

CHARTER TOWNSHIP OF CALUMET ZONING ORDINANCE

ORDINANCE NO. 20

ADOPTED: June 30, 2000

EFFECTIVE: June 30, 2000

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MAPS

CHARTER TOWNSHIP OF CALUMET ZONING ORDINANCE

An Ordinance to establish zoning for the Charter Township of Calumet, Houghton County, Michigan, in accordance with State of Michigan statutes (amended, adopted and effective November 26, 2008). Incorporated Cities and Villages within the Township are specifically exempted from the provisions of this Ordinance.

THE PEOPLE OF THE CHARTER TOWNSHIP OF CALUMET TO
ORDAIN UNDER THE AUTHORITY OF MICHIGAN STATE
STATUTES AS FOLLOWS:

SECTION 1 - INTRODUCTION

1.1 SHORT TITLE

This Ordinance shall be known and referred to as the Charter Township of Calumet Zoning Ordinance.

1.2 EFFECTIVE DATE

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

1.3 BASIC PLAN

The Charter Township of Calumet Zoning Ordinance is based upon a plan designed to promote the public health, safety, and general welfare; to encourage the use of lands in accordance with their character and adaptability, and to limit the improper use of land; to conserve natural resources and energy; 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; to insure that uses of the land shall be situated in appropriate locations and relationships; to avoid the overcrowding of population; to provide adequate light and air; to lessen congestion of public roads and streets; to reduce hazards to life and property; to facilitate adequate provision for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation, and other public requirements; and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources, and properties. The Zoning Ordinance shall be made with reasonable consideration, among other things, to the character of each district; its particular suitability for particular uses; the conservation of property values and natural resources; and the general and appropriate trend and character of land, building, and population development.

1.4 PURPOSE

The Charter Township of Calumet Zoning Ordinance is adopted for, but not limited to, the following purposes:

- A. To meet the needs of the State's citizens for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service and other uses of land;
- B. To insure that use of the land shall be situated in appropriate locations and relationships;
- C. To limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities;
- D. To facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements;
- E. To promote public health, safety, and welfare;
- F. To divide the Township into districts of such number, shape and area as it considers best suited for the purposes of the Ordinance and to restrict and regulate therein the location, erection, construction, reconstruction, alteration and use of buildings, structures and land for residential, business, manufacturing, industrial, recreational, and other specified uses.
- G. To regulate land development and establish districts which apply only to land areas and activities which are involved in a special program to achieve specific land management objectives and avert or solve specific land use problems, including the regulation of land development and the establishment of districts in areas subject to damage from flooding or beach erosion, and for that purpose may divide the Township into districts of a number, shape and area considered best suited to accomplish those objectives.
- H. To limit the location, height, number of stories, and size of dwelling, buildings and structures that may be erected or altered, including tents and mobile homes, and the specific uses for which dwellings, buildings, and structures, including tent and mobile home, may be erected or altered.
- I. To establish requirements and standards governing the area of yards, courts, and other open spaces, and the sanitary, safety, and protective measures that shall be required for the dwellings, buildings, and structures, including tents and trailer coaches;
- J. To establish requirements and standards governing the maximum number of families which may be housed in buildings, dwellings, and structures, including tents and mobile homes, erected or altered.
- K. To assure that the provisions of the Zoning Ordinance shall be uniform for each class of land or buildings, dwellings, and structures, including tents and mobile

homes, throughout each district, but the provisions in one district may differ from those in other districts.

- L. To provide adequate light, air, privacy and convenience of access to property.
- M. To prohibit uses, buildings, or structures incompatible with the character of development or intended uses within the specified districts.
- N. To limit congestion in public streets and right-of-ways, and protect the public health, safety, convenience and general welfare by providing for off-street parking of motor vehicles and the loading and/or unloading of commercial vehicles.
- O. To protect against fire, explosion, noxious fumes, wastes, pollutants, and other hazards in the interest of the public health, safety, comfort and general welfare.
- P. To encourage the preservation of property values and resources throughout the Township.
- Q. To define and limit the powers and duties of the administrative officials and governmental bodies affected by the Zoning Ordinance.
- R. To create a Zoning Board of Appeals with the powers and duties as set forth in applicable State of Michigan Township statutes (amended, adopted and effective November 26, 2008).
- S. To make provisions for amendments or supplements to the Zoning Ordinance.
- T. To provide for existing structures, nonconforming uses, acquisitions for the purpose of removing nonconforming uses, and variances.
- U. To provide for State licensed residential facilities, and their use and regulation.
- V. To provide for the license fees and/or special tax revenues to provide funds to administer and enforce the Zoning Ordinance.
- W. To provide penalties for violation of the provisions of the Zoning Ordinance.
- X. To authorize and permit any and all other matters relative to zoning which are allowed by law.
- Y. To compliment the historic preservation of significant resources in the Township.

1.5 ABROGATION AND GREATER RESTRICTIONS

- A. There the conditions imposed by any provision of this Zoning Ordinance upon the use of land or buildings, or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this Ordinance or any other law, ordinance, resolution, rule, or regulation of any kind, the regulations which are more restrictive (or which impose higher

standards or requirements) shall govern.

- B. This Ordinance is not intended to abrogate any easement, covenant, or any other private agreement provided that where the regulations of this Ordinance are more restrictive (or impose higher standards or requirements) than such easements, covenants, or other private agreements, the requirements of this Ordinance shall govern.

1.6 INTERPRETATION

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

1.7 SEVERABILITY

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

SECTION 2 - GENERAL PROVISIONS

2.1 JURISDICTION

- A. The jurisdiction of this Ordinance shall include all lands and waters within Calumet Township, except those areas within the geographical boundaries of incorporated Cities or Villages. All buildings erected hereafter, all uses of land or buildings established hereafter, all structural alterations or relocation of existing buildings occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this Ordinance which are applicable to the zoning districts in which such buildings, use, or land shall be located.

2.2 USE RESTRICTIONS

- A. Principal Uses - Only those principal uses specified for a district or on a planned development plat, their essential services, and the following uses shall be permitted in that district.
- B. Accessory Uses and Structures - Accessory uses and structures are permitted in any district, but not until their principal structure is present or under construction.
- C. Temporary Dwellings - No structure shall be used of dwelling purposes that does not comply with the requirements of this Ordinance or any applicable Building Codes. No garage or other accessory building, mobile home, basement, partial or temporary structure, whether of a fixed or portable construction shall be erected or moved onto a lot and used for any dwelling purposes unless authorized by the issuance of a temporary permit by the Zoning Administrator and satisfying all of

the conditions thereof. However, temporary use of lots of record, either with or without dwellings may be permitted for wheeled vehicles designed for sleeping or camping by temporary permit from the Zoning Administrator.

- D. Special Uses – Special uses and their accessory uses are permitted in districts as specified, but only according to the special use procedures in Section 7.
- E. Unclassified or Unspecified Uses – In case of uncertainty where the Zoning Administrator is unable to determine literally whether a use is permitted as a principal or accessory use, he shall consult the Board of Zoning Appeals for an interpretation.
- F. Temporary Uses – Temporary uses, such as construction field offices or shelters for materials and equipment being used in the construction of a permanent structure, are permitted while sales or construction are in progress.

2.3 SITE RESTRICTIONS

- A. Soil Conditions – No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Township Planning Commission by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of the Township. The Township Planning Commission, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusions that the land is not suitable for certain uses. The applicant shall have the opportunity to present evidence contesting such unsuitability, if he so desires. Thereafter the Township Planning Commission may affirm, modify or withdraw its determination of unsuitability.
- B. All lots shall abut upon a public thoroughfare with at least thirty (30) feet of frontage.

- C. Any lot of record created after the effective date of this Ordinance without any frontage on a public street or way shall not be occupied unless access to a street be provided by an easement or other right-of-way no less than twenty (20) feet in width. No more than one lot shall be served by such access route. Access to commercial, industrial or recreational uses shall not be permitted through residential areas.
- D. The finished surface of ground areas outside the walls of any building or structure hereafter erected, altered, or moved shall be so designed that surface water shall flow away from the building walls in such a direction and with such a method of collection that inconvenience or damage to adjacent properties will not result. When property is developed adjacent to existing properties previously developed, existing grades shall have priority.
- E. Nothing within this Ordinance shall be construed to prevent compliance with an order by the appropriate authority to correct, improve, strengthen, or restore to a safe or healthy condition any part of a building or premise declared to be unsafe or unhealthy.
- F. Only one principal structure shall be located, erected, or moved onto any lot or parcel of land.
- G. No building permit shall be issued for a lot that abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.
- H. Private Sewer and Water - In a district where public sewerage service is not available, the width and area of all lots shall be sufficient to permit the use of an on-site sewage disposal system designed in accordance with the local or Michigan State Board of Health standards. In any district where neither a public water service or public sewerage service is available, the width and area for single-family lots shall be not less than 100 feet and not less than 20,000 square feet, respectively. In no event shall an open well be permitted for a source of water, nor shall cesspools be permitted as a means of sewerage disposal.
- I. Reduction of Joint Use - No lot, yard, parking area, building area, or other space shall be reduced in area or dimension so as not to meet the provisions of this Ordinance. No part of any lot, yard, parking area, or other space required for a structure or use shall be used for any other structure or use.
- J. Substandard Lots - Any lot in a single ownership, which ownership was of record at the time of the adoption of this Ordinance, that does not meet the requirements of this Ordinance for yards, courts, or other area of open space may be utilized for single residence purposes, provided the requirements for such yard or court area, width, depth, or open space is within seventy-five (75%) percent of that required by the terms of this Ordinance. The purpose of this provision is to permit utilization of recorded lots which lack adequate width or depth as long as reasonable living standards can be provided.

2.4 GENERAL DEVELOPMENT PROCEDURE

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

2.5 RESTORATION OF UNSAFE BUILDINGS

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the Building Inspector.

2.6 EXISTING PLATTED LOTS

Where lot sizes are not specified in the various zoning districts, subdivision of property will be controlled by Calumet Township Ordinance No. 15, titled "Calumet Township Subdivision Control Ordinance".

2.7 MOBILE HOMES

Mobile homes are considered as dwelling units and shall not be considered as accessory to a permitted use and are permitted only in approved mobile home parks or residential and agricultural districts if minimum size requirements are met.

2.8 STORAGE AND REPAIR OF AUTOMOBILES

Storage and repair of automobiles shall be controlled by Calumet Township Ordinance No. 5, which regulates repair and storage of automobiles and Calumet Township Ordinance No. 7, titled "Calumet Township Vehicle Storage and Repair Ordinance".

2.9 VISIBILITY RESTRICTIONS

For residential zones, fences, hedges or clumps of shrubs within fifteen (15) feet of the front lot line, or other lot line adjoining a public street, higher than thirty (30) inches above the average sidewalk grade measured at the center of the lot are prohibited. All other fences may not exceed a height of six (6) feet above the lot grade.

2.10 MINIMUM FLOOR AREA REQUIREMENTS

Any dwelling unit in any zone not containing a floor area requirement shall have a minimum floor area of seven hundred twenty (720) sq. ft. of usable floor area, exclusive of porches, garages, basements or utility areas if a one story building or one thousand-eighty (1,080) sq. ft. if a building of more than one story.

2.11 DEMOLITION OF BUILDINGS

No building shall be razed until a permit has been obtained from the Building Inspector who shall be authorized to require a performance bond in any amount not to exceed \$1,000.00 for each 1,000 square feet or fraction thereof of floor area of the building to be razed. Said bond shall be conditioned on the applicant completing the razing within such reasonable period as shall be prescribed in the permit and comply with such regulations as to health and safety as the Building Inspector of the Township Board may from time to time prescribe including filling of excavations and proper termination of utility connections.

SECTION 3 - ZONING DISTRICTS

3.1 ESTABLISHMENT

For the purpose of this Zoning Ordinance, the Charter Township of Calumet, Houghton County, State of Michigan, is hereby divided into the following zoned districts:

- A. Single-Family Residence District (R1)
- B. Resort-Residential District (R2)
- C. Rural Residential (R3)
- D. Multi-Family Residential District (R4)
- E. Commercial District (C1)
- F. Office District (C2)
- G. Manufacturing-Industrial District (MI)

3.2 DISTRICT BOUNDARIES

Boundaries of these districts are hereby established as shown on the maps entitled "Zoning Atlas, Charter Township of Calumet, Michigan," dated _____, and which accompanies and is hereby declared to be a part of this Ordinance. Where uncertainty exists as to the boundaries of districts as shown on the zoning map, the following rules shall apply:

- A. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines;
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- C. Boundaries indicated as approximately following Township boundaries shall be construed as following Township boundaries;
- D. Boundaries indicated as following shorelines shall be construed as following such shoreline, and in the event of change in shoreline shall be construed as moving with said shoreline;
- E. Lines parallel to streets, or roads without indicating the depth from the street line shall be construed as having a depth of two hundred (200) feet from the center of the street or road;

- F. Boundaries indicated as approximately following property lines or section lines or other lines of the government survey shall be construed as following such property lines as of the effective date of this Ordinance, (or applicable amendment), section lines or other lines of government survey.

3.3 ZONING ATLAS

The certified copy of the Zoning Atlas will bear on its face the attestation of the Township Supervisor and the Township Clerk. It shall be on file and may be viewed in the Office of the Township Clerk.

3.4 AREAS NOT INCLUDED WITHIN A DISTRICT

In every case where property has not been specifically included within a district including all cases of property becoming a part of the Township subsequent to this Ordinance, such property shall be in the Rural Residential District, unless and until it is re-designated into a different district by proper action of the Township Planning Commission.

3.5 SINGLE FAMILY RESIDENCE DISTRICT (R1)

DESCRIPTION AND PURPOSE - The Single Family Residential District is established to provide single family residential housing in an environment where all of the facilities for urban living, including community sewer and water facilities are available or can be made available in the future.

A. Permitted Uses:

1. Single-family Dwellings.

B. Accessory Uses:

1. Private garages.
2. Private swimming pools provided proper safeguards for children are part of the installation and a security fence not less than six (6) feet surround the pool facility.
3. Off-street parking as regulated in Section 4 of this Ordinance.

C. Special Uses:

1. Public or private community facilities such as schools, churches, cemeteries, libraries, parks, recreational facilities, hospitals, institutions, etc.
2. Rental units contained in residential homes provided that there is compliance with the off-street parking regulations as set forth in Section 4 of this Ordinance.

3. Home occupation in a single-family dwelling provided that such use is incidental to the main use as a dwelling, and further provided that such use is limited to a person actually residing in the dwelling.

4. Bed and Breakfast inn, Tourist Home.

D. Area Requirements:

1. Lot: Minimum area as platted or controlled by the Calumet Township Subdivision Control Ordinance; Ordinance No. 15.

a. With public water and sewer: no minimum lot size.

b. Without public water and sewer: 20,000 square feet.

2. Minimum Yards:

a. Front - Existing building line of residential structures on both sides, or a minimum of 25 feet, if no building line exists.

b. Rear - 5 feet

c. Side - 10% of lot width*

* An administrative waiver of this requirement may be granted by the Zoning Board of Appeals for existing platted lots less than 50 feet in width, with notification to, and opportunity for comment by the adjacent property owner.

3. Building:

a. Maximum Ground Coverage - 40% of lot area

b. Minimum Floor Area - 720 sq. ft

c. Maximum Height - 35 feet

All residential structures shall be installed on an approved foundation.

E. Non-Conforming Mobile Homes: Mobile homes which do not conform to the standards set forth in the definition of single-family dwellings as hereinafter provided in this Ordinance shall not be used for dwelling purposes within the Township unless located within a mobile home park or a mobile home plat zoned for such uses, or unless used for temporary residence purposes as hereinafter provided.

3.6 RESORT-RESIDENTIAL DISTRICT (R2)

- A. Description and Purpose: The purpose of this district is to accommodate at varying densities residential units of the type and character which would allow possible conversion to year-round dwelling on or near waterfront, woodland or other resort or vacation areas. When located on or near waterfront areas the intent is for everyone to have either private or public access and use of the waterfront or water body.
- B. Permitted Uses:
1. Single-family homes and cottages, provided they allow at least seven hundred twenty (720) square feet of living space in a one-story home.
 2. Storage of major recreational equipment: Major recreational equipment may be stored in the open on any lots in this district subject to the following:
 - a. Dead storage only is allowable and no connection to any permanent power, water or sewer facilities is allowed.
 - b. Such equipment shall not be used for human occupancy, nor used as business, recreational or housekeeping purposes.
 - c. Such equipment must be in usable and in safe condition for use except for periods when necessary repairs or alterations are being conducted.
 - d. Said equipment shall be stored in the side or rear yard unless it is stored in an existing garage or carport.
 - e. No such equipment shall be parked or stored in such manner or in such location in the lot or parcel as to create a dangerous or unsafe condition.
- C. ACCESSORY USES:
1. Private garages.
 2. Off-street parking as regulated in Section 4 of this Ordinance.
- D. SPECIAL USES:
1. Home occupation in a single-family dwelling provided that such use is incidental to the main use as a dwelling, and further provided that such use is limited to a person actually residing in the dwelling.
 2. Public or private community facilities such as schools, churches, libraries, parks, recreational facilities, hospitals, institutions, etc. (Also see Section 7 of this Ordinance, Special Uses and Permits).

3. Public utility and service uses such as electric substations, gas regulator stations, telephone transmission structures, radio-television-microwave relay towers, water reservoirs, or pumping stations, government buildings, transportation facilities and similar uses. (See Section 7, Special Uses and Permits).
4. Public and private and boat landings or docks for pleasure or fishing boats and buildings for storage of boats.
5. Tourist homes, Bed and Breakfast and rental units contained in residential homes, provided that there is also compliance with the off-street parking regulations as set forth in Section 4 of this Ordinance.

E. SPECIAL REGULATIONS:

Channeling: The channeling of public waterways shall comply with the requirements of the Michigan Department of Natural Resources, Michigan Department of Environmental Quality and Corp of Engineers.

F. AREA REQUIREMENTS:

1. With Public Water Supply and Sewerage Facilities:

- a. In the Resort-Residential District where public water supply and/or sewerage facilities are provided, the Minimum Lot Width, Maximum Lot Coverage, Minimum Yard Dimensions, Maximum Building Height and Minimum Interior Living Space shall be the same as those required in the Single-Family Residential (R1) District, for permanent homes, except that no principal building shall be closer than fifty (50') feet to the edge of a lake, river or stream.

2. Without Public Water Supply and Sewerage:

- a. Minimum Lot Area: In the Resort-Residential (RR) District where public water supply and sewerage facilities are not provided, the minimum lot area shall be twenty thousand (20,000) square feet, unless otherwise specified herein. No principal building shall be closer than seventy-five (75') feet to the edge of a lake, stream, or river; however, in special type developments where high banks border lakes or waterways, dwellings may be closer if the soil structure lends itself to load bearing and the type of construction is engineered to such sites.
- b. Minimum Lot Width: All interior and corner lots shall have a minimum lot width of one hundred (100;) feet along the street upon which such lot principally fronts, except in the case where a curvilinear street pattern results in irregularly shaped lots with

nonparallel side lot lines, a lesser frontage width at the street line may be permitted, provided that in no case shall the frontage width be less than thirty (30') feet nor shall the lot width at the building line be less than sixty-five (65') feet.

- c. **Maximum Lot Coverage:** All buildings, including accessory buildings shall not cover more than thirty (30%) percent of the total lot area.
- d. **Minimum Yard Dimensions:**
 - i. **Front Yard:** There shall be a front yard having a depth of no less than twenty-five (25') feet, provided that where established buildings on adjacent lots vary from this minimum, a new building shall be constructed with a front yard of no less than the average front yards for those buildings located on each side of the proposed building; provided further that this provision shall not be interpreted to require a front yard of more than forty (40') feet nor less than twenty (20') feet.
 - ii. **Side Yards:** There shall be a minimum side yard of ten (10) feet or ten (10%) percent of lot width, whichever is greater, except in the case of a corner lot where the street side yard shall be no less than the minimum Resort-Residential front yard requirements along such streets.
 - iii. **Maximum Building Height:** No building or structure shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height. Accessory buildings shall not exceed fifteen (15) feet in height.
 - iv. **Minimum Building Floor Area:** Homes and cottages shall not be less than seven hundred twenty (720) square feet.

3.7 RURAL RESIDENTIAL DISTRICT (R3)

A. DESCRIPTION AND PURPOSE:

This zone is intended for large tracts used for farming, forestry, rural home sites, or which are idle. It is not intended for any use except agricultural, low-density, single-family residential use and other specialized rural uses requiring large tracts of land. These restrictions are necessary to prevent development from proceeding without planning. If development and subdividing are to occur, they should be preceded by re-zoning and proper planning.

B. PERMITTED USES:

Land in the Rural Residential District (R3) may be used for the following purposes only:

1. Any use permitted in the Single-Family Residential (SF) District.
2. Farms for both general and specialized farming together with farm dwellings and buildings and other installations useful to such farms.
3. Golf courses, riding stables, and publicly owned athletic grounds.
4. Forestry uses, including crop and tree farming, horticulture and gardening.
5. Barns and other bona fide farm buildings or structures.
6. Private garages and private greenhouses.
7. Roadside stands offering for sale agricultural, forestry or other products grown, produced or processed on the premises upon which the stand is located. Such stands shall be at least twenty-five (25) feet from the front property line except during the summer when they may be temporarily placed up to the property line. Off-street parking as provided in Section 4 of this Ordinance shall be provided.
8. Kennels and riding stables.

C. SPECIAL USES:

1. Commercial sawmills.
2. Salvage yards, are subject to rules and regulations of Calumet Township Ordinance No. 8, titled "Calumet Township Junk Yard Ordinance".
3. Junk yards, are subject to rules and regulations of Calumet Township Ordinance No. 8, titled "Calumet Township Junk Yard Ordinance".
4. Public utility and service uses such as electric substations, gas regulator stations, telephone transmission structures, radio, radio-television-microwave relay towers, water reservoirs, or pumping stations, government buildings. (See Section 7, Special Uses and Permits.)

D. AREA REQUIREMENTS:

1. Lot Area: The minimum lot area in this zone shall be a minimum of two (2) acres with a minimum lot width of two hundred (200) feet.
2. Minimum Yard Dimensions

- a. Front Yard: 100 feet from the centerline of all roads.
 - b. Side Yard: 60 feet.
 - c. Rear Yard: 60 feet.
- 3. Height Regulations: No residential building shall exceed thirty-five (35) feet or two and one-half stories in height, whichever is lesser.
 - 4. Minimum Floor Area: Each dwelling unit in this zone shall have a minimum floor area of seven hundred twenty (720) square feet of usable floor area exclusive of porches, garages, basements or utility areas.

3.8 COMMERCIAL DISTRICT (C1)

A. DESCRIPTION AND PURPOSE:

A community convenience shopping zone wherein retail business or service establishments supply commodities or perform services to meet the daily needs of the neighborhood. Residence uses are not allowed in this or any succeeding Commercial or Manufacturing-Industrial Zone District except as specifically provided.

B. PERMITTED USES:

For land and/or buildings, the permitted uses for the Commercial (C1) District are as follows:

- Amusement Enterprise
- Antique Store
- Automobile Display Room
- Automobile Laundry
- Automobile Parts Store
- Automobile Repair Shop or Garage, if all operations are conducted within a completely enclosed building
- Automobile Storage Garage
- Awning or Canvas Store
- Bakery
- Bakery Goods Store
- Bank
- Barber or Beauty Shop
- Billiard or Pool Hall
- Book, Stationary or Gift Store
- Bowling Alley
- Business or Professional College
- Candy Store, Soda Fountain, Ice Cream Store
- Catering Establishment

- Cleaning and Dyeing Plant
- Clothes Cleaning and/or Laundry Pick-up Station

Clothing and Dry Good Store
 Contractor (Plumbing, Heating, Electrical, etc.), provided all operations
 and storage are completely enclosed in a building
 Convenience Store
 Delicatessen Store

 Department Store Branches not exceeding fifty thousand (50,000) square
 feet of sales generating space
 Dress Shop
 Drug Store
 Feed Store
 Florist
 Frozen-food Store
 Funeral Home, including cremator and other ancillary funeral operations
 Gasoline Sales
 Grocery Store and Meat Market
 Hardware Store
 Household Appliance Store
 Ice Distribution Station
 Jewelry Store
 Laboratory, Medical or Dental
 Lodge Hall, Private Clubs, Veterans Clubs
 Motel or Motor Hotel (minimum of one acre for development)
 Nursery, Flower or Plant, provided that incidental equipment and supplies
 including fertilizer, tools and containers are kept within a building
 Nursery School and Day Nurseries
 Paint and Wallpaper Store
 Parcel Delivery Station
 Parking Lots
 Photographer
 Pet Shop, not involving the treatment or boarding of cats or dogs
 Office (Business or Professional, including Medical Clinics)
 Radio or Television Store
 Private School, operated as a commercial enterprise
 Public Garage
 Restaurants, cafes (excluding drive-in car service subject to the
 provisions of Section 7, Special Uses, regulating sales of
 intoxicating beverages for consumption on the premises)
 Retail Stores
 Self-service Laundry
 Service Stations, including minor auto repairs such as tune-ups, body
 repair, tire repair and electrical work provided all repair work is
 conducted wholly within a completely enclosed building
 Theater (not including Drive-in theaters)
 Trade School
 Wholesale Parts Store
 Government Buildings
 Transportation Centers
 Shoe Repair Shop

Tailor

Variety Store, including specialty and "five and ten" store

Other similar retail business or service establishments which supplies convenience commodities or performs services primarily for residents of the surrounding neighborhood; provided, however, such uses shall be found to be similar by the Board of Appeals.

- C. ACCESSORY USES: Off-street parking and loading as regulated in Section 4 of this Ordinance.
- D. SPECIAL USES: (See Section 7)
1. Outdoor amusement and recreational enterprises, including but not limited to, auto tracks, mini-golf and other similar uses.
 2. Outdoor markets.
- E. REQUIRED CONDITIONS:
1. All business, service or processing except for special uses shall be conducted wholly within a completely enclosed building, except for automobile parking and/or off-street loading.
 2. All goods produced on the premises, whether primary or incidental, shall be sold at retail and only on the premises where produced.
 3. Front Yard: Where all the frontage between two intersecting streets is located in any commercial (C1) District there shall be a front yard of not less than twenty-five (25) feet provided that where a setback has been established, said setback shall apply. Where the frontage is located partly in any Single-Family (SF) District shall apply to the Commercial (C1) District.
 4. Side Yard: Where the side of a lot in the Commercial (C1) District abuts upon the side of a lot in any Single-Family (SF) District, there shall be a side yard of not less than five (5) feet. There shall be a side yard of not less than ten (10) feet on the street side of a corner lot. In all other cases, a side yard for a commercial building shall not be required, provided that where the building is not placed on the lot line, a five (5) foot yard shall be required.
 5. Rear Yard: Where the rear of a lot in a Commercial (C1) District abuts upon the side of a lot in any Single-Family (SF) district there shall be a rear yard of not less than twenty-five (25) feet, provided that where a public alley separates the rear of a Commercial (C1) District lot from a Single-Family (SF) District lot, the full width of the alley may be considered as part of the rear yard for making the computation. In all other cases, there shall be a rear yard of not less than five (5) feet. No accessory building shall be allowed in the required rear yard area of any

lot in this Commercial (C1) District.

6. Height Requirements: No building shall exceed thirty-five (35) feet in height.

F. AREA REQUIREMENTS:

No building or structure nor the enlargement of any building or structure shall be hereafter erected unless the following yards, lot areas and building coverage are provided and maintained in connection with such building, structure or enlargement:

3.9 OFFICE DISTRICT (C2)

A. PURPOSE:

The C2 Office District is established to provide areas for new office and light commercial development and adaptive reuse of existing historical buildings that will not negatively impact adjacent residential uses and historical resources.

B. PERMITTED USES:

1. Professional office building.
2. Signs as regulated in Section 5 of this Ordinance.
3. Government buildings.
4. Banks and financial institutions.
5. Public museums and historical interpretive facilities.

C. ACCESSORY USES: Off-street parking and loading as regulated in Section 4 of this Ordinance.

D. SPECIAL USES:

1. Drive-thru facilities.

E. AREA REQUIREMENTS:

1. Minimum Yards
 - a. Front - 25 feet
 - b. Side - 10 feet
 - c. Rear - 20 feet

2. Building Height
 - a. 35 feet maximum
3. Required Conditions: All parking shall be located in rear or side of building.

3.10 MANUFACTURING-INDUSTRIAL DISTRICT (MI)

A. PURPOSE:

This Manufacturing-Industrial (MI) District is established to provide areas in which manufacturing, industrial and related commercial operations are the principal use of land. Such uses have some adverse effects on surrounding properties, and are not compatible with residential, institutional and retail uses. Moderate performance standards must be established.

B. PERMITTED USES:

1. Industry, warehouse, food processing, laboratories, offices.

C. ACCESSORY USES: Off-street parking and loading as regulated in Section 4 of this Ordinance.

D. SPECIAL USES:

1. Mining, smelting, gravel and sand extraction.
2. Junkyard, scrap yard, salvage yard.

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

All outdoor storage areas shall be screened or fenced with a solid fence at least six (6) feet, but not more than eight (8) feet in height, or enclosed with a dense evergreen growth at least six (6) feet in height. Storage between a thoroughfare and such fence or screen is expressly prohibited. All activities shall be confined within said enclosure, and no equipment or materials shall be used or stored outside of the fenced-in area. Any junk or salvage yard which offers to the public at retail any new or used merchandise shall provide at least two (2) parking spaces per one hundred (100) square feet of retail floor space. Such uses shall be established and maintained in accordance with all applicable regulations of the Federal Government and the State of Michigan.

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

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

3. Slaughter houses, fertilizer works, plants for the processing of animal skins or hides and plants for the reduction of animal matter.
4. Public utility and service uses such as electric sub-stations, gas regulator stations, telephone transmission structures, radio-television-microwave relay towers, water reservoirs, or pumping stations, government buildings, transportation facilities, and similar uses. See Section 7 of this Ordinance.

E. SPECIAL REGULATIONS:

1. Processing and storage may take place within buildings or outdoors.
2. Storage, auxiliary to the principal use, is permitted in the open, but not within twenty (20) feet of the property line.

F. AREA REQUIREMENTS:

1. Lot - 1 acre.
2. Minimum Yards:

Front - 50 feet from right-of-way of any street or road.

Side and Rear Yards - 20 feet from all lot lines.

3.11 MULTI-FAMILY RESIDENCE DISTRICT (R4)

A. PERMITTED USES: Two-family and multi-family dwellings.

B. ACCESSORY USES:

1. Private garages.
2. Off-street parking as regulated in Section 4 of this Ordinance.

C. SPECIAL USES:

1. Public or private community facilities such as schools, churches, cemeteries, libraries, parks, recreational facilities, hospitals, institutions, etc. See Section 7 of this Ordinance.
2. Public utility and service uses such as electric sub-stations, gas regulator

stations, telephone transmission structures, radio-television-microwave relay towers, water reservoirs, or pumping stations, government buildings, transportation facilities, and similar uses. See Section 7 of this Ordinance.

D. SPECIAL REGULATIONS:

1. Parking - One and one-half (1½) spaces shall be provided for each dwelling unit as required by Section 4.
2. Plat Requirements - All developments proposed in the R4 Districts containing more than two dwelling units per structure shall be subject to design review by the Township Planning Commission.

E. AREA REQUIREMENTS:

1. Lot and Density: Adequate water and sewer service is mandatory.

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

Maximum Density: Multi-family - 15 dwelling units per acre. 30 bedrooms per acre. Maximum density shall be interpolated proportionally where development less than an acre is proposed.
2. Minimum Yards: Front yard - 20 feet.
Side yard - 10 feet.
Rear yard - 20 feet.
3. Building: Minimum total floor area:
Efficiency: 480 sq. ft.
1-Bedroom Apt.: 480 sq. ft.
2-Bedroom Apt.: 580 sq. ft.

Each additional bedroom will require an additional 200 sq. ft. added to minimum total floor area.
Maximum Heights: 45 feet.

SECTION 4 - PARKING, LOADING, TRAFFIC, ACCESS

4.1 PARKING

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

- A. When the intensity of use of any building, structure, or premises shall be increased through additional dwelling units, gross floor area, seating capacity, or other units of measurement specified herein for required parking or loading facilities, parking and loading facilities are required herein shall be provided for

such increase in intensity of use.

- B. Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required for such new use. However, if the said building or structure was erected prior to the effective date of this Ordinance, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use, if the latter were subject to the parking and loading provisions of this Ordinance.
- C. Existing Parking and Loading Facilities: Accessory or off-street parking or loading facilities which were in existence on the effective date shall not hereafter be reduced below, or if already less than shall not be further reduced below the requirements of this Ordinance for a similar new building or use.
- D. Permissive Parking and Loading Facilities: Nothing in this Ordinance shall be deemed to prevent the voluntary establishment of contiguous off-street parking or loading facilities to serve any existing use of land or buildings, provided that all regulations herein governing the location, design, improvement and operation of such facilities are adhered to.
- E. Control of Off-Site Parking Facilities: Where required, parking facilities are provided on land other than the zoning lot on which the building or use served by such facilities is located, they shall remain in the same possession or ownership as the zoning lot occupied by the building or use to which the parking facilities are accessory. No such off-site parking facilities shall be authorized, and no zoning certificate shall be issued where the plans call for parking facilities other than on the same zoning lot until and unless the Board of Zoning Appeals has reviewed the plans and heard the applicant and made findings that the common ownership or possession of the zoning lot and the site of the parking facilities are reasonably certain to continue and that the off-site parking facilities will be maintained during the life of the proposed use or building.

4.2 ADDITIONAL REGULATIONS, PARKING

- A. Except as otherwise indicated, required accessory off-street parking facilities provided for uses listed hereinafter shall be solely for the parking of passenger automobiles of patrons, occupants (or their guests), or employees of such uses.
- B. Collective Provision: Off-street parking facilities for separate uses may be provided collectively, if the total number of spaces so provided collectively is not less than the sum of the separate requirements for each such use and provided that all regulations governing location of accessory parking spaces in relation to the use served are adhered to. Further, no parking space for more than one use unless otherwise authorized by the Board of Zoning Appeals.
- C. Size: Size of each parking space shall not be less than one hundred eighty (180) square feet exclusive of the space required for ingress and egress.

- D. Access: Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements.
- E. Design and Maintenance:
 - 1. Surfacing and Bumper Guards - All open off-street parking spaces accessory to a single-family dwelling shall be improved with an all-weather dustless material, and shall have appropriate bumper guards where needed.
 - 2. Lighting - Any lighting used to illuminate off-street parking areas shall be directed away from residential properties in such a way as to not to create a nuisance.
- F. Mixed Uses: When two or more uses are located on the same zoning lot or within the same building, parking spaces equal in number to the sum of the separate requirements for each such use shall be provided. No parking space or portion thereof shall serve as a required space for more than one unless otherwise authorized by the Board of Zoning Appeals.
- G. Other Uses: For uses not listed in the following schedule of parking requirements, parking spaces shall be provided on the same basis as required for the most similar listed use, as required by this Ordinance, or as varied due to the unique circumstances by the Board of Zoning Appeals.

4.3 ADDITIONAL REGULATIONS - OFF-STREET LOADING

- A. Location: All required loading berths shall be located on the same zoning lot as the use served. No loading berth for vehicles over two tons capacity shall be closer than fifty (50) feet to any residential property unless completely enclosed by a building wall, or uniformly painted solid fence or wall or evergreen hedge or any combination thereof, not less than six (6) feet in height.
- B. Access: Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements, and subject to approval of the County Highway Superintendent.
- C. Surfacing: All open off-street loading berths shall be improved base not less than five (5) inches thick, surfaced with an all-weather dustless material.
- D. Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.

4.4 SCHEDULE OF OFF-STREET PARKING, LOADING AND UNLOADING

REQUIREMENTS

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

USE	NUMBER OF PARKING SPACES WHICH SHALL BE PROVIDED	OFF-STREET LOADING AND UNLOADING SPACES SHALL BE PROVIDED
Single-Family	Two per dwelling unit	None required
Multi-Family	One and one-half per dwelling unit	None required
Motels, Hotels, Lodging Houses	One per lodging unit, plus one stall for each 100 sq. ft. of retail sales of dining area	One for each structure or each 20,000 sq. ft. of gross floor area
Commercial (except as specifically provided below)	One per 200 sq. ft. of gross floor area	One for each shop over 10,000 sq. ft. floor area plus one for each additional 100,000 sq. ft. of gross area
Furniture, Appliance Stores, Machinery Sales, Wholesale Storage	One per 400 sq. ft. of gross floor area	One plus one additional for each 25,000 sq. ft. of gross floor area
Offices, Banks or Public Administration	One per 400 sq. ft. of gross floor area	One for each structure 40,000 sq. ft. of gross floor area plus one per each additional 100,000 sq. ft. of gross floor area
Manufacturing, Warehousing	One for each employee on the maximum working shift, plus one for each vehicle used in the conduct of the enterprise	One for each structure plus one for each 60,000 sq. ft. of gross floor area over 40,000 sq. ft.
Churches, Theaters, Auditoriums and other places of assembly	One per five seating spaces	One for each structure over 100,000 sq. ft. of gross floor area
Hospitals, Rest Homes, Nursing Homes, etc.	One per three employees, plus one per three beds	One for each 100,000 sq. ft. of gross floor area

4.5 TRAFFIC VISIBILITY

No obstruction such as structures, parking or vegetation shall be permitted in any district between the heights of two and one-half (2½) feet and ten (10) feet above the plane through the mean curb-grades within the triangular space formed by any two existing or proposed intersecting street or alley right-of-way lines, and a line joining points on such lines located a minimum of twenty (20) feet from their intersection.

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

4.6 DRIVEWAYS

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

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

SECTION 5 – SIGNS (Amended, Adopted and Effective June 26, 2009)

5.1 PURPOSE

The purpose of the Charter Township of Calumet's Signage Ordinance is to aid in protection of the public health, safety and general welfare by regulating signage size, number, location, construction or manner of display so as to diminish confusion, endangerment, distraction, nuisance, visual pollution, or obstruction of traffic patterns or signals necessary for public safety, and to complement the use of land compatible with its zoning characteristics, thereby aiding in protecting property values.

5.2 APPLICABILITY

The Charter Township of Calumet's Sign Ordinance applies to all unincorporated lands within the boundaries of Calumet Township.

5.3 DEFINITIONS

"Abandoned Sign" means a sign erected on property in conjunction with a particular use which has been discontinued for a period of (sixty) 60 days or more, or a sign the content of which pertains to a time, event or purpose which no longer applies.

"Awning, Canopy or Marquis Sign" means a roof-like structure extending over an entrance, pedestrian walkway or window which projects from the wall of a building.

"Banner" means a temporary sign usually made of paper, cloth, or plastic-like material designed to catch attention and usually strung from point-to-point. Banners are allowed for a maximum of forty-five (45) days combined in a single calendar year.

"Bench Sign" means a sign painted on or affixed to a bench.

"Billboard" means an off-premise sign which advertises a business, activity, or service not conducted on the premises upon which the sign is placed.

"Construction Sign" means a temporary freestanding or wall sign erected on a site designated as the site of construction of a new building, or for renovation of an existing building, which advises the public of pertinent facts regarding the construction including, but not limited to, ownership, management and/or leasing of the new building. Construction signs shall be removed within fourteen (14) days after beginning of occupancy or intended activity for building.

"Directional Sign" means a sign erected on public or private property, which may bear the address and name of a business, institution, church, or other use or activity, plus directional arrows or information on the location, such as parking. Directional Signs are not intended for advertising purposes.

"Directory Sign" means a sign located at a common public entrance to a building or structure that houses two (2) or more stores or businesses, which states the location of stores or businesses housed within the building or structure. Directory Signs are not intended for advertising purposes.

"Event Sign" means a temporary sign announcing a drive or event of a civic, philanthropic, educational or religious organization. Also included are garage or yard sales. Event signs cannot be erected sooner than fourteen (14) days prior to the event, and must be removed within seven (7) days after the event.

"Flags" means insignia of any nation, state, city, township, community organization, or educational institution that are of a non-commercial nature.

"Flashing Sign" means an illuminated sign upon which the artificial light is not kept constant in terms of intensity or color at all times which the sign is illuminated. Excluded are time and temperature signs.

"Freestanding Sign" means a sign supported by permanent uprights or braces in the ground. All sides of such sign shall be considered when determining the maximum permitted Signage, except that where two (2) such faces are placed back to back, are of equal size, and are at no point more than two (2) feet from one another, the area of the Sign shall be taken as the area of one (1) face.

"Government Sign" means a sign erected by a public officer or employee of a Governmental entity, acting in an official capacity and authorized by a Governmental entity. A Government Sign usually means a sign of a public, non-commercial nature to include safety signs, danger

signs, trespassing signs, traffic signs and signals.

"Grade" means the average level of the finished surface of the ground adjacent to all exterior walls of a building or Sign support structure. For buildings closer than five (5) feet to a right-of-way, the Grade is the curb elevation at the center of the building or Signage support structure.

"Illuminated Sign" means a sign which is lighted by an artificial light source either directed upon it or illuminated from an interior source.

"Integrated Development" means a commercial, office or manufacturing development which resides on the same zoning lot and contains two (2) or more businesses. These businesses may or may not share a common wall, and may be under single ownership or unified control. Examples include strip malls, shopping centers, office condominiums, and unified commercial or industrial developments.

"Nameplate" means a sign which indicates the name and address of a building or the name of an occupant thereof, and the practice of a permitted occupation therein.

"Non-Conforming Sign" means a sign which lawfully existed at the time of the passage of this Sign Ordinance or amendment thereto, but which does not conform with the regulations of this Sign Ordinance.

"Political Sign" means a temporary sign which refers to a political candidate, political party, or the issues involved in an upcoming political election. Political signs cannot be erected sooner than forth-five (45) days prior to an election, and shall be removed within ten (10) days after an election.

"Projecting Sign" means a sign, other than a wall sign, which is affixed to a building and which extends in a perpendicular manner from the building wall. Projecting Signs shall be erected no more than twelve (12) inches from the building wall on which it is mounted, the bottom of the sign shall not be less than eight (8) feet above Grade or a sidewalk over which it's placed, and no larger than thirty (30) inches by thirty (30) inches. Mounting brackets shall not extend more than six (6) inches beyond the sign.

"Real Estate Sign" means a sign placed upon property, advertising that particular property is for sale, lease or rent. Real Estate Signs shall be removed within ten (10) days after sale, lease, or rental.

"Sidewalk, Sandwich Board, or Tent Sign" means a portable sign of A-Frame construction used during hours a business is open and stored inside when not in use, is no higher than fifty-six (56) inches, no wider than thirty-six (36) inches, with a maximum twenty-four (24) inch spread at the base, and is stable for all weather conditions.

"Sign or Signage" means words, numerals, pictures, figures, devices or trademarks by which anything is made known, such as are used to show an individual, firm, profession or business, and are visible to the general public.

"Street Frontage" means the length of a property line adjoining a street.

"Temporary Sign" means a temporary sign, other than those defined in this Section, including public demonstration and protest signs, not exceeding four (4) square feet in total in Single or Multi-Family Residential Districts (R1, R3), Resort-Residential or Rural Residential Districts (R2, R4), and not exceeding eighteen (18) square feet in total in Commercial, Office, Manufacturing or Industrial Districts (C1, C2, M1).

"Township" means the Charter Township of Calumet.

"Wall Sign" means a sign which is affixed to the exterior wall or mansard roof of a building, and which is parallel to the building.

"Window Sign" means a sign affixed to the inside of a window in view of the general public whereby the signage area is measured by the perimeter of the window glass, including glass doors. Window Signage shall not cover more than twenty percent (20%) of all window surfaces. Window Signs do not include merchandise displayed.

"Zoning District" means a zoning district within the Charter Township of Calumet.

5.4 PROHIBITED SIGNS

The following Signs are prohibited in all Zoning Districts. Refer to Section 5.3 of this Sign Ordinance for definitions of terminology used.

- Bench Signs
- Billboards (off-premise signs)
- Signs affixed to utility poles, trees, rocks, fences

5.5 SIGNS NOT REQUIRING A PERMIT

The following Signs do not require a permit from the Township. Refer to Section 5.3 of this Sign Ordinance for definitions of terminology used, and Sections 5.7, 5.8, and 5.9 for permitted signs in within Zoning Districts.

- Permitted Signs in Single Family Residence District (R1)
- Permitted Signs in Resort-Residential District (R2)
- Permitted Signs in Rural Residential District (R3)
- Permitted Signs in Multi-Family Residence District (R4)
- Construction Signs
- Event Signs
- Flags
- Government Signs
- Political Signs
- Real Estate Signs
- Temporary Signs

5.6 SIGNS REQUIRING A PERMIT

The following Signs require a permit from the Township. Refer to Section 5.3 of this Sign Ordinance for definitions of terminology used, and Sections 5.10 and 5.11 for permitted signs

within Zoning Districts.

Permitted Signs in Commercial District (C1)
Permitted Signs in Office District (C2)
Permitted Signs in Manufacturing-Industrial District (M1)
Permitted Signs in Integrated Developments
Banners
Sidewalk, Sandwich Board or Tent Signs, except if to be located in a
Rural Residential District (R3)

Signs requiring a permit shall be subject to the Site Plan Review procedures found in Section 8 of the Charter Township of Calumet Zoning Ordinance, except that in the case of an existing business, entity, or person requesting new Signs, or changes to existing Signs other than normal maintenance as defined in Section 5.18 (Maintenance and Construction Standards), the Zoning Administrator may, at his or her discretion, approve or deny the requested Sign Permit, in accordance with the regulations set forth in this Sign Ordinance. The Zoning Administration may also, at his or her discretion, submit the requested Sign permit to the Township Planning Commission in accordance with Section 8 of the Charter Township of Calumet Zoning Ordinance entitled, "Site Plan Review", and/or Section 9 of the Charter Township of Calumet Zoning Ordinance entitled, "Zoning Board of Appeals and Enforcement", as appropriate.

5.7 SINGLE FAMILY RESIDENCE DISTRICT (R1), RESORT-RESIDENTIAL DISTRICT (R2), IN-HOME BUSINESSES

Signs shall be permitted as set forth below. Refer to Section 5.3 of this Sign Ordinance for definitions of terminology used.

- A. One (1) non-illuminated Nameplate not exceeding three (3) square feet in area for each dwelling unit.
- B. One (1) non-illuminated Construction Sign for each major street abutting construction project. Each sign not to exceed twenty (20) square feet.
- C. One (1) non-illuminated Real Estate Sign for each major street abutting the zoning lot on which the building is for sale, lease or rent. Each sign not to exceed four (4) square feet.
- D. Non-illuminated Political Signs not exceeding sixteen (16) square feet in the aggregate per zoning lot.

5.8 RURAL RESIDENTIAL DISTRICT (R3)

Signs permitted in the Rural Residential District (R3) are the same as for Section 5.7, Single Family Residence District (R1), Resort-Residential District (R2), In-Home Businesses. In addition, Rural Residential District (R3) properties are allowed one (1) Sidewalk, Sandwich Board, or Tent Sign to display products or activities available for sale on the property on which the Sidewalk, Sandwich Board, or Tent Sign is placed.

5.9 MULTI-FAMILY RESIDENCE DISTRICT (R4)

Signs shall be permitted as set forth below. Refer to Section 5.3 of this Sign Ordinance for definitions of terminology used.

- A. Less than three (3) units—one (1) non-illuminated Nameplate not exceeding three (3) square feet in area for each dwelling unit.
- B. Three (3) units up to fifty (50) units—one non-illuminated Sign not to exceed fifteen (15) square feet.
- C. Fifty (50) or more units—one non-illuminated Sign not to exceed twenty-five (25) square feet.
- D. One (1) non-illuminated Directional Sign for each entrance or exit for a parking area. Each Directional Sign not to exceed six (6) square feet. Directional Signs shall not be included in total square feet maximum Signage regulations.
- E. One (1) non-illuminated Construction Sign for each major street abutting construction project. Each sign not to exceed twenty (20) square feet. Construction Signs shall not be included in total square feet maximum Signage regulations.
- F. One (1) non-illuminated Real Estate Sign for each major street abutting the zoning lot on which the building is for sale, lease or rent. Each sign not to exceed four (4) square feet. Real Estate Signs shall not be included in total square feet maximum Signage regulations.
- G. Non-illuminated Political Signs not exceeding sixteen (16) square feet in the aggregate per zoning lot. Political Signs shall not be included in total square feet maximum Signage regulations.

5.10 COMMERCIAL DISTRICT (C1), OFFICE DISTRICT (C2), MANUFACTURING-INDUSTRIAL DISTRICT (M1) (Excludes Integrated Developments)

Signs shall be permitted as set forth below. Refer to Section 5.3 of this Sign Ordinance for definitions of terminology used.

- A. One (1) square foot of Signage per foot of Street Frontage. In the case of a zoning lot having more than one Street Frontage, the Street Frontage designated by the mailing address shall be used. Total square feet of all Signage combined shall not exceed two hundred (200) square feet.
- B. Four (4) Sign maximum, one (1) of which may be Freestanding, and two (2) of which may be illuminated.
- C. No Freestanding Sign shall exceed one hundred (100) square feet for all sides of the Sign combined, shall not be greater than thirty (30) feet in height above Grade, and as a general rule, shall maintain a minimum clear space of eight (8) feet from the bottom of the Sign to Grade. Exceptions to the eight (8) feet minimum clear space shall be made by the Zoning Administrator, and/or the Township Planning Commission, and/or the Township Zoning Board of Appeals for reasons including, but not limited to, impairment

of pedestrian and/or traffic safety and visibility, obstruction of pedestrian and/or traffic patterns or signals, confusion, endangerment, nuisance or incompatibility with zoning characteristics, or impairment of property values. Where a Freestanding Sign has two (2) or more faces, the area of all faces shall be included in determining the area of the Sign, except that where two (2) such faces are placed back to back, are of equal size, and are at no point more than two (2) feet from one another, the area of the Sign shall be taken as the area of one (1) face.

- D. A Freestanding Sign located within one hundred (100) feet from a residential district (R1, R2, R3, and R4), the height of said Freestanding Sign shall be decreased ten percent (10%) for each ten (10) feet that it is located less than one hundred (100) feet away from said residential district.
- E. For properties with Street Frontage totaling less than fifty (50) feet, total square feet of all Signage combined may be up to fifty (50) square feet.
- F. No Sign shall be within fifty (50) feet of a residential district, less than twenty (20) feet from lot side lines, nor less than twenty-five (25) feet from each street right-of-way.
- G. Illuminated Signs, where permitted, shall be Non-Flashing, using light sources directed solely at the Sign or internal to it, without causing glare for motorists, pedestrians, or neighboring premises.
- H. Wall Signs, Projecting Signs, Awning, Canopy or Marquis Signs shall not exceed the height of the roof of the structure to which they are affixed. A mansard roof shall be considered a wall for the purpose of applying this regulation.
- I. Window Signs are permitted, and shall not be included when calculating the two hundred (200) square foot maximum for all Signage combined.
- J. One (1) non-illuminated Directional Sign for each entrance or exit for a parking area. Each Directional Sign not to exceed six (6) square feet. Directional Signs shall not be included in the two hundred (200) square foot maximum Signage regulation.
- K. One (1) non-illuminated Construction Sign for each major street abutting construction project. Each sign not to exceed twenty (20) square feet. Construction Signs shall not be included in the two hundred (200) square foot maximum Signage regulation.
- L. One (1) non-illuminated Real Estate Sign for each major street abutting the zoning lot on which the building is for sale, lease or rent. Each sign not to exceed four (4) square feet. Real Estate Signs shall not be included in the two hundred (200) square foot maximum Signage regulation.
- M. Non-illuminated Political Signs not exceeding sixteen (16) square feet in the aggregate per zoning lot. Political Signs shall not be included in the two hundred (200) square foot maximum Signage regulation.

5.11 INTEGRATED DEVELOPMENTS

Signs shall be permitted as set forth below. Refer to Section 5.3 of this Sign Ordinance for definitions of terminology used.

- A. One illuminated or non-illuminated Freestanding Sign identifying the development. One (1) square foot of Freestanding Signage is permitted per foot of Street Frontage. In the case of a zoning lot having more than one (1) Street Frontage, the Street Frontage designated by the mailing address shall be used. No Freestanding Sign shall exceed one hundred (100) square feet for all sides combined, shall not exceed thirty (30) feet in height above Grade, and shall maintain a minimum clearance space of eight (8) feet from the bottom of the Sign to Grade. Where a Freestanding Sign has two (2) or more faces, the area of all faces shall be included in determining the area of the Sign, except that where two (2) such faces are placed back to back, are of equal size, and are at no point more than two (2) feet from one another, the area of the Sign shall be taken as the area of one (1) face.
- B. A Freestanding Sign located within one hundred (100) feet from a residential district (R1, R2, R3, and R4), the height of said Freestanding Sign shall be decreased ten percent (10%) for each ten (10) feet that it is located less than one hundred (100) feet away from said residential district.
- C. Signs allocated to individual stores or businesses in an Integrated Development shall be permitted as set forth below:
 - 1. Signs allocated to individual stores or businesses shall be restricted to stores or businesses which have a separate entrance providing public access directly on to their premises. Illuminated or non-illuminated Wall Signs only are permitted, with one (1) square foot of Sign area allowed per foot of frontage the store or business occupies, not to exceed eighty (80) square feet, nor less than forty (40) square feet.
 - 2. For Integrated Developments that have common entrances only, and contain more than one (1) store or business within the same building or structure, a directory of all stores or businesses may be located at each common public entrance to the building or structure. Illuminated or non-illuminated Directory Signs are permitted, and shall not be larger than two (2) square feet for each store or business housed within the building or structure, with a maximum size of twenty (20) square feet for each Directory Sign.
- D. No Sign shall be within fifty (50) feet of a residential district, less than twenty (20) feet from lot side lines, nor less than twenty-five (25) feet from each street right-of-way.
- E. Illuminated Signs, where permitted, shall be non-flashing, using light sources directed solely at the Sign or internal to it, without causing glare for motorists, pedestrians, or neighboring premises.
- F. Projecting Signs, Awning, Canopy or Marquis Signs are not permitted. A mansard roof shall be considered a wall for the purpose of applying this regulation.

- G. One (1) non-illuminated Directional Sign for each entrance or exit for a parking area. Each Directional Sign not to exceed six (6) square feet. Directional Signs shall not be included in total square foot maximum Signage regulations.
- H. One (1) non-illuminated Construction Sign for each major street abutting construction project. Each sign not to exceed twenty (20) square feet. Construction signs shall not be included in total square foot maximum Signage regulations.
- I. One (1) non-illuminated Real Estate Sign for each major street abutting the zoning lot on which the building is for sale, lease or rent. Each sign not to exceed four (4) square feet. Real Estate Signs shall not be included in total square foot maximum Signage regulations.
- J. Non-illuminated Political Signs not exceeding sixteen (16) square feet in the aggregate per zoning lot. Political Signs shall not be included in total square foot maximum Signage regulations.

5.12 BANNERS

Banners require a permit from the Township, and are allowed up to a maximum of forty-five (45) days combined within a single calendar year.

5.13 BILLBOARDS

Billboards or off-premise signs are not permitted with the Township.

5.14 CHURCH OR SCHOOL SIGNS

In addition to Signage permitted in the zoning district in which they reside, churches and schools are permitted one (1) permanent or temporary sign up to a maximum of twenty (20) square feet which provides information relevant to church services, religious activities or educational activities within a church or school building. Said sign may be either a Wall or Freestanding Sign, illuminated or non-illuminated, provided that any illuminated sign shall be non-flashing.

5.15 EVENT SIGNS

Non-illuminated signs displayed on private property and limited to one (1) per zoning lot, announcing a drive or event of a civic, philanthropic, educational or religious organization are permitted. Event Signs shall not exceed twenty (20) square feet.

5.16 FLAGS

Flags with an insignia of any nation, state, city, township, community organization, or educational institution that are of a non-commercial nature are permitted.

5.17 GOVERNMENT SIGNS

Government Signs are exempted from the provisions of this Ordinance.

5.18 MAINTENANCE AND CONSTRUCTION STANDARDS

All Signs as defined in Section 5.3 of this Sign Ordinance shall be properly maintained and shall not be allowed to become unsightly through neglect or disrepair. Sign supports, braces, guys and anchors shall be installed and maintained in such a manner as to not cause a hazard. Signs shall be constructed to withstand all wind and vibration forces that can be normally expected to occur in their vicinity. Signs shall not be erected in any place where it may, by reason of its position, shape, color, or other characteristics, interfere with, obstruct the view of, or be confused with any traffic sign, signal or device, or constitute a nuisance. Landscaping around signs shall be groomed and maintained, so as to not be unsightly or obstruct Signage.

5.19 NON-CONFORMING SIGNS

It is the intent of this Section to recognize that the eventual elimination, as expeditiously as is reasonable, of existing signs and their supporting structures that are not in conformity with the provisions of this Sign Ordinance is as much a subject of health, safety and welfare as is the prohibition of new signs that would violate the provisions of this Sign Ordinance. It is the further intent of this Section that elimination of Non-Conforming Signs be effected so as to avoid unnecessary hardship on private property owners.

- A. A Non-Conforming Sign lawfully existing upon the effective date of this Sign Ordinance may be given normal maintenance.
- B. A Non-Conforming Sign shall not be changed to another Non-Conforming Sign.
- C. A Non-Conforming Sign shall not have changes made in the words or symbols or the message displayed on a Sign unless the Sign is designed for periodic changes in message.
- D. A Non-Conforming Sign shall not be structurally altered so as to prolong the life of the Sign, or to change the shape, size, type or design of the Sign.
- E. A Non-Conforming Sign shall not be re-established after the activity, business or usage to which it the Sign relates has been discontinued.

5.20 ABANDONED SIGNS

Abandoned Signs must be removed within thirty (30) days after meeting the Abandoned Sign definition set forth in Section 5.3. If the owner of the Abandoned Sign does not remove it after thirty (30) days, the Township, at its option, shall remove the Abandoned Sign, and bill the owner for costs of removal.

5.21 ENFORCEMENT

The Zoning Administrator may enter any property to conduct an inspection to determine whether there is any violation of this Sign Ordinance. If the Zoning Administrator shall find that any existing Sign regulated by this law is unsafe or insecure, is a menace or nuisance to the public, or erected in violation of this Sign Ordinance, the Zoning Administrator shall give written notice to the named owner of the Sign, and/or the named owner of the land upon which the Sign is

erected. The named owner either of the Sign or the land upon which the Sign is erected shall remove or repair said Sign within forth-five (45) days from the date of said notice. If the owner shall fail to remove or repair the Sign within forty-five (45) days, the owner shall be determined to be in violation of this Sign Ordinance. The Zoning Administrator, or the Sheriff or Sheriff's designee at the request of the Zoning Administrator, may issue a citation for any violation of this Sign Ordinance. Any person who fails to comply with any provision of this Ordinance shall, upon conviction, be fined not less than \$100 nor more than \$1,000 for each offense, together with costs of prosecution for each violation.

5.22 PRECEDENCE

Any conflicts that may exist between this Section (Section 5—Signs) and any other sections of the Charter Township of Calumet Zoning Ordinance, this Section shall take precedence.

SECTION 6 - NONCONFORMING STRUCTURES OR USES

6.1 NONCONFORMING STRUCTURES

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

6.2 NONCONFORMING USES

- A. Continuation and Change of Use - Except as otherwise provided in this Ordinance:
 - 1. A nonconforming use lawfully existing upon the effective date of this Ordinance may be continued. Those alleged nonconforming uses which cannot be proved conclusively to have been existing prior to the effective date of this Ordinance shall be declared illegal nonconforming uses and shall be discontinued following the effective date of this Ordinance.

2. A nonconforming use may be changed only to a use of the same or more restricted classification.

B. Expansion Prohibited:

1. A nonconforming use in a structure designed for a nonconforming use shall not be expanded or extended into any other portion of such conforming structure nor changed except to a conforming use.
2. A nonconforming use on a part of a lot shall not be expanded or extended into any other portion of such lot.
3. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district, or another classification, the foregoing provisions also shall apply to any existing uses that become nonconforming as a result of the boundary changes.

6.3 NONCONFORMING VARIANCE PERMITTED BY BOARD OF ZONING APPEALS

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

6.4 AMORTIZATION OF NONCONFORMING USES OR BUILDINGS

- A. Whenever a nonconforming use has been discontinued for a period of twelve (12) months, such use shall not thereafter be re-established, and use thereafter shall conform to the provisions of this Ordinance.
- B. No building damaged by fire or other causes to the extent that its restoration will cost more than ninety (90%) percent of its fair cash value shall be repaired or rebuilt except to conform to the provisions of this Ordinance.

6.5 SUBSTANDARD LOT

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

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

Every effort shall be made by the Planning Commission to allow owners of nonconforming lots of record to be used so injustice shall not be allowed to exist that can be resolved equitably.

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

SECTION 7 - SPECIAL USES AND PERMITS

7.1 SPECIAL USES

Special uses are those which cannot be adequately controlled by simple pre-regulation through rigid dimensional and use standards. Special uses require individual review by the Board of Appeals to insure conformance with the intent of this Ordinance. Special uses includes two (2) basic categories:

- A. Special Uses - Single uses or single aspects of permitted uses specifically identified in the Zoning Ordinance as requiring individual review under the Special Use Procedure.
- B. Special Uses in All Districts - The following are designated as special uses which may be approved by all zoning districts: Public utility and service uses such as electric substations, gas regulator stations, telephone transmission structures, radio-television-microwave relay towers, water reservoirs, pumping stations, sanitary landfills, government buildings, transportation facilities, and similar uses.

7.2 SPECIAL USE PROCEDURE

- A. Procedure - In applying for a special use, the applicant shall follow all procedures set forth on zoning permits. The Zoning Administrator shall refer that application to the Planning Commission. The Planning Commission shall, after careful review of the application for special use, make a recommendation on each application to the Township Board. The Planning Commission, after holding a public hearing in accordance with state statutes, shall make a recommendation after the concluded public hearing forwarding such recommendations directly to the Township Board. The Township Board may approve, modify, or disapprove the application. In the case of approval, or approval with modification, the Township Board shall issue written authorization to the Zoning Administrator to issue a Special Use permit in full conformance with Section 10 (amended, adopted and effective November 26, 2008). This authorization shall remain on permanent file with the application. The Township Board may attach special conditions to insure conformance with the intent of all comprehensive plan

elements. The Township Board may establish a schedule of reasonable fees to be charged for Special Use permits.

The Special Use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may be modified by another provision of this Ordinance, or by the Township Board.

- B. Special Uses in Specified Districts: Other special uses may be approved in only those zoning districts where they are designated as special uses under the zoning district regulations.
- C. Standards for Decisions and Recommendations of the Township Board and Planning Commission: No Special Use permit shall be recommended by the board or the Planning Commission unless there is a concurring vote of the majority of all members present based on findings of fact that:
 - 1. The establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
 - 2. The special use will not be injurious to the use and enjoyment or other property in the immediate vicinity for the purpose already permitted nor substantially diminish property values within the neighborhood.
 - 3. The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
 - 4. Adequate utilities, access roads, drainage or necessary facilities have been or will be provided.
 - 5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

7.3 PERMIT REQUIRED FOR CERTAIN USES

Notwithstanding any other provision of this Ordinance, no land in any zone shall be used for any of the following uses without first obtaining a special use permit from the Township Board.

- A. Tavern, including any establishment where beer, wine or liquor are sold for consumption on the premises.
- B. Junk Yard - Salvage Yard
- C. Automobile Sales Lot
- D. Sanitary Landfill

7.4 REQUIREMENTS FOR GRANTING PERMIT

In order to grant a permit under this chapter, the Township Board must find that the proposed establishment is required to serve in the area or neighborhood and that it can be conducted at the proposed location without interfering with the enjoyment of substantial property rights by other owners in the vicinity.

7.5 TIME LIMITATION ON PERMIT

No permit for a junk yard, or sanitary landfill shall be issued for a period of more than five (5) years and shall not be renewed unless the findings required by the above shall be made as upon an original application.

7.6 CONDITIONS OF PERMIT

The Township Board shall attach appropriate conditions to permits granted for junk yards or sanitary landfill respecting hours of operation, fires, sanitation, supervision, fences, and other matters in its discretion. The Township Board may prescribe an annual fee to cover the cost of supervising these establishments.

SECTION 8 - SITE PLAN REVIEW

8.1 PURPOSE

The intent of this section is to provide for consultation and cooperation between the land developer and the Township Planning Commission in order that the developer may accomplish his objectives in the utilization of his land within the regulations of this zoning ordinance and with minimum adverse effect on the use of adjacent streets and highways in existing and future uses in the immediate area and vicinity.

8.2 SCOPE

Except as hereinafter set forth, the Zoning Administrator shall not issue a permit for any construction or uses until a site plan, submitted in accordance with this section, shall have been reviewed and approved by the Planning Commission. The following uses are exempt from this requirement:

- A. Single or two-family homes under separate ownership on an individual and separate lot for each one.
- B. Interior accessory and subordinate buildings requiring no new or additional means of access thereto from adjoining public roads or highways and complying with all zoning ordinance requirements.
- C. Projects involving the expansion, remodeling or enlargement of existing buildings which comply with all zoning ordinance requirements and involve no new or additional means of access thereto from adjoining public roads or highways.

- D. Special uses, buildings, and structures where site plan review shall be conducted by the Planning Commission under the standards controlling special exception uses as well as the standards contained in this Site Plan Review Section.

8.3 OPTIONAL SKETCH PLAN REVIEW

Preliminary sketches of proposed site and development plans may be submitted for review to the Planning Commission prior to final approval. The purpose of such procedure is to allow discussion between a developer and the Zoning Board to better inform the developer of the acceptability of his proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval. Such sketch plans shall include as a minimum the following:

- A. The name and address of the applicant or developer, including the names and addresses of any officers of a corporation or partners of a partnership.
- B. A legal description of the property.
- C. Sketch plans showing tentative site and development plans.

The Planning Commission shall not be bound by any tentative approval given at this time.

8.4 APPLICATION PROCEDURE

Requests for final site plan review shall be made by filing with the township clerk the following:

- A. A review fee as determined by resolution of the township board based upon the cost of processing the review and as shall be on file with the township clerk for public information.
- B. Seven copies of the completed application form for site plan review which shall contain as a minimum the following:
 - 1. The name and address of applicant.
 - 2. The legal description of the subject parcel of land.
 - 3. The area of the subject parcel of land stated in acres or, if less than a acre, in square feet.
 - 4. The present adjoining zoning classification of the subject parcel.
 - 5. A general description of the proposed development.
- C. Seven copies of the proposed site plan which shall include as a minimum the following:

A scale drawing of the site and proposed development thereon, including the date, name and address of the preparer; the topography of the site and its relationship to adjoining land; existing man-made features; dimensions of setback, locations, heights, and size of structures and other important features; percentage of land covered by buildings and that reserved for open space; dwelling unit density where pertinent; location of public and private right-of-way and easements contiguous to and within the proposed development which are planned to be continued, created, relocated, or abandoned, including grades and types of construction of those upon the site; curb-cuts, driving lanes, parking and loading areas; location and type of drainage, sanitary sewers, storm sewers, and other facilities; fences; landscaping; screening; proposed earth changes; environmental impact of the project; signs and on-site illumination; and additional materials information necessary to consider the impact of the project upon adjacent properties and the general public as may be demanded by the township building and zoning official or the zoning board.

8.5 ACTION ON APPLICATION AND PLANS

- A. Upon receipt of the application and plans, the township clerk shall record the date of receipt thereof and transmit five copies thereof to the chairman of the zoning board; one copy to the township building inspector and the zoning administrator.
- B. A hearing shall be scheduled by the chairman of the zoning board for a review of the application and plans as well as the recommendations of the township building inspector and the zoning administrator with regard thereto. Members of the zoning board shall be delivered copies of the same prior to the hearing for their preliminary information and study. The hearing shall be scheduled within not more than 45 days following the date of the receipt of the plans and application of the township clerk.
- C. The applicant shall be notified of the date, the time and place of the hearing on his application not less than three days prior to such date.
- D. Following the hearing, the Planning Commission shall have the authority to approve, disapprove, add conditions, modify or alter the proposed plans in accordance with the purpose of the site plan review provisions of the township zoning ordinance and criteria therein contained. Any required modification or alteration shall be stated in writing, together with the reasons therefor, and delivered to the applicant. The Planning Commission may either approve the plans contingent upon the required alterations or modifications, if any, or may require a further review after the same have been included in the proposed plans for the applicant. The decision of the zoning board shall be made by said board within 100 days of the receipt of the application by the township clerk.
- E. Two copies of the approved final site plan with any required modifications thereon shall be maintained as part of the township records for future review and enforcement. One copy shall be returned to the applicant. Each copy shall be signed and dated with the date of approval by the chairman of the zoning board

for identification of the finally approved plans. If any variances from the zoning ordinance have been obtained from the board the minutes concerning the variance, duly signed, shall also be filed with the township records as a part of the site plan and delivered to the applicant for his information and direction.

8.6 CRITERIA FOR REVIEW

In reviewing the application and site plan and approving, disapproving or modifying the same, the Planning Commission shall be governed by the following standards:

- A. That there is a proper relationship between the existing streets and highways within the vicinity and proposed deceleration lanes, service drives, entrance and exit driveways and parking areas to assure the safety and convenience of pedestrian and vehicular traffic.
- B. That the buildings, structures and entryway thereto proposed to be located upon the premises are so situated and designed as to minimize adverse effects therefrom upon owners and occupants of adjacent properties and the neighborhood.
- C. 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.
- D. That any adverse effects of the proposed development and activities emanating therefrom upon adjoining residents or owners shall be minimized by appropriate screening, fencing or landscaping.
- E. That all provisions of the township zoning ordinance are complied with unless an appropriate variance therefrom has been granted by the Planning Commission.
- F. That all buildings and structures are accessible to emergency vehicles.
- G. That the plan, as approved, is consistent with the intent and purpose of zoning to promote public health, safety, morals and general welfare; to encourage the use of lands in accordance with their character and adaptability; to avoid the overcrowding of population; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate adequate provisions for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties; to conserve property values and natural resources; and to give reasonable consideration to the character of a particular area; its peculiar suitability for particular uses and the general and appropriate trend and character of land, building and population development.

8.7 CONFORMITY TO APPROVAL 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. If construction and development does not conform with such approved plan, the approval thereof shall be forthwith revoked by the building inspector and the zoning administrator of the township by written notice of such revocation posted upon the premises involved and mailed to the developer at his last known address. Upon revocation of such approval, all further construction activities shall cease upon the site, other than for the purpose of correcting the violation. However, the Planning Commission may, upon proposed application of the developer and after a hearing, approve a modification in the site plan to coincide with the developer's construction provided such construction complies with the criteria contained in the site plan approval provisions and with the spirit, purpose and intent of the township zoning ordinance.

Approval of the site plan shall be valid for a period of one year after the date of approval. If a building permit has not been obtained and on-site development actually commenced within said one year, the site plan approval shall become void and a new application for site plan approval shall be required and new approval shall be required and obtained before any construction or earth change is commenced upon the site.

8.8 AMENDMENT OF SITE PLAN

A proposed amendment, modification or alteration to a previously approved site plan shall be submitted to the Planning Commission for review in the same manner as the original application was submitted and reviewed.

SECTION 9 - ZONING BOARD OF APPEALS AND ENFORCEMENT

9.1 ZONING BOARD OF APPEALS

- A. Establishment of Board: In order that the objectives of this Ordinance may be fully and equitably achieved, that a means shall be provided for competent interpretation of this Ordinance; that adequate but controlled flexibility be provided in the application of this Ordinance; that health, safety, and welfare of the public be secured; and that justice be done; there is hereby established a Zoning Board of Appeals.
- B. Membership, Terms of Office: The Board of Appeals shall consist of three (3) members. The first member of the Board of Appeals shall be the Chairman of the Township Planning Commission, the second member shall be a member of the Township Board appointed by the Board. This second member shall not serve as Chairman of the Board of Appeals. The first and second members shall serve for the term of their respective Commission and Township Board Offices. One (1) at-large member shall be selected and appointed by the Township Board from among electors residing in and having property assessed for taxes located

in the unincorporated area of the Township. Terms are three (3) years, provided that no elected officer of the Township, nor any employee of the Township Board may serve simultaneously as one of these at-large members, nor as an employee of this Zoning Board of Appeals.

- C. Members of the Zoning Board of Appeals shall be removable by the Township Board for non-performance of duty or in case of misconduct in office, upon written charges following a public hearing.

9.2 ORGANIZATION AND PROCEDURES

- A. Rules of Procedure - The Zoning Board of Appeals shall adopt its own rules of procedure to insure proper conduct of its meetings.
- B. Majority Vote - The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant any matter upon which they are now required to pass under this Ordinance or to effect any variation in this Ordinance.
- C. Meetings - Meetings shall be open to the public and shall be held at the call of the Chairman and at such other times as the Zoning Board of Appeals shall specify in its rules of procedure. The Board shall choose its own Chairman, and, in his absence, an acting Chairman.
- D. Records - Minutes shall be recorded of all proceedings which shall contain evidence and data relevant to every case considered together with the votes of the members and the final disposition of each case. The grounds of every determination shall be stated and such determination from which the appeal is taken. Such minutes shall accompany and can be attached to the standard forms required of persons appealing as part of the Zoning Board of Appeals' permanent records. Such minutes shall become a public record and as such be filed in the office of the Clerk. A copy of the decision shall be sent promptly to the applicant or appellant and to the Zoning Administrator.
- E. Secretary and Counsel - The Clerk shall be responsible for acting as secretary, or of providing secretarial services for the Zoning Board of Appeals and all records of the Board's action shall be taken and recorded under his direction. The Attorney for the Township shall act as legal counsel for the Board and shall, upon request by the Board, be present at designated meetings.
- F. Following receipt of a written request for a hearing, the Zoning Board of Appeals shall fix a reasonable time for the hearing. Said hearing shall be preceded by the notice requirements set forth in Section 11.3(D) of this Ordinance. The Board of Appeals may recess such hearing from time to time, and if the time and place of the continued hearing be publicly announced at the time of adjournment, no further notice shall be required.
- G. The Zoning Board of Appeals shall not conduct business unless a majority of the

members of the Board are present.

- H. Decisions - The Board of Appeals shall make and enter a decision upon each case within ten (10) days following the hearing. The decision of the Board shall not become final until the expiration of five (5) days from the date of entry of such order unless the Board shall find the immediate effect of such order is necessary for the preservation of property or personal rights and shall certify on the record.

9.3 APPEALS - HOW TAKEN

- A. Appeals - of the Zoning Board of Appeals may be taken by any person aggrieved, or by an officer, department, or Board of the Township.
- B. Time Limit - Any appeal from the ruling of the Zoning Administrator concerning the enforcement of the provisions of this Ordinance shall be made to the Zoning Board of Appeals through the Zoning Administrator within (amended, adopted and effective November 26, 2008) ten (10) days after the date of the Zoning Administrator's decision, which is the basis of the appeal. The person making the appeal must file with the Zoning Administrator a signed notice of appeal specifying the grounds for the appeal. The Zoning Administrator shall immediately transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed from was taken.
- C. Stay - An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Zoning Board of Appeals after the notice of the appeal shall have been filed with him that, for reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Board of Appeals, or, on application, by the Circuit Court, on notice to the officer for whom the appeal is taken and on due cause shown.
- D. Representation - Any party may appear in person or by agent or by attorney at a hearing considering his request for appeal.
- E. Fee on Appeal - A fee as designated in the Township's Schedule of Fees and updated from time to time (amended, adopted and effective November 26, 2008) shall be paid to the Clerk at the time of filing application with the Zoning Board of Appeals. The purpose of the fee is to cover any necessary investigation expenses incurred by the Zoning Board of Appeals in connection with the appeal.

9.4 DUTIES AND POWERS OF THE ZONING BOARD OF APPEALS

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

in the administration of this Ordinance.

2. Interpretation - shall have the power to:
 - a. Hear and decide upon appeals for the interpretation of the provisions of this Ordinance.
 - b. Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision between said subject made by the Zoning Administrator.
 - c. Classify a use which is not specifically mentioned along with a comparable permitted or prohibited use for the purpose of the use regulations in any zoning district.
3. Special Permits - To issue special permits for any of the uses for which this Ordinance requires the obtaining of such permits from the Board of Appeals; or the extension of a building or use as such existed district for a passage of this Ordinance into a contiguous more restricted district for a district for a distance not exceeding three hundred (300) feet; but not for any other use or purpose. In granting any special permit, the Board shall prescribe any conditions that it deems to be necessary to or desirable for the public interest. However, no such special permit shall be granted by the Board of Appeals unless it finds that the use for which such permit is sought will not be injurious to the neighborhood or otherwise detrimental to the public welfare and will be in harmony with the general purpose of this chapter. In determining its finding, the Board shall take into account the character and use of adjoining buildings and those in the vicinity, the number of persons residing or working in such buildings or upon such land and traffic conditions in the vicinity.
4. Variances - The Zoning Board of Appeals shall have the power to authorize upon appeal specific variances from such dimensional requirements as lot area and width regulations, building height and bulk regulations, yard width and depth regulations and such requirements as off-street parking and loading space as specified in this Ordinance when all the basic conditions listed below are satisfied.

Basic Conditions - That any variance granted:

- a. Will not be contrary to the public interest and will not be contrary to the spirit and intent of this Ordinance.
- b. Shall not permit the establishment within a Zoning District of any use which is not permitted by right within that District.
- c. Will not cause any adverse effect to property in the vicinity or in the Zoning District or the Township.

- d. Is not where the specific conditions pertaining to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions practicable.
 - e. Relates only to property that is under the control of the applicant.
 - f. Affects only property subject to exceptional or extraordinary circumstances or conditions that do not generally apply to other property or uses in the vicinity, and have not resulted from any act of the applicant.
 - g. Must be granted in order to avoid practical difficulties or unnecessary hardship which would result from enforcement of the strict letter of this Ordinance.
5. Rules - In addition to the foregoing conditions, the following rules shall be applied in the granting of variances:
- a. In granting a variance, the Zoning board of Appeals may specify in writing to the applicant, such conditions in connection with the granting that will, in its judgment, secure substantially the objectives of the regulations or provisions to which such variance applies. The breach of any such condition shall automatically invalidate the permit granted.
 - b. No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be submitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Board to be valid.
 - c. Each variance grant under the provisions of this chapter shall automatically expire one (1) year from the date granted unless:
 - i. The construction authorized by such variance or permit has been commenced within one (1) year after the granting of the variance and is being carried progressively to completion.
 - ii. The occupancy of land, premises or buildings authorized by the variance has taken place within one (1) year after the variance was granted.

9.5 ENFORCEMENT

A. Violation and Penalties

- 1. Violation a Nuisance - Buildings erected, altered, moved, razed, or converted, or any use of land or premises carried on in violation of any

provision of this Ordinance are declared to be a nuisance.

2. Inspection of Violation - The Zoning Administrator shall inspect each alleged violation and shall order correction, in writing, to the violation of all conditions found to be in violation of this Ordinance.
3. Correction Period - All violations shall be corrected within a period of thirty (30) days after the order to correct is issued by the Zoning Administrator or as such longer period of time, not to exceed six (6) months, as the Zoning Administrator shall determine. A violation not corrected within this period shall be reported to the County Prosecuting Attorney or the Township Attorney who shall initiate prosecution procedures.
4. Penalties - Every person, corporation, or firm who violates, disobeys, omits, neglects, or refuses to comply with any provision of this Ordinance or any permit license or exception granted hereunder, or any lawful order of the Zoning Administrator, Zoning Board of Appeals or Planning Commission issued in pursuance of this Ordinance, shall be guilty of a misdemeanor. Upon conviction thereof before any court of the County, he shall be punishable by a fine not to exceed \$100.00, plus court costs, or by imprisonment not to exceed ninety (90) days, or both. The imposition of any sentence shall not exempt the offender from compliance with the provisions of this Ordinance.
5. Remedies - The Zoning Administrator, or the Township Board, the Planning Commission, the Zoning Board of Appeals, or any interested party may institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove any unlawful erection, alternation, maintenance or use. The rights and remedies herein provided are civil in nature and are in addition to criminal remedies.
6. Scope of Remedies - The rights and remedies provided in this Ordinance are cumulative and are in addition to all other remedies provided by law. All fines collected shall belong to the Township and shall be deposited in the General Fund.

SECTION 10 - ADMINISTRATION AND PERMIT PROCEDURE

10.1 ADMINISTRATION AND ADMINISTRATOR:

- A. The provisions of this Ordinance shall be administered by the Township Planning Commission and the Township Board in accordance with the State of Michigan Statutes (amended, adopted and effective November 26, 2008).
- B. The Township Board shall designate a Zoning Administrator to act as the Township Officer to insure and effect the proper administration of this Ordinance. The Zoning Administrator may designate or appoint another person or persons to assist with the proper administration of this Ordinance including appropriate

individuals or representatives of the County of Houghton. Any individual or individuals so selected, their terms of employment, the limits to the extent of their authority, to enforce this Ordinance and the rate of compensation that they shall be paid, shall be established by the Township Board. The Township Board shall have no such authority in regard to any officials of the County of Houghton, however. There shall be a form of building permit used in Calumet Township requiring the approval and signatures of the Township Zoning Administrator or his authorized representative and a co-signature of the appropriate building official for the County of Houghton, before any individual will be allowed to proceed with any building or alternation or similar construction as described in this Ordinance.

C. Duties - the Zoning Administrator shall:

1. Review all applications for zoning permits and certificates of occupancy and approve or disapprove such applications based on compliance or noncompliance with the provisions of this Ordinance and issue certificates when there is compliance with this Ordinance.
2. Receive all applications for special use permits; conduct field inspections, investigations, prepare maps, charts, and other pictorial materials when necessary or desirable and otherwise process applications so as to formulate recommendations; report to the Planning Commission with recommendations; and notify the applicant in writing of any decision of the Planning Commission.
3. Receive all applications for appeals, variances, or other matters which the Zoning Board of Appeals is required to decide under this Ordinance; conduct field inspections, investigations, prepare maps, charts and other pictorial materials and otherwise process applications so as to formulate recommendations; refer such applications with recommendations to the Zoning Board of Appeals for determination.
4. Receive all applications for amendments to this Ordinance; conduct field inspections, surveys and investigations, prepare maps, charts, and other pictorial materials and otherwise process applications so as to formulate recommendations.
5. Maintain a map or maps showing the current zoning classifications for all land in the Township.
6. Maintain written records of all actions taken by the Zoning Administrator.
7. Be responsible for providing forms necessary for the various applications to the Zoning Administrator, Planning Commission, Township Board, or Zoning Board of Appeals, as required by this Ordinance, and shall be responsible for what information is necessary on such forms for the effective administration of this Ordinance subject to the general policies of the Township Board, Planning Commission and Zoning Board of Appeals.

10.2 ZONING PERMITS

- A. Requirements for - Excavation for any building or structure shall not be commenced; the erection of, addition to, alternation of, repair of, or moving of any building or structure shall not be undertaken, and no land use shall be commenced until a zoning permit has been secured from the Zoning Administrator. Except upon a written order of the Zoning Board of Appeals, no such zoning permit or certificate of occupancy shall be issued for any building where the construction, addition, alteration or use thereof would be in violation of any of the provisions of this Ordinance.
- B. Permit Applications - Applications for a permit shall be made to the Zoning Administrator on forms furnished by the Zoning Administrator, and shall include the following, where applicable:
1. Names and addresses of the applicant, owner of the site, architect, professional engineer and contractor.
 2. Description of the subject site by lot, block and recorded subdivision; address of the subject site, type of structure, existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
 3. Plat of survey prepared by a registered land surveyor showing the location, boundaries, dimensions, elevations, uses and size of the following: subject site, existing and proposed structures, existing and proposed easements, streets, and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; existing and proposed street, side and rear yards. In addition, the plat of survey shall show the location, elevation and use of any abutting lands and their structures within forty (40) feet of the subject site.
 4. Proposed sewage disposal plan, if municipal sewerage service is not available. This plan shall be approved by the County Engineer or Sanitarian who shall certify in writing that satisfactory, adequate, and safe sewage disposal is possible on the site as proposed by the plan, in accordance with applicable local, county and state Board of Health restrictions.
 5. Proposed water supply plan, if municipal water service is not available. This plan shall be approved by the County Engineer or Sanitarian who shall certify in writing that an adequate and safe supply of water shall be provided.
 6. Concrete, stone, wood, masonry, or other fences in a required front yard, of any district shall require permits. The Zoning Administrator shall also require permits for any fences or other structures within the sight triangle establishment at intersections. See Section 4.5, Traffic Visibility.

7. Each permit issued for a main building also shall cover any necessary structures or buildings constructed at the same time, on the same premises, and such permit for which it is issued until completion of construction or occupancy.
8. All applications and a copy of all permits issued shall be systematically filed and kept by the Zoning Administrator in his office for ready reference.
9. No permit shall be required for:
 - a. Routine maintenance or repair of buildings, structures, or equipment such as repainting or re-roofing a building, or siding a building.
 - b. Alterations of existing buildings having a replacement value of less than two thousand (\$2,000) dollars in any one twelve (12) month period.
 - c. Construction of a service connection to a municipally owned and operated utility.
 - d. Ordinary farm buildings used in an agricultural pursuit (other than those used or intended for human habitation), such as barns, sheds, out-buildings, silos, grain storage facilities, pens, fences, and corrals.
- C. Evidence of Ownership - All applications for zoning permits under the provisions of this Ordinance shall be accomplished by evidence of ownership of all property affected by the coverage of the permit.
- D. Voiding of the Permit - Any zoning permit granted under this Section shall become null and void unless the development proposed shall have its first building inspection within one (1) year for the date of the granting of the permit. The Zoning Administrator shall make every effort to notify the holder of a permit that is liable for voiding action before voidance is actually declared. The Zoning Administrator may suspend or revoke a permit issued under the provisions of this Ordinance whenever the permit is issued in error, or on a basis of incorrect information supplied by the applicant or his agent of in violation of any of the provisions of this Ordinance or of any other ordinances or regulations of the Township.
- E. Inspection Fee - Before any zoning permit shall be issued covering building or other operations regulated by this Ordinance, an inspection fee shall be paid as designated in the Township's Schedule of Fees and updated from time to time. Said fee shall be payable to the governmental unit which performs the inspection.
- F. Inspection - The construction or usage affected by any zoning permit shall be

subject to the following:

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

10.3 SPECIAL USE PERMITS

- A. Application - Applications for special use permits authorized in this Ordinance

shall be submitted to the Zoning Administrator on a form supplied for such purposes. Applications shall be accompanied by the payment of a fee as designated in the Township's Schedule of Fees and updated from time to time (amended, adoptive and effective November 26, 2008), to cover the costs of processing and the procedures of public hearing. Applications for special use permits shall be subject to the provisions of Section 10.2, Zoning Permits in addition to the provisions stated herein.

B. Procedures (Amended, Adopted and Effective November 26, 2008)

1. The Zoning Administrator shall forward the application and supporting data to the Township Planning Commission.
2. The Planning Commission shall review the proposed development as presented in the application and in terms of the specifications established in this Ordinance.
3. After adequate review and study of any application, the Planning Commission shall hold a public hearing or hearings when the following requirements are met:
 - a. Notice of the hearing shall appear in a newspaper of general circulation within the Township not less than fifteen (15) days before the application will be considered for approval. Said notice shall include the nature of the request, the property that is the subject of the request, existing street address(es) (if said address(es) exist), when and where the request will be considered, when and where written comments concerning the request will be received.
 - b. If the request involves ten (10) or fewer adjacent properties:
 - i. Notice shall be sent by mail or personal delivery to the owners of the property for which approval is being considered.
 - ii. Notice shall be sent to persons to whom real property is assessed within three hundred (300) feet of the property.
 - iii. If the request involves eleven (11) or more adjacent properties, the notice requirements in Section 10.3(B)(3)(b) shall not apply. In addition, no existing street address(es) shall be listed in the hearing notice published in a newspaper of general circulation within the Township.
4. The Planning Commission, after public hearing procedures, may issue a special use permit subject to the final approval of the Township Board. A copy of the decisions of both, with any conditions or reasons for rejection, if it be so, shall be sent promptly to the Zoning Administrator and to the

applicant.

- C. Basis of Determination - The Planning Commission shall review the proposed special use in terms of the standards stated within this Ordinance and shall find adequate evidence that such use in the proposed location:
1. Will be harmonious with and in accordance with the general and specific objectives of the Township Land Use Plan.
 2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed to be located.
 3. Will not be hazardous or disturbing to existing or future nearby uses.
 4. Will be equal to or an improvement in relation to the property in the immediate vicinity and to the Township as a whole.
 5. Will be served adequately by essential public services and facilities or that the persons responsible for the establishment or the proposed use will provide adequately any such service or facility.
 6. Will not create excessive additional public costs and will not be detrimental to the economic welfare of the Township.
 7. Will be consistent with the intent and purpose of this Ordinance.
- D. Conditions and Safeguards - The Planning Commission may impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights on nearby parcels, and for insuring that the purposes of this Ordinance and the general spirit and purpose of the District in which the special use is proposed will be observed. Where screens of shrubbery, brick or masonry walls, fences or other barriers are required by provisions of this Ordinance, the Planning Commission will insure that the owners or proprietors will make adequate provisions for the upkeep and maintenance of such screening. If such screening is not maintained, it shall be declared a nuisance and the provisions of this Ordinance for abating nuisances will be followed. Special use permits may be issued for specific time periods as determined by the Planning Commission.
- E. Re-application - No application for a special use permit which has been denied wholly or in part shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions found to be sufficient to justify reconsideration of the Planning Commission and the Township Board.
- F. Jurisdiction of Zoning Board of Appeals - The Zoning Board of Appeals shall have no jurisdiction over appeals of decisions of the Planning Commission or the

Township Board in regard to matters concerning the granting of special use permits.

10.4 CERTIFICATION OF OCCUPANCY

- A. Hereafter a Certificate of Occupancy shall be required for the following:
1. Occupancy or use of a building erected, altered, extended, relocated or reconstructed.
 2. Change in use of a building.
 3. That the Certificate of Occupancy shall be issued by the County of Houghton; the County of Houghton will maintain a record of all Certificates of Occupancy issued for premises situated in the Township of Calumet.
 4. Occupancy for the use or a change in a use of land except for the raising of crops or other agricultural pursuits, unless specifically exempted from securing a Certificate of Occupancy in the various zoning district requirements and rules.
- B. Contents - Any Certificate of Occupancy issued by the Zoning Administrator or his appointed agent shall state that the proposed occupancy or use and any structure or building embraced in the occupancy or use shall conform with the provisions of this Ordinance and shall further state any special limiting conditions of such occupancy or use.
- C. Required for Nonconforming Uses - any use or occupancy of land or building not specifically permitted in its particular zoning district shall require the issuance of a Certificate of Occupancy for continued use, the authority by which it is permitted, and any limiting conditions to such use.
- D. Time for Applications - All Certificates of Occupancy shall be applied for coincident with the application for a building permit or within ten (10) days of a contemplated change in the use of a building or land. A Certificate of Occupancy shall be issued within ten (10) days after the lawful erection or alteration of a building is completed, as certified by the Zoning Administrator.
- E. Availability of Record - A record of all Certificates of Occupancy shall be kept on file in the office of the Zoning Administrator or his appointed agent and copies shall be furnished on request to any person having propriety or tenancy interest in the building affected.

SECTION 11 - AMENDMENTS

11.1 POWER TO AMEND

The regulations and provisions incorporated with the text of this Ordinance and the boundaries of Zoning Districts shown on the Zoning Map may be amended, supplemented, or changed by ordinance of the Township Board.

11.2 WHO MAY INITIATE

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

11.3 PROCEDURE FOR INITIATING AND PROCESSING AN AMENDMENT

- A. Each petition by one or more persons for an amendment shall be submitted in application to the Planning Commission through the Zoning Administrator on a standard form provided, and shall be accompanied by a fee as established by the Township Board to cover administrative and publication costs. No part of such fee shall be returnable to a petitioner, if a public hearing is held.
- B. When a request for amendment is initiated the Zoning Administrator shall notify the Township Board of the request for an amendment at the same time he transmits the zoning amendment request to the Planning Commission.
- C. The Planning Commission shall consider each proposal for amendment in terms of its own judgment on particular factors related to the individual proposal and in terms of the most likely effect on the community's physical development. The Planning Commission may recommend any additions or modifications to the original amendment proposal.
- D. After deliberation on any special proposal, the Planning Commission shall hold a public hearing or hearings when the following requirements are met (amended, adopted and effective November 26, 2008):
 - 1. Notice of the hearing shall appear in a newspaper of general circulation within the Township not less than fifteen (15) days before the proposal will be considered for approval. Said notice shall include either a summary or the text of the proposed amendment, the property or geographic area that is the subject of the proposal, existing street address(es) (if said address(es) exist), when and where the proposal will be considered, when and where written comments concerning the proposal will be received, the effective date of the proposed amendment, and the place where and time a copy of the proposed amendment may be inspected.
 - 2. If the proposal involves ten (10) or fewer adjacent properties:
 - a. Notice shall be sent by mail or personal delivery to the owners of the property for which approval is being considered.
 - b. Notice shall be sent to persons to whom real property is assessed within three hundred (300) feet of the property.

- c. Notice shall be sent to occupants of structures within three hundred (300) feet of the property, regardless if the property is located in the Township.
- 3. If the request involves eleven (11) or more adjacent properties, the notice requirements set forth in Section 11.3(D)(2) shall not apply. In addition, no existing street address(es) shall be listed in the hearing notice published in a newspaper of general circulation within the Township.
- 4. Not less than fifteen (15) days notice of the hearing shall also be given by certified mail to each public utility company and each railroad within the affected zone.
- E. Following the conclusion of the public hearing the Planning Commission shall transmit the proposed amendment to the Township Board. If the Board shall deem any amendments, changes, additions, or departures advisable to the proposed text or district boundaries, it may, at the Board's discretion, refer any proposed amendments to the Planning Commission for consideration and comment within a time specified by the Board. The Township Board shall grant a hearing on the proposed amendment to any property owner who requests a hearing by certified mail to the Township Clerk. If the property owner is requesting a public hearing, said hearing shall be preceded by the notice requirements set forth in Section 11.3(D) of this Ordinance (amended, adopted and effective November 26, 2008).
- F. No application for a re-zoning which has been denied by the Township Board 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 Township Board to be valid.

SECTION 12 - RULES AND DEFINITIONS

12.1 RULES

- A. Words used in the present tense shall include the future; and words used in the singular number shall include the plural number, and the plural the singular; where the context requires.
- B. The word "shall" is mandatory and not discretionary.
- C. The word "may" is permissive.
- D. The word "lot" shall include the words "piece", "parcel", "tract"; and the phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for".
- E. All measured distances shall be to the nearest integral foot; of a fraction is one-half foot or less, the integral foot next below shall be taken.

- F. Any words not defined as follows shall be construed in their general accepted meanings as defined in the most recent publication of Webster's Dictionary.
- G. The words and terms set forth herein under "Definitions" wherever they occur in this Ordinance shall be interpreted as herein defined.

12.2 DEFINITIONS

A. ACCESSORY USE OR STRUCTURE

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

B. AGRICULTURE

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

C. AUTOMOBILE OR TRAILER SALES AREA

An open area used for the display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.

D. BOARD

Whenever the word "Board" is used, it refers to the Board of Appeals.

E. BUILDING

A structure erected on a site, a mobile home, or mobile structure, a pre-manufactured or pre-cut structure, above or below ground, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.

F. CAMP OR CAMPGROUNDS

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

G. COMPREHENSIVE PLAN

The extensively developed and evolving plan, also called a Land Use Plan, adopted by the Township Planning Commission.

H. CONSERVATION

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

I. CONSUMER SERVICE

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

J. DWELLING, SINGLE-FAMILY

A building containing not more than one (1) dwelling unit designed for residential use, complying with the following standards:

1. It complies with the minimum square footage requirements of this Ordinance for the zone in which it is located.
2. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Michigan State Construction Code, then in that event such federal or state standard or regulation shall apply.
3. It is firmly attached to a permanent foundation constructed on the site in accordance with the Michigan State Construction code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.
4. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
5. The dwelling is connected to a public sewer and water supply or to such

private facilities approved by the local health department.

6. The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to ten (10%) percent of the square footage of the dwelling, or 100 square feet, whichever shall be less.
7. The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof over-hang ~~of or~~ not less than six (6") inches on all sides, or alternatively, with window sills or roof drainage systems concentrating roof drainage at collection points along the side of the dwelling; has not less than two (2) exterior doors with the second one being in either the rear or the side of the dwelling and contains steps connected to said door areas where a difference in elevation requires the same.

The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Inspector upon review of the plans submitted for a particular dwelling, subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of fifteen (15) days from the receipt of notice of said Zoning Inspector's decision. Any determination of compatibility shall be based upon the standards set forth in this definition of "dwelling" as well as the character, design and appearance of one or more residential 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 twenty (20%) percent 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 residential dwellings located outside of mobile home parks throughout the Township.

The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique and contour, or relief from the common or standard designed home.

8. The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
9. The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated the United States Department of Housing and Urban Development, being 25 CFR3280, and as from time to time such standards may be amended. Additionally, all dwellings shall

meet or exceed all applicable roof snow load and strength requirements.

10. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in the Ordinance of the Township of Calumet pertaining to such parks. See Section 12 of this Ordinance.

11. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable Michigan State Construction Code provisions and requirements.

K. DWELLING, TWO-FAMILY

A building containing not more than two separate dwelling units designed for residential use and conforming in all other respects to the standards set forth for Single-Family Dwelling Unit.

L. DWELLING, MULTI-FAMILY

A building containing three or more dwelling units designed for residential use and conforming in all other respects to the standards set forth for single-Family Dwelling Units.

M. ESSENTIAL SERVICES

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

N. FAMILY

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

O. FLOOR AREA

The sum of the gross floor area for each of the several stories under roof measured for the exterior limits or faces of a building or structure. Areas below grade and attached accessory structures are not included.

P. GARAGE, PRIVATE

An accessory building, or an accessory portion of a principal building enclosed on at least three (3) sides which is intended for and used to store private passenger motor vehicles and no more than one (1) three-quarter ton or lesser-sized truck.

Q. GARAGE, PUBLIC

A building other than a private garage used for the care, repair, or equipment of automobiles, or where such vehicles are parked or stored for remuneration, hire or sale.

R. GRADE

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

S. HOME OCCUPATION

An occupation carried on in a dwelling by the resident thereof, not involving the conduct of a retail business or manufacturing business; the employment of any additional persons in the performance of such services excepting members of the immediate family residing on the premises and one receptionist or office assistant; not using any mechanical equipment other than is usual for purely domestic or hobby purposes; not exterior storage of equipment or materials used in connection with the home occupation. Home occupations, further, shall not utilize more than twenty-five (25%) percent of the total floor area of any one (1) story.

T. HOTEL

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

U. INSTITUTIONAL USES

Churches, schools, hospitals and other similar public or semi-public uses.

V. JUNKYARD

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

W. LOADING AREA

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

X. LODGING ROOM

A room rented as sleeping and living quarters, but without cooking facilities, and with or without an individual bathroom. In a suite of rooms, each room which provides sleeping accommodations shall be counted as one (1) lodging room.

Y. LOT

A single parcel of land which may be legally described as such, or two or more adjacent numbered lots or parts of such lots in a recorded subdivision plat having principal frontage on a street which comprises a site occupied by, or intended for occupancy by one (1) principal building or principal use together with accessory buildings and uses, yards, and other open spaces required by this Ordinance.

Z. LOT, CORNER

A lot abutting on two (2) streets at their juncture, when the interior angle formed is less than one hundred thirty-five (135°) degrees.

AA. LOT COVERAGE

The amount of a lot, stated in terms of percentage, that is covered by all roofed buildings and/or structures located thereon. This shall be deemed to include all buildings, porches, arbors, breezeways, patio roofs, and the like, whether open box-type and/or lathe roofs, or fully roofed, but shall not be deemed to include fences, walls, or hedges used as fences or swimming pools.

BB. LOT, INTERIOR

A lot other than a corner lot.

CC. LOT LINE, FRONT

In the case of an interior lot, a line separating the lot from the street or place; and in the case of a corner lot, a line separating the narrowest street frontage from the street.

DD. LOT LINE, REAR

A lot line which is opposite and most distant from the front lot line, and, in the case of an irregularly shaped lot, an imaginary line, at least fifteen (15) feet long within the confines of the lot and parallel to the front lot line.

EE. LOT LINE, SIDE

Any lot boundary line not a front lot line nor a rear lot line.

FF. LOT, RECORDED

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

GG. LOT WIDTH

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

HH. LOT, ZONING

A parcel of land composed of one (1) or more recorded lots, occupied or to be occupied by a principal building or buildings, or principal use or uses meeting all the requirements for area, buildable area, frontage, width, yards, setbacks, and any other requirements set forth in this Ordinance.

II. MOBILE HOMES

"Mobile Home" means any vehicle or similar, portable structure used or so constructed as to permit its conveyance upon public streets or highways, and designed to permit the occupancy thereof as a dwelling place for one (1) or more persons.

JJ. MOBILE HOME PARK

"Mobile Home Park" means an area of land upon which two (2) or more occupied trailer coaches or mobile homes are harbored either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle, or enclosure used or intended for use as a part of the equipment or such trailer coach park.

KK. MOTEL

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

LL. NONCONFORMING STRUCTURE

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

MM. NONCONFORMING USE

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

NN. NON-RETAIL COMMERCIAL

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

OO. NURSING HOME OR REST HOME

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

PP. OPEN SALES LOT

Land used or occupied for the purpose of buying or selling merchandise stored or displayed out-of-doors prior to sale. Such merchandise includes, but is not limited to , passenger cars, trucks, motor scooters, motorcycles, boats, monuments and trailers.

QQ. PARKING SPACE

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

RR. PERFORMANCE SPACE

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

SS. PLANNED DEVELOPMENT

A parcel or tract of land initially under single ownership or control, which contains two (2) or more principal buildings, and one (1) or more principal uses planned and constructed as a unified development.

TT. RECREATIONAL EQUIPMENT

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

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

UU. RELATIVES

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

VV. RETAIL SALES

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

WW. SANITARY LANDFILL

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

XX. SEASONAL RESIDENCE

A residence occupied for less than six (6) months each year.

YY. SETBACK, BUILDING

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

ZZ. SERVICE STATION, FILLING STATION, GAS STATION

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

AAA. STRUCTURAL ALTERATIONS

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

BBB. STRUCTURE

Anything erected, the use of which requires more or less permanent location on

the ground; or attached to something having a permanent location on the ground. A sign, billboard, or other advertising device detached or projecting shall be construed to be a structure.

CCC. THOROUGHFARE

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

DDD. USE

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

EEE. USE, ACCESSORY

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

FFF. USE, PERMITTED

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

GGG. USE, PRINCIPAL

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

HHH. USE, SPECIAL

Uses of such variable nature as to make control by rigid pre-regulation impractical. After due consideration in each case by the Township Board, after receiving the report and recommendations of the Planning Commission relative to the impact of such use upon neighboring land, and of the public need for the particular use at the particular location, such "Special Use" may or may not be granted by the Township Board.

III. UTILITIES

Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph

exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops and storage yards.

JJJ. YARD

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

KKK. YARD, CORNER SIDE

A side yard which adjoins a street or thoroughfare.

LLL. YARD, FRONT (SETBACK)

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

MMM. YARD, INTERIOR SIDE

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

NNN. YARD, REAR (SETBACK)

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

OOO. YARD, SIDE (SETBACK)

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

PPP. YARD, CONFINEMENT FEEDING

Confinement feeding is characterized in two (2) ways:

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

APPENDIX A

YARDS

SECTION 13 - MOBILE HOME PARK REGULATIONS

A SPECIAL USE SECTION, BEING SECTION 13, OF THE CALUMET TOWNSHIP ZONING ORDINANCE DEFINING AND REGULATING MOBILE HOME PARKS; ESTABLISHING MINIMUM STANDARDS GOVERNING THE CONSTRUCTION OF MOBILE HOME PARKS; ESTABLISHING MINIMUM STANDARDS GOVERNING THE PROVIDING OF UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS FOR THE PURPOSE OF MAKING MOBILE HOME PARKS SAFE, SANITARY AND FIT FOR HUMAN HABITATION; FIXING THE RESPONSIBILITIES AND DUTIES OF OWNERS AND OPERATORS OF MOBILE HOME PARKS.

13.1 DEFINITIONS

A. ACCESSORY STRUCTURE

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

B. ZONING ADMINISTRATOR

The legally designated enforcing officer (or his authorized representative).

C. DEPENDENT TRAILER COACH OR DEPENDENT MOBILE HOME

"Dependent Trailer Coach" or "Dependent Mobile Home" means a trailer coach which does not have a toilet and bath facilities or shower facilities. Their use is prohibited in any mobile home park.

D. INDEPENDENT TRAILER COACH OR INDEPENDENT MOBILE HOME

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

E. MAY

The term "may" shall mean permissible.

F. PERMIT

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

G. PERSON

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

H. SERVICE BUILDING

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

I. SHALL

The term "shall" means imperative and mandatory.

J. TRAILER COACH OR MOBILE HOME

"Trailer Coach" or "Mobile Home" means any vehicle or similar portable structure used or so constructed as to permit its conveyance upon the public streets or highways and designated to permit the occupancy thereof as a dwelling place for one or more persons.

K. TRAILER COACH OR MOBILE HOME LOT

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

L. TRAILER COACH PARK OR MOBILE HOME PARK

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

M. TRAILER COACH OR MOBILE HOME STAND

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

N. SPECIAL USE PERMIT

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

13.2 FORM OF APPLICATION FOR SPECIAL USE PERMIT

Each park to be constructed under the provisions of this Ordinance shall adhere to the minimum regulations as are required by the Michigan State Department of Health relative to Trailer Park Sanitation. All requirements of Public Act 419, P.A. 1976, of the State of Michigan, shall also be satisfied; and the following conditions shall be met:

- A. In order to obtain a special use permit to construct a new mobile home or trailer coach park, or an addition to an existing trailer coach park, the applicant shall file with the Zoning Administrator a written application setting forth:
1. The full name and address of the applicant or applicants, or names and addresses of the partners if the applicant is a partnership, or the names and addresses of the officers if the applicant is a corporation, and the present or last occupation of the applicant at the time of filing of the application.
 2. Location and legal description of the tract of land, certified on a plat of a survey of a Michigan Registered Land Surveyor drawn to scale of 1" – 100', or larger.
 3. The proposed and existing facilities in the park for water supply, sewage, garbage and waste disposal, fire protection, and for a sanitary community building which will include a description of toilets, urinals, sinks, wash basins, slop sinks, showers, drains and laundry facilities, the proposed alternations therein, and the maintenance thereof.
 4. The proposed method of lighting the structures and land upon which the park is to be located.
 5. All corners and points of tangency are to be marked by galvanized or wrought iron pipe or iron and steel bars at least eighteen (18") inches in length and not less than one-half (½") inch in diameter. The top of the pipe or bar is to be set level with the established grade of the ground.
 6. The plans of the park drawn on a scale of 1– feet to an inch, building plans and specifications of existing buildings and facilities, and the plans and specifications of new buildings and facilities or the proposed alternation in existing facilities, all showing compliance with the provisions of this Ordinance. The plat plans shall be drawn on a scale of 100 feet to an inch; shall contain, among other things, the following:
 - a. The date on which the plans were prepared.
 - b. An arrow indicating North.
 - c. All Mobile Home sites shall be properly numbered on the plat plans.
 - d. Complete information regarding storm and sanitation sewers.

- e. Storm water runoff shall be shown on a separate plat.
 - f. Contour lines with intervals of not more than five (5') feet where the slope is less than 10 percent shall be shown on a separate plat, and United States Geological Survey data shall be used for the preparation of such a plat, if available.
 - g. Grades of driveways and all ditches shall be shown on a separate plat.
- 7. A statement of the fire-fighting facilities, public or private, which are available to the mobile home park.
 - 8. An Affidavit of the applicant as to the truth of the matters contained in the application shall be attached thereto. Each application for a special use permit to construct shall be accompanied by an application fee amounting to \$25.00 for each ten (10) acres of land, or fraction thereof, proposed to be used as a park. Each application fee shall be paid to the Township Clerk by certified check or United States money order, in the amount of the application fee only, and said application fee, once paid to the Clerk, shall not be refunded.
- B. Upon receipt of an application for special use permit to construct a park, the Zoning Administrator shall, if the park is approved and the proposed park will be in conformity with the Ordinance, issue a certificate to construct. If the application for a special use permit to construct is declined, the Zoning Administrator shall give the reasons thereof in writing to the applicant; and if the objections can be corrected, the applicant may amend his application and resubmit it for approval.

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

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

No change in any sanitary facilities, methods of water supply, sewer drainage, garbage or waste disposal, and no change in the plat plan shall be made without first making a written application to the Zoning Administrator and receiving a permit therefrom. Such application shall be made in the way and manner herein set forth, except that a fee amounting to ten (\$10.00) dollars for each ten (10) acres or fraction thereof used to harbor mobile homes therein shall accompany each application for a permit to alter such mobile home park. No application fee

shall be required to accompany an application for a permit to alter a park where such alteration involves only a reduction in the number of mobile home spaces to a number less than such park is currently permitted. Such a change or changes shall comply with such safety and sanitary code, building code, rules and regulations as are applicable thereto.

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

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

13.3 ENVIRONMENTAL, OPEN SPACE AND ACCESS REQUIREMENTS

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

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

13.4 SITE DRAINAGE REQUIREMENTS

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

13.5 SOIL AND GROUND COVER REQUIREMENTS

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

during dry weather.

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

13.6 NUISANCES IN PARKS

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

13.7 PHYSICAL HAZARDS IN PARKS

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

13.8 NONRESIDENTIAL USES

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

13.9 REQUIRED SEPARATIONS BETWEEN MOBILE HOMES

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

13.10 REQUIRED SETBACKS, BUFFER STRIPS AND SCREENING IN MOBILE HOME PARKS

- A. All mobile homes shall be located as follows from any park boundary line

abutting upon a public street or highway.

100 foot setback on Federal Highways;

50 foot setback on State Highways;

35 foot setback on all county, Township or Municipal Roads.

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

- B. All mobile home sites shall provide a front yard of not less than fifteen (15) feet measured from the edge of the pavement. No off-street parking shall be permitted in the front yard.
- C. Street trees shall be encouraged to be planted ten (10) feet or more from the pavement. Trees shall not be of the following or any other brittle wood or species subject to extreme vulnerability from insects or diseases: Elm, Willows, Poplars, Box Elders, Soft Maple and Hackberry.

13.11 REQUIRED RECREATION AREAS IN MOBILE HOME PARKS

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

13.12 PARK STREET SYSTEM

- A. General Requirements - All parks shall provide safe, continuous and convenient vehicular access from abutting public streets or roads to each mobile home space. For purposes of this code, all streets shall hereinafter be referred as "Park Street System", and shall be maintained by the owner/owners unless dedicated to and accepted by the appropriate public agency or authority.
- B. Primary Entrance Road - The primary entrance road connecting the Park Street System with a public street or road shall have a minimum road pavement width of thirty-six (36') feet, where guest parking is permitted at both sides, or a minimum road pavement width of thirty (30') feet where parking is limited to one (1) side. Where the primary entrance road is more than one hundred (100') feet long and does not provide access to abutting property within such distance, the minimum road width may be twenty-five (25') feet provided parking is prohibited at both sides.
- C. Secondary Entrance Road - In addition to the required primary entrance road, all parks containing twenty-five (25) or more acres in total area and/or providing for the accommodation of one hundred seventy-five (175) or more mobile homes shall have at least one secondary entrance road connecting the Park Street System with a public street or road. Such a secondary road or roads shall have

a minimum pavement width of twenty-five (25) feet. Where primary and secondary entrance roads connect to the same public street or road, there shall be a minimum separation of one hundred fifty (150') feet between such access points. Where this is not feasible or possible, clearly marked, one-way entrance and exit lanes with at least a fifteen (15') foot wide median strip are acceptable, provided the pavement width of each one-way road is at least twenty-five (25') feet wide.

- D. Interior Streets - All interior streets in the Park Street System shall have a minimum pavement width of twenty-five (25') feet on a thirty-five (35') foot right-of-way, with parking prohibited on both sides. Dead-end streets shall be limited in length to five hundred (500') feet and shall be provided at the closed end with a turn-around having an outside roadway diameter of at least one hundred twenty (120') feet. One-way minor streets shall be acceptable only if less than five hundred (500') feet long and serving less than twenty-five (25) mobile homes.

13.13 STREET CONSTRUCTION AND DESIGN STANDARDS

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

13.14 REQUIRED OFF-STREET PARKING

Off-street parking shall be provided in all parks for the use of park occupants and guests. Such areas shall be furnished at the rate of at least two (2) car spaces for each mobile home. Parking bays shall be so located as to provide convenient access to mobile home spaces. A minimum of one (1) hard surface, off-street parking space per mobile home shall be provided on each mobile home site.

13.15 PEDESTRIAN ACCESS

- A. General Requirements - All parks shall provide safe, convenient, pedestrian access between individual mobile homes, the Park Street System and all

community facilities provided for park residents. For the purposes of this Ordinance, all common walks providing such pedestrian access shall hereinafter be referred to as the Common Walk System.

- B. Individual Walks - All mobile homes shall be connected with the Common Walk System and the Park Street System by one or more individual walks on each mobile home space. Such individual walks shall have a minimum width of two (2') feet.
- C. Common Walk System - A common walk system three (3') feet wide, shall be provided in every park for pedestrian access between each mobile home space and all required open areas, community structures and facilities.

13.16 REQUIRED ILLUMINATION OF PARK STREET SYSTEMS

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

- A. All parts of the Park Street Systems:

0.4 foot candle with a minimum of 0.3 foot candle.
- B. Potentially hazardous locations such as major street intersections and steps, or stepped ramps:

Individually illuminated with a minimum of 0.4 foot candle.

13.17 WATER SUPPLY

- A. General Requirement - Every park shall have a water supply system capable of providing a sufficient supply of potable water under adequate pressure to water supply facilities for mobile homes, service buildings, fire hydrants, drinking fountains, and other accessory facilities, as required by this code for the well-being of park residents, and for park maintenance. Such system shall be designed, constructed and maintained in accordance with the state standards by Michigan Department of Health and/or standards currently enforced by local departments.
- B. Source of Supply - Where a public water supply system is available, the park water supply system shall be connected thereto. A public water supply system shall be deemed available when such system is within five hundred (500') feet of the park, measured along a street or other public easement, and a connection may be made lawfully thereto. No private water supply system shall be cross-connected with any public water supply system.
- C. Where a public water supply source is available, the park's source of water supply including the construction, equipment and distribution system for

withdrawing and/or processing and distributing water shall be approved by the Board of Health and other authorities having jurisdiction. The chemical and bacteriological quality of the potable water distributed in any park including water treatment processes employed shall conform to the standards established by the health authority having jurisdiction.

- D. The water sources shall be capable of producing an adequate volume of water to supply all mobile home spaces in any park, but in no case shall such capacity be less than 150 gallons per space per day in any mobile home park.
- E. Where an independent or nonpublic water system is used to serve the mobile home park with water obtained from wells, the well shall be located and constructed in such a manner that neither underground nor surface contamination will reach the water supply from any source. A minimum distance of one hundred (100') feet shall be maintained between the water supply and any other possible source of contamination, except that sewers or pipes through which sewage may back up shall be located at least fifty (50') feet from any well or water-suction pipeline.
- F. No well casings, pumps, pumping machinery or suction pipes shall be located in any pit, room, or space extending below ground level, nor in any room or space above ground which is walled in or otherwise enclosed, unless such rooms, whether above or below ground, have free drainage by gravity to the surface of the ground. The floor or rooms above ground shall be watertight and sloped from well casing to the drain. Said well casing shall be not less than twelve (12") inches from the floor.

13.18 WATER STORAGE FACILITIES

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

13.19 WATER DISTRIBUTION SYSTEM

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

13.20 INDIVIDUAL WATER CONNECTIONS

- A. Individual water service connections shall be provided at each mobile home lot in the mobile home park. All water service connections shall be watertight and located at a minimum distance of five (5') feet from sanitary sewer connections below ground. The minimum pipe size of connections shall be three-quarters ($\frac{3}{4}$ ") inch. Outlets shall be so constructed as to be free of possible contamination from surface drainage and possible damage during installation of a mobile home, and shall be four (4") inches above grade.
- B. Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipe and to protect risers from heaving and thawing actions of ground during freezing weather.
- C. Underground stop and wastecoicks shall not be installed on any connection.

13.21 REQUIRED WATER SUPPLY FOR FIRE PROTECTION

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

- A. The system shall permit the operation of a minimum two (2) 1½ inch hose streams on a fire in any mobile home, service building, or other accessory structure in the park.
- B. Hydrants shall be located within five hundred (500') feet of such structures and shall be a type prescribed by Calumet Township.
- C. Water supply and associated facilities shall be sufficient to provide a delivery of at least seventy-five (75) gallons per minute at each of two nozzles held four (4') feet above the ground at a flowing pressure of at least thirty (30) pounds per square inch when measured at the highest elevation in the park.

13.22 SEWAGE DISPOSAL

- A. All sewage and other water-carried wastes shall be disposed of into a common sewerage system. All provided systems shall be constructed in conformity with all laws of the State of Michigan, regulation of any department, division or board of the State of Michigan, and any Ordinance of the County of Houghton, Michigan, relative thereto.
- B. Each mobile home site shall be provided with a sewer connection for the combined liquid waste outlet or outlets of each mobile home. It shall be the duty of the owner or operator of said mobile home park to provide an approved type of water and doro-tight connection from the mobile home water drainage to the sewer connection and it shall be the duty of said owner or operator to make such connection and keep all occupied mobile homes connected to said sewer while

located in a mobile home park. Sewer connections in unoccupied mobile home sites shall be so closed that they will emit no odors nor cause a breeding place for flies. No water nor waste shall be allowed to fall on the ground from a mobile home.

13.23 ELECTRICAL DISTRIBUTION SYSTEM

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

13.24 FUEL SUPPLY AND STORAGE

- A. Natural Gas System - Natural gas piping systems in all parks shall be installed and maintained in conformity with accepted engineering practices and the rules and regulations of the authority having jurisdiction.
- B. Fuel Oil Supply System - All fuel oil supply systems provided for mobile homes, service buildings and other structures shall be installed and maintained in conformity with the rules and regulations of the authority having jurisdiction. Fuel oil systems underground shall be located at a minimum of ten (10') feet horizontally from water lines and at necessary crossings shall be placed in substantial pipe sleeves extending ten (10') feet from each side of the water pipe.

13.25 FIRE PROTECTION

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

13.26 LOCATION OF FIRE HYDRANTS

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

13.27 FIRE EXTINGUISHERS

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

13.28 ALTERATIONS, ADDITIONS, ANCHORAGE AND OCCUPANCY

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

Permanent Additions - No permanent additions shall be built unto nor become a part of any mobile home until first securing a zoning permit and building permit and unless they are in accordance with requirements established by the Zoning Administrator and shall have all interior and exterior surfaces finished with fire-resistant sheeting or roofing.

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

Separate Storage Structures -

- A. Small storage structures are permissible within ten (10') feet of the mobile home, provided they are:
 - 1. Not larger than approximately eight (8') feet by ten (10') feet in floor plan, by six (6') feet in height.
 - 2. Constructed entirely of fireproof materials such as sheet metal.
 - 3. Capable of being completely and easily disassembled and are readily portable.
 - 4. Used only for storage purposes.
 - 5. Not attached to a mobile home nor used as an auxiliary room or otherwise used for dwelling or living purposes.
 - 6. So constructed and maintained that a rat harborage is not created.
- B. Small storage cupboards, if neatly and substantially constructed, shall also be considered permissible within ten (10') feet of mobile homes, even when constructed on non-fireproof materials, provided they are:
 - 1. Serviced without walking into the structure.
 - 2. Equipped with shelves so arranged as to prevent a person stepping or walking into the structure.
 - 3. Horizontal depth of structure not greater than approximately thirty (30") inches (average adult arm length) in order that the rear portion of the shelves can be serviced from a position outside of the structure.
 - 4. Do not create a rat harborage.
 - 5. Placed no closer than fifty (50') feet from any street.

13.29 OCCUPANCY OF MOBILE HOMES

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

13.30 EXCEPTIONS

Nothing in this Ordinance shall be construed to include the State Parks of Michigan and the term "Mobile Home Park" shall not be construed to include buildings, tents or other structures maintained by any individual or company on their own premises and used exclusively to house their own farm labor, nor any military establishment of the United States nor of this State, wherein a mobile home or homes may be located or harbored, nor any park on State or County fairgrounds for a period during, immediately prior to, and immediately subsequent to the holding of the fair, not to exceed a total of two (2) weeks in all, or the area of premises on any farm, upon which are harbored temporary mobile homes occupied by persons employed upon such farm for not more than ninety (90) days in any calendar year in the production, harvesting, or processing of agricultural or horticultural products produced on such farm.

SECTION 14 - SEVERABILITY REPEALS, EFFECTIVE DATE

14.1 SEVERABILITY

Should any action or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any portion thereof other than the portion so declared to be invalid.

14.2 REPEALS OF PRIOR ORDINANCES

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

14.3 WHEN EFFECTIVE

Approved and ordained by the Charter Township of Calumet Board this 30 day of June, 2000.

Paul Lehto, Supervisor
Charter Township of Calumet Board

ATTEST:

Township Clerk

SECTION 15 – SMALL WIND ENERGY SYSTEMS (Adopted and Effective October 31, 2008)

15.1 STATEMENT OF FINDINGS

Wind energy is an abundant, renewable, and nonpolluting energy resource. Wind energy's conversion to electricity reduces dependence on nonrenewable energy resources, enhances the reliability and power quality of the power grid, reduces peak power demands, and diversifies the energy supply portfolio.

15.2 PURPOSE

To protect public health and safety, the Charter Township of Calumet has adopted a Small Wind Energy Ordinance that regulates and provides guidance, approval, and denial processes for requests for installation of Small Wind Energy Systems.

15.3 APPLICABILITY

The Charter Township of Calumet's Small Wind Energy Ordinance applies to all unincorporated lands within the boundaries of Calumet Township.

15.4 DEFINITIONS

"Applicant" means the person or persons applying for installation of a Small Wind Energy System.

"Decommissioning" means removal of a Small Wind Energy System or Met or SCADA Tower due to inoperation for a continuous period of 12 months, or the Small Wind Energy System is deemed to be unsafe or out of compliance with federal, state and/or local regulations or codes.

"Met or SCADA (Supervisory Control and Data Acquisition) Tower" means a tower, including any anchor, base, base plate, boom, cable, electrical or electronic equipment, guy wire, hardware, indicator, instrument, telemetry device, vane, wiring, or any other device, that is used to collect or transmit meteorological data, including wind speed and wind flow information, in order to monitor or characterize wind resources at or near an existing or proposed Small Wind Energy System.

"Owner" means the person or persons that owns or proposes to own a Small Wind Energy System or Met or SCADA Tower and the property on which the Small Wind Energy System or Met or SCADA Tower is or proposes to be located.

"Small Wind Energy System" means a Wind Energy System that has a capacity

of 100 kilowatts or less, a total height of 170 feet or less, or both, and is primarily used to generate energy for use by its land owner.

"Special Use Permit" means a permit for the installation of a Small Wind Energy System, as described in Section 10.3, Special Use Permits, of the Charter Township of Calumet Zoning Ordinance.

"Total Height" means the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.

"Tower" means either the freestanding, guyed, or monopole structure that supports a wind generator or the freestanding, guyed, or monopole structure that is used as a Met or SCADA Tower.

"Township" means the Charter Township of Calumet.

"Wind Energy System" means equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, generator, rotor, tower, transformer, turbine, vane, wire, or other component used in the system.

"Wind Generator" means the mechanical and electrical conversion components mounted on or near the Tower.

"Zoning Administrator" means the Administrator appointed pursuant to Section 10.1(B) as set forth in the Charter Township of Calumet Zoning Ordinance and his or her designee.

15.5

STANDARDS

The following standards shall be met before consideration by the Township of an application for a Small Wind Energy System, or a Met or SCADA Tower.

A. Setbacks

A Tower must be set back:

1. At least 1.5 times its total height from the property line of the property on which it is located;
2. At least 1.5 times its total height from any public road or power line right-of-way; and
3. A Small Wind Energy System or Met or SCADA Tower located within 1,000 feet of a church, library, school or business shall require approval of the Township Planning Commission.

Exceptions to the above standards may be requested by the Owner during the Application Process as set forth in Section 15.6 of this

Ordinance. Approval or denial of exceptions shall be at the sole discretion of the Township Planning Commission and Township Board.

B. Noise

The noise generated by the operation of a Small Wind Energy System shall not exceed 55dB(A) at the property line closest to the Small Wind Energy System. Exceptions for neighboring property are allowed with the written consent of those property owners.

C. Blade Clearance

The vertical distance from ground level to the tip of a wind generator blade when the blade is at its lowest point must be at least thirty (30) feet.

D. Access

All ground-mounted electrical and control equipment must be labeled and secured to prevent unauthorized access. A tower may not have step bolts or a ladder within twelve (12) feet of the ground that is readily accessible to the public.

E. Electrical Wires

All electrical wires associated with a Small Wind Energy System, other than wires necessary to connect the Wind Generator to the Tower wiring, the Tower wiring to the disconnect junction box, and the grounding wires, must be located underground.

F. Lighting.

A Tower and Wind Generator may be artificially lighted only if lighting is required by the Federal Aviation Administration (FAA). If lighting is required, the lighting must comply with FAA minimum requirements and, whenever possible, be at the lowest intensity allowed, avoid the use of strobe or other intermittent white lights, and use steady red lights. If more than one lighting alternative is available, the alternative that causes the least visual disturbance must be used.

G. Appearance, Color, and Finish.

The exterior surface of any visible component of a Small Wind Energy System shall be a non-reflective, neutral color.

H. Signs.

No sign, other than a warning sign or installer, owner, or manufacturer identification sign, may be placed on any component of a Small Wind Energy System.

I. Code Compliance.

A Small Wind Energy System must comply with all applicable federal, state, and local construction and electrical codes. A Small Wind Energy System must comply with Federal Aviation Administration requirements, as well as State of Michigan Airport Zoning and Tall Structures Acts. The owner must provide written certification from a state licensed inspector showing that the Small Wind Energy System complies with all applicable codes before placing the Small Wind Energy System into operation.

J. Signal Interference.

The owner of a Small Wind Energy System must filter, ground, and shield the Tower, and take any other reasonable steps necessary to prevent, eliminate, or mitigate any interference with the transmission and reception of electromagnetic communications, such as microwave, radio, telephone, or television signals.

K. Utility Interconnection.

A Small Wind Energy System that connects to the electric utility grid must comply with the State of Michigan Public Service Commission and the Federal Energy Regulatory Commission standards.

L. Environmental Impacts.

A Small Wind Energy System shall comply with applicable parts of the State of Michigan Natural Resources and Environmental Protection Act, including but not limited to Water Resources Protection, Soil Erosion and Sedimentation Control, Inland Lakes and Streams, Shoreland Protection and Management, Great Lakes Submerged Lands and Sand Dunes Protection and Management.

15.6

APPLICATION PROCESS

Requests for Small Wind Energy Systems shall be submitted for review, approval, or denial in accordance with Section 10.3 (Special Use Permits), and in conformance with Sections 7 (Special Uses), 8 (Site Plan Review), and 9 (Appeals) of the Township's Zoning Ordinance, as appropriate and applicable. Requests shall be accompanied by payment of a fee as designated in the Township's Schedule of Fees and updated from time to time. In addition to the Township's application fee, the applicant may be required to cover legal, professional, or expert assistance costs incurred by the Township in the review, approval or denial of a request for a Small Wind Energy System.

Should the proposed site of the Small Wind Energy System be in the Calumet Township Historic District, review and approval by the Calumet Township Historic District Commission shall be required, in addition to the approvals required in the

Calumet Township's Zoning Ordinance.

If a Special Use Permit (Permit) is granted, it will expire if the Small Wind Energy System is not installed and functioning within one (1) year from the date the Permit is issued.

In addition to the information required in Sections 10.2, Zoning Permits, and 10.3, Special Use Permits of the Charter Township of Calumet Zoning Ordinance, the applicant shall provide the following in writing:

- A. The applicant and landowner's name and contact information.
- B. Current property description (address, tax parcel numbers, legal description, and existing use and acreage of the site).
- C. A survey map which clearly delineates the proposed location of the Small Energy Wind System, existing or planned access roads, boundaries of the parcel, adjacent property ownerships, and existing residences, schools, churches, hospitals, libraries or other structures to a distance of 1,000 feet.
- D. A survey map which clearly delineates any federal, state, county or local parks, recognized historic or heritage sites, state-identified wetlands, inland lakes or streams, or shoreland.
- E. A description, design, and manufacturer's specifications, including the manufacturer, model, capacity, blade length, lighting, and total height of the proposed Small Energy Wind System.
- F. Standard drawings or blueprints, that have been approved by a registered professional engineer, of the Small Wind Energy System, including the Tower, base and footings, drawings of access roads, and including an engineering analysis and certification of the tower, showing compliance with all applicable electrical and building codes.
- G. Data pertaining to the Tower's safety and stability, including safety results from test facilities.
- H. Proposal for landscaping and screening.
- I. Statement describing any hazardous materials that will be used on the property, and how those materials will be stored.
- J. Written documentation demonstrating compliance with all requirements set forth in Section 15.5 of the Township's Small Wind Energy Ordinance.

15.7

DECOMMISSIONING

A Small Wind Energy System or Med or SCADA Tower that is out-of-service for a

continuous period of 12 months, or is deemed unsafe or out-of-compliance with applicable federal, state, or local codes or regulations, the Zoning Administrator may issue a Decommissioning Notice (Notice) to the owner. If, within thirty (30) days of receipt of a Notice the owner provides the Zoning Administrator with information satisfactory to the Zoning Administrator that the Small Wind Energy System or Met or SCADA Tower has not been abandoned, or is not unsafe or out-of-compliance with applicable federal, state, or local codes or regulations, the Zoning Administrator will withdraw the Notice.

If the owner does not provide sufficient evidence that the Small Wind Energy System or Met or SCADA Tower has not been abandoned, or is not unsafe or out-of-compliance, within 120 days of receipt of the Notice, the owner must cause the removal of the Small Wind Energy System or Met or SCADA Tower and reclamation of the site. All foundations, pads and underground electrical wires must be reclaimed to a depth of four (4) feet below the surface of the ground. All hazardous materials must be removed and disposed of in accordance with federal and state law. If the owner fails to cause the removal of the Small Wind Energy System or Met or SCADA Tower within 120 days of the Notice, the cost of removal and reclamation will become a lien upon the property and may be collected in the same manner as property taxes.

15.8 ENFORCEMENT

The Zoning Administrator may enter any property for which a Special Use Permit (Permit) has been issued under this Ordinance to conduct an inspection to determine whether there is any violation of this Ordinance, or whether the conditions stated in the Permit have been met. The Zoning Administrator, or the Sheriff or Sheriff's designee at the request of the Zoning Administrator, may issue a citation for any violation of this Ordinance. Any person who fails to comply with any provision of this Ordinance or conditions stated in the Permit shall, upon conviction, shall be fined not less than \$100 nor more than \$1,000 for each offense, together with costs of prosecution for each violation.

15.9 PRECEDENCE

Any conflicts that may exist between this Section (Section 15 – Small Wind Energy Systems) and any other sections of the Charter Township of Calumet Zoning Ordinance, this Section shall take precedence.

SECTION 16 – LARGE WIND ENERGY SYSTEMS (Adopted and Effective October 31, 2008)

16.1 STATEMENT OF FINDINGS

Wind energy is an abundant, renewable, and nonpolluting energy resource. Wind energy's conversion to electricity reduces dependence on nonrenewable energy resources, enhances the reliability and power quality of the power grid, reduces peak power demands, and diversifies the energy supply portfolio.

16.2 PURPOSE

To protect public health and safety, the Charter Township of Calumet has adopted a Large Wind Energy Ordinance that regulates and provides guidance, approval, and denial processes for requests for installation of Large Wind Energy Systems.

16.3 APPLICABILITY

The Charter Township of Calumet's Large Wind Energy Ordinance applies to all unincorporated lands within the boundaries of Calumet Township.

16.4 DEFINITIONS

"Applicant" means the person or persons, or entity applying for installation of a Large Wind Energy System.

"Decommissioning" means removal of a Large Wind Energy System or Met or SCADA Tower due to inoperation for a continuous period of 12 months, or the Large Wind Energy System is deemed to be unsafe or out of compliance with federal, state and/or local regulations or codes.

"Flicker" or "Shadow Flicker" means the effect that results when the shadow cast by the rotating blade of a Large Wind Energy System moves across a fixed point.

"Met or SCADA (Supervisory Control and Data Acquisition) Tower" means a tower, including any anchor, base, base plate, boom, cable, electrical or electronic equipment, guy wire, hardware, indicator, instrument, telemetry device, vane, wiring, or any other device, that is used to collect or transmit meteorological data, including wind speed and wind flow information, in order to monitor or characterize wind resources at or near an existing or proposed Large Wind Energy System.

"Owner" means the person or persons, or entity that owns or proposes to own a Large Wind Energy System or Met or SCADA Tower and the property on which the Large Wind Energy System or Met or SCADA Tower is or proposes to be located.

"Large Wind Energy System" means a Wind Energy System that has a capacity of more than 100 kilowatts, or a total height of 170 feet or more, or both.

"Nonparticipating Property" means real property on which either there is no Large Wind Energy System, or there is a Large Wind Energy System that is in a different Wind Farm System than another Large Wind Energy System.

"Participating Property" means real property on which a Large Wind System is located and that is in the same Wind Farm System as another Large Wind Energy System.

"Special Use Permit" means a permit for the installation of a Large Wind Energy System, as described in Section 10.3, Special Use Permits, of the Charter Township of Calumet Zoning Ordinance.

"Total Height" means the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.

"Tower" means either the freestanding, guyed, or monopole structure that supports a wind generator or the freestanding, guyed, or monopole structure that is used as a Met or SCADA Tower.

"Township" means the Charter Township of Calumet.

"Wind Energy System" means equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, generator, rotor, tower, transformer, turbine, vane, wire, or other component used in the system.

"Wind Generator" means the mechanical and electrical conversion components mounted on or near the Tower.

"Wind Farm System" means a Large Wind Energy System that includes more than one Tower.

"Zoning Administrator" means the Administrator appointed pursuant to Section 10.1(B) as set forth in the Charter Township of Calumet Zoning Ordinance and his or her designee.

16.5

STANDARDS

The following standards shall be met before consideration by the Township of an application for a Large Wind Energy System, or a Met or SCADA Tower.

A. Zoning and Setbacks

A Large Wind Energy System may only be located in areas in Calumet Township that are zoned Rural Residential (R3).

A Tower must be set back:

1. At least 1.5 times its total height from the property line of a participating property;
2. At least 1.5 times its total height from any public road or power line right-of-way; and
3. At least 1,000 feet from the property line of a Nonparticipating Property, unless the owner of the Nonparticipating Property grants an easement for a lesser setback. The easement must be recorded with the Registrar of Deeds and may not provide a setback that is less than 1.5 times the total height of the Large Energy Wind System.

Exceptions to the above zoning and setback requirements may be requested by the Owner during the Application Process as set forth in Section 16.6 of this Ordinance. Approval or denial of exceptions shall be at the sole discretion of the Township Planning Commission and Township Board.

B. Spacing and Density.

A Large Wind Energy System must be separated from every other Tower by a sufficient distance so it does not interfere with any other Tower.

C. Structure.

A Large Wind Energy System must be a monopole construction to the extent practical. If monopole construction is not practical, a Large Wind Energy System must be of free-standing construction to the extent practical. If monopole or free-standing construction is not practical, a Large Wind Energy System must be guyed.

D. Height

The total height of a Large Wind Energy System must be 500 feet or less.

E. Noise

The noise generated by the operation of a Large Wind Energy System shall not exceed 55dB(A) at the property line closest to the Large Wind Energy System. Exceptions for neighboring property are allowed with the written consent of those property owners.

F. Blade Clearance

The vertical distance from ground level to the tip of a wind generator blade when the blade is at its lowest point must be at least seventy-five (75) feet.

G. Access

A Large Wind Energy System, including any climbing aids, must be secured against unauthorized access by means of a locked barrier or security fence.

H. Electrical Wires and Equipment

All electrical wires associated with a Large Wind Energy System, other than wires necessary to connect the wind turbine to its base and to overhead collection lines, must be located underground. Any electrical equipment associated with a Large Wind Energy System must be located under the sweep area of a blade assembly.

I. Lighting.

A Large Wind Energy System may not be artificially lighted unless such lighting is required by the Federal Aviation Administration (FAA). If lighting is required, the lighting must comply with FAA minimum requirements and, whenever possible, be at the lowest intensity allowed, avoid the use of strobe or other intermittent white lights, and use steady red lights. If more than one lighting alternative is available, the alternative that causes the least visual disturbance must be used.

J. Appearance, Color, and Finish.

The exterior surface of any visible components of a Large Wind Energy System must be a non-reflective, neutral color. Towers and turbines in a Wind Farm System that are located within one mile of each other must be of uniform design, including Tower type, color, number of blades, and direction of blade rotation.

K. Signs.

No wind turbine, Tower, building or other structure associated with a Large Wind Energy System may be used to advertise or promote any product or service. No word or graphic representation, other than appropriate warning signs and owner or landowner identification, may be placed on a wind turbine, Tower, building, or other structure associated with a Large Wind Energy System.

L. Code Compliance.

A Large Wind Energy System must comply with all applicable federal, state, and local construction and electrical codes. A Large Wind Energy

System must comply with Federal Aviation Administration requirements, as well as State of Michigan Airport Zoning and Tall Structures Acts. The owner must provide written certification from a state licensed inspector showing that the Large Wind Energy System complies with all applicable codes before placing the Large Wind Energy System into operation.

M. Signal Interference.

The owner of a Large Wind Energy System must filter, ground, and shield the Tower, and take any other reasonable steps necessary to prevent, eliminate, or mitigate any interference with the transmission and reception of electromagnetic communications, such as microwave, radio, telephone, or television signals.

N. Utility Interconnection.

A Large Wind Energy System that connects to the electric utility grid must comply with the State of Michigan Public Service Commission and the Federal Energy Regulatory Commission standards.

O. Environmental Impacts.

A Large Wind Energy System shall comply with applicable parts of the State of Michigan Natural Resources and Environmental Protection Act, including but not limited to Water Resources Protection, Soil Erosion and Sedimentation Control, Inland Lakes and Streams, Shoreland Protection and Management, Great Lakes Submerged Lands and Sand Dunes Protection and Management.

P. Flicker or Shadow Flicker.

The owner of a Large Wind Energy System must take such reasonable steps as are necessary to prevent, mitigate, and eliminate Shadow Flicker on any occupied structure on a Nonparticipating Property.

16.6

APPLICATION PROCESS

Requests for Large Wind Energy Systems shall be submitted for review, approval, or denial in accordance with Section 10.3 (Special Use Permits), and in conformance with Sections 7 (Special Uses), 8 (Site Plan Review), and 9 (Appeals) of the Township's Zoning Ordinance, as appropriate and applicable. Requests shall be accompanied by payment of a fee as designated in the Township's Schedule of Fees and updated from time to time. In addition the Township's application fee, the applicant may be required to cover legal, professional, or expert assistance costs incurred by the Township in the review, approval or denial of a request for a Large Wind Energy System.

Should the proposed site of the Large Wind Energy System be in the Calumet

Township Historic District, review and approval by the Calumet Township Historic District Commission shall be required, in addition to the approvals required in the Calumet Township's Zoning Ordinance.

If a Special Use Permit (Permit) is granted, it will expire if the Large Wind Energy System is not installed and functioning within two (2) years from the date the Permit is issued.

In addition to the information required in the aforementioned section, the applicant shall provide the following in writing:

- A. The applicant and landowner's name and contact information. If the applicant is a business entity, the applicant shall provide the name of the business, certificate of incorporation (if applicable), certificate of good standing, and business tax ID number.
- B. Current property description (address, tax parcel numbers, legal description, and existing use and acreage of the site).
- C. A survey map which clearly delineates the proposed location of the Large Energy Wind System, existing or planned access roads, boundaries of the parcel, adjacent property ownerships and existing residences, schools, churches, hospitals, libraries or other structures to a distance one-half mile.
- D. A survey map which clearly delineates any federal, state, county or local parks, recognized historic or heritage sites, state-identified wetlands, inland lakes or streams, or shoreland.
- E. Number, description, design, and manufacturer's specifications of each Large Wind energy System and Met or SCADA Tower, including the manufacturer, model, capacity, blade length, lighting, and total height of any Large Wind Energy System.
- F. Standard drawings or blueprints that have been approved by a registered professional engineer showing a cross section, elevation, and diagram for any Tower and Tower foundation, including a certification showing compliance with all applicable electrical and building codes.
- G. Data pertaining to the Tower's safety and stability, including safety results from test facilities.
- H. Proposal for landscaping and screening.
- I. A completed environmental assessment, demonstrating compliance with applicable parts of the State of Michigan Natural Resources and Environmental Protection Act, including but not limited to Water Resources Protection, Soil Erosion and Sedimentation Control, Inland Lakes and Streams, Shoreland Protection and Management, Great Lakes

Submerged Lands and Sand Dunes Protection and Management.

- J. A project visibility map based on an elevation model, showing the impact of topography upon visibility of the project from other locations, to a radius of three (3) miles from the center of the project.
- K. Statement describing any hazardous materials that will be used on the property, and how those materials will be stored.
- L. Location of any overhead utility lines adjacent to the property.
- M. Written documentation demonstrating compliance with all requirements set forth in Section 16.5 of the Township's Large Wind Energy Ordinance.
- N. Written statement that the owner will construct and operate the Large Wind Energy System, Met or SCADA Tower, or Wind Farm System in compliance with all applicable local, state and federal codes, laws, orders, regulations, and rules.
- O. Written statement that the owner will install and operate the Large Wind Energy System, Met or SCADA Tower, in compliance with manufacturer's specifications.
- P. Proof of financial assurance in form satisfactory to the Township that the applicant has the financial capacity to satisfactorily construct, install and meet all requirements set forth in this Ordinance for Large Wind Energy Systems.
- Q. Written statement signed by the landowner acknowledging that the landowner is financially responsible if the owner fails to reclaim the site as required by Sections 16.7 and 16.8 of this Ordinance, and that any removal and reclamation costs incurred by the Township will become a lien on the property and may be collected from the landowner in the same manner as property taxes. In this regard, the owner must provide a performance bond, completion bond, or other financial assurance satisfactory to the Township of at least \$20,000 for each Large Wind Energy System to guarantee the performance of the removal and reclamation requirements stated in Sections 16.7 and 16.8 of this Ordinance.

16.7

DECOMMISSIONING

A Large Wind Energy System or Med or SCADA Tower that is out-of-service for a continuous period of 12 months, or is deemed unsafe or out-of-compliance with applicable federal, state or local codes or regulations, the Zoning Administrator may issue a Decommissioning Notice (Notice) to the owner. If, within thirty (30) days of receipt of a Notice the owner provides the Zoning Administrator with information satisfactory to the Zoning Administrator that the Large Wind Energy System or Met or SCADA Tower has not been abandoned, or is not unsafe or

out-of-compliance with applicable federal, state or local codes or regulations, the Zoning Administrator will withdraw the Notice.

If the owner does not provide sufficient evidence that the Large Wind Energy System or Met or SCADA Tower has not been abandoned, or is not unsafe or out-of-compliance, within 120 days of receipt of the Notice, the owner must cause the removal of the Large Wind Energy System or Met or SCADA Tower and reclamation of the site. All foundations, pads, and underground electrical wires must be reclaimed to a depth of four (4) feet below the surface of the ground. All hazardous materials must be removed and disposed of in accordance with federal and state law. If the owner fails to cause the removal of the Large Wind Energy System or Met or SCADA Tower within 120 days of the Notice, the cost of removal and reclamation will become a lien upon the property and may be collected in the same manner as property taxes.

16.8 ENFORCEMENT

The Zoning Administrator may enter any property for which a Special Use Permit (Permit) has been issued under this Ordinance to conduct an inspection to determine whether there is any violation of this Ordinance, or whether the conditions stated in the Permit have been met. The Zoning Administrator, or the Sheriff or Sheriff's designee at the request of the Zoning Administrator, may issue a citation for any violation of this Ordinance. Any person who fails to comply with any provision of this Ordinance or conditions stated in the Permit shall, upon conviction, shall be fined not less than \$500 nor more than \$1,000 for each offense, together with costs of prosecution for each violation.

16.9 PRECEDENCE

Any conflicts that may exist between this Section (Section 16 - Large Wind Energy Systems) and any other sections of the Charter Township of Calumet Zoning Ordinance, this Section shall take precedence.