

ARTICLE 03 – GENERAL PROVISIONS

Section 3.1 - Zoning Affects Every Structure and Use.

Except as hereinafter specified, no building, structure, or premises shall hereafter be used or occupied, and no structure or part thereof shall be erected, razed, moved, placed, reconstructed, extended, enlarged or altered, except in conformity with the regulations herein specified for the district in which it is located.

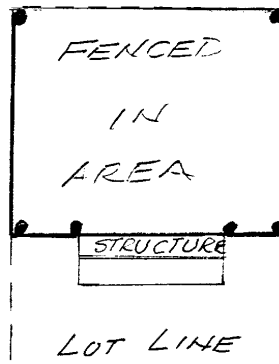
Section 3.2 - Lots and Parcels

- (1) Division of Zoning Lots. No zoning lot improved with a building or buildings shall hereafter be divided into 2 or more zoning lots and no portion of any zoning lot which is improved with a building or buildings shall be sold, unless all zoning lots resulting from each such division or sale and improved with a building or buildings shall conform with all of the bulk regulations of the zoning district in which the property is located. Where the plot plan presented in the application for a permit includes more than one recorded lot, the Zoning Administrator, or his Deputy, may execute an affidavit in which the facts with reference to the use of said platted lots, or parts of platted lots, shall be stated and shall cause the same to be recorded in the Office of the Register of Deeds of Emmet County, Michigan, the cost of recording to be borne by the applicant.
- (2) Non-Conforming Lots of Record. Any single lot or parcel of land which was of record at the time of adoption of this Ordinance and which does not meet the requirements for minimum lot width and area may be utilized for a permitted use provided the yards, or lot area and lot width are not less than 75 percent of the minimum required dimensions or areas in the zoning district.
- (3) Contiguous Non-Conforming Lots. When two or more parcels of land, each of which lacks adequate dimension or area to qualify for use as a non-conforming lot under Section 3.2 herein, are contiguous and are held in one ownership, they shall be used for a permitted use under the requirements for the use district in which they are located.
- (4) Improved nonconforming lots of record. Any single lot or parcel of land, which was of record at the time of adoption of this Ordinance, which cannot meet the requirements for a nonconforming lot of record pursuant to Section 3.2 hereof, and which was improved on or before August 1, 1999, shall be considered an improved nonconforming lot of record. The improvement on such lot may be utilized for any permitted use, so long as the amount, quantity or degree of any existing nonconformity is not increased thereby, and no new nonconformity is thereby created. Notwithstanding the other provisions of this Ordinance, if such improvement has been damaged by fire, explosion, act of God or the public enemy, it may be restored so long as the amount, quantity or degree of any existing nonconformity is not increased thereby, and no new nonconformity is thereby created.

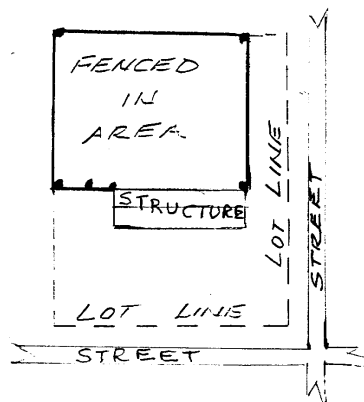
- (5) Frontage on Public Streets. All single-family residences hereafter erected shall be built on lots which front directly upon a public street, with such frontage being a minimum of 50 feet in width. Notwithstanding the requirements of this paragraph, lots which were of record prior to the effective date of this Ordinance may be utilized provided all other requirements of the Zoning Ordinance are complied with and permanent access to such lot shall be not less than eight feet in width.

Section 3.3 – Fences, Walls and Hedges

- (1) Privacy Fences: shall be described as a solid fence, wall or trees that shall limit ones sight into the rear yard area. The height of such fence shall not exceed 6 feet.
- (a) A structure with one (1) backyard setback may erect a privacy fence as follows: the beginning and ending of a privacy fence for a structure with one (1) front yard setback shall be at the rear corners of the structure (See Figure A)



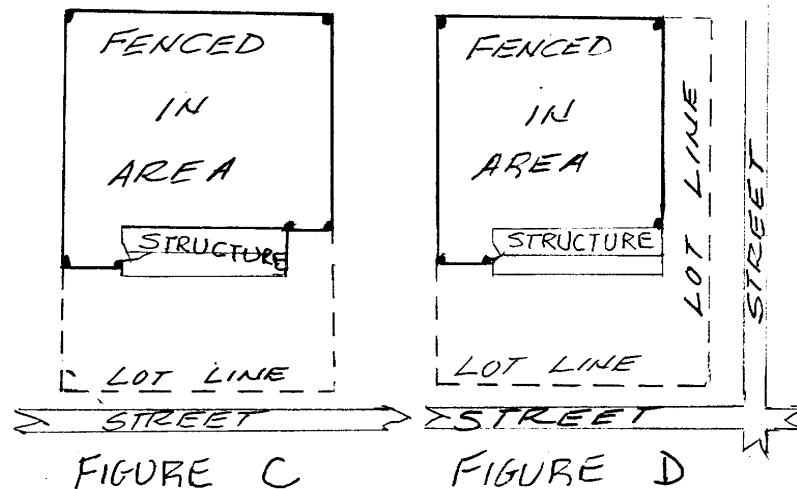
- (b) A corner lot shall maintain two (2) front yard setbacks. A privacy



fence shall observe and maintain such setbacks. If the structure is

inside such setback; the privacy fence may begin at the rear corner of the structure to the rear lot line; and end at the opposite rear corner of the structure (See Figure B).

- (c) If a side entrance is used as the back door of a structure; and as long as it does not extend into the front yard setback a privacy fence may extend to include the side door into the back yard. (See Figures C and D)



- (2) Decorative Fence: shall be described as a fence that will add to the aesthetics of the property such as a picket or split rail fence with a maximum height of 42 inches; a minimum distance of 24 inches from a sidewalk or public access; a front yard decorative fence may include side yards and rear yards; shall contain a minimum of 50 percent open area and sufficient distance from cross streets and meet all other requirements of this section.
- (3) Property in the Village Residential District shall not have a fence constructed of material and/or in such a manner that persons are likely to be injured thereby.

Section 3.4 - Incomplete Buildings.

No basement, cellar, garage, damaged or incomplete structure shall be used as a dwelling.

Section 3.5 - Nuisances.

No property, premise, structure, or use shall be used, erected, or conducted in such a manner as to cause a nuisance to adjacent property or uses.

Section 3.6 - Performance Bonds.

To insure compliance with this Zoning Ordinance and any conditions imposed hereunder, the Planning Commission may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Village covering the estimated cost of improvements associated with a project for which site plan approval is sought shall be deposited with the Clerk of the Village to insure faithful completion of the improvements. Cash deposits shall be rebated as work progresses in reasonable proportion to the ratio of work completed on the required improvements.

Section 3.7 - Maps, Drawings, and Renderings.

Whenever this Ordinance requires the Planning Commission to review or approve a proposed use or activity, the Planning Commission may require the submission of maps, drawings, renderings, and such other information as will assist the Planning Commission in its review or approval of the proposed use or activity.

Section 3.8 - Antennas and Towers.

Radio, microwave, or television antennas or towers (including satellite dish antennas and transmitters) shall comply with the following:

- (1) An antenna or tower shall be located only in the rear yard except that in Commercial Districts the antenna or tower may be located in the side yard. This paragraph does not apply to small satellite dishes 36 inches in diameter or less.
- (2) An antenna or tower shall be located at least ten (10) feet from all lot lines.
- (3) (a) Except as provided in (b), the height of an antenna or tower, including any platform or structure upon which the antenna or tower is mounted, and including any appurtenances, shall not exceed fifty (50) feet unless permitted as a special land use pursuant to Article 18.

- (b) The height of a satellite dish antenna larger than 3 feet in diameter, including any platform or structure upon which the satellite dish antenna is mounted, shall not exceed fifteen (15) feet.
- (4) (a) Except as provided in (b), an antenna or tower shall be permanently attached to a roof or a foundation.
- (b) A satellite dish antenna shall be permanently attached to a foundation. No satellite dish antenna shall be mounted on the roof of a building, unless it is smaller than 36 inches in diameter.
- (5) No part of an antenna or tower shall exhibit any name, message, symbol, graphic representation or other writing visible from adjoining properties, unless it is a dish, smaller than 36 inches in diameter.

The antenna or tower, and the construction, installation, maintenance, and operation thereof, shall comply with all Federal, State, including the FAA, and local laws, statutes, codes, ordinances, rules and regulations.

Section 3.9 - Resubmission of Matters to Planning Commission.

For a period of ninety (90) days following a decision by the Planning Commission, no reconsideration of that decision shall be given unless the Planning Commission, in its sole discretion, determines that there has been a material change in applicable facts and circumstances.

Section 3.10 - Private Roads.

- (1) Definitions.
For purposes of this Section, the following words and phrases shall be defined as follows:
 - (a) A "private road" is any privately owned and maintained drive, street or roadway which provides or is intended to provide the primary means of ingress and egress ("access") to 3 or more lots, buildings or dwelling units. "Private road" includes only those portions of the drive, street or roadway which is shared or used jointly for access to 3 or more lots, buildings or dwelling units, and not portions which are used solely to provide access to 1 or 2 lots, buildings or dwelling units. The provisions of this Section shall not apply to internal roads serving only one lot or parcel of land which has direct public or private street frontage and is under the control of one person, corporation, or association, and which is to be developed for uses subject to site plan review under this Ordinance. Such internal roads shall not provide the principal means of access to any abutting lot or parcel of land. Examples of access roads that may be exempted from the provisions of this section include those serving multi-

family dwellings, nursing homes, hospitals, factories, schools, mobile home parks, and shopping centers.

- (b) An "existing private road" is a private road which is used to provide access to existing lots, buildings or dwelling units as of the effective date of this Section.
 - (c) An "existing lot" is a lot which, as of the effective date of this Section, meets at least one of the following conditions:
 - (i) the lot consists of a parcel described by metes and bounds for which a deed has been recorded with the Emmet County Register of Deeds, or of a parcel described by a land contract or memorandum of land contract which has been recorded with the Emmet County Register of Deeds;
 - (ii) the lot has been assigned its own permanent parcel number by the Emmet County Property Description and Mapping Department and is individually assessed and taxed on that basis; or
 - (iii) the lot consists of a "condominium unit" (i.e., a portion of a condominium project designed and intended for separate ownership and use as described in the condominium master deed) located within a "site condominium" development for which a condominium master deed has been recorded with the Emmet County Register of Deeds in accordance with the requirements of the Michigan Condominium Act (PA59 of 1978, as amended, MCLA 559.101 et seq.) and other applicable laws and ordinances.
 - (d) An "existing building" or an "existing dwelling unit" is a building or dwelling unit for which a building permit has been issued by the County as of the effective date of this Section.
- (2) Minimum standards and requirements applicable.
After the effective date of this Section, no private road shall be constructed, extended, improved or relocated, nor shall an existing private road be used or extended to provide access to a lot, building or dwelling unit which was not existing and which was not provided access by the private road as of the effective date of this Section, except in accordance with the minimum standards and requirements of this Section.
- (3) Design and construction.
The following minimum standards and requirements shall apply to the design and construction of private roads:
- (a) A private road shall be located within a recorded private road easement. The easement shall be at least 40 feet wide at all points.

- (b) A lot shall have frontage on the private road easement which is at least equal to the minimum lot width required for the zoning district in which the lot is located.
- (c) If determined necessary by the Fire Chief, the Site Plan Review Committee or Planning Commission for maneuvering emergency vehicles or other public safety purposes, a private road or segment of a private road which terminates in a cul-de-sac or dead-end shall be provided with an easement with a minimum radius of 60 feet at the terminal end of the private road. In the event that severe topography, mature trees or other similar significant natural feature prevents the reasonable installation of the turnaround, the approving body may allow some other turnaround design to enable emergency vehicles to maneuver.
- (d) All private roads shall be constructed on a base of at least six inches of MDOT 22A grade road gravel with a minimum of a 12 inch sand sub-base and, if paved, a minimum roadway surface of two inches of asphalt.
- (e) A private road which serves at least 3 but not more than 20 residential lots, or dwelling units, shall have a minimum pavement width of 22 feet inclusive of curbs measured back to back. This includes cul-de-sacs which are connected to a larger private road system.
- (f) No portion of a private road shall serve more than 20 residential lots.
- (g) A private road that serves commercial or office lots or buildings shall have a minimum pavement width of 30 feet inclusive of curbs measured back to back.
- (h) A 3-foot wide road shoulder shall be provided along each side of the paved surface of a private road and around the circumference of the paved surface of any required turn-around area unless asphalt or concrete curbing is provided.
- (i) A multiple-private road or interconnected private road system shall not serve more than 45 residential lots, or dwelling units, unless a secondary means of egress is provided for the entire property served. This secondary access shall meet the minimum standards of this Section.
- (j) A private road shall not exceed a grade of 10 percent; provided that within 30 feet of the intersection of a private road with any other private road or with any public right-of-way, a private road shall not exceed a grade of 4 percent.
- (k) A private road shall be constructed in a manner determined adequate by the Qualified Licensed Engineer to provide effective storm water drainage and to prevent run-off onto adjacent property. If a private road crosses a natural drainage course, stream or other natural body of water, the

method of crossing (by bridge, culvert or other structure, for example) must be approved by the Qualified Licensed Engineer and must comply with applicable state and local requirements. The Fire Chief shall also approve the crossing structure to ensure fire truck access.

- (l) A private road shall be given a street name that is not the same or similar to any other street name in the Village as determined by the Village of Pellston and/or the Emmet County 911 Authority. A readily visible street sign bearing the name given the private road shall be erected and maintained at the intersection of the private road with another private road or a public right-of-way.
 - (m) A dwelling unit which derives its primary access from a private road shall display a house number in a manner so that the number is at all times readily visible from the private road. For dwelling units which are served by a shared private driveway, the house numbers shall also be visibly displayed at the intersection of the private driveway and private road.
 - (n) The edge of the private road pavement shall be set back a minimum of 35 feet from any existing principal dwelling not served by the private road. For private roads serving commercial and office uses, the Planning Commission may modify this setback requirement if such modification is needed to achieve safe and efficient traffic flow both on and off site.
- (4) Review and approval of private road plan.
- (a) Prior to constructing, extending, improving or relocating a private road, or using or extending an existing private road to provide access to a lot, building, or dwelling unit, which was not existing and which was not provided access by the private road as of the effective date of this Section, a plan for the private road shall be submitted to the Village Fire Chief and to the Site Plan Review Committee of the Planning Commission to determine compliance with the standards and requirements of this Section. A private road which is part of a Planned Unit Development, Site Condominium, Subdivision or other land development proposal requiring approval by the Planning Commission may be approved by the Planning Commission subject to the private road regulations of this Ordinance and approval by the Qualified Licensed Engineer and Fire Chief.
 - (b) The plan for the private road shall be prepared and sealed by a registered engineer or surveyor and shall show the location, route, dimensions, design and grade of the private road; the relation of the private road to adjacent or intersecting public or private roads; existing, or proposed curb cuts; the lots, buildings or dwelling units, existing and proposed, which will be provided access by the private road; the location of public utilities within the private road easement and within 20 feet of the easement; the location of any drainage courses, lakes, streams or other natural bodies of

water within the private road easement and within 100 feet of the easement; and the street name and location of street signs.

- (c) Provision shall be made to insure the continued repair and maintenance of the private road, and financing of the costs thereof by the property owners benefiting from the private road. This shall be accomplished through the use of a recorded agreement between the parties in interest in the private street, or through a restrictive covenant, which shall run with the land. This recorded agreement shall ensure that easements are provided for access for emergency and other public vehicles and for installation of public utilities. The agreement shall also contain a statement that no public funds of the Village of Pellston shall be used to build, repair or maintain the private road. A copy of the agreement or restrictive covenant shall be provided to the Village as a condition to approval of the plan for the private road.
 - (d) If the Village Fire Chief, Qualified Licensed Engineer, and the Site Plan Review Committee of the Planning Commission determine that the private road meets the standards and requirements of this Section, then the plan shall be approved and the private road may be constructed, extended, improved or relocated in accordance with the approved plan.
- (5) Issuance of zoning permits.
- (a) Drawings of the private road as it has been constructed shall be certified by the registered professional engineer who prepared the plans and shall be provided to the Village Zoning Administrator before a Certificate of Occupancy is issued or the applicant shall provide a bond or irrevocable letter of credit in an amount determined by the Village to insure completion of the drawings as well as the completion of the private road if necessary.
- (6) Application to existing private roads.

Except with regard to the requirements under Sections 3.9(3) (m) and (n) regarding street names, street signs and house numbers, this Section shall not apply to an existing private road which provides access solely to existing lots, buildings, or dwelling units.

Section 3.11 - Home Occupations.

Home occupations are permitted in all residential dwellings, subject to all of the following requirements:

- (1) An application shall be completed and filed with the Zoning Administrator for compliance with the items below.

- (2) A home occupation shall be conducted only within the principal dwelling unit, and shall not be conducted in any other building.
- (3) Only persons who are occupants of the dwelling unit and not more than one other person shall conduct a home occupation.
- (4) Not more than 20% of the floor area of a dwelling unit shall be used for a home occupation.
- (5) There shall be no exterior alteration in the residential character of the dwelling as a result of a home occupation.
- (6) A home occupation shall not result in a serious adverse effect upon adjacent or nearby lands or the uses thereof, nor shall it have a disrupting effect on other properties or the residential character of the neighborhood.
- (7) Any permitted motor vehicles parked on the premises as a result of the home occupation shall be parked off street. Not more than two motor vehicles shall be permitted on the premises where a home occupation is conducted, as a result of the home occupation.
- (8) Any motor vehicle traffic generated by a home occupation shall not result in a greater volume of traffic than would normally be expected in a residential neighborhood.
- (9) Any mechanical equipment used in a home occupation shall be only that which is similar in power and type to mechanical equipment normally used for household purposes and hobbies.
- (10) There shall be no sign pertaining to the home occupation, but there may be one non-illuminated name plate, of any area not greater than two square feet, stating only the name of the person engaged in the home occupation.
- (11) If articles or materials used in the home occupation are stored, they shall be stored only within the dwelling unit. No outdoor storage or accessory building shall be permitted.
- (12) There shall be no sale of goods or merchandise on the premises of the home occupation, except those produced on the premises by the conducting of the home occupation. No goods, merchandise or other articles for sale shall be displayed in such a manner as to be viewable from outside the principal dwelling.
- (13) Such uses as medical clinics, dental clinics, animal hospitals, kennels, real estate offices, group day care homes and motor vehicle servicing, repair and maintenance businesses shall not be permitted as home occupations.

Section 3.12 - Parking or Storage of Recreational Equipment

The parking or storage of recreational equipment shall not be permitted in any required front yard setback, or side yard when it would impede access by fire or emergency vehicles.

Section 3.13 - Additional Yard Regulations for Multiple Dwellings.

For the purpose of applying yard regulations, multiple dwellings shall be considered as 1 building occupying 1 lot. When more than 1 multiple dwelling building occupies 1 lot, the 2 or more structures must be separated by at least 20 feet when end to end and 50 feet when face to face or back to back for structures up to 2 stories. These isolation distances shall be increased by 8 feet for each story above the first 2 stories.

Section 3.14 - Accessory Buildings.

- (1) Private Garages - maximum height shall be 25 feet and if located in a rear yard it shall not be less than 8 feet from the rear of the lot line, and if located in side yard it shall not be nearer to the side lot line than the main building is permitted to be.
- (2) Other Accessory Buildings. Maximum height shall be one story or 15 feet. Accessory buildings shall be located in a rear or side yard only.
- (3) Other accessory uses and buildings are permitted when located on the same lot as a permissible use.

Section 3.15 - State Licensed Residential Facility.

When the state licensing agency notifies the Village Council where a proposed state licensed residential facility (other than a state licensed residential facility caring for four (4) or less minors) is to be located, the Council shall review the number of existing or proposed similar state licensed residential facilities whose property lines are within the 1,500 foot radius of the property lines of the location of the applicant. The Village Council shall give appropriate notification of the proposal to license the facility to those residents whose property lines are within a 1,500 foot radius of the property lines of the proposed facility.

Section 3.16 - Temporary Model Home Regulations.

Temporary model homes shall be used primarily to offer for sale or rental dwelling units located within the same subdivision or planned unit development in which the model home is located. The following regulations shall govern the operation of a model home:

- (1) Upon request by the Village, the owners of the property shall provide information relating to the use of the model home, including but not limited to, a record of

sales or rentals made from the model home. If no sales, or rental activities occur in a one year period, the model home status may be terminated by the Village.

- (2) Building materials may be stored within the garage of the model home but not upon the lot on which a model home is situated. No out door storage shall be permissible.
- (3) Sales offices, rental offices and construction offices may be contained in a model home; provided that the appearance of the model home is not substantially different from that of the other dwelling units in the subdivision or planned unit development.
- (4) A temporary off-street parking lot is permitted.
- (5) Exterior floodlights may be used to illuminate the model home; provided that lights are sufficiently screened so that private dwelling units and traffic are not adversely affected by the floodlights, and the exterior lighting provisions of the Emmet County Zoning Ordinance are followed (Emmet County Lighting Ordinance, as amended, adopted herein by reference).
- (6) Signage may be provided up to 12 square feet in area and must be externally illuminated, and not internally lighted.