall be surfaced with a material that shall provide a durable and substantially smooth surface as determined by the Zoning Administrator, consisting of asphalt, concrete, pavers, aggregate stone or gravel, and shall be graded and provided with adequate drainage. Surface drainage may not be directed or permitted to flow from or across the parking area onto the public right-of-way. The required parking area and/or surface shall be maintained and replaced if necessary, as long as the building it serves is occupied or the use is continued.
- F. Except for single-family and two-family residential lots, adequate lighting satisfying the requirements of Section 15.2 shall be provided for each parking area.
- G. Where a parking area with a capacity of four (4) or more vehicles and serving any non-residential use, or a parking area with a capacity of eleven (11) or more vehicles and serving any residential use, adjoins a residential use, a greenbelt, buffer strip or berm (see section 15.4.1) shall be provided between the parking area and the adjoining residential property, or a fence or wall no less than four (4) feet in height shall be erected.
- H. When safe and feasible, adjoining parking areas of businesses on abutting properties in any District other than R-1 or R-2 may be connected so that drivers of motor vehicles do not need to enter onto a street or road and then immediately exit in order to go from one establishment to another. The particular design of such connections shall be approved by the Zoning Administrator following consultation with the County Engineer.

Figure 14-1
PARKING SPACE DIMENSIONS



**Article XV
LANDSCAPING, BUFFERING & FENCING**

Section 15.1 PURPOSE

The purpose of this Article is to provide regulations and requirements for lighting, landscaping, buffering and fencing the perimeter of certain activities in order to protect the character of the surrounding area, discourage theft, stabilize soils, control wind-blown dust and debris, prevent light from glaring onto adjoining properties, reduce stormwater runoff, increase groundwater infiltration and reduce noise.

Section 15.2 LIGHTING REQUIREMENTS

- A. All outdoor lighting above 150 watts, including illuminated signs, shall be placed, and shielded to reduce glare and reflect light away from adjacent Residential Districts and adjacent dwelling units as well as to prevent interference with the vision of persons on adjacent highways.
- B. All freestanding outdoor lighting shall not exceed thirty (30) feet in height except to light a public athletic field, except for lighting located in public rights-of-way used to light public streets.
- C. All off-street commercial parking areas open to the public shall be illuminated by natural or artificial light during all hours of operation, and not more than thirty (30) minutes after the business closes.
- D. All lighting in business districts used for the external illumination of buildings, so as to feature said buildings, shall be placed and shielded so as not to interfere with the vision of persons on adjacent roads and streets or adjacent property.
- E. Illumination of signs shall be directed or shaded downward so as not to interfere with the vision of persons on the adjacent roads and streets or adjacent property.

Section 15.3 RIGHT-OF-WAY PROTECTION AND PUBLIC SAFETY

15.3.1 General: No structures or buildings shall be placed, nor shall any landscaping be planted in the right-of-way of a public road or street.

15.3.2 Clear Vision Areas:

- A. In order to preserve sight distance, an unobstructed view shall be maintained within the triangular areas illustrated on Figures 15-1 and 15-2 and described below:
 - 1. Where the speed limit is less than thirty (30) miles per hour, at the intersection of two streets, or where a street intersects with an alley: a triangle defined by measuring twenty-five (25') feet in length along each street/alley right-of-way line from their point of intersection, the third side being a diagonal line connecting the first two.
 - 2. Where the speed limit is thirty (30) miles per hour or more, at the intersection of two streets, or where a street intersects with an alley: a triangle defined by measuring fifty (50') feet in length along each street/alley right-of-way line from their point of intersection, the third side being a diagonal line connecting the first two.

Article XV
Landscaping, Buffering & Fencing

3. At the intersection of a driveway and a street: Two sides of the triangle defined by measuring twenty (20') feet in length along the edge of the driveway and along the street right-of-way line and the third side being a diagonal line connecting the first two. Both sides of the driveway shall be protected.
- B. No shrubs, ground covers, boulders, berms, fences, or other material constituting visual obstructions shall exceed a height of thirty (30") inches above grade of the lower roadway or driveway adjacent to the triangular areas.

Figure 15-1
CLEAR VISION AT CORNER LOTS

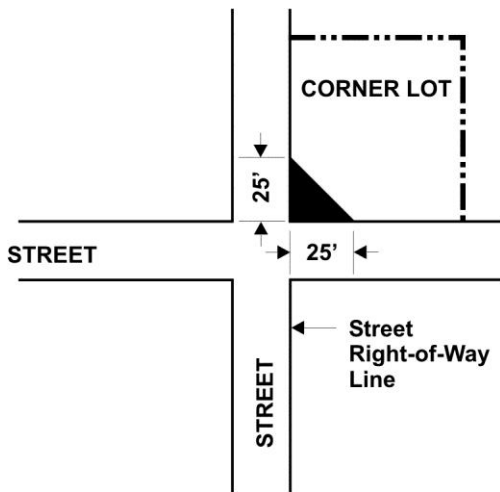
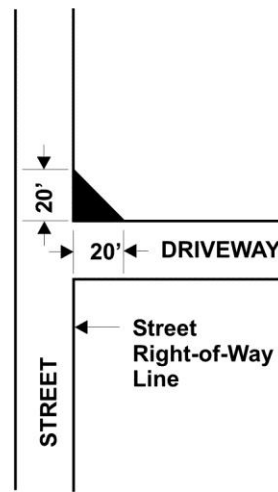


Figure 15-2
CLEAR VISION AT DRIVEWAYS



Section 15.4 REQUIRED VEGETATION

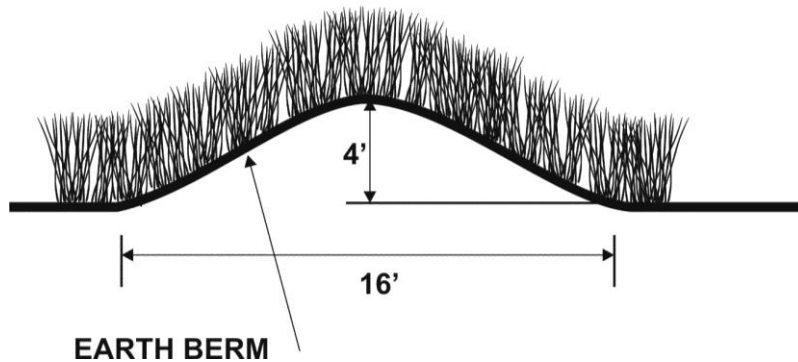
15.4.1 Required Vegetation: Except where existing vegetation is adequate to achieve the screening requirements of this Ordinance as determined by the Planning Commission, a greenbelt, buffer strip, or berm when required by this Ordinance or by the Planning Commission as a condition to the approval of a Site Plan, Special Use Permit, Planned Unit Development Permit or variance, shall be installed and maintained in a healthy living condition for the duration of the principal use of property in accordance with the following requirements. Where the Ordinance or Planning Commission does not specify which option to use, the applicant shall choose. Necessary drives and accessways from public rights-of-way through greenbelts, buffer strips or berms may be permitted. This Section does not apply to uses by Right unless there is a variance request which requires consideration of landscaping.

- A. A greenbelt shall consist of an open space strip running along the property line at least thirty (30) feet in width, seeded and maintained as grass or other plant ground cover. Trees or shrubs may be planted at the discretion of the landowner, subject to any applicable County Ordinances.
- B. A buffer strip shall consist of a landscaped strip at least fifteen (15) feet in width containing at least two (2) trees plus one (1) additional tree for each twenty (20) feet in length of the buffer strip. Said trees shall be at least one and three-fourths (1¾) inches in diameter measured six (6) inches above ground level, at the time of

planting. Dead or dying trees shall be replaced within eight (8) months. Landscaping, such as grass or other plant ground cover, mulch, or bark or stone, shall completely cover area not planted in trees or shrubs.

- C. A berm shall consist of a linear mound of earthen material rising to a height of at least four (4) feet with a minimum base of sixteen (16) feet covered and maintained as grass or ground cover and constructed in accordance with the diagram below, or with a base of at least four (4) times the desired height of the berm. A berm shall not be higher than a permitted fence in the location. A fence or living fence may be erected on a berm, so long as the combined height of the berm and the fence does not exceed the permitted fence height in the location. The width of a berm may be reduced by up to fifty percent (50%) if a retaining wall is used, but the retaining wall must be on the side of the berm not facing the nearest property line. See Figure 15-3.

Figure 15-3
BERM DIMENSIONS



15.4.2 Keep Landscaping in Living Condition: It shall be the owner's responsibility to see that any landscaping installed as a condition of development approval is maintained in a neat, clean, orderly and healthful condition. This includes, among other things, proper pruning, mowing of lawns, weeding, removal of litter, replacement of plants when necessary, and the regular watering of all plants.

15.4.3 Native Vegetation: Planting of landscaping using vegetation native to Keweenaw County is strongly encouraged.

15.4.4. Maintain Native Vegetation: Every property owner is encouraged to protect existing native vegetation along roadways. See guidelines in Section 6.4.

Section 15.5 SCREENING

15.5.1 Transition Zone Between Land Uses and the Street: Any nonresidential land use, plus all hotels, motels, apartment buildings and mobile home parks shall have screening constructed along all adjoining boundaries with residentially zoned or used property and along all public rights-of-way. Either a landscape buffer pursuant to Section 15.4, fence or solid wall pursuant to Section 15.6 may be used.

15.5.2 Mechanical Equipment: When located outside of a building, support equipment including air conditioning and heating devices, but not including plumbing or exhaust vents or chimneys, is to be screened to the height of the particular piece of equipment, as follows:

- A. Roof-Mounted or Wall-Mounted Equipment: To be screened by architectural features from the view of pedestrians on abutting streets and parcels.
- B. Other Exterior Equipment: To be screened by landscaping, a solid wall or fencing from the view of pedestrians on abutting streets and parcels. Such equipment is encouraged to be installed on the rear slope of the building.

The above requirement does not apply to single-family residential or two-family residential uses.

15.5.3 Outdoor Storage of Trash or Rubbish: All areas used for the storage of trash or rubbish in dumpsters and other commercial containers shall be screened by a solid fence, wall or dense plant materials no less than six (6) feet in height to keep from the view of pedestrians on abutting streets and parcels. If a fence is used, view obstructing doors at least six (6) feet in height shall be installed and kept closed except when accessing.

15.5.4 Exceptions to Screening and Fencing Requirements:

- A. Required screening or fencing may be omitted along any lot line where a building wall exists immediately abutting the lot line.
- B. Any fence, landscape screen, wall or hedge which does not conform to this Ordinance and which is legally existing at the effective date of this Ordinance may be continued and maintained, provided there is no physical change other than necessary maintenance and repair; unless otherwise regulated by this Ordinance.

Section 15.6 FENCES AND WALLS

- A. Fences are structures that may be erected along property lines or within yards, irrespective of the setback requirements of this Ordinance. No Site Plan Review is required for a fence which conforms with Ordinance standards.
- B. No fence or wall more than six (6) feet in height shall be erected unless a Building Permit has been obtained from the County; no Building Permit is needed for a living fence. A living fence is not limited to the height requirements of other fences.
- C. A fence or wall shall not be constructed in such a manner as to expose structural elements of the fence or wall to adjacent properties while concealing those elements from within the property on which the fence or wall is located. For example, in the case of a picket fence, the pickets must be placed on the side of the fence closest to the nearest adjacent property line. In other words, the finished side of the fence must face the abutting property.
- D. No fence, wall, or structural screen other than plant material shall be erected higher than eight (8) feet in a nonresidential district.
- E. No fence shall be required to be higher than five (5) feet in height between uses within the same District.
- F. Fences located in the front yard or between the front lot line and the building line shall not exceed four (4) feet in height, measured from the surface of the ground. Except in a clear vision area (see Section 15.3) fences in the front yard may be solid

Article XV
Landscaping, Buffering & Fencing

for not more than three (3) feet in height. No chain link is permitted in front yards of R-1, R-2, RR or PUD districts. No fence, wall, planting or structure shall, within ten (10) feet of any public or private right-of-way, be of such a nature as will impede clear vision of an intersecting sidewalk, street, alley or driveway. All fences shall be constructed so as to allow the passage of air through the fence to an adjacent dwelling.

- G. Fences, walls, or obscuring walls shall not contain barbed wire, electric current or charge of electricity (except in AG, TR, M-1 and M-2 Districts), glass, spikes, or other sharp protruding objects. Notwithstanding the foregoing provision, security fences six (6) feet high or more may include up to eighteen (18) inches of barbed wire in an industrial district or ED district, surrounding a public utility, or around a police or corrections facility. Such barbed wire shall slant inward towards property, or be straight up. Security fences with barbed wire in any other location or surrounding any other use require approval by the Planning Commission.
- H. The Zoning Administrator may require the removal, reconstruction or repair of any fence, wall or screen not in good condition as a condition of any application for approval under this Ordinance.

**Article XVI
SIGNS**

Section 16.1 PURPOSES

The purpose of this Article is to establish requirements for placement of signs on private and public property in Keweenaw County.

- A. It is acknowledged that the County's economic well being is heavily dependent upon the resort and tourist industry. A natural appearing landscape and North Woods small town character is essential to continuing to attract tourists. This dependence makes the preservation of the natural and built environment from unnecessary and cluttered signage a matter of critical importance to this County.
- B. These sign standards are declared to be necessary to protect the public health, safety, and general welfare of the citizens of Keweenaw County, and are based on the following objectives:
1. To reflect the primary purpose of signs as being the identification of a particular user or use on a property, but not necessarily every activity or service performed thereon.
 2. To enhance pedestrian, bicycle, snowmobile and traffic safety, by avoiding the creation of obstacles or traffic hazards that may be distracting or confusing to motorists, or which may impair the ability of motorists to see pedestrians, read other traffic signs or see other vehicles.
 3. 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.
 4. Enhance the effectiveness of necessary directional and warning signs.
 5. To preserve property values from the negative impacts of blighted, unsafe, cluttered and otherwise unregulated signs on abutting property or in the area.
 6. To encourage native plants and other landscaping materials around ground signs so as to compliment the site and integrate the sign with the buildings, parking areas and natural site features.
 7. To protect the natural character and image of Keweenaw 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.
 8. To maintain and enhance economic stability by retaining aesthetic appeal to tourists, resorters and visitors, and encouraging signing practices that will compliment the County's natural environment and preserve its scenic and natural beauty by minimizing visual obstructions to the natural landscape.
 9. 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 rough cedar, fir, pine, or other types of weather tolerant wood or material of equivalent character.
 10. To avoid bright lights and reflection, and to protect views of the night sky from poorly shielded lights.
- C. The standards in this Article are determined to be the minimum necessary to achieve the above stated purposes.

Article XVI
Signs

- D. Compliance with this Article does not relieve the applicant for sign approval from the responsibility for 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.

Section 16.2 DEFINITIONS

- A. The following definitions apply only to words and phrases used in this Article.
1. **Banner**: A 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.
 2. **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 is subject to regulation under the Highway Advertising Act, Public Act 106 of 1972.
 3. **Business Center Sign**: A sign which gives direction, name, and identification 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.
 4. **Changeable Message Sign**: A sign on which the message can be changed by hand, mechanically, electrically, or electronically. Examples include a time and temperature sign, current gasoline prices, special product sales or prices, upcoming events or special greetings.
 5. **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.
 6. **Entrance Way Sign**: A sign that designates the street entrance way to a residential or industrial subdivision, apartment complex, condominium development, or permitted institution, from a public right-of-way.
 7. **Flag**: a) **Governmental Flag**: Usually a rectangular piece of fabric of distinctive design that is used as a symbol, as of a nation or state; b) **Nongovernmental Flag**: A sign made of natural, synthetic or plastic material having a distinctive size, color and design used as a symbol or emblem. A flag of a nation or state is not a sign.
 8. **Flashing Sign**: Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use.
 9. **Governmental Sign**: A sign authorized by a local unit of government, the county, a governmental agency, the State of Michigan, or the federal government, for street direction, destination, hazardous condition, traffic control, public notice or identification purposes.
 10. **Ground or Pole Sign**: A freestanding 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.
 11. **Home Occupation Sign**: A non-illuminated sign announcing a home occupation or professional service.

Article XVI
Signs

12. Identification Sign: A sign containing the name of a business operating on the premises where located, the type of business, owner or resident, and/or the street address and sets forth no other advertisement display.
13. 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).
14. Informational Sign: A small, non-advertising sign used to identify architectural features of a land use such as building entrances, drop boxes, restrooms, handicapped ramps and similar features.
15. 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.
16. Marquee Sign: An "identification or business" sign attached to a marquee, canopy, or awning projection from the building.
17. Nonconforming 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.
18. Off-Premises Advertising Sign: A sign which advertises a business or activity conducted elsewhere than on the premises where the sign is located.
19. Pennant: A small, often triangular, tapering flag used in multiples as a device to call attention to a land use or activity.
20. 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.
21. 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.
22. Residential Neighborhood Identification Sign: A free-standing ground sign used to identify a subdivision plat, condominium project, apartment complex or residential PUD.
23. Roof Sign: A sign erected, constructed, or maintained upon, or which projects above, the roof line of a building.
24. 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 are not considered signs.
25. Seasonal Commodity Sign: An on- or off-premise sign which indicates the name of the farm, the sale of farm products produced seasonally on the premises, the location of the premises, and/or the hours open to the public.

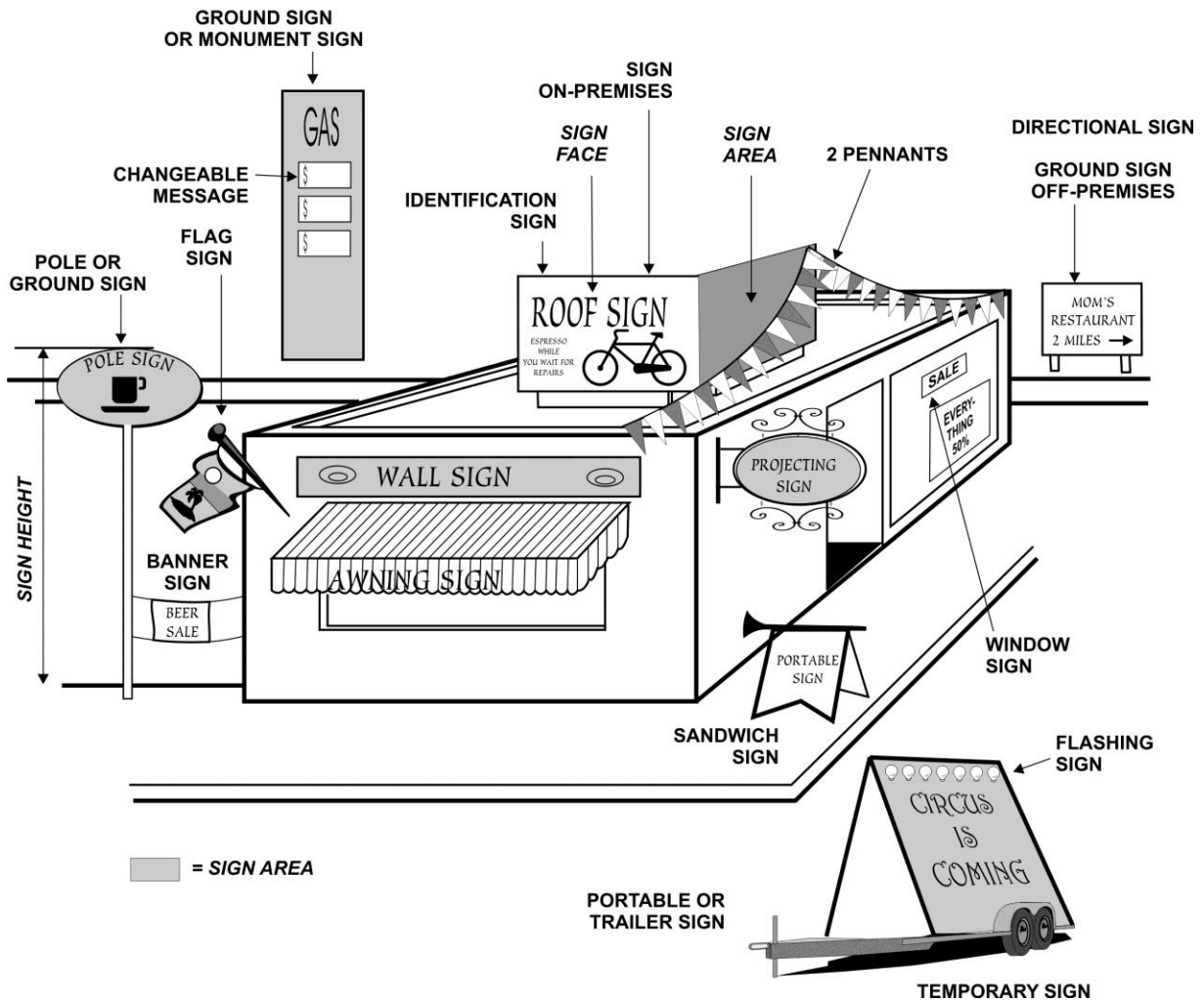
Article XVI
Signs

- 26. Sign Face: That part of a sign structure which is used to graphically communicate a message or announcement.
- 27. Temporary Sign: A display sign, banner, or advertising device with or without a structural frame such as a portable or trailer sign, intended for a limited period of display, such as grand openings, vehicle shows, displays, craft shows, benefits, fund raisers, festivals, holidays or public demonstrations.
- 28. Wall Sign: A sign which is attached directly to or painted upon a building wall which does not project more than twelve (12) inches therefrom. 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.

B. Figure 16-1 illustrates many of the different types of signs defined above.

Figure 16-1

SIGNS



Article XVI
Signs

Section 16.3 PROHIBITED SIGNS

- A. The following limitations, obligations, and prohibitions apply to all signs:
1. Any sign installed prior to the effective date of this Ordinance is considered legal (refer to Section 16.7A).
 2. Any sign, unlawfully installed, erected or maintained after the effective date of this Ordinance is prohibited.
 3. No portion of a privately-owned sign, or its supporting structures, such as poles or cables, shall be placed on, or within the air space above, publicly owned property, a public right-of-way (such as a street or sidewalk), or a proposed public right-of-way.
 4. Any sign which revolves or has any visible moving parts, visible revolving parts or visible mechanical movement of any type, or other apparent visible movement on the sign face such as flashing lights, letters or objects achieved by electrical, electronic or mechanical means, excepting those movements associated with displaying time and/or temperature, shall be prohibited.
 5. No sign shall be erected by other than a public road authority at the intersection of any street 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.
 6. Signs and sign structures that are no longer in use as originally intended or have been abandoned; or are structurally unsafe or are insecurely affixed to a substantial structure, or otherwise constitutes a hazard to safety and health, or those not kept in good repair are prohibited.
 7. Any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exit way are prohibited.
 8. Signs affixed to trees, rocks, shrubs, fences, utility poles (except utility company signs), or other similar features are prohibited.
 9. Billboards, except in the M-1 and M-2 districts are prohibited.
 10. A sign erected on a roof of a building above the roofline is prohibited.
 11. Advertising devices such as banners, balloons, flags, pennants, pinwheels, robots, searchlights or other devices with similar characteristics are prohibited, except when used temporarily for periods not to exceed fifteen (15) days to announce the opening of a new type of business or use by a new owner.
 12. Any sign on a motor vehicle (excluding antique vehicles) or trailer which is parked in a position visible to traffic on a public road or parking area for a period longer than six days in a 60-day period is prohibited.
 13. Any sign greater than eighty (80) square feet in any district is prohibited.
- B. Signs remaining after a business or activity has terminated must be removed within thirty (30) days.

Section 16.4 SIGNS ALLOWED IN ANY DISTRICT WITHOUT A PERMIT

- A. Subject to other applicable requirements and permits, the following signs are authorized without a Sign Permit but shall still conform with all other applicable requirements of this Article:

Article XVI
Signs

1. 911 and Driveway Sign. One per lot or parcel, not illuminated and not exceeding one and ½ (1.5) square feet.
2. Small Sign. One sign per lot or parcel, not illuminated, and not exceeding three (3) square feet in area. The sign may not exceed a height of forty-two inches (42") above ground level. This sign may carry any lawful message. No home occupation is permitted additional signs.
3. No Hunting. No hunting, no trespassing, dangerous animal and on-premise directional signs not exceeding two (2) square feet in area each. Except for no trespassing signs which may be placed at any spacing interval, no other sign addressed in this Section may be placed closer than three hundred (300) feet from one another per lot or parcel.
4. Governmental Signs. Governmental signs and signs identifying conservation areas owned and maintained by public or quasi-public entities like land trusts are permitted in all districts, but must be placed on the property the sign identifies and may not exceed the maximum sign area permitted in the district or fifty (50) square feet, whichever is larger.
5. Ingress/Egress Signs. Ingress/egress signs are permitted, however:
 - a) Only one sign per legal driveway.
 - b) An ingress/egress directional sign may not exceed one and ½ (1.5) square feet.
6. Flags. Three governmental flags are permitted per parcel. Governmental flags must be displayed in a dignified, non-commercial manner and shall be governed by the standard rules of national protocol, except that no governmental flag shall exceed fifty-six (56) square feet. Non-governmental flags are signs subject to the sign regulations of this Article and shall not exceed more than thirty-two (32) square feet per face. No flag pole may exceed thirty (30) feet above ground level.
7. Warning Signs. Signs exclusively devoted to warning the public of dangerous conditions and unusual hazards such as drop offs, high voltage, fire danger, and explosives, are permitted. Warning signs may not exceed three (3) square feet unless the governmental body erecting the sign makes a fact specific determination that a larger sign is needed in that location.
8. Historical Site Signs. A sign erected by a government agency which exclusively denotes a government-recognized historical site is permitted. This sign shall not exceed three square feet unless otherwise provided by a state or federal program.
9. Trail Signs. Signs on public hiking, biking, snowshoeing, skiing and snowmobile trails identifying the trail, providing direction and/or identifying the availability of products, services or businesses ahead, provided all such signs are made of materials and erected per the requirements of the entity responsible for trail maintenance and operations, and provided all product, services and business signs are posted not less than two-hundred feet from the intersection of a public road or public 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.
10. For Sale Sign. Any identification, address, or "for sale" sign affixed to a wall, mailbox, post, lamp post, or pillar; and which is not larger than four (4) square feet in display surface.
11. Construction Site Identification Signs. Such signs may identify the development project, the owner or developer, architect, engineer, contractor and subcontractors, funding sources, and may contain related information including, but not limited to, sale or leasing information on lots in a subdivision, site condominium or PUD. Not more than one such sign, not exceeding thirty-two (32) square feet in sign face area, shall be erected per site. In the place of the one large sign up to four (4) individual

Article XVI
Signs

smaller signs may be erected on the site, upon the condition that each such smaller sign shall not exceed four (4) square feet in sign face area per sign. All such signs shall be removed not more than one (1) year after the sale of seventy (70%) of the lots or dwelling units within the development.

12. Seasonal Commodity Sign & Banners. Seasonal commodity signs (such as for garden produce or products like maple syrup) or special seasonal banners (such as welcoming hunters with a beverage special) shall not have a total sign face greater than thirty-two (32) square feet. Such signs shall not be set in place for use until one (1) week before the beginning of the season and shall be removed within one week of the close of the season and may not remain hanging for more than ninety (90) days. Additional banners are permitted if draped over a permitted wall sign and if not larger in area than a permitted wall sign.
 13. Special Temporary Event Signs. One sign not exceeding thirty-two (32) square feet in sign face indicating a special temporary event such as a carnival, circus, festival or similar event, placed on the lot where the activity is to take place. Such signs may be erected not sooner than four (4) weeks before the event and must be removed not later than seven (7) days after the event.
 14. Yard Sale Signs. Yard sale, or garage sale signs or other similar temporary activity signs not covered in the foregoing categories, so long as such signs meet the following restrictions:
 - a. Not more than one (1) such sign may be located on any lot or parcel.
 - b. No such sign may exceed four (4) square feet in surface area.
 - c. Such signs shall be erected not more than three (3) days prior to the event and shall be removed immediately following the event.
 - d. Such signs shall not be erected more than one (1) time per each six (6) months.
 - e. 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.
 - f. All directional signs shall be removed within twenty-four (24) hours of the sale.
 15. Sandwich and Related Signs: One sandwich or similar portable sign without any lights or moving images is permitted on a lot or parcel if not greater than eight (8) square feet on each sign face, provided the sign is not in the right-of-way.
 16. Political Signs. Signs erected in connection with elections or political campaigns. Such signs shall be removed within six (6) days following the election or conclusion of the campaign. No such exempt sign may exceed six (6) square feet in sign face area. Any larger political signs require a Sign Permit to ensure placement in a location which does not create a traffic hazard.
 17. Memorial Sign. Memorial signs or tablets, names of buildings, and dates of erection, when cut into any masonry surface or when constructed of bronze or other noncombustible material.
- B. Other temporary signs, not listed in subsection (A), shall be regarded and treated in all respects as permanent signs which require a permit.

Section 16.5 SIGNS AUTHORIZED WITH A PERMIT

- A. The Zoning Administrator shall issue a Sign Permit for signs in accordance with the following provisions.

Article XVI
Signs

1. Permitted Signs in RS-1 and RS-2 Districts. Commercial, retail, service and office uses are permitted one wall sign and one ground sign for each lot or parcel.
 - a. All signs for a single business shall not exceed thirty-two (32) square feet for signs placed between the right-of-way of the street from which access is taken to the building line. Total sign area is permitted to increase one (1) percent for each additional foot signs are set back behind the building line.
 - b. A ground sign may not exceed a height of eight (8) feet above the uniform finished grade to the bottom edge of the sign, unless the placement of the sign is below the grade of the road from which access is taken, in which case it shall not be more than eight (8) feet above the grade of the road.
 - c. Businesses on corner lots may have a second wall sign that is not larger than the wall sign on the street from which primary access is taken.
 - d. All other uses are permitted a single ground or wall sign not larger than thirty-two (32) square feet. Total sign area is permitted to increase one (1) percent for each additional foot signs are set back behind the building line.
2. Permitted Signs in B-1 Districts. Commercial, retail, service and office uses are permitted one wall sign and one ground sign for each lot or parcel.
 - a. All signs for a single business shall not exceed ten percent (10%) of the area of the front face of the building on the lot or parcel, or fifty (50) square feet, whichever is less for signs placed between the right-of-way of the street from which access is taken to the building line. Total sign area is permitted to increase one (1) percent for each additional foot signs are set back behind the building line.
 - b. A ground sign may not exceed a height of fifteen (15) feet above the uniform finished grade, unless the placement of the sign is below the grade of the road from which access is taken, in which case it shall not be more than fifteen (15) feet above the grade of the road.
 - c. Signs for multi-tenant businesses are subject to the same restrictions as above, except the total sign area can rise to eighty (80) square feet with not more than twenty (20) square feet for any one tenant.
 - d. Businesses on corner lots may have a second wall sign that is not larger than the wall sign on the street from which primary access is taken.
 - e. All other uses are permitted a single ground or wall sign not larger than twenty (20) square feet. Total sign area is permitted to increase one (1) percent for each additional foot signs are set back behind the building line.
3. Permitted Signs in M-1 and M-2 Districts. One wall sign or one ground sign is permitted for each industrial/manufacturing parcel.
 - a. All signs shall not exceed ten percent (10%) of the area of the front face of the building on the parcel, or eighty (80) square feet, whichever is less for signs placed between the right-of-way of the street from which access is taken to the building line. Total sign area is permitted to increase one (1) percent for each additional foot signs are set back behind the building line.
 - b. A ground sign may not exceed a height of fifteen (15) feet above the uniform finished grade unless the placement of the sign is below the grade of the road from which access is taken, in which case it shall not be more than fifteen (15) feet above the grade of the road.
 - c. Industries on corner lots may have a second wall sign that is not larger than the wall sign on the street from which primary access is taken.

Article XVI
Signs

- d. All other uses are permitted a single ground or wall sign not larger than twenty (20) square feet. Total sign area is permitted to increase one (1) percent for each additional foot signs are set back behind the building line.
- 4. Permitted Signs in A, CEP, TR, and ED Districts.
 - a. Two wall or ground signs are permitted for each lot or parcel.
 - b. The aggregate area of all signs shall not exceed forty (40) square feet. Total sign area is permitted to increase one (1) percent for each additional foot signs are set back behind the building line.
 - c. A ground sign may not exceed a height of eight (8) feet above the uniform finished grade, unless the placement of the sign is below the grade of the road from which access is taken, in which case it shall not be more than eight (8) feet above the grade of the road.
 - d. All other uses are permitted a single ground or wall sign not larger than twenty (20) square feet. Total sign area is permitted to increase one (1) percent for each additional foot signs are set back behind the building line.
- 5. Permitted Signs in CE, R-1, R-2, RR, and PD Districts.
 - a. A residential neighborhood identification sign is permitted to have one residential neighborhood identification sign for each entrance street. Such signs shall not extend into any public right-of-way. The face of the sign shall not exceed twenty (20) square feet. The height of the sign may not exceed eight (8) feet above the uniform finished grade, unless the placement of the sign is below the grade of the road from which access is taken, in which case it shall not be more than eight (8) feet above the grade of the road.
 - b. Non-dwelling use signs. A non-dwelling use in a residential area, such as a school, a religious facility, an institutional use, a club house, etc., is permitted to have one ground sign and one wall sign, neither of which shall exceed twenty (20) square feet in area. Total sign area is permitted to increase one (1) percent for each additional foot signs are set back behind the building line. The height of a ground sign may not exceed eight (8) feet above uniform finished grade, unless the placement of the sign is below the grade of the road from which access is taken, in which case it shall not be more than eight (8) feet above the grade of the road.
 - c. All other uses other than individual single family homes, or duplexes, are permitted a single ground or wall sign not larger than twenty (20) square feet.
- B. Setbacks for all ground and temporary signs shall not be less than ten (10) feet from the right-of-way of any street or road, except for "no trespassing" signs which can be placed on the property line. An exception to this is in RS districts where ground and temporary signs may be placed on the parcel property line.
- C. Portable, movable and temporary signs with or without lights greater than eight (8) square feet in area (of each sign face) shall be permitted only in accordance with the following provisions:
 - 1. Use: Portable signs are permitted for grand openings, advertising charitable or community-related events and the like.
 - 2. Lighting: All externally illuminated portable signs shall comply with the requirements of Section 16.6.
 - 3. Placement: All portable signs shall be located no closer than ten (10) feet to the street right-of-way line.

Article XVI
Signs

4. Area: Any portable signs shall not exceed thirty-two (32) square feet of sign face on one side. No more than two sign faces are permitted on one sign.
 5. Number: Only one (1) portable sign may be established on a lot or parcel.
- D. Billboards may be permitted by Special Use Permit in the M-1 Limited Manufacturing and M-2 General Manufacturing Districts. Billboards are not permitted in any other district. Land may not be rezoned to permit a billboard as a principal use. No billboard greater than eighty (80) square feet in area shall be permitted nor may any billboard exceed fifteen (15) feet in height. Any billboard must be no closer to the highway than the building line of the property on which it is located. Only one billboard is permitted per lot or parcel and all billboards must be at least three hundred (300) feet apart as measured on both sides of the road. All required permits from the Michigan Department of Transportation shall also be obtained prior to erecting the billboard adjacent to any state highway. A billboard may not be located closer than three hundred (300) feet from a school, church, residence or district permitting residences. A billboard may not be used for on-premises advertising.
- E. Total permitted sign area of signs permitted in Section 16.5 A. that are not exempt in Section 16.4, or permitted separately as a temporary portable sign under Section 16.5 .C, or in industrial districts, a billboard as regulated in Section 16.5.D, shall be calculated as follows. The total permitted area of signs shall not exceed the sum of the following:
1. All sign faces for wall or ground signs on the premises;
 2. All sign faces for all other signs listed below:
 - a. Business center sign,
 - b. Changeable message sign,
 - c. Directional sign,
 - d. Identification sign,
 - e. Marquee sign,
 - f. Off-premises sign,
 - g. Projecting sign, and/or
 - h. Any other sign not regulated as a temporary sign, or sign allowed without a permit.

Section 16.6 CONSTRUCTION REQUIREMENTS

- A. All signs shall conform with the following requirements related to construction.
1. Codes. All signs shall conform to the latest edition of the applicable building and electrical codes, particularly as relates to wind load, bracing and anchorage.
 2. Fastenings. All signs must remain safe and secure during the period of use. All parts of the signs, including bolts and cables, shall remain painted, and free of corrosion.
 3. Fire Escapes. A sign may not obstruct a fire escape.
 4. Lighting. External lighting shall be down directed and shielded from view and shall be focused upon the sign to avoid stray lighting. Lighting should be of no greater wattage than necessary to make the sign visible at night and should not unnecessarily reflect on adjacent properties or impair the vision of drivers. Flashing, rotating, and intermittent lighting are prohibited. Reflective sign lettering is preferred to externally illuminated signs. No externally lighted signs are

Article XVI
Signs

- permitted in the CE, R-1, RR, AG, CEP, or TR districts. Internally lighted signs are prohibited in all districts except B-1, M-1 and M-2.
5. Identification. All signs for which a permit is required shall identify the name and operating telephone number of the person responsible for the sign.
 6. Proximity to Electrical Conductors. Signs and all supporting structures shall be no closer to electrical utilities than is permitted by applicable codes. No sign, including cables and supports, shall, in any event, be within six feet (6') of any electrical conductor, electrical light pole, electric street lamp, traffic light, or other public utility pole.
 7. Sanitation. Property surrounding any ground sign shall be maintained in a clean and sanitary condition. It shall be free from weeds, rubbish, and flammable material.
 8. Landscaping. The area beneath and around a sign shall be landscaped with plants and material so as to complement the site and integrate the sign with buildings, parking areas, and natural site features.
 9. Responsibility for Compliance. The owner of the parcel on which a sign is placed and the person maintaining the sign are each fully responsible for the condition and the maintenance of the sign, and the area around the sign.

Section 16.7 NONCONFORMING SIGNS

- A. 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 Article, although such sign or outdoor advertising structure may not conform with the provisions of this Article, except for permanent signs in a public right-of-way which are illegal. 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.
1. 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 Article for the use it is intended.
 2. 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.
 3. Illumination: Illumination may not be added to any nonconforming sign.
 4. Destruction: If a nonconforming sign is destroyed more than sixty (60) percent of its replacement cost, exclusive of foundations, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all the provisions of this Ordinance.
 5. 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.)

Article XVI
Signs

- B. A sign shall be considered abandoned if:
1. The sign advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted for more than one-hundred twenty (120) days); or
 2. The sign does not display a well-maintained message for a consecutive one-hundred twenty (120) days; or
 3. The owner of the sign cannot be located at the owner's last known address, as reflected on the records of the County; or
 4. A structure designed to support a sign no longer supports the sign for a period of one-hundred twenty (120) consecutive days.
- C. A sign shall not be considered abandoned if it is seasonally removed and reinstalled year after year.

Section 16.8 FIRST AMENDMENT PROTECTION

The number, size, placement and related characteristics of signs is specifically regulated in this Ordinance. All signs allowed under this Ordinance may contain any lawful message.

Section 16.9 RESERVED FOR FUTURE USE

Section 16.10 PERMIT REQUIREMENTS

- A. Application for a Sign Permit to erect or replace a sign regulated under Section 16.5 shall be made to the Zoning Administrator, by submission of the required forms, fees, exhibits, and information by the owner of the property on which the sign is to be located, or by his agent, or lessee. The application shall contain the following information unless a site plan meeting the requirements of Section 18.24 has already been submitted and the following sign information is included on it:
1. The property owner's name and address in full.
 2. Applicant's name and address, phone, fax and email address.
 3. Address of property on which sign is to be situated.
 4. Business to which sign belongs or relates.
 5. Total display area in square feet.
 6. Proposed setback from right-of-way.
 7. A scale drawing of the property at one inch equals twenty (20) feet, showing the location of all buildings/structures and their uses, and the location of the proposed sign on the lot, building or structure.
 8. Sign type and purpose.
 9. Sign height.
 10. Height and width of building to be served.
 11. Drawing of proposed sign indicating proposed copy or message.
 12. Evidence of knowledge of all applicable building code requirements.
- B. Sign Permits issued on the basis of plans and applications approved by the Zoning Administrator authorize only the design and construction set forth in such approved plans and applications, and no other design.

Article XVI
Signs

- C The Zoning Administrator shall not approve plans or issue Sign Permits for any sign which does not conform to the provisions of this Ordinance.
- D The Zoning Administrator shall maintain a record of all Sign Permits issued, and said record shall be open for public inspection.
- E. A Sign Permit shall become null and void if the work for which the permit was issued has not been completed within a period of twelve (12) months after the date of the permit. Said permit may be extended for a period of thirty (30) days upon request by the applicant.

Section 16.11 SIGN PERMIT FEES

Sign Permit fees shall be established by Resolution of the County Board of Commissioners. A copy of current fees is available from the Zoning Administrator.

Section 16.12 ILLEGAL SIGNS

For all signs hereafter erected without issuance of a required Sign Permit, the Zoning Administrator shall issue a citation per the requirements of Article 18.

Section 16.13 APPEALS

The Board of Appeals may authorize a variance of the requirements of this Article, provided the standards established in Article 19 of this Ordinance are fully met; however, the Board of Appeals may not grant a variance for a larger sign or total sign area larger than that permitted in this Article.

**Article XVII
RESERVED FOR FUTURE USE**

ARTICLE XVIII ADMINISTRATION

Section 18.1 PURPOSE AND INTENT

This Article sets forth the provisions and the requirements for submittal, review and approval of applications under this Ordinance and for addressing complaints, suspending and revoking permits. These provisions are intended to clearly describe administrative duties and responsibilities, permit procedures and conditions to improve citizen and property owner understanding and to ensure efficiency in the administration of the Ordinance. These provisions are presented in five parts:

- _ Part I -- Administrative Duties and Responsibilities
- _ Part II -- Permit Application, Review and Approval Procedures
- _ Part III -- Notice and Hearing Procedures
- _ Part IV -- Site Plan Review Procedures
- _ Part V -- Complaints, Suspension, and Revocation.

Section 18.2 AUTHORIZATION

This Article is adopted pursuant to Section 407 of the Michigan Zoning Enabling Act, Public Act 110 of 2006, which requires the County Board of Commissioners to establish the means of administration of the Zoning Ordinance, identify the persons or officers responsible for administration, and establish fees to pay for the cost of administration; and pursuant to Section 16e to provide authority for use of site plan review.

Part I -- Administrative Duties and Responsibilities

Section 18.3 RESPONSIBILITY FOR ADMINISTRATION

18.3.1 Parties Responsible for Administration: The provisions of this Ordinance shall be administered by the County Zoning Administrator, the County Planning Commission, the County Board of Commissioners and the County Prosecutor in accordance with the Michigan Zoning Act, Public Act 110 of 2006, and the delegation of responsibility assigned by this Ordinance.

18.3.2 Responsibility of County Board of Commissioners: The County Board of Commissioners shall have the primary responsibility for supervision of the administration and enforcement of the Ordinance. In order to carry out this responsibility the County Board of Commissioners may adopt and file rules, guidelines and forms to assist the Zoning Administrator and the County Planning Commission in administering and enforcing this Ordinance. Until such rules or guidelines are adopted, any existing rules, guidelines, the Zoning Ordinance, and the County Zoning Act shall guide the administration of this Ordinance.

18.3.3 Office of Zoning Administrator: The County Board of Commissioners shall maintain an office of the Zoning Administrator and employ a Zoning Administrator to act as its officer to effect the proper and consistent administration and enforcement of this Ordinance. The terms of employment and rate of compensation shall be established by

the County Board of Commissioners. The Zoning Administrator or his or her deputized agents shall have the power of a police officer, whose jurisdiction is the enforcement of this Ordinance. Acting in this capacity, the Zoning Administrator shall, among other responsibilities be empowered to: review and approve requests for Zoning Permits issue violation notices and appearance summons; seek the issuance of warrants for the arrest of alleged violators through the office of the County Prosecutor or bring any enforcement or civil action for violation and enforcement of this Ordinance or any permit, approval, or condition of any permit or approval, through the office of County Prosecutor or other legal representative specifically retained for such purpose.

18.3.4 Secretary: There shall be a Secretary on the Planning Commission and Zoning Board of Appeals for the purposes of preparing a public record of minutes, resolutions, transactions, findings and determinations. The Secretary may perform other duties related to the conduct of the Planning Commission or Board of Appeals business as may be required from time to time by the officers of the Planning Commission or Board of Appeals provided the Secretary of the respective Commission and Board is solely responsible for the accuracy of such duties, and all documents prepared by the recording secretary shall be signed by the official secretary of the Planning Commission or official secretary of the Board of Appeals. The Secretary shall be a member of the Planning Commission or Zoning Board of Appeals unless the County Board of Commissioners authorizes funds to hire a recording secretary, if the task is not delegated to a county employee.

18.3.5 Building Inspector: The County Building Inspector shall coordinate all building permit issuance and inspections with the County Zoning Administrator. No building permit shall be issued without first a determination by the Zoning Administrator that the use is permitted in the District in which the property is located and that the dimensional standards of the Ordinance are met. The Building Inspector shall be cross-trained to assist with zoning inspections and may be deputized by the Zoning Administrator to assist with zoning administration after proper training. All building permits shall indicate by the signature of the Zoning Administrator that required zoning conformance has been verified. If such verification is not present, the building permit shall not be issued and no construction activity may commence unless a separate zoning permit has been issued which signifies zoning compliance.

Section 18.4 DUTIES OF THE PLANNING COMMISSION

18.4.1 Members:

- A. The County Planning Commission shall consist of no more than eleven (11) members who shall have the rights and duties to act in accord with Public Act 33 of 2008, as amended, and in accord with those duties set forth in Public Act 110 of 2006.
- B. Since attendance at Planning Commission meetings is required for optimal function of the roles of the Planning Commission, members of said commission are appointed subject to the following attendance criteria:
 - 1. Member(s) shall be expected to notify the chairperson or his/her designee of his/her expected absence prior to a meeting.
 - 2. Member(s) shall attend a minimum of ten (10) of the twelve (12) regular meetings per calendar year.

**Article XVIII
Administration**

3. Member(s) shall not be absent for more than three (3) consecutive regular meetings, irrespective of calendar year, unless excused by the chairperson. The Planning Commission Secretary shall be responsible to report the non-compliance of attendance criteria of any Planning Commission member to the Planning Commission.

The Chair of the Planning Commission shall notify the County Board of Commissioners of any non-compliance of attendance criteria of a Planning Commission member by letter, recommending removal of said member from the Planning Commission.

Under extenuating circumstances such as a serious or chronic health condition, or family illness, the Planning Commission may, by motion and simple majority vote, defer the action specified above. Said member is exempt from voting privileges in the action.

- C. Members of the Planning Commission shall be removable from office as provided for in Public Act 33 of 2008 as amended.
- D. The membership of the Planning Commission should be geographically representative of as many Townships or Villages under the administration of the Keweenaw County Zoning Ordinance, as feasible, and also include the greatest and most varied available expertise. Other membership requirements are found in the Michigan Planning Enabling Act, P.A. 33 of 2007, including the requirement for one member to come from one of the local school district staff or administration. One member may also reside outside of the jurisdiction of the Keweenaw County Zoning Ordinance in an adjacent Township or County.

18.4.2 Duties: The Planning Commission shall perform the following duties:

- A. Prepare Forms: Prepare forms, rules, procedures and guidelines for the proper administration and enforcement of the Ordinance which are to be forwarded to the County Board of Commissioners for action prior to implementation.
- B. Rules of Procedure: Prepare and adopt rules of procedure consistent with the County Planning Act and this Ordinance.
- C. Conduct Public Hearings: Conduct public hearings on matters requiring a public hearing, or which in the Planning Commission's discretion warrant, a public hearing prior to action.
- D. Make a comprehensive review and recommend changes to the Comprehensive Plan and/or Zoning Ordinance as deemed necessary but not less than once every five (5) years.
- E. Act on Major Applications: Review and take appropriate action on all applications for zoning Text Change, Rezoning, or Conditional Rezoning, Special Land Use Permits, Condominium Projects, Subdivision Plats and PUD Permits.
- F. Advise on Ordinance Amendments: Review and advise the County Board of Commissioners on all applications for amendments to the Zoning Ordinance and on any amendments proposed by the Planning Commission.

- G. This Section shall not be construed to diminish the Planning Commission's authority and duties regarding the County's Comprehensive Plan, as amended, or those imposed by the County Planning Act or by other laws or regulations.
- H. Each planning commissioner is required to attend training on their roles and responsibilities within twelve (12) months of appointment.

Section 18.5 DUTIES OF THE ZONING ADMINISTRATOR

It shall be the responsibility of the Zoning Administrator and his or her employees to be thoroughly versed in the provisions of this Ordinance and to enforce the provisions of this Ordinance and in so doing shall perform the following duties:

18.5.1 Issue Permits: Receive and review applications for zoning approval. All applications for Zoning Permits shall be submitted to the Zoning Administrator who shall issue Zoning Permits, Temporary Zoning Permits, Special Land Use Permits, PUD Permits, Condominium Project Permits and Certificates of Zoning Compliance when all applicable provisions of this Ordinance have been complied with. The Zoning Administrator shall attend Planning Commission, Zoning Board of Appeals and such other meetings related to administration of this Ordinance as necessary or when requested. The issuance of permits includes the authority to impose any condition authorized by this Ordinance.

18.5.2 File Applications: The Zoning Administrator shall maintain files of all applications for zoning approval and for all Certificates of Zoning Compliance and shall keep records of all permit approvals and denials. Such files and records shall be open to public inspection. Copies shall be furnished upon request at a cost established by the County Board of Commissioners.

18.5.3 Official Copies: The County Clerk shall maintain one official copy of a current Zoning Ordinance and Zoning District Map.

18.5.4 Inspections: The Zoning Administrator shall make as many inspections of buildings or premises as necessary in order to properly carry out the enforcement of this Ordinance or any permit, approval, or condition of a permit or approval, or order under this Ordinance. At a minimum the property shall be inspected upon staking for any building, and prior to occupancy.

18.5.5 Record of Complaints: The Zoning Administrator shall keep a record of every complaint of a violation of any of the provisions of this Ordinance, such records shall be public record.

18.5.6 Report to Board of Commissioners: On behalf of the Planning Commission, the Zoning Administrator shall report to the Board of Commissioners periodically; and once a year, shall summarize for the period since the last previous report, the number of requests for zoning approval or enforcement, including the number of requests approved, approved with conditions, and denied, by type of request, including, zoning Text Changes, Rezoning, or Conditional Rezoning, Zoning Permits, Special Land Use Permits, PUD Permits, Condominium Project Permits, Certificates of Zoning Compliance, all minor design modifications, administrative waivers, all complaints of

**Article XVIII
Administration**

violations, all interpretations made, appeals and variances granted by the Zoning Board of Appeals, all rezoning requests and text changes processed. The Zoning Administrator shall include any recommendations regarding zoning changes or proposed amendments which would improve the content and/or enforcement of the Zoning Ordinance.

18.5.7 Chairperson of Site Plan Review Committee: The Zoning Administrator shall act as Chairperson of the Site Plan Review Committee, in accordance with Section 18.22 of this Ordinance.

18.5.8 Prepare Record of Decisions: The Zoning Administrator shall establish notebooks or other records for listing each decision, waiver, interpretation, or enforcement action made under this Ordinance. This record shall be organized for easy reference by date and decision to help ensure consistency of future decisions.

18.5.9 Prepare Forms, Manuals and Guidelines: The Zoning Administrator with the assistance of the Planning Commission shall periodically prepare or update forms, procedure manuals and guidelines for the smooth administration of the Zoning Ordinance. All such forms, manuals and guidelines shall be reviewed and approved by the Planning Commission and approved by the County Board of Commissioners. A form, procedure or guideline may be implemented by the Zoning Administrator for not more than sixty (60) days after being established without Planning Commission or County Board approval.

18.5.10 Enforce the Zoning Ordinance: The Zoning Administrator shall be the principal Ordinance enforcement officer. He/she shall ensure conformance with issued permits, investigate alleged Ordinance violations, including the conditions of permits or approvals, issue tickets and violation notices, appear in court or other jurisdictional proceedings, and undertake such other enforcement activities as may be delegated by the County Board or County Planning Commission. Other individuals may be hired for this purpose, or the task may be delegated to others who work under the supervision of the Zoning Administrator. Once a case is shifted to the County Prosecutor or other legal representative retained for such purpose, the Zoning Administrator and Prosecutor or other legal representative shall share enforcement responsibility.

18.5.11 Administrative Waivers:

- A. Authority and Limit of Waiver: The Zoning Administrator is authorized to grant administrative waivers to the provisions of this Ordinance for a use permitted by right in a manner and an amount not to exceed a ten (10) percent variation from any the site development standards, parking and loading requirements, sign requirements, lot width-to-depth ratios and the specific dimensional, area, and similar provisions and requirements contained in this Ordinance. This authority does not extend to waiver or consideration of different land uses other than those expressly permitted within a zoning district nor to a Special Land Use, PUD, Condominium Project or other use subject to Site Plan Review. See also Section 9.2.C concerning nonconforming lots of record.
- B. Criteria: Upon receipt of a written request for an administrative waiver, the Zoning Administrator shall prepare a report of the situation and all factual data concerning the site in terms of: (1) what the situation would be if developed pursuant to the standards stated in this Ordinance, (2) what the situation would be if the administrative waiver were granted, (3) what impacts, if any, on the public and

neighboring property owners would result if the administrative waiver were granted, and (4) the conclusion on the waiver request and the rationale for that conclusion. No administrative waiver shall be granted if doing so would create a nuisance or result in significantly more noise, odor, dust, bright or flashing lights, or similar negative impact on the public or abutting property. Decisions rendered by the Zoning Administrator shall be in the form of a letter which specifically states a determination on each of the items listed above. An appeal on any administrative waiver may be made by any affected person to the Zoning Board of Appeals within fourteen (14) days following the decision. No decision by a Zoning Administrator on an administrative waiver shall be effective until after this fourteen (14) day period has passed. In the event of an appeal, the effect of the decision is stayed. All abutting property owners shall receive notice of any administrative waiver request and when a decision on the waiver is expected to be made, prior to a determination by the Zoning Administrator. Abutting property owners may file a written statement on the administrative waiver request with the Zoning Administrator, but the decision of the Zoning Administrator shall be based on the standards contained in this Section.

- C. Appeals: An appeal of an administrative waiver decision may be made to the Zoning Board of Appeals pursuant to Article XIX of this Ordinance.
- D. Any waivers granted by the Zoning Administrator shall be reported to the Planning Commission each month at the Planning Commission meeting.

18.5.12 Modifications of Approved Permits or Site Plans

- A. The Zoning Administrator may authorize insignificant deviations from an approved site plan or from Zoning Permits, Special Land Use Permits, Planned Unit Development Permits and Condominium Project 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 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 monthly Planning Commission meeting and in an annual report under Section 18.5.6.

- 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 the request. 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 Section 19.4.

18.5.13 Training: Each Zoning Administrator shall successfully complete training on the roles and responsibilities of the office and how to perform all basic tasks within twelve (12) months of appointment as Zoning Administrator.

18.5.14 Relief from Personal Responsibility: The Zoning Administrator, officer or employee charged with the enforcement of this Ordinance, while lawfully acting for the County, shall not thereby render himself or herself liable personally, and he or she is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any lawful act required or permitted in the discharge of his or her official duties. Any suit instituted against the Zoning Administrator, or any officer or employee acting on behalf of the office of the Zoning Administrator, because of a lawful act performed by the employee in the lawful discharge of his or her duties and under the provisions of the Ordinance shall be defended by the County Prosecutor, or other legal representative of the County, until the final termination of the proceedings. In no case shall the Zoning Administrator or any of his or her subordinates be liable for costs in any action, suit or proceeding that may be instituted in pursuance of the provisions of the Ordinance; and the Zoning Administrator, any officer or employee acting on behalf of the Zoning Administrator acting in good faith and without malice, shall be free from liability for lawful acts performed under any of its provisions or by reason of any act or omission in the lawful performance of his or her official duties in connection herewith.

Section 18.6 RESERVED FOR FUTURE USE

Part II -- Permit Application, Review and Approval Procedures

Section 18.7 GENERAL APPLICATION AND REVIEW PROVISIONS

The general provisions of this Part II of Article XVII shall apply to all applications for development approval and procedures under this Ordinance, unless otherwise stated. Additional procedures specific to review of site plans are found in Part IV of this Article, procedures specific to Special Land Use applications are found in Article X (especially

**Article XVIII
Administration**

Section 10.4), and procedures specific to Planned Unit Developments are found in Article XII (especially Section 12.5). Procedures related to zoning Text Changes, Rezoning and Conditional Rezoning are found in Article XX, Section 20.4. Procedures related to Variances, Appeals and Ordinance Interpretations are found in Article XIX.

18.7.1 Authority to File Applications: Applications shall be submitted to the Zoning Administrator by the owner, or any other person having a recognized interest in the land for which the development is proposed, or their authorized agent.

- A. Applicant is Not Owner: If the applicant is not the owner of the land, or is a contract purchaser of the land, a letter signed by the owner consenting to the submission of the application shall be submitted.

- B. Applicant is Not Sole Owner: If the applicant is not the sole owner of the land, a letter signed by the other owners or an association representing the owners consenting to or joining in the application shall be submitted.

18.7.2 Application Submission Schedule: The schedule for the submission of applications shall be established by the Zoning Administrator and made available to the public.

18.7.3 Application Contents: Applications required under this Ordinance shall be submitted on a form approved by the Planning Commission and County Board except as noted in Sec. 18.5.9 and made available to the public.

18.7.4 Simultaneous Processing of Applications: Whenever two or more forms of review and approval are required under this Ordinance (e.g., a Special Land Use Permit and a Variance), the applications for those development approvals may, at the option of the Zoning Administrator, be processed simultaneously, so long as all applicable requirements are satisfied for both applications.

18.7.5 Fees:

- A. Determination of Fees: The County may charge reasonable fees sufficient to cover the costs of administration of this Ordinance. The County Board of Commissioners may from time to time adopt by resolution a fee schedule to accompany all applications submitted under this Ordinance. Fees shall be based on actual direct costs of inspection and supervision or consultation with qualified professionals (where reasonably necessary), resulting from the enforcement of this Ordinance, including the enforcement of conditions of a permit or approval, and may include the cost of filing approvals with other entities, such as with the County Register of Deeds. Such fees may also include but are not limited to all costs associated with conducting a public hearing or inspection, including publishing the newspaper notice and any map, sending required notices to property owners and renters, photocopying, staff time, Planning Commission, County Board of Commissioners and/or Zoning Board of Appeals meeting time, mileage and any costs associated with reviews by qualified professional planners, engineers, scientists, and/or other qualified professionals. The fee schedule and any amendments shall be available at the County Clerk's office following adoption by the County Board of Commissioners.

- B. Fees to be Paid: No application shall be processed until the established fee has been paid and a receipt obtained from the Office of the Zoning Administrator; except

that the County Board of Commissioners in the resolution establishing zoning fees, may exempt County projects or the projects of other governmental agencies from all or part of the fees. The Office of Zoning Administrator shall keep accurate records of all fees. Such records are public records open for public inspection.

C. Additional Costs and Fees for Professional Reviews:

1. If the Planning Commission, Zoning Board of Appeals, or Zoning Administrator determines that the basic zoning fees will not cover the actual costs of application review, or if the Planning Commission, Zoning Board of Appeals, or Zoning Administrator determines that review of the application including any site plan, and/or participation in the review or appeal by a qualified professional engineer, planner, attorney or other qualified professional is necessary, then the applicant shall deposit with the County Treasurer such additional fees in an amount determined by the Zoning Administrator to equal the estimated amount of additional costs. The additional estimated amount of zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay for additional costs. If the amount held in escrow becomes less than ten (10) percent of the initial escrow deposit or less than ten (10) percent of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Zoning Administrator may require the applicant to deposit additional fees into escrow in an amount determined by the Planning Commission or Zoning Board of Appeals to be equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally deficient or defective thereby justifying the denial of the application or the dismissal of the appeal. Any unexpended funds held in escrow shall be returned to the applicant following the final action on the application or the final decision on the appeal. Any actual costs incurred by the County in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or the release of a final decision on an appeal. Failure of the applicant to make timely payment of any balance due will entitle the County to place a lien on the subject property for the unpaid balance.

2. Professional review shall result in a report to the County indicating the extent of conformance or nonconformance with this Ordinance and identifying any problems which may create a threat to public health, safety or the general welfare or to the quality of the air, water or natural resources of the County. Mitigation measures, alterations or alternatives to a proposed design may be identified where they would serve to lessen or eliminate identified impacts. The applicant shall receive a copy of any professional review hired by the County and a copy of the statement of expenses for the professional services rendered.

- D. Refund of Fees: Application fees are not refundable except where the Zoning Administrator determines that an application was accepted in error, or the fee paid exceeded the amount due, in which case the amount of the overpayment shall be refunded to the applicant, subject to a ten (10) percent administrative fee.

18.7.6 Pre-Application Conference:

- A. **General Overview:** Except for PUDs (see Article XII, Section 12.1.18), a pre-application conference is optional prior to submission of any application for development approval under this Ordinance. The purpose of a pre-application conference is to familiarize the applicant and the County staff with the applicable provisions of this Ordinance required to permit the proposed development, and to inform the applicant about requirements for the preparation of the application.

- B. **Initiation of Pre-Application Conference:** Any potential applicant may request a pre-application conference with the Zoning Administrator. Along with the request for the pre-application conference, the applicant may provide to the Zoning Administrator a description of the proposed development, the type of development approval sought, the location of the proposed project, and any other appropriate supporting documents such a concept plan, maps, drawings, models, and any other information the Zoning Administrator deems necessary for the pre-application conference.

- C. **Meeting:** The Zoning Administrator shall schedule a pre-application conference after receipt of a request for a pre-application conference and any appropriate submission materials. At the pre-application conference the applicant, the Zoning Administrator, and any other County staff and regional, state, federal or adjacent local government representatives the Zoning Administrator deems appropriate to attend the pre-application conference, shall discuss the proposed development, and based upon the information provided by the applicant, identify what Ordinance provisions generally apply to the proposed development.

18.7.7 Reserved for Future Use.

18.7.8 Determination of Sufficiency:

- A. **Application Must be Complete:** All applications for a Zoning Permit, Temporary Zoning Permit, Certificate of Zoning Compliance, Special Land Use Permit, Planned Unit Development Permit, Condominium Project Permit, Subdivision Plat, Variance, Appeal, Text Change, Rezoning, or Conditional Rezoning or other authorization requested under this Ordinance must be complete before the permit issuing authority or approving body or official is required to consider the application.

- B. **Determination of Sufficiency:** Within fourteen (14) calendar days following receipt of the application, the Zoning Administrator shall determine if the application is complete, meets all relevant threshold requirements and includes data in sufficient detail to evaluate the application to determine whether it complies with the requirements of this Ordinance. An application not reviewed for sufficiency within fourteen (14) calendar days, shall be considered complete and shall be processed as such.

- C. **Determined Insufficient:** If the Zoning Administrator determines the application is not sufficient, written notice shall be provided to the applicant specifying the application's deficiencies. If the applicant fails to correct the deficiencies within sixty (60) days, the application shall be considered withdrawn. When the application is determined sufficient, it shall be reviewed pursuant to the procedures and standards of this Article.

18.7.9 Preparation of Staff Report: After an application is determined sufficient, and as appropriate, the Zoning Administrator shall refer the application to the appropriate County staff, and direct the applicant to contact any other review agencies for comment. The Zoning Administrator shall review the application and where a site plan, Special Land Use, Condominium Project, PUD, Variance, Ordinance Interpretation, Text Change, Rezoning, or Conditional Rezoning is involved, prepare a Staff Report. Where a Staff Report is required, it shall be made available to the public five (5) calendar days before the first scheduled public hearing on the application. The Staff Report shall report whether the application complies with all appropriate standards of this Ordinance. Conditions for approval may also be recommended to eliminate any areas of noncompliance or mitigate any adverse effects of the development proposal. A Staff Report shall also be prepared on requests for rezoning or a text change. Staff reports may be prepared by a consultant to the County where authorized by the County Board of Commissioners.

18.7.10 Scheduling of Public Hearing: When an application for development approval is subject to a public hearing (see Section 18.16.1, Timing of Notice, for when a public hearing is required), the Zoning Administrator shall ensure that the public hearing(s) on the application is scheduled for a regularly scheduled meeting or a meeting specially called for that purpose by the decision-making or advisory body reviewing the application. The public hearing(s) shall be scheduled so there is sufficient time for a Staff Report to be prepared and for the public notification requirements of Section 18.16 to be satisfied.

18.7.11 Decision on Permits: The bodies and officials responsible for review of permit applications under this Ordinance shall approve all applications that conform as submitted with the requirements of this Ordinance; shall approve with conditions all applications that would conform if certain conditions, authorized by this Ordinance were met; and shall deny all applications that do not conform with this Ordinance and would not likely conform even if mitigating conditions were imposed as a condition of approval.

18.7.12 Expiration of Permits:

- A. Zoning, Special Land Use, Planned Unit Development or Condominium Project Permits shall expire automatically, if, within one (1) year after the issuance of such permits, significant actual construction has not commenced or use has not commenced where no actual construction is required. Significant means more than one-third of the estimated expense of the development.
- B. The permit-issuing authority may extend a permit for a period of up to six (6) months from the date when a permit would otherwise expire if it concludes that:
 - 1. The permit recipient has proceeded with due diligence and in good faith, and
 - 2. Conditions have not changed so substantially as to warrant a new application. One successive extension may be granted for a period of up to six (6) months upon the same findings. All extensions may be granted without resort to the formal application and review processes. Fees required for an extension shall be according to the County fee schedule.
- C. Multi-phase PUDs shall conform with the requirements of Section 12.1.12.

Section 18.8 ZONING PERMITS

The following provisions shall apply in the issuance of any Zoning Permit in addition to any other requirements for a particular use contained in this Ordinance:

18.8.1 Commencement:

- A. No clearing, grading, excavation or filling of land for a building or structure shall be commenced; no erection, addition to, alteration of, or moving of any building or structure shall be undertaken, nor shall any land be changed to a use of a different use type, use category, or use class under this Ordinance, nor to any different use group under the State Construction Code, PA 230 of 1972, except in accordance with and pursuant to one of the following permits or approvals:
1. A Zoning Permit or a Certificate of Zoning Compliance has been secured from the Zoning Administrator.
 2. A major or minor Special Land Use Permit has been approved in compliance with the provisions of Article X of this Ordinance.
 3. A PUD Permit has been approved in compliance with the provisions of Article XII of this Ordinance.
 4. A Condominium Project Permit has been approved in compliance with the provisions of Article VII of this Ordinance.
 5. A platted Subdivision has been approved in compliance with the provisions of Article VII of this Ordinance.
 6. Except upon a written order of the Zoning Board of Appeals, no Zoning Permit shall be issued for any building, structure or use of land that would be in violation of any of the provisions of this Ordinance. Such order shall not be final until the minutes of the ZBA meeting at which the decision was made have been approved by the ZBA.
- B. The above provision does not apply to bona fide forest management, logging or agricultural activities in which no permanent or temporary building is involved.

18.8.2 Application for Zoning Permit:

- A. All applications for a Zoning Permit shall require an accurate scale map showing the following, unless waived by the Zoning Administrator:
1. The location, shape, area, dimensions, and legal descriptions of the parcel, location of easements and centerline of road.
 2. The location, dimensions, height and bulk of the existing and/or proposed structures to be erected, altered, or moved on the parcel,
 3. All existing and proposed uses of buildings, structures and land.
 4. The proposed number of sleeping rooms, dwelling units, occupants, employees, customers, and other users.
 5. The yard, open space, driveway or access by easement, and parking space dimensions.
 6. The proposed plan and specific off-street parking and unloading spaces, if applicable.
 7. Any wetlands or flood plains, critical sand dunes or high risk erosion areas, lakes, streams or other water resources which may be on the property.
 8. Any change to the ground contour of the parcel involved.
 9. Any other information deemed necessary by the Zoning Administrator to properly administer this Ordinance.

**Article XVIII
Administration**

10. A list of any permits that will be required for the development or use from federal, state, county or local agencies.
- B. Land uses requiring site plan review per Article XVIII, Part IV, starting with Section 18.20, shall submit a site plan in place of the information required in A. above, and all development of the site shall be in accordance with an approved site plan.
- C. A copy of the deed or proof of equitable title shall be required with any application for a Zoning Permit for any new principal or accessory structure on any non-platted parcel in order to assure compliance with dimensional requirements of this Ordinance, to protect easements from encroachment, and to assure conformance with the Land Division Act, Public Act 288 of 1967, as amended. The Zoning Administrator may examine electronic copies of recorded deeds to meet this requirement.

18.8.3 Affidavit of Compliance: Each application form for a Special Land Use Permit, Condominium Project, Planned Unit Development Permit, Conditional Rezoning or other development requiring a site plan for which a Zoning Permit is required, shall contain a signed and notarized affidavit stating that the applicant understands, and agrees to comply with the following laws when applicable to the lot, tract or parcel in question. The applicant shall further affirm that said lot, tract or parcel is not currently, and that the proposed use or construction will not be, in violation of the following laws. The Affidavit of Compliance shall be deemed part of and a condition to the permit or approval.

- A. The Land Division Act, Public Act 288 of 1967, as amended, being MCL 560.101 et seq., or the Condominium Act, Public Act 591 of 1978 as amended, being MCL 559.101 et seq.
- B. The District Health Department Sanitary Code.
- C. The Flood Plain regulations of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, Part 31, as amended.
- D. Michigan Public Health Code, Public Act 368 of 1978, as amended, being MCL 333.12751, et seq.
- E. Farmland and Open Space Preservation provisions of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, Part 361, as amended, being MCL 399.201, et seq.
- F. Wetlands Protection provisions of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, Part 303, Section 324.30301 et. seq., as amended.
- G. Inland Lakes and Streams provisions of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, Part 301, Section 324.30141, et.seq., as amended.
- H. "Miss Dig Law", Act 53, as amended.
- I. Airport Zoning Act, Public Act 23 of 1950, as amended, being MCL 259.431, et seq.

**Article XVIII
Administration**

- J. Stille-DeRossett-Hale Single State Construction Code Act, Public Act 230 of 1972, as amended, being MCL 125.1501, et seq., and all of its associated codes related to building, plumbing, electrical, etc.
- K. The Keweenaw County Drain Commissioner Standard Construction Specifications for open and closed drains, 1956 PA 40, as amended.
- L. The Keweenaw County Subdivision Control Procedures pursuant to Public Act 288 of 1967, as amended, being MCL 560.101 et seq.
- M. The Keweenaw County Soil Erosion and Stormwater Control Ordinance, and any applicable regulations of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, Part 91, Section 324.9141 et. seq., as amended.
- N. Michigan Department of Environmental Quality rules for Land Divisions, as amended.
- O. The High Risk Erosion provisions of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, Part 323, as amended, being MCL 324.32305, et seq.
- P. The Critical Sand Dune regulations of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, Part 353, as amended, being MCL 324.35321, et seq.
- Q. Any County Road Commission or Michigan Department of Transportation driveway or access management regulations under Public Act 200 of 1969, as amended, being MCL 247.321.
- R. All county, township or village ordinances that are applicable to the proposed building, structure or land use, most notably those associated with a public water or public sewer tap-in, or well-head protection area.
- S. All other State, Federal or local laws, rules, or regulations known to be applicable to the proposed building, structure or use of the property.

18.8.4 Withholding Permit:

- A. Section 18.8.3 notwithstanding, the Zoning Administrator may withhold any Zoning Permit, Temporary Zoning Permit, Special Land Use Permit, Condominium Project Permit, PUD Permit, or Certificate of Zoning Compliance pending verification that an applicant has received required township, county, state or federal permits including but not limited to sanitary sewer and water tap-in permits, septic and water well permits, soil erosion and sedimentation control permits, wetlands permits, flood plain, culvert, or driveway permits. Likewise, wherever this Ordinance authorizes permit approval by the Planning Commission, County Board of Commissioners or the Zoning Board of Appeals, the Planning Commission, County Board of Commissioners or Zoning Board of Appeals shall condition final approval of the requested development activity upon the receipt of any of the above mentioned township, county, state or federal approvals and/or direct the Zoning Administrator not to issue the requested permit until said permits or approvals from other

jurisdictions or agencies have been obtained and copies filed with the Zoning Administrator.

- B. The Zoning Administrator may refuse to issue a Zoning Permit to a person who is responsible for an unresolved violation of this Ordinance at the requested location, or another location within the jurisdiction of this Ordinance, until such time as the violation is satisfactorily corrected where such other unresolved violation poses reasonably similar risks.

18.8.5 Previous Approvals: Nothing in the Ordinance shall require changes in the plans, construction, or designated use of a building for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which shall have been actively pursued within ninety (90) days after the effective date of this Ordinance; and the entire building shall be completed as authorized within two (2) years after the date of approval of the application, and provided that the construction was lawfully completed in accordance with the Ordinance, permit and permit conditions.

18.8.6 Inspections: The Zoning Administrator shall inspect sites on which new permanent buildings will be erected prior to issuance of a Zoning Permit and at such other time as is necessary to ensure conformance with this Ordinance and the conditions of any permit or approval.

Section 18.9 TEMPORARY ZONING PERMITS

Temporary Zoning Permits for temporary buildings, structures and uses shall conform with the following requirements:

18.9.1 Application: Temporary Zoning Permits for those uses specifically authorized in Section 7.15 may be approved, modified, conditioned, or denied by the Zoning Administrator based on the standards established in Section 18.9.3 and subject to such conditions as are reasonably necessary to minimize adverse impacts on abutting property, and protect the public health, safety and general welfare. The Zoning Administrator may refer the application for a Temporary Zoning Permit to the Planning Commission for a decision. The Planning Commission shall apply the procedures and standards in this Section, the same as the Zoning Administrator.

18.9.2 Permits: A written temporary Zoning Permit shall be issued for all temporary buildings, structures and uses that comply with this Ordinance and shall contain the following information:

- A. The applicant's name.
- B. The location and effective dates of all permitted temporary buildings, structures or uses.
- C. Conditions specified by which the permit was issued, such as:
1. Use and placement of signs.
 2. Provision for security and safety measures.
 3. Control of nuisance factors.
 4. Elements of a performance guarantee.
 5. Signature of the Zoning Administrator on the permit.

18.9.3 Conditions of Approval: A permit for a proposed temporary use shall be issued by the Zoning Administrator only if each of the following criteria is met:

- A. The proposed use is clearly of a temporary nature.
- B. The temporary use shall not endanger the public health, safety or welfare of the County, or adjacent residents.
- C. Structures of temporary uses shall be provided, if required, with safe, sanitary and effective systems for water supply and disposal of wastes, approved by the Health Department.
- D. The proposed temporary use shall meet all lot, yard, setback and other requirements of this Ordinance,
- E. The proposed temporary use is not a major Special Land Use of the respective zoning district.
- F. The nature and intensity of the temporary use and the size and placement of any temporary building or structure shall be planned so that the temporary use, building or structure will be compatible with existing development on abutting property.
- G. Except for a garage sale, the temporary use shall not be located within an accessory building or structure.
- H. The parcel shall be of sufficient size to adequately accommodate the temporary use, building or structure.
- I. The location of the temporary use or structure shall be such that adverse effects on surrounding properties will be minimal, particular regarding the traffic generated by the temporary use or structure.
- J. Off-street parking areas are of adequate size for the particular temporary use, building or structure, are safely located and the entrance and exit drives are laid out so as to prevent traffic hazards and nuisances.
- K. Signs shall conform to the provisions of this Ordinance (see Article XVI).
- L. Any lighting or noise shall be directed and controlled so as to not create a nuisance to neighboring property owners.
- M. All the criteria specific to a particular temporary use as provided in Section 7.15 are met.
- N. The Zoning Administrator may impose conditions with the issuance of the permit which are designed to insure compliance with the requirements of this Ordinance and other applicable federal, state, or local laws, regulations, ordinances or codes.

18.9.4 Renewable Temporary Zoning Permits: Temporary Zoning Permits which are renewable may be renewed in the same manner as issuance of the original permit,

except the application for renewal shall be filed at least fifteen (15) days prior to the expiration date of the current permit, and applications for renewal or extension of a permit for less than fifteen (15) days may be applied for no later than three (3) days prior to the expiration date of the current permit. Fees may be assessed in accordance with the County Fee Schedule.

18.9.5 Performance Guarantee for a Temporary Use: The Zoning Administrator may require a performance guarantee in the form of cash, check or savings certificate or irrevocable bank letter of credit be deposited with the County Treasurer in an amount equal to the estimated cost of removing any temporary structure for which a Temporary Zoning Permit is authorized under this Section for use in the event it is not removed by an applicant at the end of an authorized period. Prior to the issuance of a temporary permit, the applicant shall sign an affidavit holding the County harmless against any claim for damages if the County were to subsequently use the performance guarantee to remove the temporary structure after its authorized period had expired. The performance guarantee shall be returned to the applicant when all the terms and conditions of the temporary Zoning Permit have been met (See Sec. 18.13) and the temporary use or structure has been removed by the applicant.

18.9.6 Permit Revocation: A Temporary Zoning Permit may be revoked at any time for any of the following reasons:

- A. Nonconformance with the requirements of this Section and/or a permit issued thereunder;
- B. Evidence that the Temporary Zoning Permit was obtained by misrepresentation or fraud;
- C. That one (1) or more of the conditions of the Temporary Zoning Permit have not been met; and
- D. That the temporary use is in violation of any statute, ordinance, law, or regulation.
- E. The Temporary Zoning Permit has expired by its terms or the provisions of the Ordinance.

18.9.7 Cessation of Temporary Use Upon Revocation: Upon expiration or revocation of a Temporary Zoning Permit for a temporary use, building or structure, the temporary use shall cease and all temporary structures, dwellings or buildings shall be removed from the parcel of land. Any use or structure established under a temporary use permit shall not give rise to any vested rights of use or property except for a limited lawful use during the term of and in accordance with the Temporary Zoning Permit.

18.9.8 Appeal: An appeal of a decision by the Zoning Administrator relative to approval or denial of a Temporary Zoning Permit for a temporary use or renewal thereof may be taken to the Zoning Board of Appeals pursuant to Section 17.4 of this Ordinance.

Section 18.10 CERTIFICATE OF ZONING COMPLIANCE

18.10.1 Certificate of Zoning Compliance Required: No land shall be occupied or used and no building shall be used or changed in use for which a Special Land Use Permit,

PUD Permit, Condominium Project Permit, Conditional Rezoning or other use for which major site plan approval was granted, until a Certificate of Zoning Compliance shall have been issued by the Zoning Administrator stating that the building and its intended use complies with the provisions of this Ordinance and the permit and its conditions.

18.10.2 Notification for Inspection Prior to Occupancy: The holder of every Special Land Use Permit, PUD Permit, Condominium Project Permit, or other use for which major site plan approval was granted, shall notify the Zoning Administrator within 24 hours after completion of the work authorized by such permit for a final inspection and issuance of a Certificate of Zoning Compliance.

18.10.3 Certificates for Existing Buildings: Certificates of Zoning Compliance may be issued upon request for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, such uses of land are in conformity with the provisions of this Ordinance. Where the certificate is issued for building, or use not in conformity with this Ordinance, the certificate shall specify the degree of nonconformity including but not limited to use type, use intensity, structures, and dimensions.

18.10.4 Certificates for New or Changed Uses:

- A. Application for Certificates of Zoning Compliance shall be in writing to the Zoning Administrator on a forms furnished for that purpose, and such certificates shall be issued within five (5) days after receipt of such application if it is found that the building or structure, or part thereof, or the use of land is in accordance with the provisions of this Ordinance or any permit or permit condition issued or approved under this Ordinance.
- B. If such certificate is refused for cause, the applicant therefore shall be mailed a notice of such refusal and cause thereof, within the aforesaid five (5) day period.
- C. Except upon a written order of the Zoning Board of Appeals, a Certificate of Zoning Compliance shall not be issued for any building, structure or use of land that would be in violation of any of the provisions of this Ordinance or any permit or condition issued or approved under this Ordinance.

Section 18.11 ZONING APPROVAL RUNS WITH THE LAND AND STATUS OF PRIOR USES

The approval to engage in any land use activity or to construct a building or structure that has received a Zoning Permit, Certificate of Zoning Compliance, Special Land Use Permit, PUD Permit, Condominium Project Permit or other permit issued under the authority of this Ordinance, or any Variance granted by the Zoning Board of Appeals, runs with the land, and not with the owner, just like a nonconforming use right. Thus, any person who builds or uses land based on a valid permit or approval granted under the terms of this Ordinance, and later dies, should rest assured that the rights, limitations and conditions granted in that permit automatically transfer to the new owner(s) of the land, provided there were no violations applicable to the land that were unresolved by the previous owner prior to his/her death. By the same token, any person may sell property to another person, who will enjoy the same rights, privileges and restrictions as the seller, provided that the seller, prior to the sale, used the property in conformance

with a lawful permit and the land use was not in violation of the Ordinance prior to the sale.

Section 18.12 CONDITIONAL APPROVALS AND RECORDING CONDITIONS WITH REGISTER OF DEEDS

18.12.1 Conditional Approvals:

- A. As provided in the Michigan Zoning Enabling Act, PA 110 of 2006, site plans for Special Land Uses, Planned Unit Developments, Condominium Projects, Variances or other discretionary decisions may be approved with reasonable conditions.

- B. The conditions may include conditions 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. Conditions imposed shall meet the following requirements:
 - 1. Be designed to protect the air, water and other natural resources, the health, safety, and welfare, as well as the social and economic well-being of those who will use the land use or activity under consideration, residents, and landowners adjacent to the proposed land use or activity, and the community as a whole.
 - 2. Be related to the valid exercise of the police power, and to the proposed use or activity.
 - 3. Be necessary to meet the intent and purpose of the zoning requirements; be related to the standards established in this Ordinance for the land use or activity under consideration; and be necessary to insure compliance with those standards.
 - 4. Be in compliance with the conditions of any permits and approvals issued for the project by other jurisdictions or agencies.

18.12.2 Recording Conditions with the Register of Deeds: At the direction of the body or official making the final decision to approve or approve with conditions a Planned Unit Development, Special Land Use, Variance or other discretionary approval authorized by this Ordinance, or as otherwise may be specified by this Ordinance, or at the discretion of the Zoning Administrator, an approval or approval with conditions may be recorded with the County Register of Deeds. The following requirements shall be met with each recording:

- A. The applicant shall record an affidavit which has received the approval of the County Prosecuting Attorney with the County Register of Deeds containing the full legal description of the project site, containing the approved site plan, the specific terms of any permit, any documents that pertain to permanent preservation of open space, the date of final County approval, and declaring that all improvements will be carried out in accordance with the approved site plan or variance unless an amendment thereto is adopted by the County. In addition, all deed restrictions and easements associated with the property shall be duly filed with the Register of Deeds of the County, and copies of all recorded documents shall be presented to the Zoning Administrator. These documents shall be binding upon the landowners, their

successors and assigns, and shall constitute the development regulations for the land. The applicant shall submit proof to the Zoning Administrator that these documents have been recorded with the County Register of Deeds within ninety (90) calendar days of project approval or the approval shall be rendered invalid. Once the proper documents have been recorded with the County Register of Deeds, the applicant may proceed, consistent with the approved Site Plan and Permit, to develop the land.

- B. A copy of any agreement between joint users of parking areas shall be filed with the application for a Zoning Permit and recorded with the Register of Deeds. The agreement shall include a guarantee for continued use of the parking facility by each party and clearly spell out maintenance responsibilities. A copy of all recorded documents shall be presented to the Zoning Administrator.
- C. All documents to be recorded with the County Register of Deeds at the initiative of the County, shall be first reviewed and approved as to form and content by the County Prosecuting Attorney or other legal representative of the County retained for that purpose.

Section 18.13 PERFORMANCE GUARANTEES AND PERFORMANCE BONDING FOR COMPLIANCE

18.13.1 When Performance Guarantee May be Required: In authorizing any Zoning Permit, Temporary Zoning Permit, Special Land Use Permit, Planned Unit Development Permit, Condominium Project, platted Subdivision, Site Plan approval, Conditional Rezoning or Variance, the body or official which approves the respective request, as designated by this Ordinance, may require that a performance guarantee (See Sec. 18.9.5) be furnished: (1) to insure compliance with the requirements, specifications and conditions imposed with the grant of such approval, permit or variance; and (2) to provide sufficient resources for the County to complete required improvements or conditions in the event the permit holder does not; or (3) to insure the discontinuance of a temporary use by a stipulated time.

18.13.2 Improvements Covered: Improvements that shall be covered by the performance guarantee include, but are not necessarily limited to: streets and other roadways, utilities, fencing, screening, landscaping, common open space improvements, lighting, drainage and sidewalks. The term "improvements" should not be construed to mean the project itself, but rather those features associated with the project which are deemed necessary to protect the health, safety and welfare of Keweenaw County's resources and future users or inhabitants of the proposed project. The term "improvements" does not include improvements for which a performance guarantee has been deposited pursuant to the Land Division Act, Public Act 288 of 1967, as amended. The performance guarantee shall meet the following requirements:

- A. Form: The performance guarantee shall be in the form of cash, certified check, irrevocable bank letter of credit, surety bond, or similar instrument acceptable to the County Treasurer, which names the property owner as the obligor and the County as the obligee.

- B. Time when Required: The performance guarantee shall be submitted at the time of issuance of the permit authorizing the activity of the project. If appropriate, based on the type of performance guarantee submitted, the County shall deposit the funds in an interest bearing account in a financial institution with which the County regularly conducts business.
- C. Amount and Type: The amount and type of the performance guarantee shall be determined by the body or official making the decision to approve the request, or if they have not done so, by the Zoning Administrator. The amount of the performance guarantee should be sufficient to cover the estimated cost of the improvements or conditions. The performance guarantee shall be reasonable, appropriate, and commensurate with the scope of the project. Additional guidelines for establishing the amount of a performance guarantee may be prescribed by resolution of the County Board of Commissioners.

18.13.3 Return of Performance Guarantee: The Zoning Administrator, upon the written request of the obligor, and pursuant to the procedure in the next subsection, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in proportion to the work completed on the applicable improvement or condition and may be written as an element of the conditions surrounding the approval of the project.

18.13.4 Withholding and Partial Withholding of Performance Guarantee: As required improvements are completed, or when all of the required improvements have been completed, the obligor shall send written notice to the Zoning Administrator of completion of said improvements. Thereupon, the Zoning Administrator shall inspect all of the improvements and shall transmit recommendation to the Planning Commission or County Board of Commissioners indicating either approval, partial approval, or rejection of the improvements or conditions with a statement of the reasons for any rejections. If partial approval is indicated, the cost of the improvement or condition rejected shall be set forth.

- A. The Planning Commission shall either approve, partially approve or reject the improvements or conditions with the recommendation of the Zoning Administrator's written statement and shall notify the obligor in writing of the action of the Planning Commission within thirty (30) days after receipt of the notice from the obligor of the completion of the improvements. Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the performance guarantee, except for that portion adequately sufficient to secure provision of the improvements not yet approved.
- B. Should installation of improvements begin and fail to meet full completion based on the approved Site Plan, or if the project area is reduced in size and improvements are only partially completed or conditions only partially met, the County may complete the necessary improvements or conditions itself or by contract to an independent developer, and assess all costs of completing the improvements or conditions against the performance guarantee. Any unused balance remaining would be returned to the applicant; any excess expense would be recorded as a lien on the property.

18.13.5 Record of Performance Guarantees: A record of authorized performance guarantees shall be maintained by the Zoning Administrator.

Section 18.14 RESERVED FOR FUTURE USE

Section 18.15 RESERVED FOR FUTURE USE

Part III -- Notice and Hearing Procedures

Section 18.16 PUBLIC NOTICE

18.16.1 Public Notification: All applications for development approval requiring public hearings shall comply with the Michigan Zoning Enabling Act, Timing of Notice, and the other provisions of this Section with regard to public notification.

- A. Content: All notices for public hearings, including those by publication in a newspaper or mail shall:
1. Identify application: Identify the name, address, and telephone number of the applicant or the applicant's agent.
 2. Describe nature and scope of application: Describe the nature, scope and purpose of the application or proposal.
 3. Location: Describe the land involved by street address or if there is no street address by nearest cross street, and area (size of the parcel). This requirement is waived for any rezoning involving 11 or more properties.
 4. Date, time and place of public hearing: Indicate the date, time and place of the public hearing(s).
 5. Notify public where they may be heard: Include a statement that the public may appear at the public hearing in person or by counsel, be heard and submit evidence and written comments with respect to the application.
 6. Written comments: Include a statement describing when and where written comments will be received prior to the public hearing.
 7. Add information concerning how handicapped access will be accommodated if the meeting facility is not handicap accessible.
- B. Published Notice: When the provisions of this Ordinance require that notice be published, the Zoning Administrator shall be responsible for preparing the content of the notice and publishing the notice in a newspaper of general circulation that has been selected by the County. The content and form of the published notice shall be consistent with the requirements of Section 18.16.1.A. above, and state law.
- C. Written (Mailed) Notice
1. General: When the provisions of this Ordinance require that written or mailed notice be provided, the Zoning Administrator shall be responsible for preparing and mailing the written notice. Notice shall be mailed to:
 - a. All property owners of the land subject to the application.
 - b. All property owners within three hundred (300) feet of the boundary of the land subject to the application.

**Article XVIII
Administration**

- c. All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to Section 18.16.2, Registration to Receive Notice by Mail.
 - d. For applications for Planned Unit Development Permits, Condominium Project Permits, Special Land Use Permits, and Rezoning of ten (10) or less properties, occupants of all structures within three hundred (300) feet of the boundary of the land subject to the application. 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.
 - e. For appeals of administrative decisions, requests for Ordinance interpretation and variance requests to the Zoning Board of Appeals, occupants of single and two (2) family dwellings within three hundred (300) feet of the land subject to the application if a specific property is involved.
2. Notice by mail/affidavit: Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, postage paid. The Zoning Administrator shall prepare a list of property owners and registrants to whom notice was mailed.
- D. Timing of Notice: Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, or this Ordinance, notice shall be provided not less than fifteen (15) days before the hearing.
- E. Once the Zoning Administrator has determined an application is complete pursuant to Section 18.7.8 on a petition for a zoning Text Change, Rezoning, or Conditional Rezoning, or an application for a Special Land Use Request, Planned Unit Development, Condominium Project, Subdivision Plat, Variance, or other request to the Zoning Board of Appeals, the Township Board of the Township wherein the premises are situated, shall be sent a copy of the petition or application by the Zoning Administrator within five (5) days after receipt thereof for review by the Township.
1. The Township Board may review the petition and make comment or recommendation within thirty (30) days after receipt thereof. If no written correspondence is received by the Zoning Administrator, the Planning Commission, Zoning Board of Appeals or County Board of Commissioners shall assume the Township has no objection or other input to offer.

**Article XVIII
Administration**

2. The Township Board's comments or recommendations shall be submitted in writing and addressed to the County Planning Commission, Zoning Board of Appeals or County Board of Commissioners as appropriate, in care of the Zoning Administrator.
3. The County Planning Commission, Zoning Board of Appeals and County Board of Commissioners shall give due consideration to the recommendations of the Township Board, but shall not be obligated to follow them.

18.16.2 Registration to Receive Notice by Mail:

- A. 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 Section 18.16.1.C., Written (Mailed) Notice, or written notice of all applications for development approval within the zoning district in which they are located. The County Clerk shall provide copies of these requests to the Zoning Administrator who shall be responsible for providing this notification. Fees may be assessed in accordance with Public Act 267 of 1967, as amended for the provision of this notice.
- B. Requirements for Eligibility: To be eligible for registration, the requesting party must provide the County Clerk information in the form required by the County Clerk to ensure notification can be made. All persons that have been registered must re-register bi-annually to remain registered and continue to receive notification pursuant to this Section.

18.16.3 Deferral of Review of Application:

- A. Submission of Request: An applicant may request that a decision-making or advisory body's consideration of an application at public hearing be deferred by submitting a written request for deferral to the Zoning Administrator.
- B. Zoning Administrator Review: The Zoning Administrator shall consider deferral requests of less than thirty (30) days, and shall grant such requests for good cause. The date of the public hearing at which the application will be heard shall be set at the time the deferral is granted by the Zoning Administrator.
- C. Decision-Making or Advisory Body Review: The decision-making or advisory body reviewing the application shall consider deferral requests of more than thirty (30) days, and shall grant such requests for good cause. The date of the public hearing at which the application will be heard shall be set at the time the deferral is granted by the decision-making body or advisory board. The body may defer consideration at a public hearing on its own motion at any time.
- D. Applicant to Pay Costs of Deferral: The applicant shall pay all the direct costs of additional notice, staff time and per diem expenses associated with a deferral of review of an application.

18.16.4 Withdrawal of Application:

- A. Submission of Application: Any request for withdrawal of an application shall be submitted in writing to the Zoning Administrator.
- B. Prior to Notice of Public Hearing: The Zoning Administrator shall approve a request for withdrawal of an application if it has been submitted prior to the time of notice of a public hearing.

- C. Withdrawal: The Planning Commission may allow an applicant to withdraw an application at the request of the applicant at the public hearing.

18.16.5 Notification of Decision: Notification of a decision on an application for development approval shall be provided by the Zoning Administrator to the applicant by mail within fourteen (14) days after the decision. A copy of the decision shall also be made available to the public at the offices of the Zoning Administrator, during normal business hours.

18.16.6 Reconsideration of Applications:

- A. General: Whenever any application for development approval is disapproved, a similar application for all or a part of the same land shall not be considered for a period of one (1) year after the date of disapproval unless a Waiver of Time Limit is approved by the decision-making body pursuant to the requirements of Section 18.16.6.B, Waiver of Time Limit. Only one request for Waiver of Time Limit may be submitted by the applicant during the one-year period.
- B. Waiver of Time Limit: The Waiver of Time Limit shall be approved only upon a finding by two-thirds of the membership of the decision-making body that:
1. Substantial Change in Circumstances: There is a substantial change in circumstances relevant to the issues or facts considered during review of the application that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed in the application; or
 2. New or additional information: New or additional information is available that was not available at the time of the review that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed; or
 3. New application materially different: A new application is proposed to be submitted that is materially different from the prior application; or
 4. Material mistake of fact: The final decision on the application was based on a material mistake or omission of fact that if known, would likely have resulted in a different determination.

18.16.7 Examination and Copying of Application/Other Documents: At any time upon reasonable request and during normal business hours, any person may examine an application, the Staff Report and materials submitted in support of or in opposition to an application in the office of the Zoning Administrator, subject to recognized exceptions under the Freedom of Information Act or other state or federal law. Copies of such materials shall be made available at a reasonable cost.

Section 18.17 PUBLIC HEARINGS

18.17.1 Public Hearing Procedures: All public hearings including but not limited to amendments to the text of this Ordinance and Zoning Map on a rezoning; Conditional Rezoning; Planned Unit Development Permits; Condominium Project Permits, Special Land Use Permits; and Variances, Ordinance Interpretations and Appeals, held pursuant to this Ordinance shall comply with the following procedures.

- A. Conduct of Public Hearing

Article XVIII
Administration

1. **Burden of Proof or Persuasion:** The burden of demonstrating that an application complies with applicable review and approval standards of this Ordinance is on the applicant, not the County.
 2. **Rights of All Persons:** Any person may appear at a public hearing and submit evidence, either individually or as a representative of a person or an organization. Each person who appears at a public hearing shall be identified, state an address, and if appearing on behalf of a person or organization, state the name and mailing address of the person or organization being represented.
 3. **Exclusion of Testimony:** The Planning Commission, the Zoning Board of Appeals, or the County Board of Commissioners may place reasonable and equitable limitations on the presentation of evidence and arguments including, as they believe necessary in a particular instance, excluding testimony or evidence that it finds to be irrelevant, immaterial or unduly repetitious.
 4. **Offers of Testimony:** In the event any testimony or evidence is excluded as irrelevant, immaterial or unduly repetitious, the person offering such testimony or evidence shall have an opportunity at that meeting to offer such testimony or evidence in writing for the record. Such offer shall be made at the public hearing and promptly provided.
 5. **Continuance of Public Hearing**
 - a. **General:** The body conducting the public hearing may, on its own motion or at the request of any person, continue the public hearing to a fixed date, time and place and may keep the public presentation portion of the public hearing open to take additional testimony up to the point a final decision is made. An applicant shall have the right to request and be granted one continuance; however, all subsequent continuances shall be granted at the discretion of the body conducting the public hearing only upon good cause shown.
 - b. **Notice:** A public hearing for which proper notice was given may be continued to a later date without again complying with the notice requirements of this Section, provided that the continuance is set for a date within thirty-six (36) hours, and the date, time and place of the continued hearing is announced at the time of the continuance and there is continued compliance with the Open Meetings Act (Public Act 267 of 1976, as amended, Section 15.265(5)).
- B. General Procedures and Findings at Public Hearing**
1. **Time:** The body conducting the hearing shall act in accord with any time limits established in this Ordinance. Action shall be taken as promptly as possible in consideration of the interests of the applicant, the citizens of the County and the County, and shall include a statement of a recommendation or decision of approval or disapproval (whichever is appropriate).
 2. **Form of Decisions:** The form of all decisions shall include at least the following elements:
 - a. **Summary of information:** A summary of the relevant information presented before the decision-making body.

**Article XVIII
Administration**

- b. Summary of evidence in record: A summary of all documentary evidence submitted into the record.
- c. Statement of findings: A statement of findings or other factors considered, whichever is appropriate, and a statement of the basis upon which such facts were applied with respect to the relevant review standards, if required by state law.
- d. Recommendation or decision: A motion that includes approval, approval with specified conditions or disapproval (whichever is appropriate) based on the findings above.

18.18 A decision is final upon approval of the minutes of the body conducting the hearing at the next regularly scheduled meeting or at a special meeting of the decision-making body and as signified by the signature of the chairperson.

Section 18.19 RESERVED FOR FUTURE USE

Part IV -- Site Plan Review

Section 18.20 AUTHORIZATION

Section 502 of the Michigan Zoning Enabling Act, PA 110 of 2006 permits a county to require the submittal, review and approval of a site plan detailing what is proposed on a property, in order to ensure conformance with this Ordinance and the applicable regulations of other government agencies, prior to granting zoning approval. Site plan review is a very important tool to ensure that the public health, safety and welfare of the community is protected as land is developed or redeveloped.

Section 18.21 PURPOSE AND INTENT

It is the purpose of this Part IV of Article XVIII to require site plan review for certain buildings, structures and uses that can be reasonably expected to have a significant impact on the air, water, and other natural resources, traffic patterns, the character of development and existing land uses in the area, or the capacity of public infrastructure and services.

The requirements contained in this Part IV are intended to reduce the hazards to life and property due to fire, flooding, soil erosion, poor surface water drainage, inadequate private sewage disposal systems, pollution, dust, fumes, noise vibrations, noxious odors and other hazards; and to promote and facilitate the adequate provision of a system of roads, streets and parking, sewage disposal, drainage, public education, recreation and other public requirements, and to promote the harmonious relationship of land uses through proper design.

Section 18.22 SITE PLAN REVIEW COMMITTEE

18.22.1 Site Plan Review Committee Membership: A Site Plan Review Committee is created to assist in the administration of site plan requirements under the terms of this Ordinance. The Site Plan Review Committee shall consist of the following members:

- A. The Keweenaw County Zoning Administrator.
- B. The Keweenaw County Drain Commissioner.
- C. The Keweenaw County Road Commission Managing Director or a permanently designated employee of the Keweenaw County Road Commission; or when the site plan involves property which is on a state highway, MDOT shall be invited.
- D. The Director of the District Health Department or a designated employee of the Environmental Health Division or the person responsible for provision of public utilities to the site if a septic system or well is not to be used.
- E. A township official appointed by the Township Board of Trustees, from the township where the land use is proposed to be located.
- F. A representative of the local Fire Department, or a designated representative.
- G. A representative of the Natural Resources Conservation Service.
- H. A representative of the Keweenaw County Sheriff's Department.
- I. The chairperson of the County Planning Commission or his/her designated representative.
- J. A representative of the affected School District.
- K. A representative of the National Park Service when the site plan is for property which abuts lands of significance to the National Park Service.

18.22.2 Term of Appointment: The term of appointment shall be as long as each member holds his/her respective office or designated employee status.

18.22.3 Chairperson and Staff Support: The Keweenaw County Zoning Administrator shall act as Chairperson of the Site Plan Review Committee. The Chairperson shall not vote except in the event of a tie. The Chairperson shall provide administrative support to the Site Plan Review Committee including agendas, minutes, legal notices and records. The files of the Committee shall be maintained in the Zoning Administrator's Office and open to public inspection during normal working hours.

Section 18.23 JURISDICTION

18.23.1 Land Uses Subject to Site Plan Review:

- A. Either a major or a minor site plan is required to be submitted for review as specified in Section 18.23.3, for all of the following land uses:
 - 1. All residential developments requiring a Zoning Permit other than individual single-family homes, duplexes, and accessory buildings associated with them, unless located within seventy-five (75) feet of the Lake Superior or ordinary highwater mark or the shoreline of an inland lake, stream or river.
 - 2. All nonresidential developments requiring a Zoning Permit;

**Article XVIII
Administration**

3. Any use by right with conditions specified as requiring site plan review in this Ordinance;
4. All platted Subdivisions and Condominium Projects involving more than two dwelling units,
5. All Special Land Uses;
6. All Planned Unit Developments;
7. All Conditional Rezoning requests;
8. All expansions or enlargements to nonconforming uses or nonconforming structures that results in a need for ten (10) or more additional parking spaces, per the standards of this Ordinance, and
9. Any other land use requests referred to the Site Plan Review Committee or Planning Commission by the Zoning Administrator.

18.23.2 The Site Plan Review Committee shall meet as provided in Section 18.26.1 and action shall be taken on all site plans submitted for review unless withdrawn by the applicant. The Planning Commission shall approve, deny or approve with conditions site plans for Special Land Uses (see Article X), PUDs (see Article XII) and Condominium Projects (see Article VII) as part of the review and approval process for those uses. Where site plans are reviewed individually by Site Plan Review Committee members and comments or recommendations are transmitted to the Zoning Administrator, but no Site Plan Review Committee meeting is conducted, the Zoning Administrator shall take action to approve, approve with conditions, or deny the site plan, except where the final decision is made by the Planning Commission or County Board of Commissioners.

18.23.3 Major and Minor Site Plans:

- A. All site plans associated with a platted Subdivision, a Condominium Project, an application for a Special Land Use Permit, or a PUD Permit, and all other site plans for new land uses or expansions or changes of use of existing land uses requiring more than ten (10) new parking spaces or a principal structure of more than five-thousand (5,000) square feet, or more than two (2) acres in affected area for nonresidential land uses, shall be classified as major site plans which go through the site plan review procedures specified in Sections 18.24, 18.26, 18.27, 18.28 and 18.29.
- B. All other site plans are classified as minor site plans unless the Zoning Administrator determines that the proposed project may have a significant impact on air, water and other natural resources, traffic patterns or future development in the vicinity, in which case the site plan shall be processed as a major site plan.
- C. The standards of Section 18.25, as well as any other relevant standards of this Ordinance, shall be applied to determine if a major or minor site plan conforms with this Ordinance.

18.23.4 Minor Site Plans:

- A. The Zoning Administrator shall review and approve the following site plans without their submission to the Site Plan Review Committee or the Planning Commission; except that where the applicant, the Site Plan Review Committee, Planning Commission, or the Zoning Administrator so requests; then the site plan shall be reviewed by the Site Plan Review Committee or Planning Commission before final action by the Zoning Administrator:

**Article XVIII
Administration**

1. Accessory uses incidental to a conforming existing use where said use does not require any Variance and where said site plan conforms with all the requirements of this Ordinance.
 2. Expansion and/or addition to an existing conforming use where said site plan conforms with all the requirements of this Ordinance.
 3. Accessory storage buildings in all Zoning Districts.
 4. Increases in off-street parking areas, parking buildings and/or structures, increases in loading/unloading spaces, and landscape improvements as required by this Ordinance.
 5. For those Special Land Uses so specifically identified in this Ordinance (See Article X)
 6. Amendments to approved site plans (see Section 18.31).
 7. Final site plans.
 8. Any other site plan review not delegated for review by the Planning Commission.
- B. The Zoning Administrator shall apply all applicable standards and procedures of this Ordinance in approving, conditionally approving or denying minor site plans.
- C. Applicants of minor site plans shall be directed to the office of appropriate members of the Site Plan Review Committee where an element of the site plan requires approval by that office or agency. A member of the Site Plan Review Committee may request a minor site plan be reviewed by the whole Site Plan Review Committee at a meeting of the Committee. Except where the Site Plan Review Committee requests a meeting of the Committee to review a minor site plan, the minor site plan shall be reviewed and approved, approved with conditions, or denied by the Zoning Administrator. The Zoning Administrator shall not act before ten (10) calendar days following the date of determination of the sufficiency of the site plan application per Section 18.24.1. The Zoning Administrator shall determine compliance of the site plan with the standards in Section 18.25, taking into account any comments received by members of the Site Plan Review Committee, or any other agency or official the Zoning Administrator requested and received a response from regarding the proposed site plan.

18.23.5 Relationship to Variances: If it is evident that in order for a site plan to be approved, one or more Variances must be obtained, the Zoning Administrator shall so inform the applicant and explain the procedural steps and implications of initiating a Variance request immediately following action by the Site Plan Review Committee or following action by the Planning Commission, if the Planning Commission makes the final decision on the site plan. The applicant shall make the decision as to when or whether to proceed with a Variance request.

Section 18.24 SITE PLAN REVIEW PROCEDURES

18.24.1 Application: The owner or his/her designated agent shall file an application requesting site plan review with the Zoning Administrator on a special form designated for that purpose and as adopted or periodically updated by the Site Plan Review Committee. The owner and/or applicant shall include his/her full name, address, telephone number, fax number, e-mail address and his/her signature on the application. All site plans shall comply with the terms of the Soil Erosion and Sedimentation Control

**Article XVIII
Administration**

Act MCL 324.9101 et seq, and “as built” plans or construction drawings shall be filed with the Zoning Administrator immediately after construction is completed that demonstrates compliance with this Act.

- A. Complete Application: An application that does not fully comply with the submittal requirements of this Ordinance (see Tables 18-1 and 18-2) in the opinion of the Zoning Administrator, shall be returned to the applicant. The Zoning Administrator shall make a determination of whether an application is complete within fourteen (14) calendar days of submittal of the application. See Section 18.7.8.
- B. An application for a major site plan determined to be complete by the Zoning Administrator shall be scheduled for review by the Site Plan Review Committee.
- C. An application for a minor site plan determined to be complete by the Zoning Administrator shall be processed in a timely fashion by the Zoning Administrator, pursuant to Section 18.23.4.

18.24.2 Site Plan: Each application for Site Plan Review shall contain the required quantity plan view line drawings in Table 18-1, and shall include all of the following information unless specific waivers are granted by the Zoning Administrator for the number of copies in Table 18-1 or those items specified in Table 18-2. Waivers of specific required information may be granted upon a written finding that no good public purpose will be achieved by requiring conformance with the standards sought by the applicant to be waived; that public health, safety and general welfare will not be unnecessarily compromised by a waiver; and that the purpose and intent of the site plan review requirements specifically and the Ordinance generally will still be achieved. All waivers shall be recorded in a log maintained by the Zoning Administrator listing the applicant, application number, the standard requested to be waived, and the decision of the Zoning Administrator.

**Table 18-1
Required Copies of Site Plans**

Type of Project	# of Copies (unless fewer are required by the Zoning Administrator)	Requirements for Site Plans
Conservation PUD with less than 15 lots or dwelling units	12	Section 18.24.2
Major Site Plan	12	Section 18.24.2
Minor Site Plan	12	Section 18.24.2

**Table 18-2
Site Plan Submittal Requirements and Elements that May be Waived
by the Zoning Administrator**

Requirements for Site Plan Completeness	Portion of Site Plan Eligible for Waiver by Zoning Administrator		
	Major Site Plans	Minor Site Plans	Rural Cluster Development
A. A scale drawing at no smaller than 1" =50' (1" = 20' for land under five (5) acres) with the scale proportional to the size of the project showing maximum detail on one (1) or more sheets of paper measuring not more than twenty-four (24) by thirty-six (36) inches may be submitted.	none	scale may be changed	scale
B. Property dimensions, total acreage of the site, legal description of the property, plat name, lot numbers, property lines including angles, dimensions, and reference to a section corner, quarter corner, or point on a recorded plat, as well as existing or proposed deed restrictions or previous zoning approval limiting the property and in the case of a condominium development, the proposed master deed.	none	none	none
C. All existing natural features including vegetation, streams, lakes, ponds, etc. on site and within five-hundred (500) feet. The location of stands of trees and individual trees, apart from the stands of trees having a caliper of twelve (12) inches or greater, four feet above existing grade, with an indication as to which will be retained and which will be removed or altered by earth changes. Also, all other significant vegetation to be retained and the location of all proposed landscaping, buffer strips, greenbelts, berms, fences or walls shall be shown.	none	all	none
D. Existing and proposed public rights-of-way and/or private easements.	none	none	none
E. Water courses and water bodies including surface drainage ways.	none	none	none
F. Location, width and name of abutting streets and proposed streets, drives, sidewalks, and easements serving the development, and the location of all roads and driveways within 200 feet of the parcel.	none	none	none
G. Location, shape and building footprint of proposed buildings and intended uses thereof, as well as building dimensions, floor area, finished floor elevation, building height and lot coverage.	none	finished floor elevation	
H. Location, dimensions and design of off-street parking areas, including type of surface materials, maneuvering lanes, service lanes, off-street loading spaces and other service areas within the development.	none		all
I. Location of water supply and the location and design of waste water systems and solid waste disposal facilities (including trash receptacles and dumpsters). All utility lines must be indicated along with the location and specifications of any proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials, as well as any containment structures or clear zones required by government authorities.	None		

**Article XVIII
Administration**

Requirements for Site Plan Completeness	Portion of Site Plan Eligible for Waiver by Zoning Administrator		
	Major Site Plans	Minor Site Plans	Rural Cluster Development
J. Proposed grades of any site retention and detention facilities, and site drainage pattern at a minimum of two (2) foot intervals. Show benchmark location and location of site retained water with calculations. Written documentation prepared by a registered civil engineer indicating that the peak rate of stormwater runoff after development will not exceed the peak rate of stormwater runoff occurring before development (for a storm with a twenty-five (25) year frequency and twenty-four (24) hour duration.	none	site drainage pattern at a minimum of two (2) foot intervals.	
K. Proposed location of proposed uses of common open spaces and recreational facilities, including all pedestrian or bicycle trails, if applicable.	none		
L. Proposed location of accessory buildings and use, including free-standing signs and on-site lighting.	free-standing signs		
M. A location map at a smaller scale indicating the relationship of the site to the surrounding land use.	all		
N. North arrow, scale, descriptive legend, name and address of applicant, name and address of the licensed professional surveyor, engineer, landscape architect or architect involved in development of the site plan, the professional seal of the preparer, and date prepared or last amended. The property owners and applicants' names, addresses and phone numbers shall also be indicated.	none	name and address of surveyor, engineer, landscape architect or professional planner involved in development of the site plan, the professional seal of the preparer, only if no professional was involved in the development of the site plan	
O. Distance of proposed structures from rear, side, and front lot lines.	none		
P. The zoning of the site and of all adjacent property and the location of any building or structure with a base area larger than ten (10) square feet on adjacent property within two-hundred (200) feet of the parcel boundary.	none	the location of any building or structure with a base area larger than ten (10) square feet on adjacent property within two-hundred (200) feet of the parcel boundary.	
Q. The location of all proposed outside storage and the manner in which it is to be screened and accessed.	none		
R. Dimensions and number of proposed lots or condominium units.	none		
S. Any variances to be requested.	none		
T. All areas within the 100-year floodplain, regulated wetlands, sand dunes, or high-risk erosion areas on the site.	none		
U. A completed Environmental Permits Checklist.	none		
V. For projects requiring an Impact Assessment pursuant to Section 18.24.3, a completed Impact Assessment Work Sheet on a special form designed for the purpose and as adopted or periodically updated by the Site Plan Review Committee shall accompany the Site Plan.	none		

**Article XVIII
Administration**

Requirements for Site Plan Completeness	Portion of Site Plan Eligible for Waiver by Zoning Administrator		
	Major Site Plans	Minor Site Plans	Rural Cluster Development
W. Identification of any historic structures or likely archeological locations based on a reasonable review of available information and a description of the procedure to be followed in the event historic or archeological information or artifacts turn up during the development process.	none		
X. Any other information required by the Zoning Administrator to establish compliance with the Ordinance.	All		
Y. All site plans shall comply with the terms of the Soil Erosion and Sedimentation Control Act MCL 324.9109 et seq, and "as built" plans or construction drawings shall be filed with the Planning Commission immediately after construction is completed that demonstrates compliance with this Act.	All		
Z. Stormwater drainage plans addressing a <i>100 year storm</i> design base including: 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 temporary as well as permanent management facilities as appropriate), and the storm water outfall, or flow control into adjacent drainage courses, ditches and the like. On sites having limited area as in existing built-up community areas with small lots, the Planning commission may permit controlled exception to the 100 year storm base for good and sufficient reasons.	All		

18.24.3 Impact Assessment Submittal Requirements: With each application for a major site plan, and for all PUD, Subdivision plat and Condominium Project applications, a written impact assessment shall be submitted which includes the following information:

- A. A written description of the environmental characteristics of the site prior to development, i.e., topography, soils, vegetative cover, drainage, streams, creeks or ponds.
- B. Existing and proposed future types of uses and other man-made facilities.
- C. The number of people to be housed, employed, visitors or patrons and vehicular and pedestrian traffic.
- D. Phasing of the project including ultimate development proposals.
- E. Natural features which will be retained, removed and/or modified including vegetation, drainage, hillsides, streams, wetlands, woodlands, wildlife and water. The description of the areas to be changed shall include their effect on the site and adjacent properties. An aerial photo may be used to delineate the areas of change.
- F. The method to be used to serve the development with water and sanitary sewer facilities.

- G. The method to be used to control drainage on the site and from the site.
- H. If public sewers are not available to the site the applicant shall submit a current approval from the District Health Department or the Department of Environmental Quality indicating approval of plans for sewage treatment.
- I. The method to be used to control any increase in effluent discharge to the air or any increase in noise level emanating from the site. Consideration of any nuisance that would be created within the site or external to the site whether by reason of dust, noise, fumes, vibration, smoke or lights.
- J. An indication of how the proposed use conforms with existing and potential development patterns and any adverse effects.
- K. Description of measures to control soil erosion, sedimentation and stormwater runoff during grading and construction operations and until a permanent ground cover is established.
- L. Type, direction and intensity of outside lighting.
- M. General description of existing and proposed deed restrictions, if any.
- N. Name(s) and address(es) of person(s) responsible for preparation of the impact statement.
- O. The "environmental provisions" of Article VII shall be addressed when applicable.

18.24.4 Site Plan Review Fee: A fee shall be charged to the applicant for site plan review based on a schedule developed by the Site Plan Review Committee and approved by the Board of Commissioners.

Section 18.25 STANDARDS FOR SITE PLAN REVIEW APPROVAL

18.25.1 General Site Plan Review Standards: In reviewing a major or a minor Site Plan, the Site Plan Review Committee and Planning Commission shall consider the following standards, as applicable. Additional standards for uses by right with conditions (Article X), Special Land Uses (Article X), Condominium Projects (Article VII) and PUDs (Article XII) also apply and shall be reviewed as part of the Site Plan Review process. The Zoning Administrator shall prepare a checklist of the following standards to ensure each is reviewed and compliance is determined prior to approval.

- A. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
- B. Ingress and egress to the property and proposed structures thereon shall provide motor vehicle and pedestrian safety and convenience, efficient traffic flow and control, and easy access in cases of fire, catastrophe or emergency.
- C. Every structure or dwelling unit shall have access to a public or approved private street, walkway, or other areas dedicated to common use.

- D. Appropriate measures shall be taken to ensure that dewatering on a site will not adversely affect neighboring properties or the County storm drainage system.
- E. Provisions shall be made for the construction of storm sewer facilities including grading, gutters, piping and treatment of turf to handle storm water, prevent erosion and the formation of dust. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicle or pedestrian traffic or create puddles in paved areas.
- F. That as many natural features of the landscape shall be retained as possible where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and, where they assist in preserving the general appearance of the neighborhood or help control erosion or the discharge of storm waters.
- G. That any adverse effects of the proposed development and activities emanating there from upon adjoining residents or owners shall be minimized by appropriate screening, fencing, or landscaping.
- H. That existing stands of trees and large individual trees will be preserved to the extent feasible, especially along property boundaries and any lot line shared with a public road.
- I. Off-street parking and loading areas where required, shall be satisfactory in size, shape and design and not present noise, glare, odor or other nuisance effects on adjoining properties and properties in the proposed development above a level enjoyed by existing similar uses in the area, or in that zone.
- J. The type, dimensions and character of open spaces, landscaping, screening and buffering shall enhance the design, character, use and value of the property and abutting lands and waters. Any exterior lighting shall be designed to prevent unnecessary illumination of the night sky and shall be shielded from adjacent properties.
- K. Signs, if any, and their proposed size, shape, height and lighting relative to glare, traffic safety, and economic effect, shall be aesthetically pleasing, compatible and in harmony with signs, structures and uses of adjoining properties.
- L. Garbage storage and disposal and recycling bins shall be designed to ensure no vermin or rodent infestation and easy access to facilities which are screened from view from the street or abutting properties when not in use.
- M. The applicant shall demonstrate that reasonable precautions will be made to prevent hazardous substances from entering the soil or water with special attention to the following:
 - 1. Sites at which hazardous substances are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, rivers, or wetlands.
 - 2. Secondary containment for above ground areas where hazardous substances are stored or used shall be provided. Secondary containment

shall be sufficient to store the substances for the maximum anticipated period of time necessary for the recovery of any released substances.

3. General purpose floor drains shall only be allowed if they are approved by the responsible agency for connection to a public sewer system, an on-site closed holding tank (not a septic system), or regulated through a State of Michigan groundwater discharge permit.
 4. State and federal rules for record keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.
 5. Underground storage tank installation, operation, maintenance, closure, and removal shall be in accordance with the requirements of the Michigan Department of Environmental Quality.
 6. Bulk storage facilities for pesticides and fertilizers shall be in compliance with requirements of the Michigan Department of Agriculture.
 7. No hazardous substances shall be stored in designated wellhead protection areas.
- N. Stormwater drainage plans addressing a *100 year storm* design base including: 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 temporary as well as permanent management facilities as appropriate), and the storm water outfall, or flow control into adjacent drainage courses, ditches and the like. On sites having limited area as in existing built-up community areas with small lots, the Planning Commission may permit controlled exceptions to the *100 year storm* base for good and sufficient reasons.

All storm water drainage plans shall be approved and sealed by a Michigan Registered Professional Civil Engineer. The Planning Commission may waive this requirement, defer the requirement, or request a fully engineered storm drainage plan. After completion of construction, an "as-built" drawing and plan of the development, sealed by a Registered Professional Civil Engineer, shall be filed with the Planning Commission showing erosion control plans, the standards of this Ordinance, and any conditions of permit approval.

- O. Historic structures and historic or archeological artifacts will be properly respected and preserved.
- P. On site pathways, bicycle paths, and snowmobile trails shall minimize negative impacts on other users of the site and adjoining property and shall connect with abutting trails or pathways whenever feasible. New uses shall not impede the use of existing off site trails.

18.25.2 Other Regulations: Before granting approval of any application, the Zoning Administrator, Planning Commission or Site Plan Review Committee shall be reasonably sure that the proposed development fully complies with all the following, as are relevant and may condition approval of the site plan on conformance with any of the following:

- A. All applicable State laws administered by the Michigan Department of Transportation, Department of Environmental Quality, Department of Natural Resources, and/or Department of Agriculture;

- B. County and local ordinances;
- C. The adopted published rules, standards or policies of the Keweenaw County Planning Commission;
- D. The published rules, standards or policies of the Keweenaw County Drain Commissioner;
- E. The published rules, standards or policies of the Keweenaw County Board of County Road Commissioners;
- F. The published rules, standards or policies of the District Health Department;
- G. The fire safety and emergency vehicle access requirements of the Michigan Building Code and/or any local Fire Code having jurisdiction;
- H. The published rules, standards or policies of the Keweenaw County Board of Commissioners.
- I. Any approval shall include the filing of copies of any permits required under any laws described in Section 18.8.3, the compliance of which shall be made a condition of the approval of a site plan.

Section 18.26 MEETINGS OF SITE PLAN REVIEW COMMITTEE

18.26.1 Meetings: The Site Plan Review Committee shall meet at the call of the Chairperson and notice of meetings shall be posted in accordance with the Open Meetings Act. The first meeting of the Site Plan Review Committee in a calendar year shall be an organizational meeting.

18.26.2 Copies: Copies of the application and site plan shall be sent by the Zoning Administrator to each member of the Site Plan Review Committee and to the township supervisor of the township in which the property on which the site plan is located within five (5) days of receipt thereof.

Section 18.27 INDIVIDUAL RECOMMENDATIONS

It shall be conclusively presumed that a member of the Site Plan Review Committee has no objections to an applicant's site plan as submitted when a member fails to either submit written comments or voice his or her concerns. Such recommendations shall be made in terms of each member's respective area of expertise and shall include reference to laws, ordinances, standards, rules and policies supporting the recommendation. A form may be developed by the Site Plan Review Committee to facilitate timely, instructive responses.

Section 18.28 SITE PLAN APPROVAL

A site plan shall be approved if it contains the information required by the Zoning Ordinance and is in compliance with the standards required in the Zoning Ordinance, and with other applicable ordinances, and state and federal statutes.

- A. If any Site Plan Review Committee member demonstrates there is a lack of compliance of a proposed site plan with the rules, standards, or ordinances applicable to that site plan as administered by the agency of the respective Committee member, that site plan shall not be approved until compliance is acknowledged. Appeals by applicants to local, state, or federal agencies other than appeals of the decisions of the Zoning Administrator shall be directed via the legal course of action applicable to those agencies. Any disapproval of a site plan shall be accompanied by the reasons for that disapproval and provided, in writing, to the applicant in a timely fashion.

- B. An approval of a site plan for a Special Land Use, Condominium Project, Subdivision Plat or Planned Unit Development does not constitute the final approval of a Special Land Use Permit, Condominium Project Permit, Subdivision Plat, or PUD Permit. Standards for review and approval of a Special Land Use Permit are described in Article X. Standards for review and approval of a Condominium Project and Subdivision Plats are in Article VII. Standards for review and approval of a PUD are in Article XII. Standards for review and approval of a Conditional Rezoning request are in Article XX.

- C. Site plans may be approved with reasonable conditions as provided in Section 18.12.

Section 18.29 REVIEW PERIOD LIMITATIONS

The Site Plan Review Committee shall act on a complete application within thirty (30) calendar days after its acceptance as a complete application by the Zoning Administrator. This time limitation may be extended only by the mutual consent of the applicant and the Committee chairperson.

Section 18.30 APPEAL TO ZONING BOARD OF APPEALS

Any applicant for Site Plan Review that feels aggrieved by the decision of the Zoning Administrator or Site Plan Review Committee may appeal the decision to the Zoning Board of Appeals within twenty-one (21) calendar days of receipt of the decision. The Zoning Board of Appeals shall review the decision of the Zoning Administrator or Site Plan Review Committee to ensure that it is consistent with the standards contained in this Ordinance and rules established by agencies responsible for site plan review. The Zoning Board of Appeals shall give written justification for their decision. The Zoning Board of Appeals may not grant a Variance to any element of a site plan unless an application for a Variance has been filed therefor; any such Variance request shall be reviewed relative to the requirements of Article XIX, Section 19.6.

Section 18.31 AMENDMENT TO SITE PLAN

No changes shall be made to an approved site plan prior to, during or after construction except upon mutual agreement between the applicant and the County and by application to the Zoning Administrator pursuant to the requirements of Section 18.5.12.

Section 18.32 CONFORMITY TO APPROVED SITE PLAN

Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan and any amendments thereto, which have received the approval of the Planning Commission or Site Plan Review Committee. If construction and development does not conform with such approved plan, the permit holder or land owner shall be notified of a violation of this Ordinance and if the circumstances warrant, issued a stop work or cease operations order per the requirements of Section 18.36.

Section 18.33 AS BUILT SITE PLANS

Once a project for which a site plan was approved is completed, two (2) sets of "as built" site plans showing the exact building footprints, driveways, parking areas, landscaping, utilities, sidewalks, bikepaths and trails shall be signed by the licensed professional who prepared them and delivered to the Zoning Administrator within one (1) month of completion of the project (for each phase of a project if multi-phased). The Zoning Administrator may waive this requirement, except where major utilities, new streets and/or large buildings are involved.

Section 18.34 RESERVED FOR FUTURE USE

Section 18.35 RESERVED FOR FUTURE USE

Part V -- Complaints, Permit Suspension, Revocation, and Violation Procedures

Section 18.36 COMPLAINTS, SUSPENSION, AND REVOCATION OF PERMITS

18.36.1 Complaints Regarding Violations: Whenever the Zoning Administrator becomes aware of or receives a complaint alleging a violation of this Ordinance, the Zoning Administrator shall investigate the complaint, take whatever action is warranted and inform the complainant what actions have been or will be taken. Any and all building or land use activities considered possible violations of the provisions of this Ordinance observed or communicated to the County Sheriff's Department or to any County officials shall be reported to the Zoning Administrator.

18.36.2 Persons Liable: The owner, tenant, or occupant of any building or land or part thereof and any architect, builder, contractor, agent or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Ordinance may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

18.36.3 Procedure for Violations: If the Zoning Administrator becomes aware of or receives a complaint of an alleged violation, the process shall be as follows:

- A. A complaint form shall be assigned a number.
- B. A preliminary visit shall be made at the site to identify the alleged violation.
- C. If a violation is identified, the landowner and/or contractor shall be informed, in writing, of the nature of the violation, informed of the action necessary to correct the violation and the date when the compliance is to be completed. The owner or contractor shall also be informed of their right to appeal the decision of the Zoning Administrator. This action may be taken in person or by certified mail.
- D. Where the violation is one of unlawful construction, reconstruction, or removal, a "Stop Work" notice form shall be attached to the site or delivered to the contractor or owner. The owner or owner's agent shall also be informed of their right to appeal the decision of the Zoning Administrator.
- E. The site of the alleged violation shall be re-inspected on the date when the owner or contractor was informed compliance was to be completed.
- F. If compliance has not been completed, and an appeal of the decision of the Zoning Administrator has not been filed, the County Prosecutor shall be informed, to determine further action.
- G. Notwithstanding the foregoing, in cases when delay would seriously threaten the effective enforcement of this Ordinance, if the violation continues, such as if the violation is one of unlawful construction, reconstruction, alteration, removal or usage, or poses a danger to the public health, safety or welfare, then the Zoning Administrator may seek enforcement without prior written notice by requesting the County Prosecutor to invoke any one of the remedies authorized in this Ordinance.

18.36.4 Suspension of a Permit: Any permit issued shall become invalid if the authorized work is not initiated within one (1) year of receipt of a permit, or is suspended or abandoned for a period of six (6) months after the time of commencing the work unless the development proposed shall have passed its first building inspection. See also Section 18.7.12.

18.36.5 Permit Revocation

- A. A Zoning, Special Land Use, Planned Unit Development, or Condominium Project Permit may be revoked by the permit-issuing authority in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based, or in case of failure or neglect to develop or maintain the property in accordance with the plans submitted, the requirements of this Article, or any additional requirement lawfully imposed by the permit-issuing authority or Zoning Board of Appeals. Upon permit revocation, all further construction activities and usage shall cease upon the site, other than for the purpose of correcting the violation. The Zoning Administrator may issue a stop work order to halt all construction activities and usage pending a decision on revocation of said permit.

**Article XVIII
Administration**

- B. Before a Minor Special Land Use or Zoning Permit may be revoked, the owner, contractor or alleged violator shall be notified in writing of the reason for such revocation and their right to appeal the decision of the Zoning Administrator to the Zoning Board of Appeals.
- C. Before a Major Special Land Use Permit, Planned Unit Development or Condominium Project Permit may be revoked, the permit recipient shall be given a ten (10) day advance notice of intent to revoke, along with the alleged reasons for the revocation and the right to obtain an informal hearing on the allegations. If the permit is revoked, the Zoning Administrator shall provide the permittee a written statement of the decision and the reasons therefore.
- D. No person may continue to make use of land or buildings in the manner authorized by any Zoning, Special Land Use, Planned Unit Development or Condominium Project Permit after such permit has been revoked in accordance with this section.

Section 18.37 JUDICIAL REVIEW

18.37.1 Time Period for Judicial Review: A person having an interest affected by a decision of the Zoning Board of Appeals and/or any other body, board or official under this Zoning Ordinance, and who has otherwise exhausted their administrative remedies under this Ordinance, may appeal to the Circuit Court for the County of Keweenaw. All such appeals shall be filed with the Keweenaw County Clerk, within twenty-one (21) calendar days after the date the written decision is signed by the Zoning Administrator, or Chairperson of the body, board or commission that made the final decision in the matter.

ARTICLE XIX ZONING BOARD OF APPEALS

Section 19.1 PURPOSE

It is the purpose of this Article to continue a Zoning Board of Appeals, also known as the Board of Appeals, to establish its responsibilities and to establish standards for its operation.

Section 19.2 CREATION OF ZONING BOARD OF APPEALS

A. Establishment: There is hereby continued a Zoning Board of Appeals in accordance with Public Act 110 of 2006. The Board of Appeals shall perform its duties and exercise its powers so that the health, safety and welfare of the public may be secured; and that substantial justice be done.

B. Membership, term of office of the Board of Appeals:

1. The Board of Appeals shall consist of not less than three (3) and not more than seven (7) members who shall be appointed by the County Board of Commissioners and shall serve in accordance with Public Act 110 of 2006. The term of an appointment shall be for three (3) years. Any vacancy on the Board of Appeals shall be filled for the unexpired term in the same manner as in the case of the original appointment.
2. The membership of the Board of Appeals shall be as representative as possible, geographically, to include not more than one representative from a single Township or Village under the administration of the Keweenaw County Zoning Ordinance, and also, to include the greatest and most varied available expertise. One member of the Board of Appeals shall be a member of the County Planning Commission, but that person may not be a member of the County Board of Commissioners.
3. For each three members on the Board of Appeals there shall be one alternate member. Where there is more than one alternate member, there shall be a first alternate member and a second alternate member. The alternate member with the most seniority on the Board shall be the first alternate. The alternate members may take part in all deliberations of the Board but shall not have a vote unless a regular member is unable to vote because of absence or a conflict of interest. The first alternate member shall have the priority to replace the first regular member that is absent or unable to vote. The second alternate member shall replace the second regular member that is absent or unable to vote.

C. Attendance: Since regular attendance is required for optimal function of the Board of Appeals, members of said Board are appointed subject to the following attendance criteria:

1. Member(s) shall be expected to notify the chairperson or his/her designee of his/her expected absence prior to a meeting.
2. Member(s), unless excused by the chairperson, shall not be absent for more than two (2) consecutive meetings, irrespective of calendar year.
 - a. The Board of Appeals Secretary shall be responsible to report the non-compliance of attendance criteria of any Board of Appeals member to the Appeals Board chairperson.

Article XIX
Zoning Board of Appeals

- b. The Chair of the Appeals Board shall notify the County Board of Commissioners any non-compliance of attendance criteria of any Appeals Board member by letter, recommending removal of said member from the Appeals Board.
- c. Under extenuating circumstances, such as a serious or chronic health condition, or family illness, the Appeals Board may, by motion and majority vote, defer the action specified above. Said member is exempt from voting privileges in the action.

D. Removal of members and conflict of interest:

- 1. Members of the Board of Appeals shall be removable by the County Board for nonfeasance, including nonperformance of duty, or misfeasance, including misconduct in office, or for malfeasance upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure to do so shall constitute misconduct in office.
- 2. A conflict of interest may include, but is not limited to considering property a Board of Appeals member owns or has a legal or financial interest in or adjacent property, or considering a request by a party with whom a Board member has close ties, such a family member, relative or close friend.

E. Scope of Powers: The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end, shall have all the powers of the office or body from whom the appeal was taken, but no more, and may issue or direct the issuance of a permit—if, following a review of the facts, the relevant Ordinance requirements, and the prior decision of the Zoning Administrator or Planning Commission, the Board of Appeals concludes the Ordinance requirements were not properly applied. The Board of Appeals shall have the power to make final determinations, within its jurisdiction and duties herein prescribed, in such a way that the objectives of this Ordinance may be equitably achieved in order there shall be uniform interpretation and flexibility in the enforcement of this Ordinance or to fulfill any other responsibilities bestowed upon the Board of Appeals by this Ordinance. At the same time, the Board of Appeals shall be aware that this responsibility does not extend to creating regulations, only to applying regulations which is a narrow quasi-judicial responsibility, and not a legislative one. The power to adopt land use regulations rests solely with the County Board of Commissioners.

F. All Zoning Board of Appeals members shall attend a training program on their roles and responsibilities within twelve (12) months of appointment.

Section 19.3 RULES OF PROCEDURE, LIMITS ON AUTHORITY OF THE BOARD OF APPEALS, AND USE VARIANCES

A. The Board of Appeals shall by a majority vote of its entire membership, adopt rules of procedure or by-laws to govern its procedures on such matters as officers, voting, conduct of meetings, and related matters as it may consider necessary or advisable. The Board of Appeals shall choose its own chairman, and in his or her absence, an acting chairman who may administer oaths and compel the attendance of witnesses.

B. Meetings of the Board of Appeals shall be held at the call of the Chairperson and at such other times as the Board, in its rules of procedure, may specify. There shall be a

Article XIX
Zoning Board of Appeals

fixed place for each meeting and all meetings shall be open to the public. The Board of Appeals shall keep a record of its proceedings showing the action of the Board and the vote of each member on each motion considered.

C. All findings of the Board of Appeals shall be in writing. Determinations and findings of the Board shall be made within a reasonable time period after an application has been filed.

D. All members of the Board of Appeals present at a meeting shall vote on every matter unless a member of the Board has a conflict of interest. A member of the Board of Appeals shall abstain from a vote in which the member has a conflict of interest, and the member shall state the nature of the conflict of interest prior to participating in a hearing on the matter.

E. The concurring vote of a majority of all the members of the Board of Appeals shall be necessary to reverse an order, requirement, decision or determination of the administrative official or body, or to decide in favor of the applicant any matter upon which they are required to pass or to effect any variation under this Ordinance.

F. The Board of Appeals shall not have the power to alter or change the zoning district classification of any property or to authorize any use of land not expressly permitted in the district, nor to make any change in the terms or intent of this Ordinance; these powers are reserved to the County Board of Commissioners.

G. The proper procedure to follow for an individual desiring a use variance, is to file an application for amendment of the text of this Ordinance or the Zoning Map pursuant to Article XX, Section 20.4.

Section 19.4 ZONING APPEALS

The Board of Appeals shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or by any other official in administering or enforcing any provisions of this Ordinance. The procedure for appealing to the Zoning Board of Appeals, or requesting a variance, ordinance interpretation or filing any other request is as follows:

A. The appeal shall be taken within such time as prescribed by this Ordinance or the Rules of Procedure of the Zoning Board of Appeals.

B. A fee, prescribed by the County Board, shall be submitted to the Zoning Administrator at the time of the filing of the application form.

C. Appeals to the Zoning Board of Appeals may be taken by any person aggrieved or by an officer, department, board, agency, or bureau of the county, state, federal, or other legally constituted form of government.

D. The person, firm, agent, or attorney thereof making the appeal shall file an appeal by completing and signing the application form provided by the Zoning Administrator.

E. All persons, not licensed to practice law in the State of Michigan, shall file a written statement signed by the principal stating the agent's right to act upon their behalf.

Article XIX
Zoning Board of Appeals

F. A completed application form shall be submitted to the Zoning Administrator. The application shall state the reasons for the appeal and the order or ruling appealed from. When applicable, the legal description of the property involved shall be stated in the notice of appeal. Before the appeal is processed, the fees shall be collected. An application that does not fully comply with the submittal requirements shall be returned to the applicant. The Zoning Administrator shall forthwith transmit to the secretary for the Zoning Board of Appeals the application and all papers constituting the record from which the appeal was taken.

G. An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Board of Appeals after the application of appeal shall have been filed, that by reason of facts stated in the appeal application, a stay would in his or her opinion cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Appeals or by a court of competent jurisdiction.

H. When a properly executed application form has been filed, the secretary of the Zoning Board of Appeals, upon consultation with the chairperson for the Zoning Board of Appeals, shall schedule the matter for a public hearing.

I. Notice of the public hearing shall be published per the requirements of Section 18.16.

J. The notice shall be provided to individuals per the requirements of Section 18.16.1.C and 18.16.2.

K. Once all the necessary information has been received, the Board of Appeals shall return a decision on a case in a timely manner, or if time frames are included within its rules of procedure, then within the time specified in the rules of procedure.

L. Appeal fees shall be established from time to time by the County Board of Commissioners sufficient to cover all costs incurred by the County pursuant to the processing of any appeal, including but not limited to the costs of advertisements, investigations and Zoning Board of Appeals member meeting fees. See Section 18.7.5.

M. No decision of the Zoning Board of Appeals shall be presumed final until after eight (8) days following the meeting at which the decision was made. No Zoning Permit shall be issued by the Zoning Administrator based on a decision of the Board of Appeals before eight (8) days have expired.

Section 19.5 NON-USE VARIANCE STANDARDS

The Board of Appeals shall have the power to authorize, upon appeal, a dimensional non-use variance from requirements of the Zoning Ordinance, provided the applicant has proven a "practical difficulty", by demonstrating as follows:

A. That strict compliance with the Ordinance would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity with such restrictions unnecessarily burdensome;

B. That the problem is due to a unique circumstance of the property;

Article XIX
Zoning Board of Appeals

- C. That the specific conditions relating to the property are not so general or recurrent in nature, in the zoning district, so as to require an amendment to the Zoning Ordinance, instead of a variance;
- D. The property problem was not created by the action of the applicant;
- E. That the granting of the variance will not cause a substantial adverse effect upon property values in the immediate vicinity, or in the district in which the property of the applicant is located;
- F. That the requested variance will relate only to the property under the control of the applicant;
- G. That the non-conforming dimensions of other lands, structures, or buildings in the same zoning district shall not be considered grounds for the issuance of a variance;
- H. That the variance is the minimum variance that will make possible the reasonable use of the land, building or structure in the zoning district in which it is located;
- I. That the proposed use of the premises is in accord with the Zoning Ordinance;
- J. That the variance would do substantial justice to the applicant as well as to other property owners in the district;
- K. That the granting of the variance will ensure that the spirit of the Ordinance is observed, public safety secured and substantial justice applied;
- L. That the requested variance shall not amend the permitted uses of the zoning district in which it is located.

Section 19.6 RULES FOR GRANTING VARIANCES

The following rules shall be applied in the granting of a variance:

- A. The Zoning Board of Appeals shall specify, in writing, such conditions regarding the character, location, and other features which will, in its judgment, secure the objectives and intent of this Ordinance, provided there is an applicable standard in this Ordinance to serve as the basis for such condition. The breach of such condition shall automatically invalidate the permit granted.
- B. Each variance granted under the provisions of this Ordinance shall become null and void unless the construction authorized has been commenced within one (1) year after the hearing date when the variance was granted.

Section 19.7 INTERPRETATION AND OTHER POWERS

The Board of Appeals shall have the power to:

- A. Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of this Ordinance.

Article XIX
Zoning Board of Appeals

- B. Determine the precise location of the boundary lines between zoning districts when there is confusion or a dispute concerning the Zoning Map.
- C. Classify a use which is not specifically mentioned as part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district. The classification of the unmentioned use does not automatically permit the use, it only identifies the district in which it may be located and the zoning regulations with which it must conform.
- D. Determine the signage, landscaping, buffering, off-street parking and loading space requirements of any use not specifically mentioned in this Ordinance, by applying the most comparable provisions for other similar uses.
- E. When making an interpretation, the Board of Appeals shall carefully consider the definitions in Article II, the meaning of all the relevant sections in the Ordinance, past decisions of the Board of Appeals on similar matters, research and any conclusions by the Zoning Administrator, consultant, County Prosecuting Attorney, or outside attorney hired by the County, and shall make a decision on the narrowest grounds feasible so as not to upset the meaning and application of this Ordinance.

Section 19.8 DETERMINATION OF A LOT OF RECORD

The Board of Appeals shall have the power to make "Lot of Record" determinations in accordance with the following procedure:

- A. Upon application of any person claiming to be the owner of the legal or equitable title to a parcel of land which was the subject to a deed or land contract, not recorded in the Office of the Register of Deeds on the effective date of this Ordinance, the Board of Appeals is authorized to conduct a hearing to determine whether a variance should be granted to such owner entitling him to have the parcel treated as a "lot of record" as defined in Article II of this Ordinance.
- B. The Board shall grant said variance when it finds by a preponderance of the evidence that the instrument purporting to transfer title to the parcel of said owner was executed prior to the effective date of this Ordinance. In making its determination, the Board is authorized to consider all matters it deems relevant, including but not limited to, the tax roll of the County, the relationship of the parties to the purported transfer, the degree of formality of the purported document of transfer, and the testimony of the applicant and his or her witnesses.
- C. Such a determination shall have only the effect of equating such an owner with the owner of a lot of record and shall not relieve such owner from complying with the other requirements set forth in this Ordinance.

Section 19.9 NONCONFORMITY APPEALS

Nonconforming buildings or structures may be structurally changed, altered, or enlarged upon appeal in cases of hardship or other extenuating circumstances, and when approval of said appeal will not have an adverse effect on surrounding property, and when consistent with the requirements in Section 9.9.

**Article XIX
Zoning Board of Appeals**

Section 19.10 APPEAL CONCERNING SITE PLAN REVIEW, SPECIAL LAND USE OR PUD

A. Any applicant for Site Plan Review Article XVIII, Part IV, that feels aggrieved by the decision of the Zoning Administrator or Site Plan Review Committee may appeal the decision to the Zoning Board of Appeals within twenty-one (21) calendar days of receipt of the decision. The Zoning Board of Appeals shall review the decision of the Zoning Administrator or Site Plan Review Committee to ensure that it is consistent with the standards contained in this Ordinance and rules established by agencies responsible for site plan review. The Zoning Board of Appeals shall give written justification for their decision. The Zoning Board of Appeals may not grant a variance to any element of a site plan unless an application for a variance has been filed therefor; any such variance request shall be reviewed relative to the requirements of Article XIX, and the standards of Section 19.5.

B. An applicant for a Special Land Use or Planned Unit Development may not appeal a decision to approve, approve with conditions, or deny the decision thereon to the Board of Appeals. Such an appeal may only be taken to Circuit Court. The determination on the number of permitted lots, dwelling units, or building sites in a PUD pursuant to Section 12.1.7 may be appealed to the Zoning Board of Appeals pursuant to the procedures in Section 19.4.

Section 19.11 ESSENTIAL SERVICES

The Board of Appeals shall have the power to permit the erection and use of a building, or an addition to an existing building, or a public service corporation for essential services, in any permitted district to a greater height or of larger or smaller area than the district requirements herein established, and permit the location in any use district of a public utility building, structure or use if the Board shall find such use, height, area, building or structure reasonably necessary for the public convenience and service. The Board of Appeals may also impose setbacks, specify the location or character of fences, buffering or landscaping requirements as a condition of approval pursuant to standards in Article XV as may be reasonably necessary to protect abutting property from the potential nuisance effects of such essential services.

Section 19.12 HEARINGS AND REHEARINGS

A. When an application for hearing or appeal has been filed with the required information, and the fee paid, the Zoning Administrator shall place the application or appeal upon the calendar for hearing and cause to be served a notice stating the time, date, place, and purpose of the hearing pursuant to the requirements of Section 18.16. When a variance request is made for any property located in a designated High Risk Erosion Area, designated Sand Dune, wetland documented by the DEQ, or within a 100-year floodplain, the Michigan Department of Environmental Quality also shall receive notice.

Any interested party may appear and be heard at such hearing in person or by agent or attorney. Upon the date for hearing any application or appeal, the Board of Appeals may adjourn the hearing in order to obtain additional information, or to cause service of such further notice as it deems proper. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the resumption of

Article XIX
Zoning Board of Appeals

the hearing, provided the hearing is continued within thirty-six (36) hours, pursuant to Section 15.265(5) of the Open Meetings Act, Public Act 276 of 1976.

If an applicant fails to appear at the hearing, in person or through an agent or attorney, the Board of Appeals shall conduct the hearing and issue its decision based on the information available at the hearing.

B. No rehearing on an application denied by the Board of Appeals shall be conducted except upon the grounds of newly discovered evidence or a falsehood previously relied upon by the Board of Appeal, which, through the exercise of normal diligence, could not have been discovered before the hearing, as determined by the Zoning Administrator. A rehearing shall be processed in the same manner as the original application and a new fee shall be paid. A request for rehearing shall be made within eight (8) days of the decision of the Board of Appeals.

Section 19.13 FINDINGS OF FACT

A. The Board of Appeals shall grant no variance or make any determination on an appeal, Ordinance interpretation or other issue requested of it unless the Board records specific findings of fact based directly on the particular evidence presented to it. These findings of fact must support conclusions that the standards imposed by the requirements of this Ordinance have been met.

B. Said findings of fact shall include, but are not limited to the following information:

1. How the application of the Zoning Ordinance creates unnecessary hardship or practical difficulty in the use of petitioner's property.
2. Identify the unique physical circumstances or conditions or exceptional topography that create practical difficulties.
3. Specific findings (characteristics of the land) showing that because of physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance. That the authorization of a variance is, therefore, necessary to enable the reasonable use of the property and that the condition is specific to this property and not general to other properties in the area.
4. Finding that the practical difficulty was not created by the appellant and is related only to property that is owned or occupied by the appellant.
5. A statement of the impacts of the variance if authorized, the property values, use and enjoyment of the property in the neighborhood or district, and on the public, health, safety and welfare.
6. The proposed variance does not permit the establishment of any use which is not permitted by right within the district or any use or dimensional variance for which a Special Use Permit is necessary.
7. Findings on whether the proposed development complies with the requirements, standards or procedures given in the Zoning Ordinance or an interpretation of the disputed Ordinance provisions, if applicable.
8. Findings on any error in judgment or procedure in the administration of the relevant zoning provisions.
9. The possible precedents or affects which might result from the approval or denial of the appeal.
10. Findings on the impact if the appeal is approved, on the ability of the County or other governmental agency to provide adequate public services and facilities and/or programs that might reasonably require in the future if the appeal is approved.

Section 19.14 CONDITIONS AND PERFORMANCE GUARANTEES

In granting a variance, the Board of Appeals may impose specific conditions regarding the location or character of fencing, buffering or landscaping, or such other design changes as are reasonably necessary for the furtherance of the intent and spirit of this Ordinance and to ensure the protection of the public interest and abutting properties; see Section 18.12. To ensure compliance with such conditions, the Board of Appeals may require a cash deposit, certified check, irrevocable bank letter of credit, or surety bond per the requirements of Section 18.13. The Board may also require as a condition of approval that its decision be recorded with the Keweenaw County Register of Deeds.

Section 19.15 RECORDS

A. Minutes of all meetings shall be recorded and shall contain the grounds of every determination made by the Board of Appeals including all evidence and data considered, all findings of fact and conclusions drawn by the Board for every case together with the votes of the members and final disposition of each case. Such minutes shall be filed in the Office of the Zoning Administrator and shall be available to the public.

B. The record of proceedings shall be contained in a file with the following information:

1. The application (for a permit, variance, interpretation, exception).
2. Any reports, plans, surveys, or photos.
3. Notice of Public Hearing to affected parties in newspaper.
4. Letter from Zoning Administrator granting or denying the application or referring it to the Board of Appeals and all other relevant records related to the case.
5. Affidavit of publication of Notice of Hearing.
6. Record of testimony heard and evidence presented.
7. A copy of the zoning Article(s) and Section(s) in question.
8. Briefs, correspondence or other communications made to or from the Board of Appeals, including any from the County Prosecutor or other attorneys.
9. Statement of facts found by Board of its knowledge regarding the request including any information gained from personal inspection.
10. Decision of the Board as specifically related to the Findings of Fact.
11. A copy of any other correspondence to the appellant regarding the request.

C. At its discretion, the Board of Appeals may file its decision relative a particular property with the Register of Deeds to run as a permanent record with the property which was the subject of the decision by the Board of Appeals.

Section 19.16 BURDEN OF PROOF AND REAPPLICATIONS

A. When an appeal or application for a variance is taken to the Board of Appeals, the applicant shall have the burden of presenting to the Board sufficient evidence and argument to justify the requested order or decision.

B. No application for a variance, Ordinance interpretation, or appeal which has been denied, wholly or in part, by the Board of Appeals shall be resubmitted for a period of one (1) year from the date of the denial, except on satisfactory proof of substantially changed conditions, as determined by the Zoning Administrator.

**Article XIX
Zoning Board of Appeals**

Section 19.17 LEGAL COUNSEL

Legal counsel may be retained by the Board of Appeals for any purpose deemed necessary provided that such appointment or retainer shall be approved in advance by the County Board of Commissioners.

Section 19.18 REVIEW BY CIRCUIT COURT

A. The decision of the Board of Appeals shall be final. However, any party having an interest affected by an order, determination or decision of the Board of Appeals may obtain a review thereof both on the facts and the law, in the Circuit Court; provided that application is made to the Court within twenty-one (21) days after the delivery of a final decision.

B. The Circuit Court shall review the record and decision of the Board of Appeals to insure that the decision:

1. Complies with the constitution and laws of the State.
2. Is based upon proper procedure
3. Is supported by competent, material, and substantial evidence on the record.
4. Represents the reasonable exercise of discretion granted by the Board of Appeals.

C. If the Court finds the record of the Zoning Board of Appeals inadequate to make the review required, or that additional evidence exists which is material and with good reason was not presented to the Board of Appeals, the Court shall order further proceedings before the Board of Appeals on conditions which the Court considers proper. The Board of Appeals may modify its findings and decision as a result of the new proceedings, or may affirm its original decision. Any supplementary record and decision shall be filed with the Court.

D. As a result of the review required by this section, the Court may affirm, reverse, or modify the decision of the Board of Appeals.

**ARTICLE XX
AMENDMENTS**

Section 20.1 PURPOSE

It is the purpose of this Article to establish the procedures and standards for amendment of the text and Zoning Map of this Ordinance.

Section 20.2 INITIATION OF AMENDMENTS

- A. The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Zoning Map of Keweenaw County may be amended pursuant to the County Zoning Act, Public Act 110 of 2006.
- B. Amendments may be initiated by the Board of Commissioners, the Planning Commission, a Township Board of Trustees whose township is under the jurisdiction of this Ordinance or by petition of one or more persons having an interest in the property to be affected by the proposed amendment. Each petition for amendment shall be submitted to the Zoning Administrator who shall refer it for recommended action to the Planning Commission.

Section 20.3 FEES

- A. The County Board of Commissioners shall establish, by resolution, fees for zoning amendment petitions.
- B. Such fee shall be paid in full at the time of application, and no part of such fee shall be returnable to the petitioner.
- C. Fees shall not be required for amendments proposed or requested by the Board of Commissioners, the County Planning Commission, or a Township Board of Trustees whose township is under the jurisdiction of this Ordinance.

Section 20.4 AMENDMENT PROCEDURES

- A. All petitions for text amendment, rezoning or Zoning Map change shall be submitted and reviewed per the requirements of Article XVIII and of this Article.
- B. All petitions for a conditional rezoning shall be reviewed and approved per the requirements of Section 20.10.
- C. The Planning Commission may solicit information and testimony from officials in other public offices including, but not limited to, the following agencies:
 - 1. District Health Department.
 - 2. County Road Commission and/or MDOT as applicable.
 - 3. County Drain Commissioner.
 - 4. Any school district affected.
 - 5. Any City or Village agency affected.
 - 6. Any State or Federal agency or office with an interest in the proposed change.

**Article XX
Amendments**

7. Any firm hired by the County to provide a review or comments on the proposed amendment.
8. The County Sheriff's Department and the local Fire Chief.
9. The County Soil Erosion, Sedimentation and Storm Water Control agent
10. Any others the County Planning Commission believes should be notified.

Section 20.5 RESERVED FOR FUTURE USE

Section 20.6 PUBLIC HEARING

- A. The Planning Commission shall establish a date for and conduct at least one (1) public hearing at a regular or special meeting on each petition for amendment; notice of which shall be given pursuant to the requirements of Section 18.16.
- C. If an individual property or several adjacent properties are proposed for rezoning; notice shall be given pursuant to the requirements of Section 18.16.
- D. The Planning Commission shall conduct the public hearing consistent with the hearing procedures in Section 18.17.

Section 20.7 FINDINGS OF FACT REQUIRED

- A. In reviewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition and shall report its findings in full along with its resulting recommendations for the proper disposition of the petition to the Keweenaw County Board of Commissioners.
- B. The facts to be expressly considered by the Planning Commission shall include, but shall not be limited to the following:
 1. What, if any, identifiable conditions related to the petition have changed which justify the petitioned change in zoning?
 2. What, if any, error in judgment, procedure, or administration was made in the original Ordinance which justifies the petitioned change in zoning?
 3. What are the precedents and the possible effects of precedent which might result from the approval or denial of the petition?
 4. What is the impact of the amendment 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 petition is approved?
 5. Does the petitioned zoning change adversely affect the environmental conditions or value of the surrounding property?
 6. Are there any significant negative environmental impacts which would reasonably occur if the petitioned zoning change and resulting allowed structures were built such as:
 - a. Surface water drainage problems
 - b. Waste water disposal problems
 - c. Adverse effect on surface or subsurface water quality
 - d. The loss of valuable natural resources such as forest, wetland, historic or scenic sites, wildlife, mineral deposits, or valuable agricultural land?
 7. Does the petitioned zoning change generally comply with the policies and uses proposed for the area in the adopted Comprehensive Plan of Keweenaw County? If not, and if the proposed zoning change is reasonable, in light of all other relevant

**Article XX
Amendments**

factors, then the Plan should be amended before the requested zoning amendment is approved.

8. Whether all of the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area.
9. Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land.
10. If a specific property is involved, can the property in question be put to a reasonable economic use in the zoning district in which it is presently located (after considering all of the uses permitted by right, by special permit or as conditional uses)?
11. Is another procedure, such as a Variance, Special Land Use or Planned Unit Development procedure a more appropriate alternative than a rezoning?

Section 20.8 PLANNING COMMISSION RECOMMENDATIONS

All findings of fact shall be made in writing and shall be a part of the public records of the meeting of the Planning Commission and the Board of Commissioners. The Planning Commission shall not forward a recommendation to the County Board of Commissioners unless all of the findings in Section 20.7 and other factors identified by the Ordinance are affirmatively resolved. After the hearing, the County Planning Commission shall submit a summary of the comments received at the public hearing its findings of fact and the proposed amendment (including any zoning maps and other related material) to the County Board of Commissioners.

Section 20.9 CONSIDERATION BY THE BOARD OF COMMISSIONERS

A. After receiving the recommendations of the Planning Commission, the Board of Commissioners, at any regular meeting or at any special meeting called for that purpose, shall consider said findings of fact and recommendations and vote upon the adoption of the petitioned amendment. Such action shall be by a roll call vote. The amendment shall be approved by a majority vote of all of the members of the County Board of Commissioners. The County Board of Commissioners may hold additional public hearings if it considers it necessary. Notice of a public hearing held by the County Board of Commissioners shall be published in a newspaper which circulates in the County. The notice shall be given not less than fifteen (15) days before the hearing.

B. Further, it is understood pursuant to the Michigan Zoning Enabling Act, Public Act, 110 of 2006 as amended, that the Board of Commissioners shall make no change in the proposed amendment without first referring the petition back to the Planning Commission which shall have thirty (30) days from and after such referral in which to make a further recommendation to the Board of Commissioners, after which the Board of Commissioners shall take such action as it determines necessary. In the event that a petition is referred back to the Planning Commission, the Board of Commissioners shall make specific mention of their objections to the Planning Commissions' findings and recommendations.

Section 20.10 CONDITIONAL REZONING

A. Intent.

It is recognized that there are certain instances where it would be in the best interests of the County, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a

**Article XX
Amendments**

request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act (MCL125.3405) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

B. Application and Offer of Conditions.

1. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process. A pre-application conference is strongly suggested.
2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
3. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
4. Any use or development proposed as part of an offer of conditions that would require a Special Land Use Permit under the terms of this Ordinance may only be commenced if a Special Land Use Permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
5. Any use or development proposed as part of an offer of conditions that would require a Variance under the terms of this Ordinance may only be commenced if a Variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.
6. Any use or development proposed as part of an offer of conditions that would require Site Plan approval under the terms of this Ordinance may only be commenced if Site Plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
7. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the County Board of Commissioners provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

C. Planning Commission Review.

The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in Section 20.7.B. of this Ordinance, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

D. County Board of Commissioners Review.

After receipt of the Planning Commission's recommendation, the County Board of Commissioners shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The County Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in Section 20.7 of this Ordinance. Should the County Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are

**Article XX
Amendments**

acceptable to and thereafter offered by the owner, then the County Board may, in accordance with Section 401(3) of the Michigan Zoning Enabling Act (MCL.125.3401(3)), refer such amendments to the Planning Commission for a report thereon within a time specified by the County Board and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

E. Approval.

1. If the County Board of Commissioners finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the County Board to accomplish the requested rezoning.
2. The Statement of Conditions shall:
 - a. Be in a form recordable with the Register of Deeds of the County in which the subject land is located or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the County Board.
 - b. Contain a legal description of the land to which it pertains.
 - c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 - d. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 - e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the County with the Register of Deeds.
 - f. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The County Clerk and Zoning Administrator shall maintain a listing of all lands rezoned with a Statement of Conditions.
4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the County with the Register of Deeds of the County in which the land is located. The County Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the County or to any subsequent owner of the land.
5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

Article XX
Amendments

F. Compliance with Conditions.

1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law. See Article XXI.
2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

G. Time Period for Establishing Development or Use.

Unless another time period is specified in the ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within twelve (12) months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the County Board if (1) it is demonstrated to the County Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and (2) the County Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or is otherwise inconsistent with sound zoning policy.

H. Reversion of Zoning.

If approved development and/or use of the rezoned land does not occur within the time frame specified under Subsection G above, then the land shall revert to its former zoning classification as set forth in MCL 125.3405(2). The reversion process shall be initiated by the County Board of Commissioners requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

I. Subsequent Rezoning of Land.

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Subsection H above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the County Clerk shall record with the Register of Deeds of the County in which the land is located a notice that the Statement of Conditions is no longer in effect.

J. Amendment of Conditions.

1. During the time period for commencement of an approved development or use specified pursuant to Subsection G above or during any extension thereof granted by the County Board of Commissioners, the County shall not add to or alter the conditions in the Statement of Conditions.
2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

K. County Right to Rezone.

**Article XX
Amendments**

Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the County from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act.

L. Failure to Offer Conditions.

The County shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

Section 20.11 NOTICE OF AMENDMENT ADOPTION

A. Following the adoption of an amendment by the Keweenaw County Board of Commissioners and approval by the State of Michigan, one (1) notice of adoption shall be published in a newspaper of general circulation in the County within fifteen (15) days after adoption by the County Board of Commissioners.

B. The notice of adoption shall include the following information:

1. A summary of the regulatory effect of the amendment (including the geographic area affected) or the text of the amendment.
2. The effective date of the amendment.
3. The place and time where a copy of the Ordinance may be purchased or inspected.

Section 20.12 OPTIONS UPON DENIAL OF AMENDMENT REQUEST

A property owner whose amendment or rezoning request is denied may file an appeal with Circuit Court. If the property owner alleges that the denial of the amendment has the result of leaving the property owner with no reasonable or economically viable use of the property, then the property owner may request consideration of a Hardship PUD per the requirements of Article XII, Section 12.9.

Section 20.13 RESUBMITTAL

No application for a rezoning which has been denied by the County Board of Commissioners shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly-discovered evidence or proof of changed conditions found upon inspection by the County Board to be valid.

Section 20.14 COMPREHENSIVE REVIEW OF ZONING ORDINANCE

The Planning Commission shall within two years and at intervals of not more than five (5) years thereafter, examine all the provisions of this Ordinance and the location of zoning district boundary lines and shall submit a report to the County Board of Commissioners recommending changes and amendments, if any, which are deemed to be desirable in the interest of public health, safety and general welfare.

ARTICLE XXI VIOLATIONS & PENALTIES

Section 21.1 PURPOSE

This Article is adopted to establish provisions for violation of the Zoning Ordinance. Authority for these provisions is found in Section 407 of the Michigan Zoning Enabling Act, PA 110 of 2006, which requires the County Board of Commissioners to establish a method for addressing violations.

Section 21.2 VIOLATIONS & PENALTIES

Violations of any provisions of this Ordinance are declared to be nuisance per se.

A. It shall be unlawful for any person to commence operations of any kind that are in violation of the terms of this Ordinance and any violations shall be subject to the penalties herein prescribed.

B. Unless a violation of this Ordinance is specifically designated in 21.2.C. as a municipal civil infraction, the violation shall be deemed a misdemeanor. Any person deemed guilty of a misdemeanor shall, upon conviction thereof, be punished by imprisonment in the county jail for not more than ninety (90) days or by a fine of not more than five hundred dollars (\$500.00), or by both such fine and imprisonment. Each day that a violation is permitted to exist shall constitute a separate punishable offense. The County Prosecutor may institute those remedies provided by statute, court rule and case law to prevent, or remove any unlawful erection, construction, maintenance or use. Damages, costs and reasonable attorney fees, shall be paid to compensate the County for its cost of Ordinance enforcement.

C. The following violations of this Ordinance may be handled as a municipal civil infraction:

1. A violation of the terms of a Zoning Permit issued pursuant to Article XVIII, Section 18.8.
2. A violation of the terms of a Temporary Zoning Permit issued pursuant to Article XVIII, Section 18.9.
3. A violation of the terms of a Certificate of Zoning Compliance issued pursuant to Article XVIII, Section 18.10.
4. A violation of the terms of a Site Plan approved pursuant to Article XVIII, Section 18.28.
5. A violation of the terms of a Special Land Use Permit approved pursuant to Article X.
6. A violation of the terms of a Planned Unit Development Permit approved pursuant to Article XII.
7. A violation of the terms of a Condominium Project approved pursuant to Article VII.
8. A violation of any variance, condition or other approval of the Zoning Board of Appeals pursuant to Article XIX.
9. A violation of any sign permit approved pursuant to Article XVI.

Section 21.3 CIVIL AND CRIMINAL PENALTIES

A. The sanction for any violation of the Keweenaw County Zoning Ordinance which is a municipal civil infraction shall be a civil fine as provided in Section 21.2 plus any costs, damages, expenses and other sanctions, as authorized under Article 87 of Act No. 236 of the Public Acts of 1961, as amended, Ordinance No. 2007-3 the Keweenaw County Municipal Civil Infraction Ordinance, and other applicable laws.

B. The Zoning Administrator, together with deputies of the Keweenaw County Sheriff, are the County officials authorized to issue municipal civil infraction violation notices and municipal civil infraction violation citations under this Ordinance.

C. In addition to enforcing violations as misdemeanors or municipal civil infractions, violations of this Ordinance may be enforced by civil action along with any other remedies provided by law. Violations of the Ordinance are a nuisance per se, and adjudication of responsibility for a municipal civil infraction violation of this Ordinance shall not preclude other civil proceedings to abate such nuisance.

D. Each day that a violation exists constitutes a separate offense or infraction.

Section 21.4 RESERVED FOR FUTURE USE

Section 21.5 CUMULATIVE RIGHTS AND REMEDIES

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

Section 21.6 NO PERMIT TO VIOLATORS

The Zoning Administrator may refuse to issue new Zoning Permits to a person who has failed to correct violations or to any person representing a firm which has failed to correct violations of this Ordinance or the Michigan Construction Code Act, Public Act 230 of 1972, or the Land Division Act, Public Act 288 of 1967, as amended.

Section 21.7 MUNICIPAL CIVIL INFRACTION

Schedule of Fines:

A. Fines for Municipal Civil Infraction.

1. A person, corporation, or firm who violates any provision of the Zoning Ordinance of Keweenaw County that is found responsible by the district court for a municipal civil infraction, shall pay a civil fine plus costs and other sanctions, for each infraction.
2. An initial civil fine shall be paid to the Keweenaw County Ordinance Violation Bureau for a municipal civil infraction. Repeat offenses shall be subject to increased fines as set forth below. As used in this subsection, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision of the section of Keweenaw County Zoning Ordinance committed by a corporation, person, or firm within

Article XXI
Violations & Penalties

any twenty-four (24) month period and for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense under those subsections shall be as follows:

- a. The fine for any offense that is a repeat offense;
- b. The fine for any offense that is a second repeat offense;
- c. The fine for any offense that is a third or subsequent repeat offense shall be based as per day plus costs and other sanctions as stated in the ordinance 2007-3.

**ARTICLE XXII
TRANSITIONAL PROVISIONS, VESTED RIGHTS, SEVERABILITY,
REPEAL AND EFFECTIVE DATE**

Section 22.1 TRANSITIONAL PROVISIONS

22.1.1 Violations Continue: Any violation occurring under the Keweenaw County Zoning Ordinance adopted on August 12, 1975 and repealed by Section 22.4 will continue to be a violation under this Ordinance and be subject to penalties and enforcement pursuant to Articles XVIII and XXI, unless the violation is brought into compliance with the provisions of this Ordinance.

22.1.2 Nonconformities Under Prior Ordinance: Any nonconformity under the Keweenaw County Zoning Ordinance adopted on August 12, 1975 and repealed by Section 22.4, will also be a legal nonconformity under this Ordinance, as long as the situation that resulted in the nonconforming status under the previous Ordinance continues to exist. If a nonconformity under the aforementioned 1975 Ordinance becomes conforming because of the adoption of this Ordinance, or because of an approved change in the use to a conforming use, then the situation will no longer be a nonconformity.

22.1.3 Approved Projects:

- A. Validity: Permits and approvals that are valid on the effective date of this Ordinance, shall remain valid until their expiration date. Projects with valid approvals or permits may be carried out in accordance with the development standards in effect at the time of approval, provided that the permit or approval is valid and has not lapsed.
- B. Extensions: The decision-making body that granted original approval may renew or extend the time of a previous approval if the required findings or standards for approval remain valid. Any extension granted shall not exceed the time specified for the extension of the specific permit approval in Article XVIII.
- C. Re-Application: Any re-application for an expired approval or permit shall meet the standards of this Ordinance in effect at the time of re-application.

22.1.4 Planned Unit Developments (PUDs) Approved Prior to Effective Date of this Ordinance: Any planned unit development (PUD), or phase of a PUD, which received final Site Plan approval prior to the effective date of this Ordinance shall remain valid. Any PUD or phase of a PUD which received Preliminary Plan approval prior to the effective date of this Ordinance, but has not received final Site Plan approval within twelve (12) months of the effective date of this Ordinance shall expire.

22.1.5 Applications in Progress:

- A. Applications for permits and other approvals, that were submitted, accepted as complete and pending approval as of the effective date of this Ordinance, may, at the applicant's option, be reviewed wholly under the terms of the 1975 Ordinance if initiated within two (2) weeks of the effective date of this Ordinance and diligently pursued to completion. Any re-application for an expired permit shall meet the standards in effect at the time of re-application.
- B. Projects for which no application has been submitted and accepted as complete prior to the effective date of this Ordinance, shall be subject to all requirements and standards of this Ordinance.

Section 22. 2 VESTED RIGHTS

Nothing in this Ordinance should be interpreted or construed to give permanent vested rights in the continuance of any particular use or zoning district, and all lands and uses subject to this Ordinance are subject to subsequent amendment, as may be necessary to preserve or protect the public health, safety, and welfare.

Section 22. 3 SEVERABILITY

This Ordinance and its various parts, are hereby declared to be severable. If any part is adjudged unconstitutional or invalid, the remainder of the Ordinance shall not be affected thereby. If any part is adjudged unconstitutional or invalid as applied to a particular property, building, structure or use, the application of that part of the Ordinance to other properties, buildings, structures or uses shall not be affected. Whenever any condition or limitation is included in an approval or permit, it shall be conclusively presumed that the authorizing officer or body considered such condition or limitation to be lawful and necessary to carry out the spirit and intent of this Ordinance.

Section 22. 4 REPEAL

The zoning regulations of the County of Keweenaw, adopted August 12, 1975, as amended, are hereby repealed.

Section 22. 5 EFFECTIVE DATE

This Ordinance shall become effective on March 1, 2007.

I, Marilyn Winqvist, Clerk of Keweenaw County, Michigan, certify that this Zoning Ordinance and Zoning Map was introduced and adopted at a meeting of the Keweenaw County Board of Commissioners convened in the Keweenaw County Courthouse, Eagle River, Michigan on February 14, 2007, and shall become effective on March 1, 2007.

Marilyn Winqvist
Keweenaw County Clerk
Keweenaw County, Eagle River, Michigan

Donald Keith
Chairperson
Keweenaw County Board of Commissioners

Section 22. 6 Ordinance Amendment Effective Date

The Keweenaw County Planning Commission held a Public Hearing on September 29, 2010 to take public comment on this amendment. The Planning Commission took action at their regular meeting following the public hearing to recommend this amendment to the County Board of Commissioners. The County Board of Commissioners moved to adopt this amendment at their regular meeting on October 20, 2010, the motion was approved. The following sections of this Ordinance were amended and took effect October 20, 2010.

Section 2.3, section 5.2, section 7.9.1, table 7-1 footnotes, section 7.14.1
section 7.15.1, section 9.2, section 9.4, section 10.12.39, section 16.4,
section 18.4.D

Julie A. Carlson, Clerk Keweenaw County, Eagle River, Michigan	date
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Joseph Langdon, Chairman Keweenaw County Board of Commissioners	date
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The Keweenaw County Planning Commission Public Hearings on January 7, 2014, June 18, 2014 and January 27 2015 to take public comment on these amendments. The Planning Commission took action at their regular meeting following the public hearing to recommend this amendment to the County Board of Commissioners. The County Board of Commissioners moved to adopt these amendments at their regular meetings on March 19, 2014 and February 18th 2015, the motions were approved. The following sections of this Ordinance were amended and took effect April 5, 2015.

Sections 2.3, 7.9.5, 7.13, 7.15.1, 10.12.19, 10.12.24, 10.12.28 and table 4-1 (March 19, 2014) ;
Schedule B, Table 5-3, Section 7.32 B and 9.4.A (June 18, 2014)
Clerical corrections (July 16, 2014)
Table 4-1, 5-1 and 5-3 Section 7.26.3 and 9.2 c (February 18, 2015)

Julie A. Carlson, Clerk Keweenaw County, Eagle River, Michigan	date
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Don Piche, Chairman Keweenaw County Board of Commissioners	date
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