

ZONING ORDINANCE



VILLAGE OF PELLSTON

EMMET COUNTY, MICHIGAN

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ADOPTED: MARCH 9, 2021

EFFECTIVE: MARCH 19, 2021

Village of Pellston ZONING ORDINANCE

Village of Pellston
Emmet County
Michigan

Adopted: March 9, 2021

Effective: March 19, 2021

Prepared with the assistance of:

Northeast Michigan Council of Governments

www.discovernortheastmichigan.org

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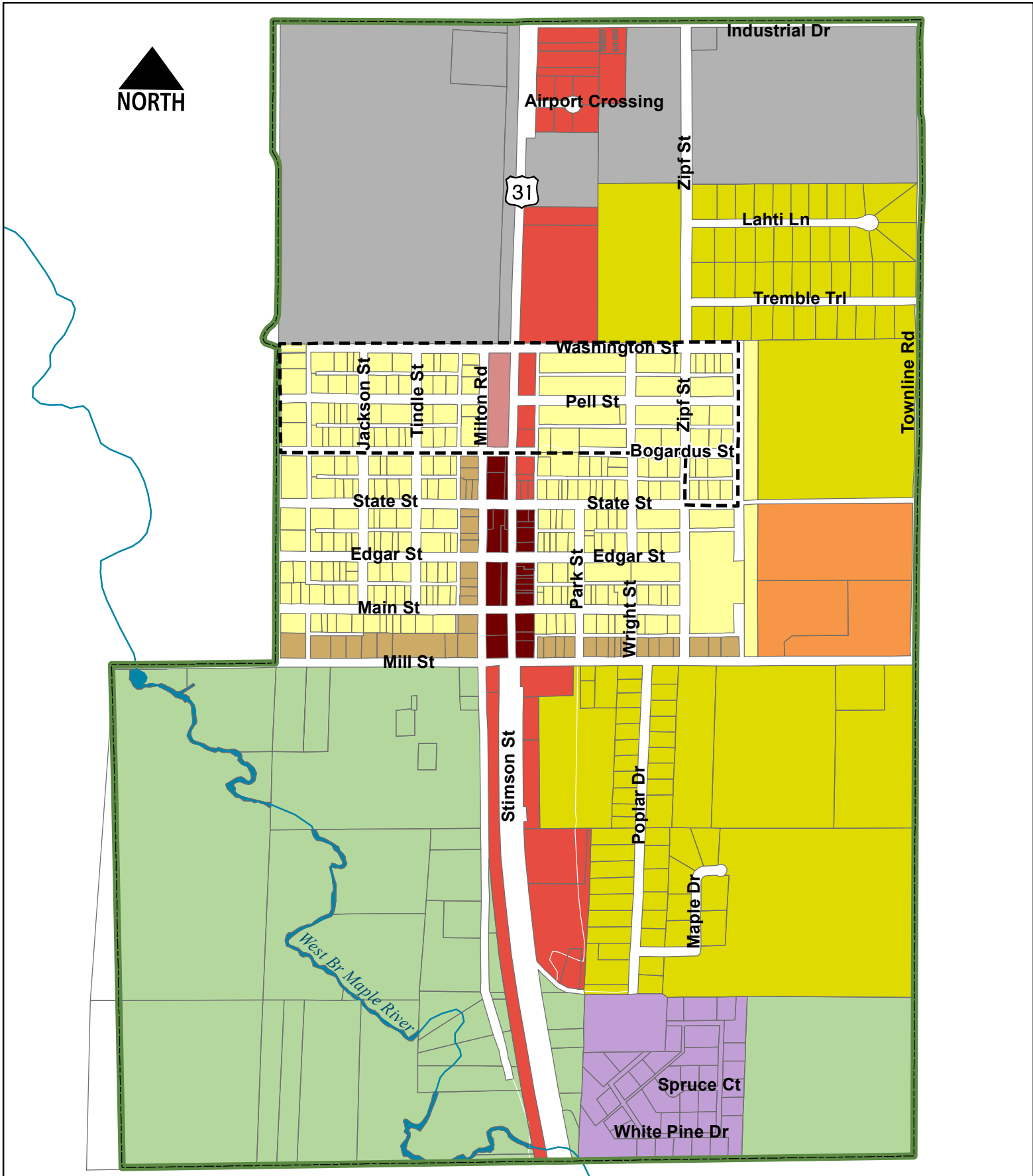
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Zoning Map

Village of Pellston

Emmet County, Michigan

Zoning Districts

- Central Village Overlay
- R-1: Village Residential
- R-2: Suburban Residential
- R-3: Multiple Family Residential
- SR-1: Scenic Resource
- MU: Mixed Use
- OP: Office Park
- HV: Historic Village Commercial
- HC: Highway Commercial
- I-1: Light Industrial
- PUD: Planned Unit Development
- Water

Adopted: March 9, 2021
Effective: March 19, 2021

Map provided by:
Northeast Michigan
Council of Governments

Data provided by Emmet County Equalization
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Article 1

Title & Authority

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PREAMBLE

Pursuant to the authority conferred by the Public Acts of the State of Michigan in such case, made and provided for the purpose of promoting and protecting the public health, safety, peace, comfort, convenience, and general welfare of the inhabitants of the Village of Pellston, by protecting and conserving the character and social and economic stability of the residential, commercial, industrial and other use areas; by securing the most appropriate use of land; preventing overcrowding of the land and undue congestion of population; providing adequate light, air and reasonable access, all in accordance with a comprehensive plan, now therefore;

The Village of Pellston ordains:

Section 1.1 Title

This Ordinance shall be known and cited as the Village of Pellston Zoning Ordinance and may be referred to herein as “this Ordinance.”

Section 1.2 Enabling Authority

This Ordinance is enacted pursuant to **2006 PA 110 (Michigan Zoning Enabling Act)**, as amended. The continued administration of this Ordinance, amendments to this Ordinance, and all other matters concerning operation of this Ordinance shall be done pursuant to **2006 PA 110**, as amended, (being the Michigan Zoning Enabling Act, M.C.L. 125.3101 et seq.). Such enabling act is hereby made a part of this Ordinance just as if said Act were repeated word for word herein.

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Section 2.1 Rules Applying to Text

The following definitions of word use shall apply:

- A. Words used in the present tense shall include the future.
- B. Words used in the singular number shall include the plural number and the plural the singular.
- C. The word "shall" is mandatory and not discretionary.
- D. The word "may" is permissive.
- E. The word "lot" shall include the words "piece", "parcel" and "plot".
- F. The phrase "used for" shall include the phrases "maintained for" and "occupied for".
- G. The phrase "designed for" shall include the phrases "arranged for" and "intended for".
- H. All "measured distances" shall be to nearest foot. If a fraction is one-half (1/2') foot or less, the next full number below shall be taken.
- I. The word "building" includes the word "structure".

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- J. The words "dwelling", "family dwelling", "two-family dwelling", "multiple-family dwelling", "building", "house", "premises", or "lot" as used in this Ordinance shall be construed as if followed by the words "or any part thereof."
- K. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either . . . or," the conjunction shall be interpreted as follows:
 - 1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - 2. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - 3. "Either . . . or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
- L. Any words not defined in this Ordinance shall be construed as defined in the [Housing Law of Michigan, 1917 PA 167](#), as amended.
- M. Terms not herein defined shall have the meaning customarily assigned to them.

Section 2.2 Definitions

A

ABUTTING. Having property or district line in common; e.g., two (2) lots are abutting if they have property lines in common.

ACCESS. A way of approaching or entering a property. For purposes of this Ordinance, all lots of record shall have access to a public street or highway or to a private street.

ACCESSORY BUILDING. An accessory building is a subordinate building situated upon the same lot as the principal building the use of which is incidental to the principal building. Fences, walls, and manufactured homes shall not be considered accessory buildings.

ACCESSORY DWELLING UNIT. Also known as a "granny flat." A secondary residential dwelling unit located on the same lot as a single-family dwelling unit, either within a detached building or as a free-standing detached dwelling unit (where allowed). Accessory dwelling units shall be developed in accordance with the standards set forth in [Section 7.16](#) and only in those zoning districts where the use is listed as allowed.

ACCESSORY USE. An accessory use is a use subordinate and customarily incidental to the principal use on a lot.

ADJACENT PROPERTY. Property that adjoins any sides or corners of a specific parcel of land

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including, but not limited to, those lands separated from the parcel by a road right-of-way, easements, or public utility rights-of-way.

ADULT FOSTER CARE FACILITY. A governmental or non-governmental establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care.

A. An adult foster care facility does not include the following:

1. A nursing home licensed under Article 17 of the **Public Health Code, 1978 PA 368**, MCL 333.20101 to 333.22260.
2. A home for the aged licensed under Article 17 of the **Public Health Code, 1978 PA 368**, MCL 333.20101 to 333.22260.
3. A hospital licensed under Article 17 of the **Public Health Code, 1978 PA 368**, MCL 333.20101 to 333.22260.
4. A hospital for the mentally ill or a facility for the developmentally disabled operated by the Department of Health and Human Services under the **Mental Health Code, 1974 PA 258**, MCL 330.1001 to 330.2106.
5. A county infirmary operated by a county department of social services or family independence agency under Section 55 of the **Social Welfare Act, 1939 PA 280**, MCL 400.55.
6. A child caring institution, children's camp, foster family home, or foster family group home licensed or approved under the **Child Care Organizations Act, 1973 PA 116**, MCL 722.111 to 722.128, if the number of residents who become 18 years of age while residing in the institution, camp, or home does not exceed the following:
 1. Two (2), if the total number of residents is ten (10) or fewer.
 2. Three (3), if the total number of residents is not less than eleven (11) and not more than fourteen (14).
 3. Four (4), if the total number of residents is not less than fifteen (15) and not more than twenty (20).
 4. Five (5), if the total number of residents is twenty-one (21) or more.
7. A foster family home licensed or approved under the **Child Care Organizations Act, 1973 PA 116**, MCL 722.111 to 722.128, that has a person who is 18 years of age or older placed in the foster family home under Section 5(7) of 1973 PA 116, MCL 722.115.

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- 8. An establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.
- 9. A facility created by the [Michigan Veteran’s Facility Act, 1885 PA 152](#), MCL 36.1 to 36.12.
- 10. An area excluded from the definition of adult foster care facility under Section 17(3) of the [Continuing Care Community Disclosure Act, 2014 PA 448](#), MCL 554.917
- 11. A private residence with the capacity to receive at least one (1) but not more than four (4) adults who all receive benefits from a community mental health services program if the local community mental health services program monitors the services being delivered in the residential setting.

B. The following additional definitions shall apply in the application of this Ordinance:

- 1. **ADULT DAY CARE FACILITY.** A facility receiving adults for care for periods of less than twenty- four (24) hours in a day, for more than two (2) weeks in any calendar year. For Adult Day Care Facilities operating within a private residence, care for persons related by blood or marriage to a member of the family occupying the dwelling is excluded from this definition.
- 2. **ADULT FOSTER CARE FAMILY HOME.** A private residence with the approved capacity to receive six (6) or fewer adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence. An adult foster care family home shall be considered a residential use of property and permitted use is all residential zones.
- 3. **ADULT FOSTER CARE SMALL GROUP HOME.** An adult foster care facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.
- 4. **ADULT FOSTER CARE LARGE GROUP HOME.** A facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks. This may include nursing homes, assisted living facilities, and senior housing for up to twenty (20) people.
- 5. **ADULT FOSTER CARE CONGREGATE FACILITY.** An adult foster care large group home with the approved capacity to receive more than twenty (20) adults to be provided with foster care.

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6. **STATE-LICENSED RESIDENTIAL FACILITY.** A structure constructed for residential purposes that is licensed by the State under the [Adult Foster Care Facility Licensing Act, 1979 PA 218](#), MCL 400.701 to 400.737, or [1973 PA 116](#), MCL 722.111 to 722.128, and provides residential services for six (6) or fewer individuals under 24-hour supervision or care. The licensee is NOT a member of the household nor is an occupant of the residence. A State Licensed Residential Facility shall be considered a residential use of property and permitted use is all residential zones.

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

ALLEY. A narrow thoroughfare upon which the rear of premises generally abut or upon which service entrances of buildings abut, and which is not generally used as a thoroughfare by both pedestrians and vehicles, or which is not used for general traffic circulation, or which is not in excess of thirty (30') feet in width at its intersection with a street.

ALTERATIONS. Any change, addition, or modification in construction or type of occupancy or in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to here-in as "altered" or "reconstructed".

AMATEUR RADIO ANTENNA. A freestanding or building-mounted antenna, including any base, tower or pole, and appurtenances, intended for airway communication purposes by a person holding a valid amateur radio license issued by the [Federal Communications Commission](#).

APARTMENTS. A suite of rooms or a room in a multiple-family building arranged and intended for a place or residence of a single-family or group of individuals living together as a single housekeeping unit. See [DWELLING, MULTIPLE-FAMILY](#).

ASSISTED LIVING HOME. A structure providing housing and limited services such as nursing, recreation, and meals to individuals who are partially able to provide services to themselves.

ATTACHED. A building that is connected to another building in a substantial manner by walls and a roof.

AVERAGE. For the purpose of this Ordinance, the term "average" shall be an arithmetic mean.

B

BASEMENT. That portion of a building which is partly or wholly below grade but is so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

BED AND BREAKFAST OR TOURIST HOME. A dwelling licensed to serve overnight transient guests in a

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residence for a fee. Such a facility shall be owner-occupied with the owner operating the facility as proprietor.

BLOCK. The property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets (crossing or terminating), or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river, or stream or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the municipality.

BOARDING HOUSE. See **ROOMING HOUSE**.

BOAT, CANOE, OR KAYAK LIVERY AND BOAT YARD. A place where boats and/or canoes are stored, rented, sold, repaired, docked, and serviced.

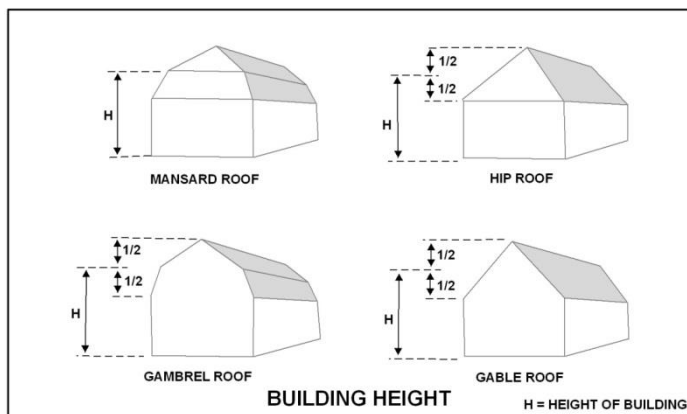
BREW PUB. A facility where beer is produced, stored, and sold for consumption on or off the premises that meets the requirements of the **Michigan Liquor Control Commission**. Also known as a Microbrewery.

BUFFER. Open space, landscaped areas, fences, walls, berms, or any combination thereof to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances. A greenbelt may be considered a buffer.

BUILDING. Any structure, either temporary or permanent, having a room supported by columns or walls, and intended for the shelter or enclosure of persons, animals, chattels, or property of any kind.

BUILDING ENVELOPE. The space remaining on a zoning lot after the minimum open-space requirements (coverage, yards, and setbacks) have been met.

BUILDING HEIGHT. The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building height is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.



BUILDING, EXISTING. An "existing" building is any building actually constructed or the construction of which is started previous to the effective date of this Ordinance provided that the construction of any such building continues uninterrupted and is completed within six (6) months from such date.

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

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BUILDING, PRINCIPAL. A building in which is conducted the principal use of the premises on which it is situated.

C

CABIN COURTS/CABIN COMPLEX. Grouping of multiple cabins/cottages on a site and used for purposes of renting or leasing to transient clientele.

CAMPGROUND/RV PARK. Any parcel or tract of land, under the control of any person wherein sites are offered for the use of the public or members of an organization, either free of charge or for a fee for the establishment of temporary living quarters for recreational units.

CEMETERY. Property, including mausoleums and/or columbariums, used or intended to be used for the perpetual interment of deceased human beings or household pets.

CHILD CARE FACILITY. A facility for the care of children (persons under 18 years of age), as licensed and regulated by the State under the [Child Care Organizations Act, 1973 PA 116](#), MCL 722.111 to 722.128, and the associated rules promulgated by the [State Department of Health and Human Services](#). Such organizations shall be further defined as follows:

- A. **FAMILY CHILD CARE HOME.** A State-licensed, owner-occupied private residence in which at least one (1) but not more than six (6) minor children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.
- B. **GROUP CHILD CARE HOME.** A State-licensed, owner-occupied private residence in which at least seven (7) but not more than twelve (12) children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.
- C. **CHILD CARE CENTER.** A State-licensed facility, other than a private residence, receiving one (1) or more children for care and supervision for periods less than twenty-four (24) hours, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center.
- D. **CHILD CARING INSTITUTION.** A child care facility that is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a 24-hour basis, in buildings

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maintained by the child caring institution for that purpose, and operates throughout the year. An educational program may be provided, but the educational program shall not be the primary purpose of the facility. Child caring institution includes a maternity home for the care of unmarried mothers who are minors and an agency group home that is described as a small child caring institution, owned, leased, or rented by a licensed agency providing care for more than four (4) but less than thirteen (13) minor children. Child caring institution also includes institutions for developmentally disabled or emotionally disturbed minor children. Child caring institution does not include a hospital, nursing home, or home for the aged licensed under Article 17 of the **Public Health Code, 1978 PA 368**, MCL 333.20101 to 333.22260, a boarding school licensed under Section 1335 of the **Revised School Code, 1976 PA 451**, MCL 380.1335, a hospital or facility operated by the State or licensed under the **Mental Health Code, 1974 PA 258**, MCL 330.1001 to 330.2106, or an adult foster care family home or an adult foster care small group home licensed under the **Adult Foster Care Facility Licensing Act, 1979 PA 218**, MCL 400.701 to 400.737, in which a child has been placed under Section 5(6).

CHURCH. See **RELIGIOUS INSTITUTION OR CHURCH.**

CLINIC. A building or group of buildings wherein one (1) or more professional(s), such as a physician, dentist, veterinarian, or the like, examines and treats patients, except that such patients are not lodged therein overnight.

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

COMPREHENSIVE PLAN. The Comprehensive Plan for the Village of Pellston as may be amended or updated, including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and other physical development features.

COMMERCIAL EVENT FACILITY. A location where events are held including, but not limited to, weddings, parties, meetings, family reunions, and corporate events. The event locations can include, but not be limited to, tents, gazebos, barns, open areas, and residential structures as well as other structures specifically designed to host events.

COMMERCIAL USE. The use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise, or personal services and the maintenance or operation of offices.

CONDITIONAL REZONING. A rezoning that is conditioned by a specific use and approved site plan voluntarily proposed by the applicant.

CONDOMINIUMS.

A. **COMMON ELEMENTS.** The portions of the condominium project other than the condominium units

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- B. **CONDOMINIUM ACT. 1978 PA 59**, as amended.
- C. **CONDOMINIUM DOCUMENTS.** The master deed, recorded pursuant to the **Condominium Act**, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in the condominium.
- D. **CONDOMINIUM LOT.** The condominium unit and the contiguous limited common element surrounding the condominium unit, which shall be the counterpart of "lot" as used in connection with a project developed under the **Land Division Act, 1967 PA 288**, as amended.
- E. **CONDOMINIUM PROJECT.** A plan or project consisting of not less than two (2) condominium units established in conformance with the Condominium Act.
- F. **CONDOMINIUM, SITE.** A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which located, in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed, herein defined as a Condominium Unit, as described in the Master Deed.
- G. **CONDOMINIUM UNIT.** The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.
- H. **GENERAL COMMON ELEMENTS.** The common elements other than the limited common elements.
- I. **LIMITED COMMON ELEMENTS.** A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
- J. **MASTER DEED.** The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project, and all other information required by Section 8 of the Condominium Act.

CONVALESCENT OR NURSING HOME. A structure with sleeping rooms where persons are housed and furnished with meals, nursing, and medical care.

COTTAGE INDUSTRY. A Home Occupation which, due to the nature of the investment or operation, includes one (1) or more of the following aspects:

- A. Requires regular visits by clients or customers.
- B. Needs frequent delivery or shipment of goods.
- C. Conducts regular operations or store materials outside of the residence.
- D. Employs two (2) or more individuals who reside off premises.
- E. Has the potential to rapidly increase in size and intensity.

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COUNTRY CLUB. A private social and recreation facility providing one (1) or more of the following activities: golf, riding, swimming, indoor and outdoor recreation, and club house for members, their families, and invited guests.

D

DECK. A horizontal structure of a single elevation or varying elevations and used for outdoor living purposes, commonly used as a floor attached or adjacent to the principal building. A deck may be open or partially or completely covered by a roof structure. A deck shall comply with the setbacks of the principal building.

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

DISTRICT. Any section of the Village of Pellston within which the zoning regulations are uniform.

DRIVE-IN OR DRIVE-THROUGH. A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle.

DWELLING. A building or portion thereof designed or used exclusively for residential occupancy, but not including hotels, motels, or tourist courts.

DWELLING, MANUFACTURED. See [MANUFACTURED HOME](#).

DWELLING, MULTIPLE-FAMILY. A building designed for or occupied exclusively by three (3) or more families living independently of each other where each unit may have access to a common hallway, stairs, or elevator. Multiple-family dwelling includes apartment buildings and also the following:

- A. **BUNGALOW COURT.** This building type consists of a series of small, detached structures, providing multiple units arranged to define a shared court. The shared court takes the place of a private rear yard.
- B. **FOURPLEX.** A medium structure that consists of four (4) units: typically two (2) on the ground floor and two (2) above with a shared entry.
- C. **MULTIPLEX.** A medium structure that consists of five (5) to ten (10) side-by-side and/or stacked dwelling units, typically with one (1) shared entry or individual entries along the front.
- D. **COURTYARD APARTMENTS.** A medium- to large-sized structure consisting of multiple side-by-side and/or stacked dwelling units accessed from a courtyard or series of courtyards. Each unit may have its own individual entry or may share a common entry.

DWELLING, SINGLE-FAMILY. A building designed for or occupied exclusively by one (1) family.

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- A. **DWELLING, SINGLE-FAMILY DETACHED.** A building designed exclusively for and occupied exclusively by one (1) family that is separate and distinct from any other dwelling. A single-family dwelling that does not share a common wall with any other dwelling is a detached single-family dwelling.
- B. **DWELLING, SINGLE-FAMILY ATTACHED.** A dwelling designed for occupancy by one (1) family in a row of at least (3) three such units in which each unit has its own access to the outside, no unit is located over another, and each unit is separated from any other unit by one or more vertical common fire-resistant walls (also known as a townhouse or rowhouse).

DWELLING, TWO-FAMILY. A building designed for or occupied exclusively by two (2) families living independently of each other.

E

EASEMENT. The right of an owner of property by reason of such ownership, to use the property of another for purposes of ingress, egress, utilities, drainage, and similar uses.

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

ESSENTIAL SERVICES. The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel, or water transmission or distribution systems including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants, and similar equipment in connection herewith, but not including buildings, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, or welfare. Wireless communications systems, wind turbine generators, and public utility substations are not included within this definition.

EXCAVATION. Any breaking of ground, except common household gardening, ground care, and tilling related to agricultural production or tree plantations.

EXTRACTION OPERATION. The removal, extraction, or mining of sand, gravel, or similar material for commercial gain.

F

FAMILY. One (1) or more persons related by blood, marriage, or legal adoption (and their domestic employees) occupying a dwelling unit and living as a single housekeeping unit or a collective number of individuals living together in a dwelling unit whose relationship is of a permanent and distinct domestic character and living/cooking as a single housekeeping unit. This definition shall not include

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a society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or organization, which is not a recognized religious order, nor include a group of individuals whose association is temporary or transient in character or nature.

FARM. The land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

FARM MARKET/ROADSIDE STAND. The sale of agricultural products or value-added agricultural products, directly to the consumer from a site on a working farm or any agricultural, horticultural or agribusiness operation or agricultural land.

FARMER'S MARKET. A market held in an open area or in a temporary structure where groups of transient sellers offer for sale to the public such items as agricultural produce, seasonal fruits, fresh flowers, meat, eggs, and items customarily sold or dispensed at farmer's markets from booths or vehicles located on site. A farmer's market may be conducted in the same fixed location, but is operated on a periodic basis as a temporary, seasonal use.

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

FENCE. An accessory structure artificially constructed to serve as an enclosure, obscuring screen, physical barrier, and/or decorative landscape element.

FLOOR AREA, USABLE. For the purpose of computing parking requirements, usable floor area is that area used for or intended to be used for the sale of merchandise or services or for use to serve patrons, clients, or customers. Floor area used or intended to be for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities shall be excluded for the computation of usable floor area.

FLOOR AREA, GROSS. The total floor area of a building measured from the outside dimensions of the building at each floor level intended for occupancy or storage.

FOOD TRUCK. Any structure designed and pre-manufactured as a complete and transportable unit to be used as a place of business to sell prepared food for human consumption. Mobile businesses include structures legally transportable over a highway and exclude modular or pre-manufactured structures which are installed with a permanent foundation as well as tent-walled structures. Also called a Food Booth.

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FOOD TRUCK PARK. A parcel or tract of land under the control of a person or entity upon which two (2) or more Food Trucks are located on a continual basis and which is offered to the public for the purpose conducting commerce relating to the sale of prepared food.

G

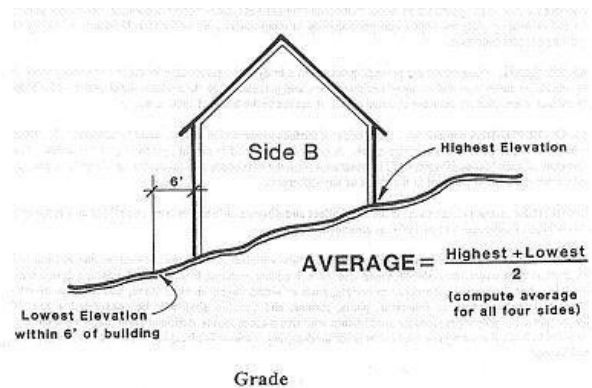
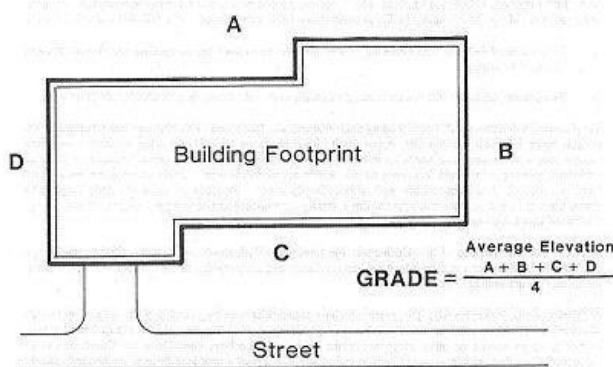
GARAGE, PRIVATE. Accessory building space designed or used primarily for the storage of motor-driven vehicles, owned and used by the occupants of the building to which it is accessory.

GARAGE/YARD/RUMMAGE SALE. Occasional sales at retail held on residential property.

GASOLINE SERVICE STATION. A place primarily operated and designed for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories. Also known as a Gas Station.

GLARE. The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

GRADE, FINISHED. For the purpose of regulating the number of stories and the height of buildings, the building grade shall be the level of the ground adjacent to the walls of the building upon completion of construction and improvements. If the ground is not level, the grade shall be determined by averaging the elevation of the ground for each face of the building.



GRADE, NATURAL. The elevation of the ground surface in its natural state before human alterations.

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

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

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GUEST HOUSE. See [ACCESSORY DWELLING UNIT](#).

H

HAZARDOUS SUBSTANCES. Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental to the health of any person handling or otherwise coming into contact with such materials or substances.

HEDGE. A row of closely planted shrubs, bushes, or any kind of plant forming a boundary or fence.

HOME OCCUPATION. Where permitted in a district, an accessory use of a residential premises by the occupant which may be carried on for gain, provided that the use does not take on the character of a business or industrial use in terms of signs, open storage, parking bays, visible display, traffic, noise, vibration, smoke, dust, odor, and/or other similar nuisances, and further, the activity does not conflict with, or operate out of character with, any surrounding or adjacent uses. The term "home occupation" does not include garage/yard/rummage sale activity. See also [COTTAGE INDUSTRY](#).

HOMELESS SHELTER. See [RESIDENTIAL HUMAN CARE FACILITY](#).

HOTEL. See definition [MOTEL OR HOTEL](#).

I

IMPERVIOUS SURFACE. Any material which prevents, impedes, or slows infiltration or absorption of storm water directly into the ground including building, asphalt, concrete, gravel, and other surfaces. For the purpose of calculating storm water runoff, impervious surfaces shall include all roofs, slabs, pavements, gravel drives, and parking lots.

IMPROVEMENTS. Buildings, structures, parking areas, landscaping, and similar features which add value to a property and actions associated with a project.

INDUSTRIAL. A business operated primarily for profit, including those of product manufacturing or conversion through assembly of new or used products or parts or through the disposal or reclamation of salvaged material, and including those businesses and service activities that are a normal integral part of an industrial manufacturing enterprise, industrial park, district, or area.

INDUSTRIAL PARK. A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in surroundings among compatible neighbors.

INGRESS. Access or entry.

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INN. A residential structure with sleeping rooms available for rent by guests on a short term basis and which offers meals to the public for compensation.

J

JUNK. All rubbish, refuse, and debris including, but not limited to, the following: nonputrescible solid waste, ashes, glass, cans, bottles, discarded or abandoned machinery, household appliances, industrial wastes, and discarded, inoperative, dismantled, or partially dismantled motorized vehicles or parts thereof. This shall not preclude home or farm composting for on-site use.

JUNK/SALVAGE YARD. An open area where waste, used, or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including, but not limited to scrap and other metals, paper, rags, rubber tires, and bottles. A "junk/salvage" yard includes automobile wrecking yards and includes any area of more than two hundred (200 ft²) square feet for storage, keeping, or abandonment of junk, but does not include uses established entirely within enclosed buildings.

K

KENNEL, COMMERCIAL. A dwelling unit or a nonresidential building, structure, parcel of land, or portion thereof in which three (3) or more dogs, cats, or other household domestic animals, more than six (6) months in age, are maintained, boarded, bred, cared for, or kept for the purpose of sale or temporary boarding but not including veterinary care or treatment.

L

LABORATORY.

- A. **MEDICAL OR DENTAL.** A laboratory which provides analytical or diagnostic services to physicians and dentists. No fabrication is conducted on the premises except the custom fabrication of dentures or surgical supports.
- B. **EXPERIMENTAL.** A building or part of a building devoted to the testing and analysis of any product or animal.

LANDSCAPING. Any combination of existing or planted trees, shrubs, vines, ground covers, flowers, lawns, fences, fountains, pools, artworks, screens, walls, berms, benches, walks, paths, steps, terraces, and garden structures and any surface and subsurface structures, grading, or excavation included on a site plan.

LOADING SPACE. An off-street space for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

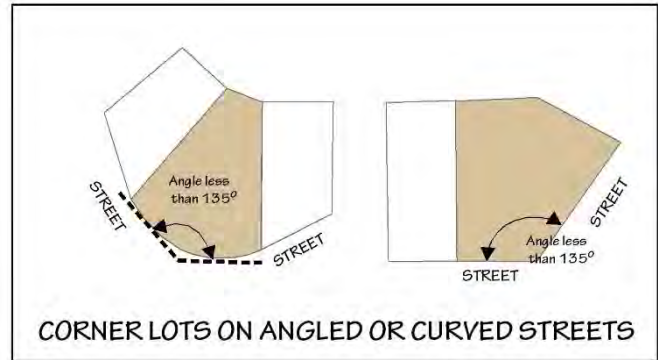
LOT. A piece or parcel of land occupied or intended to be occupied by a principal building or a group

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of such buildings and accessory buildings or utilized for a principal use and uses accessory thereto, together with such open spaces as required by this Ordinance, and having frontage on a public street or on a street which is a private street. The word "lot" shall include parcel and a unit of land within a site condominium which gives the owner exclusive rights to a building envelope and limited rights to the yard area surrounding the building.

LOT, CORNER. A lot which has an interior angle of less than one hundred thirty-five (135°) degrees at the intersection of two (2) street lines. A lot abutting on a curved street shall be considered a "corner lot" if the tangents to the curve at the points of intersection of the side lot lines intersect as an interior angle of less than one hundred thirty-five (135°) degrees.



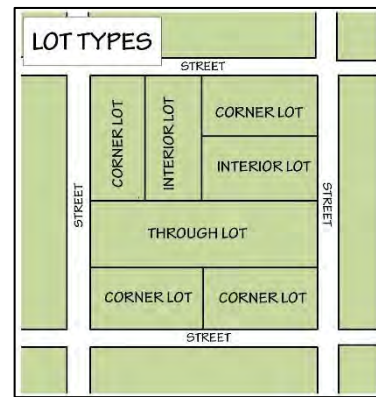
LOT, INTERIOR. A lot other than a corner lot.

LOT, THROUGH LOT. A lot other than a corner lot having frontage on two (2) more or less parallel streets.

LOT COVERAGE. That portion of the lot occupied by principal and accessory buildings.

LOT DEPTH. The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

LOT LINES.



A. **FRONT LOT LINE.** That line which creates the abutting street right of way line (in the case of a corner lot the front line shall be that line which the front of the house faces).

B. **REAR LOT LINE.** That line which is opposite the front line.

C. **SIDE LOT LINE.** Any lot line other than the front or rear lot line.

LOT OF RECORD. A lot which is part of a subdivision, the map of which has been recorded in the office of the Register of Deeds of Emmet County or a parcel of land, the deed of which was recorded in the office of the Register of Deeds of Emmet County.

LOT WIDTH. Lot width is the distance from one side lot line to the other side lot line measured at the minimum building setback permitted in this Ordinance.

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LOT, ZONING. A contiguous tract of land which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A zoning lot may not always coincide with a lot of record, but may include one (1) or more lots of record.

M

MASTER PLAN. See [COMPREHENSIVE PLAN](#).

MANUFACTURED HOME. A factory-built, single-family structure that is transportable in one (1) or more sections, is built on a permanent chassis, is designed to be used as a dwelling with or without a permanent foundation, is designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, and electrical systems in the structure, but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site and which does not have wheels or axles permanently attached to its body or frame. A manufactured home is constructed according to the [National Mobile Home Construction and Safety Standards Act of 1974](#), as amended. The manufactured home shall meet the minimum floor area requirements of this Zoning Ordinance and installed in accordance with all of the other requirements of this Ordinance specified for dwellings when located outside of a licensed Manufactured Housing Development. This term shall not include travel trailers/recreational vehicles.

MANUFACTURED HOUSING COMMUNITY. A parcel or tract of land under the control of a person upon which three (3) or more manufactured homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, equipment, or facility used or intended for use incident to the occupancy of a manufactured home and which is not intended for use as a temporary trailer park.

MANUFACTURING, HEAVY. The production, processing, cleaning, testing, storage, and distribution of materials, goods, foodstuffs, and products. Heavy Manufacturing are those industries in which the modes of operation of the industry do have external effects and may directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, and vibration. Marijuana products are not included in this definition.

MANUFACTURING, LIGHT. The production, processing, cleaning, testing, storage, and distribution of materials, goods, foodstuffs, and products. Light Manufacturing are those industries in which the modes of operation of the industry have no external effects and do not directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, and vibration. Marijuana products are not included in this definition.

MEDICAL MARIJUANA. The following definitions are related to medical marijuana.

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- A. **ENCLOSED, LOCKED FACILITY.** That term as defined in Section 3 of **Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act, being MCL 333.26423)**.
- B. **MARIJUANA ESTABLISHMENT.** An enterprise at a specific location at which a licensee is licensed to operate under **Initiated Law 1 of 2018, Medical Regulation and Taxation of Marijuana Act, MCL 333.27951 et seq.** including a marijuana grower, marijuana microbusiness, marijuana processor, marijuana retailer, marijuana secure transporter, or marijuana safety compliance facility.
- C. **MARIJUANA FACILITY.** An enterprise at a specific location at which a licensee is licensed to operate under **2016 PA 281, Medical Marijuana Facilities Licensing Act, MCL 333.27101 et seq.** including a marijuana grower, marijuana processor, marijuana provisioning center, marijuana secure transporter, or marijuana safety compliance facility. The term does not include or apply to a “primary caregiver” or “caregiver” as that term is defined in the **Michigan Medical Marijuana Act, MCL 333.26421 et seq.**
- D. **MEDICAL MARIJUANA.** That term as defined in the **Public Health Code, MCL 333.1101 et seq., the Michigan Medical Marijuana Act, MCL 333.26421 et seq., the Medical Marijuana Facilities Licensing Act, MCL 333.27101 et seq., and the Marijuana Tracking Act, MCL 333.27901 et seq.**
- E. **PERSON.** An individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.
- F. **PRIMARY CAREGIVER.** That term defined in **Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act, being MCL 333.26423)** who is at least 21 years old and who has been registered by **State Department of Licensing and Regulatory Affairs** or any successor agency to assist with a Qualifying Patients’ use of medical marijuana.
- G. **PRIMARY CAREGIVER FACILITY.** A building in which the activities of a Primary Caregiver are conducted.
- H. **QUALIFYING PATIENT.** That term defined in Section 3 of **Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act, being MCL 333.26423)** who has been diagnosed by a physician as having a debilitating medical condition as provided by the Michigan Medical Marijuana Act and who has obtained a duly issued registry identification card from the **State Department of Licensing and Regulatory Affairs** or any successor agency.

MOTEL OR HOTEL. A commercial building(s) or part of a commercial building in which sleeping rooms are offered primarily for transient occupancy to the traveling public, and in which one (1) or more of the following services may be offered: maid service, furnishing of linen, telephone, secretarial or desk service, and bellboy service. A hotel or motel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms/conference center. Boarding houses, bed and breakfast establishments, tourist homes, and multiple-family dwelling units are excluded. Sometimes called “Motor Inn.”

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MUNICIPAL CIVIL INFRACTION. An act or omission that is prohibited by the Village of Pellston Zoning Ordinance, but which is not a crime under this Ordinance or any other county ordinance, and for which civil sanctions, including fines, damages, expenses, and costs may be ordered, as authorized by the [Revised Judicature Act, 1961 PA 236](#), as amended, MCL 600.8701 to 600.8735.

MUSEUM. A building having public significance by reason of its architecture or former use or occupancy or building serving as a repository for a collection of natural, scientific, or literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge, and which may include, as an accessory use, the sale of goods to the public as gifts or for their own use.

N

NONCONFORMING BUILDING. A building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and which does not conform to the dimensional provisions of the Ordinance in the zoning district in which it is located.

NONCONFORMING LOT. A lot, the area and dimensions of which was lawful at the effective date of this Ordinance, or amendments thereto, and which does not conform to the provisions of the Ordinance in the zoning district in which it is located.

NONCONFORMING SIGN. A sign lawfully existing on the effective date of this Zoning Ordinance, which does not comply with the regulations set forth in this Ordinance.

NONCONFORMING USE. A use which lawfully occupied a building or parcel of land at the effective date of this Ordinance, or amendments thereto, and that does not conform to the use regulations of the district in which it is located.

NUISANCE. The word "nuisance" shall be held to embrace public nuisance as known at common law or in equity jurisprudence; and whatever is dangerous to human life or detrimental to health; and any dwelling or building which is over-crowded with occupants or is not provided with adequate ingress or egress to or from the same, or is not sufficiently supported, ventilated, sewerred, drained, cleaned or lighted in reference to its intended or actual use; and whatever renders the air or human food or drink unwholesome, are also severally.

Nuisance also means an offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to: (a) noise, (b) dust, (c) smoke, (d) odor, (e) glare, (f) fumes, (g) flashes, (h) vibration, (i) shock waves, (j) heat, (k) electronic or atomic radiation, (l) objectionable effluent, (m) noise of congregation of people, particularly at night, (n) passenger traffic, (o) invasion of non-abutting street frontage by traffic, (p) a burned out structure, (q) a condemned structure.

NURSERY OR GREENHOUSE. A space, building, or structure or combination thereof, for the storage of

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live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping. The definition of nursery does not include space used for the sale of fruits, vegetables, gifts, lawn furniture, and gardening or farm equipment.

NURSING HOME. See **CONVALESCENT OR NURSING HOME.**

O

OFFICE. A place where a business, executive, administrative, or professional activity is carried on (wherein goods, wares or merchandise are not commercially treated, manufactured, fabricated, displayed, warehoused, exchanged, or sold), provided, however, this definition shall not preclude the interior display of or sale made from samples of merchandise normally associated with certain business services such as but not limited to manufacturer's representatives.

OPEN SPACE. Land upon which no structures, parking, rights-of-way, easements, sewage disposal systems (including backup areas for sewage disposal), or other improvements have or will be made that commit land for future use other than outdoor recreational use. Land proposed for outdoor recreational usage that would result in the development of impervious surfaces shall not be included as open space.

OUTDOOR COMMERCIAL RECREATIONAL FACILITY. A commercial business that provides amusement facilities, such as miniature golf, carnival rides, rebound tumbling facilities, and other similar attractions and open to the general public.

OUTDOOR SALES. Includes uses operated for profit substantially in the open air, including sales, rental or repair of the following: bicycles, utility trucks or trailers, motor vehicles, boats, home equipment, garages, recreation vehicles, recreational equipment, manufactured homes, snowmobiles, farm implements, swimming pools, and similar items.

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

P

PARKING LOT, OFF STREET. An area of definite length and width exclusive of drives, aisles, or entrances giving access thereto and fully accessible for the storage or parking of permitted vehicles.

PARKING AISLES. That portion of the parking lot consisting of lanes which provide access to parking spaces. Aisles shall not be less than twenty-four (24') feet in width.

PARKING SPACE. A parking space is an accessible area, either garage or surfaced area, not less than ten (10') feet in width and twenty (20') feet in length, exclusive of area required for ingress or egress, which can be used at all times for parking a motor vehicle.

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PATIO. A paved open space used for outdoor living purposes and constructed of any materials providing a hard, durable surface, and placed directly on the ground. A patio does not have to comply with setbacks.

PERFORMANCE GUARANTEE. A cash deposit, certified check, irrevocable bank letter of credit, or a performance, or surety bond approved by Village of Pellston.

PERFORMANCE STANDARDS. A set of criteria or limits relating to nuisance elements (noise, odor, vibration, toxic and hazardous materials, radiation, flooding, and other similar occurrences) that a particular use or process may not exceed.

PERSON. An individual, partnership, association, trust or corporation, or any other legal entity or combination thereof.

PLANNED UNIT DEVELOPMENT (PUD). A residential or commercial development guided by a master design plan in which one (1) or more of the zoning or subdivision regulations shall be permitted to be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with guidelines shown herein.

PLANNING COMMISSION. The official constituted planning body of the Village of Pellston, created per [2008 PA 33, as amended, the Michigan Planning Enabling Act](#).

PRINCIPAL USE. The primary or chief purpose for which the lot is used.

PRIVATE ROAD. Any privately owned and maintained drive, street, or roadway which provides or is intended to provide the primary means of ingress and egress ("access") to three (3) or more lots, buildings or dwelling units. "Private road" includes only those portions of the drive, street, or roadway which is shared or used jointly for access to three (3) or more lots, buildings, or dwelling units, and not portions which are used solely to provide access to one (1) or two (2) lots, buildings, or dwelling units.

PUBLIC UTILITY. Any person, firm, corporation, municipal department, or board duly authorized to furnish or furnishing, under regulation, to the public, electricity, gas, steam, communication, transportation, drainage, or water.

R

RECREATIONAL EQUIPMENT. Any [RECREATIONAL VEHICLES](#), travel trailers, campers, folding tent trailer, utility trailer, boat, boat trailer, personal water craft, and personal water craft trailer including transportation equipment, off-road vehicles, and snowmobiles, all designed to be used for travel, recreation, and vacation use, or periodical and occasional recreation and vacation use.

RECREATIONAL VEHICLE. A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes including a vehicle having its own motor power or a vehicle

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mounted on or drawn by another vehicle.

RELIGIOUS INSTITUTION OR CHURCH. A building wherein persons assemble regularly for religious worship, maintained and operated by an organized religious body. In determining the definition of an organized religious body, the Village will refer to the characteristics generally attributed to churches that are used by the Internal Revenue Service to define a church. Accessory uses, buildings, and structures customarily associated with the religious institution are classified as part of the principal use as a church, temple, synagogue, or similar religious structure and/or institution.

RESIDENTIAL HUMAN CARE FACILITY. A facility (not within a private residence) providing:

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

RESORTS OR VACATION LODGE. A recreational facility normally operated for gain which provides overnight lodging and one (1) or more of the following activities: golf, skiing, dude ranching, so called, recreational farming, snowmobiling, pack trips, boating, and related activities. Also called a Recreation Camp.

RESTAURANT. A business located in a building where, in consideration for the payment of money, meals are habitually prepared, sold, and served to persons for consumption on or off the premises, having suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of goods that may be required for ordinary meals, and deriving the major portion of its receipts from the sale of food and complying with State and Federal health regulations.

RESOURCE RECOVERY FACILITY. Machinery, equipment, structures, or any parts or accessories of machinery, equipment, or structures, installed or acquired for the primary purpose of recovering materials or energy from the waste stream. Also called a Recycling Facility or Recycling Center.

RETAIL TRADE. Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

RIGHT-OF-WAY. A street, alley, or other roadway or easement permanently established for passage of persons or vehicles.

ROADSIDE STAND. See [FARM MARKET/ROADSIDE STAND](#).

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ROOM. For the purpose of determining lot area requirements and density, a room is a living room, dining room or bedroom equal to at least eighty (80 ft²) square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways, and storage.

ROOMING HOUSE. An owner-occupied, single-family dwelling containing guest rooms in which lodging is provided with or without meals for compensation and which is open to permanent guests only and where no provision is made for cooking in any guest room.

RV PARK. See [CAMPGROUND/RV PARK](#).

S

SEASONAL SALES. Sales establishments which exist on a temporary basis based on seasonal events such as Christmas tree sales and seasonal produce.

SEASONAL USE. Any use or activity that is not conducted during each month of the year.

SETBACK. The minimum required horizontal distance from the applicable right-of-way line, easement, or property line of a lot within which no buildings or structures may be placed. Setback is measured from the nearest point of the principal building.

SEXUALLY-ORIENTED BUSINESS. A business or commercial enterprise engaging in any of the following: (A) adult arcade; (B) adult bookstore or adult video store; (C) adult cabaret; (D) adult motel; (E) adult motion picture theater; (F) adult theater; (G) escort agency; (H) nude model studio; and (I) similar establishments.

- A. **ADULT ARCADE.** Any place to which the public is permitted or invited wherein coin-operated or slug-operated electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.
- B. **ADULT BOOKSTORE OR ADULT VIDEO STORE.** A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration one(1) or more of the following:
 - 1. Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes, or video reproductions, slides or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or
 - 2. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.

A commercial establishment may have other principal business purposes that do not involve the

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offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it occupies twenty-five (25%) percent or more of the floor area or visible inventory within the establishment.

C. **ADULT CABARET.** A nightclub, bar, restaurant, or similar commercial establishment that regularly features any of the following:

1. Persons who appear in a state of nudity.
2. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities.
3. Films, motion pictures, video cassettes, slides, other photographic reproductions, or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.
4. Persons who engage in lewd, lascivious, or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

D. **ADULT MOTEL.** A hotel, motel or similar commercial establishment that:

1. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions, or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right of way that advertises the availability of any of the above;
2. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.

E. **ADULT MOTION PICTURE THEATER.** A commercial establishment, regardless of its seating capacity, designed or used as an indoor theater where for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

F. **ADULT THEATER.** A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.

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- G. **ESCORT AGENCY.** Any business, agency, or person who, for a fee, commission, hire, reward, or profit, furnishes or offers to furnish names of persons, or who introduces, furnishes, or arranges for persons, who may accompany other persons to or about social affairs, entertainments, or places of amusement, or who may consort with others about any place of public resort or within any private quarters.
- H. **HUMAN.** Besides the customary meaning, the term “human” shall also include non-living anthropomorphic (resembling human) devices, both physical and digital.
- I. **NUDE MODEL STUDIO.** Any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.
- J. **NUDITY OR A STATE OF NUDITY.** Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
- K. **SPECIFIED ANATOMICAL AREAS.** Means and includes any of the following:
1. Less than completely and opaquely covered:
 - a. Human genitals.
 - b. Pubic region.
 - c. Buttocks.
 - d. Female breast below a point immediately above the top of the areola.
 2. Human male genitals in a discernible turgid state even if completely or opaquely covered.
- L. **SPECIFIED SEXUAL ACTIVITIES.** Means and includes any of the following:
1. Human genitals in a state of sexual arousal.
 2. Acts of or simulated acts of human masturbation, sexual intercourse, sodomy, bestiality, fellatio, or cunnilingus.
 3. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.
 4. Excretory functions as part of or in connection with any of the activities set forth in 1-3 above.

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SHIPPING CONTAINER. A container fabricated for the purpose of transporting freight or goods on a truck, railroad, or ship, including cargo containers, shipping containers, storage units, or other portable structures that are used for storage of items, including, but not limited to, clothing, equipment, goods, household or office fixtures or furnishings, materials, and merchandise.

SHOPPING CENTER. A group, cluster, or complex of retail stores within a single architectural plan and occupying a site under single ownership, management, or control. At least three (3) retail stores and services, so arranged or planned, shall qualify as a shopping center for zoning purposes.

SIGNS:

- A. **ABANDONED SIGN.** An abandoned sign is any sign to which any of the following applies:
1. The sign no longer identifies or advertises a bona fide business, owner, lessor, person, service, product, or activity.
 2. The sign is located on a property on which the use has been abandoned.
 3. The sign's message becomes illegible in whole or substantial part.
 4. The sign has fallen into disrepair.
- B. **ACCESSORY SIGN.** A permanent sign which is accessory to the primary sign principal use of the premises and located on the same lot as the principal use.
- C. **ALTERATION.** As used in this Ordinance, the term "alteration" (or "alter," "altered" etc.) means any change in a sign, including, without limitation, any change in a sign's dimensions, shape, area, height, number or orientation of sign faces, structural support, location on the property, materials, or lighting. A change solely in the wording of the copy of a sign shall not constitute an "alteration" for purposes of this Ordinance, unless the result of the change would cause the sign to be reclassified to a type of sign subject to different or more restrictive regulation (e.g., a change from an on-premise to an off- premise sign).
- D. **BANNER SIGN.** A sign made of lightweight fabric or similar material with no enclosing framework that is mounted to a building or other structure at one (1) or more edges.
- E. **BUILDING WALL.** Any vertical surface of a building or structure (other than a pitched roof) that is integral to and could reasonably be constructed as part of the architecture of the building when a sign(s) are not being contemplated. Examples of building walls include but are not limited to: awnings, canopies, marquees, the vertical portion of gable roofs, parapets, mechanical penthouses, etc.

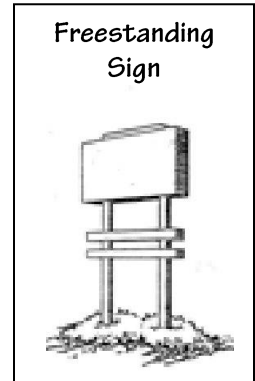
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F. **CHANGEABLE COPY SIGN.** A portion of a sign with letters, characters, or graphics that are not permanently affixed to the structure, framing, or background allowing the letters, characters, or graphics to be modified from time to time manually or by electronic or mechanical devices, such as a bulletin board or electronic message board. Changeable copy signs that only display messages relating to products or services that are not offered on the property are considered **OFF-PREMISE SIGNS.**

G. **COPY.** The wording on a sign surface in either permanent or removable letter form.

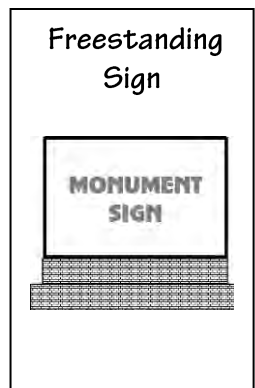
H. **FLAG.** Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, corporate, or commercial entity, or institution.

I. **FREESTANDING SIGN.** A sign not attached to a building or wall, which is supported by one (1) or more poles or braces or which rests on the ground or on a foundation resting on the ground.



J. **GOVERNMENTAL SIGN.** A sign erected or required to be erected by Village of Pellston, Emmet County, or the State or Federal government.

K. **INFLATABLE SIGN.** Any inflatable shape or figure designed or used to attract attention to a business event or location. Inflatable promotional devices shall be considered to be temporary signs under the terms of this Ordinance and, where applicable, subject to the regulations thereof.

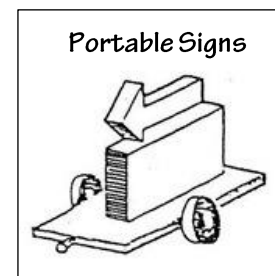


L. **MEMORIAL SIGN.** A non-illuminated sign, tablet, or plaque memorializing a person, event, structure, or site.

M. **OFF-PREMISE SIGN.** A sign which relates to or advertises an establishment, product, merchandise, good, service, or entertainment which is not located, sold, offered, produced, manufactured, or furnished at the property on which the sign is located (including, but not limited to, billboards).

N. **ON-PREMISE SIGN.** A sign which pertains solely to the use of the property on which it is located such as to an establishment, product, merchandise, good, service, or entertainment which is located, sold, offered, produced, manufactured, or furnished at the property on which the sign is located.

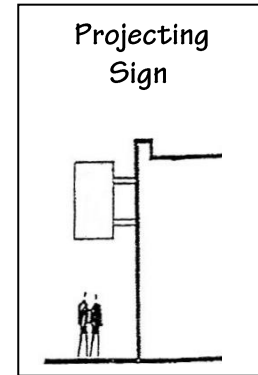
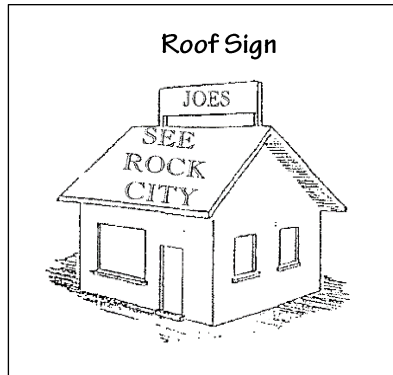
O. **PRIMARY SIGN.** A permanent sign which displays the primary message for the premises.



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P. **PORTABLE SIGN.** Any changeable copy sign not permanently attached to the ground or a building and is designed to be transported by some means such as a trailer or wheels.

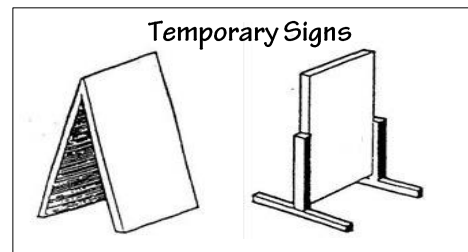
Q. **PROJECTING SIGN.** A sign that is attached to a building wall and extending perpendicular to (or approximately perpendicular to) the building wall and twelve (12") inches or more beyond the face of the wall.



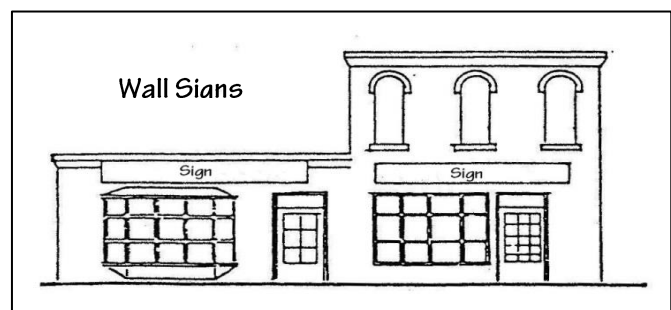
R. **ROOF SIGN.** A sign, or any portion thereof, erected, constructed, or projecting upon or over the roof or parapet wall of any building whether the principal support for the sign is on the roof, wall or any other structural element of the building.

S. **SIGN.** A device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to communicate information of any kind to the public.

T. **TEMPORARY SIGN.** A display sign constructed of cloth, canvas, fabric, plastic, or other light temporary material, with or without a structural frame, or any other sign intended for a limited period of display, but not including decorative displays for holidays or public demonstration. A temporary sign shall not be used as a substitute for a permanent on-premise sign. A temporary sign is one that is not affixed to the ground permanently and can be easily moved.



U. **WALL SIGN.** A sign painted or attached directly to and parallel to the exterior wall of a building. A wall sign shall extend no greater than twelve (12") inches from the exterior face of a wall to which it is attached, shall not project beyond the wall to which it is attached, and shall not extend above the roof line of the building to which it is attached.



V. **WINDOW SIGN.** A sign that is applied or attached to a window or door, or a sign located near a window within a building for the purpose of being visible to and read from the outside of the building except for signs that are not legible from a distance of more than three (3') feet beyond the building in which such sign is located.

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SIGN, MEASUREMENT.

- A. The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame of other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the pedestal, poles or other structure necessary to support the sign.
- B. The area of all signs shall be measured by adding the total area of all visible faces, notwithstanding the number of faces on each sign, or the relationship of each face to another for each sign.
- C. For a sign comprised of individual letters, figures or elements on a wall or similar surface of a building or structure, or an irregular shaped freestanding sign, the area of the sign shall be the area of not more than three (3) regular geometric shapes that encompasses the perimeter of all the elements in the display.
 - 1. When separate elements are organized to form a single sign, but the elements are separated by open space, the area of the sign shall include all the display areas, including the space between the elements.
 - 2. Up to five (5%) percent of the permitted sign area may be considered minor protrusions, and extend outside of the maximum limitation of three (3) geometric shapes and are, therefore, exempted from being included as part of the sign area.
- D. For freestanding and projecting signs, the sign area shall be computed by the measurement of one (1) of the faces when two (2) display faces are joined, are parallel, or are within thirty (30°) degrees of being parallel to each other and are part of the same sign structure. For any sign that has two (2) display surfaces that do not comply with the above regulation, or has more than two (2) display surfaces then each surface shall be included when determining the area of the sign.

In determining the area of freestanding signs the following shall be exempted from being considered as part of the maximum permitted area:

- 1. One-half (½) square foot of sign area shall be exempted for each digit of the street number, up to a maximum of three (3 ft²) square feet.
- 2. The portion of a solid sign base or other sign support, up to a maximum height of four (4') feet that:
 - (a) Is at least fifty (50%) percent screened by landscaping at the time of installation; or
 - (b) Complies with the requirements of [subsection 3](#) below.

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3. The air space under a freestanding sign between supporting posts, other air space between a projecting sign and the wall to which it is attached.
4. Additional base area, framing or structural supports, or other portions of the sign when such areas are determined to be:
 - (a) Constructed and designed with materials which are similar to, or compatible with, the architecture of the building or other site features;
 - (b) Not intended or designed to include messages; and
 - (c) Exclusive of colors, trademarks, or any other decorative design features that are primarily intended to attract attention, rather than be unobtrusive or compatible with the architecture of the building or other site features.

All other exemptions to the area of a sign may only be approved by the Planning Commission.

- E. The height of a sign shall be measured as the vertical distance from the highest point of the sign to the finished grade of the ground immediately beneath the sign excluding any artificially constructed earthen berms.

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

SMALL-SCALE CRAFT MAKING. Encompasses the production and sale of hand-made items including furniture, clothing, art, jewelry, toys, candles, collectibles, and similar items on a scale that does not require a manufacturing plant and a large amount of specialized equipment and chemicals. No more than fifty (50%) percent of the structure is devoted to making crafts while the remainder of the structure is devoted to sales.

SOLID WASTE TRANSFER FACILITY. A tract of land, a building and any appurtenances, or a container, or any combination of land, buildings, or containers that is used or intended for use in the rehandling or storage of solid waste incidental to the transportation of the solid waste, but is not located at the site of generation or the site of disposal of the solid waste.

SPECIAL LAND USE. Those uses of land which are not essentially incompatible with the uses permitted in a zoning district but possess characteristics or locational qualities which require individual review and restriction in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. Special Land Uses are subject to conditions stated in this Ordinance and to any special conditions imposed by the Planning Commission to protect the use by right of other properties in the Village.

SOLAR ENERGY FACILITY (UTILITY-SCALE OR COMMERCIAL). A facility designed to capture and utilize the energy of the sun to generate electrical power to meet utility-scale or commercial needs

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for use off-site. A solar energy collection facility consists of solar collection devices used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected. These devices may be either freestanding or attached to a structure.

SOLAR ENERGY PANELS (ACCESSORY). Solar collection devices designed to capture and utilize the energy of the sun to generate electrical power for use on-site. A solar collection device is the actual material(s) used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected.

STATE LICENSED RESIDENTIAL FACILITY. See **ADULT FOSTER CARE FACILITY: STATE-LICENSED RESIDENTIAL FACILITY.**

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

STORY, HALF. An uppermost story lying-under a sloping roof having an area of at least two hundred (200 ft²) square feet with a clear height of seven feet six inches (7'6"). For the purposes of this Ordinance the useable floor area is only that area having at least four feet (4') clear height between floor and ceiling.

STREET. A public dedicated right-of-way, affording the principal means of access to abutting property (excludes alleys).

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

T

TEMPORARY USE OF BUILDING. A use or building permitted to exist during periods of construction of the principal building or use, or for special events.

TRAVEL TRAILER AND CAMPER. See **RECREATIONAL VEHICLE.**

TOWER. See **WIRELESS COMMUNICATIONS SUPPORT STRUCTURE.**

TOWNHOUSE. See **DWELLING, SINGLE FAMILY ATTACHED.**

U

USE. The lawful purpose for which land or premises, or a building thereon, is designed, arranged, or intended or for which it is occupied, maintained, let, or leased according to this Ordinance.

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USE, PERMITTED. A use by right which is specifically authorized in a particular zoning district.

USE, REASONABLE. A proposed use is "reasonable" when it would be harmonious, compatible, appropriate, would not impinge unreasonably on the value or use of nearby properties, and would not impair sound communal development as and where proposed to be established. An existing use is "reasonable" when it is harmonious, compatible, and appropriate as and where established, does not impinge unreasonably on the value or use of nearby properties, and does not impair sound communal development. Uses which are not "reasonable" are "unreasonable." No use shall be deemed "reasonable" if its establishment or actual conduct is unlawful under the statutory or common law of this state.

V

VARIANCE. A modification of the literal provisions of the Zoning Ordinance which is authorized by the Zoning Board of Appeals when strict enforcement of the Ordinance would cause either an unnecessary hardship or practical difficulty.

VARIANCE, NON-USE. A dimensional variation of Ordinance standards such as yard requirements, building height, lot coverage, living space dimensions, and similar requirements. Non-Use Variances are granted based on the showing of a practical difficulty.

VARIANCE, USE. A variation of the Ordinance standards allowing a use within a specific zoning district which is otherwise not allowed in that zone. Use variances are granted based on the showing of an unnecessary hardship.

W

WAREHOUSE. A warehouse is defined as a property where goods are stored by contract and/or for a valuable consideration and which are not intended for sale on those premises.

WIND ENERGY.

- A. **AMBIENT.** Ambient is defined as the sound pressure level exceeded ninety (90%) percent of the time.
- B. **ANEMOMETER.** A device used to measure wind speed.
- C. **dB(A).** The sound pressure levels in decibels. Refers to the "a" weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.
- D. **DECIBEL.** The unit of measure used to express the magnitude of sound pressure and sound intensity.
- E. **SHADOW FLICKER.** Alternating changes in light intensity caused by the moving blade of a wind turbine casting shadows on the ground and stationary objects, such as the window of a dwelling.

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- F. **SOUND PRESSURE.** Average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.
- G. **SOUND PRESSURE LEVEL.** The sound pressure mapped to a logarithmic scale and reported in decibels (dB).
- H. **WIND TURBINE (HORIZONTAL AXIS).** A wind energy system in which the rotor(s) rotate around a horizontal shaft.
- I. **WIND TURBINE (VERTICAL AXIS).** A wind energy system in which the rotor rotates around a vertical shaft.
- J. **WIND TURBINE GENERATOR.** A tower, pylon, or other structure, including all accessory facilities, upon which any, all, or some combination of the following are mounted:
 1. A wind vane, blade, or series of wind vanes, blades, or other devices mounted on a rotor for the purpose of converting wind into electrical or mechanical energy.
 2. A shaft, gear, belt, or coupling device used to connect the rotor to a generator, alternator, or other electrical or mechanical energy-producing device.
 3. A generator, alternator, or other device used to convert the energy created by the rotation of the rotor into electrical or mechanical energy.
- K. **WIND TURBINE GENERATOR, ON-SITE.** A wind turbine designed and used primarily to generate electricity or produce mechanical energy for use on the property where located.
- L. **WIND TURBINE GENERATOR TOTAL HEIGHT.**
 1. **HORIZONTAL AXIS WIND TURBINE.** The distance between the ground and the highest point of the wind turbine generator, plus the length by which the rotor wind vanes or blades mounted on a horizontal axis wind turbine rotor exceeds the height of the wind turbine generator.
 2. **VERTICAL AXIS WIND TURBINE.** The distance between the ground and the highest point of the wind turbine generator.

WIRELESS COMMUNICATIONS (TELECOMMUNICATION TOWERS AND FACILITIES DEFINITIONS).

- A. **ANTENNA.** One (1) or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antenna (rod), directional antenna (panel), and parabolic antenna (disc). The antenna does not include the support structure.

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- B. **CO-LOCATION.** To place or install wireless communication equipment on an existing wireless communications support structure with the objective of reducing the overall number of structures required to support wireless communication antennas within the community.
- C. **FAA. Federal Aviation Administration.**
- D. **HEIGHT.** When referring to a Wireless Communication Support Structure, height shall mean the distance measured from ground level to the highest point on the Wireless Communication Facility, including the Antenna.
- E. **SMALL CELL WIRELESS FACILITY.** A wireless facility that meets both of the following requirements:
1. Each antenna is located inside an enclosure of not more than six (6 ft³) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements would fit within an imaginary enclosure of not more than six (6 ft³) cubic feet.
 2. All other wireless equipment associated with the facility is cumulatively not more than twenty-five (25 ft³) cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.
- F. **WIRELESS COMMUNICATIONS.** Wireless communications shall mean television and radio towers, as well as any personal wireless service as defined in the Telecommunications Act of 1996, as amended, which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist.
- G. **WIRELESS COMMUNICATIONS EQUIPMENT.** The set of equipment and network components used in the provision of wireless communications services, including, but not limited to antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.
- H. **WIRELESS COMMUNICATIONS SUPPORT STRUCTURE.** Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

Village of Pellston Zoning Ordinance

Y

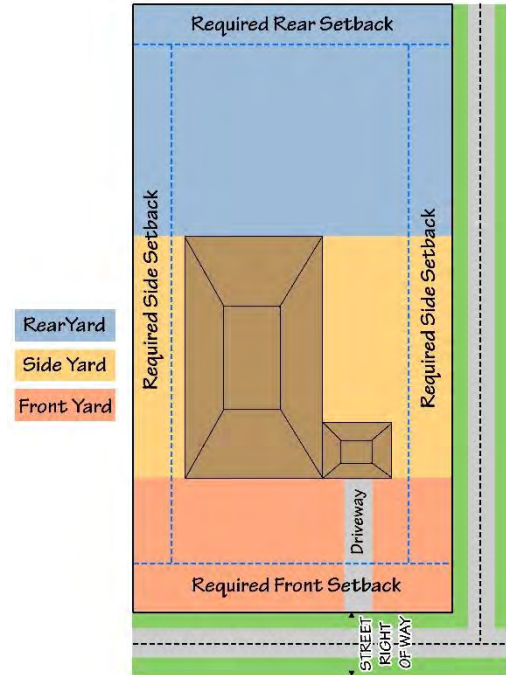
YARD. A yard is an open space, unoccupied and unobstructed from the ground upwards, except as otherwise provided herein, and on the same lot with a building. The measurement of a yard shall be the minimum horizontal distance between the lot lines and the building or structure.

A. **CORNER LOTS AND THROUGH LOTS.** A lot with frontage on two (2) or more streets (corner lots and through lots) shall have a building setback from each street not less than the required front setback. In case of a corner lot, a rear yard is required, but such yard may be any yard not facing a public street. In cases of through lots, one (1) yard shall be designated on the plans as the rear yard and one (1) yard as a front yard for purposes of locating accessory buildings. A single lot shall not be required to have more than two (2) front yards.

B. **FRONT YARD.** A yard on the same lot with a building between the front line of the building and the front lot line and extending from one side lot line to the other side lot line.

C. **REAR YARD.** A yard on the same lot with a building between the rear line of the building and the rear lot line and extending from one side lot line to the other side lot line.

D. **SIDE YARD.** A yard on the same lot with a building between the side lot line and the nearest side line of the building and extending from the rear yard to the front yard.



Z

ZONING ADMINISTRATOR. The person retained by the Village of Pellston to administer and enforce this Zoning Ordinance.

ZONING BOARD OF APPEALS. As used in this Ordinance, the term "Board of Appeals" or "ZBA" means the Zoning Board of Appeals.

ZONING DISTRICT. See **DISTRICT**.

ZONING PERMIT. A standard form, issued by the Zoning Administrator, granting approval for the construction or use applied for.

Article 3 General Provisions

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3.2	Lots & Parcels	3-2
3.3	Illegal Dwellings	3-2
3.4	Restoring Unsafe Buildings/Barrier-Free	3-2
3.5	Required Water Supply & Sanitary Facilities	3-3
3.6	Nuisances	3-3
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Section 3.1 Effects of Zoning

A. Zoning Affects Every Structure and Use.

Zoning affects land use and every structure thereon and extends vertically. Except as hereinafter specified, no building, structure, or premises shall hereafter be used or occupied and no structure or part thereof shall be erected, razed, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with this Ordinance.

B. Continued Conformance with Requirements.

The maintenance of yards, open spaces, lot areas, height and bulk limitations, fences, walls, clear vision areas, parking and loading spaces, and all other requirements, including the proper maintenance and repair of screening arrangements, for a building or use specified within this Ordinance shall be a continuing obligation of the owner of such building or property on which such building or property or use is located.

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Section 3.2 Lots & Parcels

A. Division of Zoning Lots.

No zoning lot improved with a building or buildings shall hereafter be divided into two (2) or more zoning lots and no portion of any zoning lot which is improved with a building or buildings shall be sold, unless all zoning lots resulting from each such division or sale and improved with a building or buildings shall conform with all of the bulk regulations of the zoning district in which the property is located. Where the plot plan presented in the application for a permit includes more than one (1) recorded lot, the Zoning Administrator, or his Deputy, may execute an affidavit in which the facts with reference to the use of said platted lots, or parts of platted lots, shall be stated and shall cause the same to be recorded in the Office of the Register of Deeds of Emmet County, Michigan, the cost of recording to be borne by the applicant.

B. Frontage on Public Streets.

All single-family residences hereafter erected shall be built on lots which front directly upon a public street, with such frontage being a minimum of fifty (50') feet in width. Notwithstanding the requirements of this paragraph, lots which were of record prior to the effective date of this Ordinance may be utilized provided all other requirements of the Zoning Ordinance are complied with and permanent access to such lot shall be not less than eight (8') feet in width.

Section 3.3 Illegal Dwellings

No basement, cellar, garage, damaged, or incomplete structure shall be used as a dwelling, unless otherwise allowed by this Ordinance. Accessory dwelling units shall be allowed as a Special Land Use in the Districts listed in [Section 4.16](#) and are regulated by [Section 7.16](#).

Section 3.4 Restoring Unsafe Buildings/Barrier-Free

A. Unsafe Buildings.

When any building or part thereof is declared unsafe by the Building Inspector, nothing in this Ordinance shall prevent compliance with lawful requirements or the strengthening or restoring of said building to a safe condition.

B. Barrier-Free Modification.

Nothing in this Ordinance shall prevent the modification of a non-residential building only as may be necessary to comply with barrier-free requirements and the [Americans with Disabilities Act](#). A variance may be required.

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Section 3.5 Required Water Supply & Sanitary Facilities

No structure shall be erected, altered, or moved upon any parcel for regular occupation or use by humans unless it is provided with a safe, sanitary, and potable water supply and with a safe and effective means of collection, treatment, and disposal of human, domestic, commercial, and industrial waste. All such installations and facilities shall conform to all requirements of the [Health Department of Northwest Michigan](#) and applicable State agencies.

Section 3.6 Nuisances

No property, premise, structure, or use shall be used, erected, or conducted in such a manner as to cause a nuisance to adjacent property or uses. If any activity, use, building, structure, or part thereof is placed upon a piece of property in direct conflict with this Ordinance, such activity, use, building, or structure shall be declared a nuisance ([Section 9.11](#)) and may be required to be vacated, dismantled, abated, or ceased by any legal means necessary. Such use, activity, building, or structure shall not be allowed to function until it is brought into conformance with this Ordinance.

Section 3.7 Accessory Buildings

All accessory buildings require a zoning permit. The following regulations pertain to both residential and non-residential accessory buildings:

A. Accessory Buildings/Structures Attached to the Principal Building.

Accessory buildings/structures may be erected as a part of or connected to the principal building, but in either case shall be considered a part of the principal building. All yard requirements for a principal building shall be complied with.

B. Detached Accessory Buildings.

1. **Location on the Lot.** Accessory buildings shall be located in a rear or side yard only.
2. **Private Garages.**
 - a. **Height.** Maximum height shall be twenty-five (25') feet.
 - b. **Rear Yard.** Garage shall not be less than ten (10') feet from the rear lot line.
 - c. **Side Yard.** Garage shall not be nearer to the side lot line than the principal building is permitted to be.
3. **Sheds and Storage Buildings and Gazebos.**
 - a. **Height.** Maximum height shall be one (1) story or fifteen (15') feet maximum.

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- b. **Rear Yard.** Shall not be less than six (6') feet from the rear lot line.
- c. **Side Yard.** Shall not be less than six (6') feet from the side lot line.
- 4. Other accessory uses and buildings are permitted when located on the same lot as a permissible use.

C. Accessory Building on Lots without a Principal Building.

An accessory building shall not be permitted on a lot without a principal building unless the adjacent lot contains the principal building and is under the same ownership. In this case, the lots shall not be separated by a right-of-way and the lot shall not thereafter be sold separately unless a principal building is built upon the lot containing the accessory building. The accessory building on a lot without a principal building shall be located on the lot so that there exists a location on the lot where a future principal building, which meets the minimum required floor area of the zoning district, may be constructed in full compliance with the dimensional regulations (setbacks) of the zoning district in which located.

D. Nontraditional Storage Facilities.

- 1. Truck bodies, school bus bodies, manufactured homes, travel trailers, or other items built and intended for other uses shall not be used as permanent accessory buildings. Semi-trailers may be used as temporary storage for commercial and industrial uses for no more than twelve (12) consecutive months.
- 2. **Shipping Containers.** Shipping containers shall be allowed to be used as accessory buildings for storage purposes only. Shipping containers shall have an outside treatment (siding) which is similar to the primary building on the premises.

E. Swimming Pools.

Swimming pools shall be located in the side or rear yard and shall be located at least ten (10') from the rear lot line and shall maintain the same side yard setback as required for the principal building. Swimming pools shall comply with the current building code.

F. Accessory Solar Panels.

See [Section 7.14](#).

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Section 3.8 Parking & Storage of Recreational Vehicles

The following applies to lots used for residential purposes:

A. Number of Recreation Vehicles.

No more than one (1) recreational vehicle may be permanently parked on a lot which is used for residential purposes and ownership of same must be in the name of a member of the immediate family of the lot’s owner, tenant, or lessee.

B. Storage in Yards.

1. Recreational vehicles may be located in any yard but shall not be located in the front yard setback.
2. Storage of a recreational vehicle or recreational equipment on a lot without a principal building shall only occur if the lot upon which the recreational vehicle or recreational equipment is stored is adjacent to another lot which contains the principal building and which is under the same ownership. Said lots shall not be separated by a public right-of-way.

C. Connection to Utilities.

Recreational vehicles parked or stored shall not be permanently connected to electricity, water, gas, or sanitary facilities, and at no time shall same be used for permanent living, lodging, or housekeeping purposes in any zoning district.

D. Temporary Use of an RV.

1. No more than two (2) recreational vehicles may be parked on any one (1) lot for temporary use.
2. Overnight camping in a recreational vehicle(s) on any lot shall be limited to no more than thirty (30) days in any six (6) month period. Each instance of overnight camping in a recreational vehicle shall be limited to three (3) consecutive days if the recreational vehicle is located in the front yard and seven (7) consecutive days if the recreational vehicle is located in the side or rear yard.
3. A recreational vehicle may not be used as a permanent residence.
4. The use of a recreational vehicle as a residence during periods of construction is regulated by [Section 3.9](#).

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Section 3.9 Temporary Buildings

A. Uses of Structures for Temporary Dwelling.

1. No garage or other accessory building, tent, cabin, manufactured home, recreational vehicle, or partial structure, whether of a fixed or portable construction, shall be erected or moved onto a lot and used for any dwelling purpose for any length of time unless authorized by the Zoning Administrator by the issuance of a temporary permit not to exceed six (6) months (this permit can be renewed only once), to provide living accommodations during construction of a permanent structure. Such a permit can only be issued after a building permit has been secured. The temporary permit may be renewed only in the event progress on the construction of the permanent structure is being made. Upon expiration of the temporary extended permit, such temporary housing shall not be used as a dwelling and shall be removed from the property within thirty (30) days if not being used as a recreational vehicle or an accessory building (i.e. garage) that meets zoning requirements and current local building codes. Upon expiration of the temporary extended permit, the accessory building shall be removed.
2. The location of the temporary dwelling on the premises shall be in conformity with the setback requirements of the Zoning District. The Zoning Administrator shall have the authority to allow placement of a temporary dwelling not in conformance with setback requirements on a case by case basis.

B. Temporary Buildings for Construction Offices.

Temporary buildings may be utilized during construction for the storage of construction materials or for construction offices during a construction period as permitted herein. Temporary buildings used for construction purposes shall be removed within thirty (30) days after the completion or abandonment of the construction work.

C. Temporary Model Homes.

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

1. Upon request by the Village, the owners of the property shall provide information relating to the use of the model home including, but not limited to, a record of sales or rentals made from the model home. If no sales or rental activities occur in a one (1) year period, the model home status may be terminated by the Village.
2. Building materials may be stored within the garage of the model home but not upon the lot on which a model home is situated. No outdoor storage shall be permissible.

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3. Sales offices, rental offices, and construction offices may be contained in a model home provided that the appearance of the model home is not substantially different from that of the other dwelling units in the subdivision, site condominium development, or Planned Unit Development.
4. A temporary off-street parking lot is permitted.
5. Exterior floodlights may be used to illuminate the model home provided that lights are sufficiently screened so that private dwelling units and traffic are not adversely affected by the floodlights and the exterior lighting provisions of the Emmet County Zoning Ordinance are followed (Emmet County Lighting Ordinance, as amended, adopted herein by reference).
6. Signage may be provided up to twelve (12 ft²) square feet in area and must be externally illuminated and not internally lighted.

Section 3.10 Construction Debris

All construction debris shall be removed from the site within thirty (30) days after the completion or abandonment of the work. Failure or refusal to remove construction debris within thirty (30) days after the completion or abandonment of work constitutes a violation of this Ordinance. A six (6) month extension may be granted by the Zoning Administrator.

Section 3.11 Fences, Walls & Hedges

Any person desiring to build or causing to be built a fence or wall upon property within the Village shall first apply to the Zoning Administrator for a permit. It shall be the responsibility of the property owner to locate the correct property line between lots. A survey by a licensed surveyor is strongly recommended. Hedges shall meet the height and setback standards in this Section but shall not require a zoning permit.

A. General Standards.

1. **Safety.** Property shall not have a fence or wall constructed of material and/or in such a manner that persons are likely to be injured thereby.
2. **Materials.** Fences and walls shall be constructed of materials commercially designed for that purpose.
3. **Configuration.** All posts and hardware shall be facing inward and not toward neighboring properties. The finished side of the fence/wall shall face outward.

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- 4. **Maintenance.** Fences and walls shall be maintained to retain their original appearance, shape, and configuration. Elements of a fence or wall that are missing, damaged, destroyed, or deteriorated shall be replaced and repaired to maintain conformity with the original fence appearance and design.
- 5. **Temporary Construction Fences.** Temporary construction fences and fences required for protection around excavations shall comply with the Building Code. Such fences shall not remain in place for a period greater than one (1) year or after an occupancy permit is granted.

B. Privacy Fences (including walls and hedges).

Privacy fences shall be described as a solid fence, wall, or vegetation that limits the sight into the rear yard area and are over forty-two (42") inches in height.

- 1. **Height.** The height of such privacy fence shall not exceed six (6') feet.
- 2. **Setback.**
 - a. **Interior Lots.** An interior lot may erect a privacy fence as follows: the beginning and ending of a privacy fence shall be at the rear corners of the structure (See [Figure 3.11 A](#)).
 - b. **Corner Lots.** A corner lot shall maintain two (2) front yard setbacks. A privacy fence shall observe and maintain such setbacks. If the structure is inside such setback, the privacy fence may begin at the rear corner of the structure to the rear lot line, and end at the opposite rear corner of the structure. (See [Figure 3.11 A](#))
 - c. **Buildings with a Side Entrance.** If a side entrance is used as the back door of a structure, and as long as it does not extend into the front yard setback, a privacy fence may extend to include the side door into the back yard. (See [Figure 3.11 B](#))

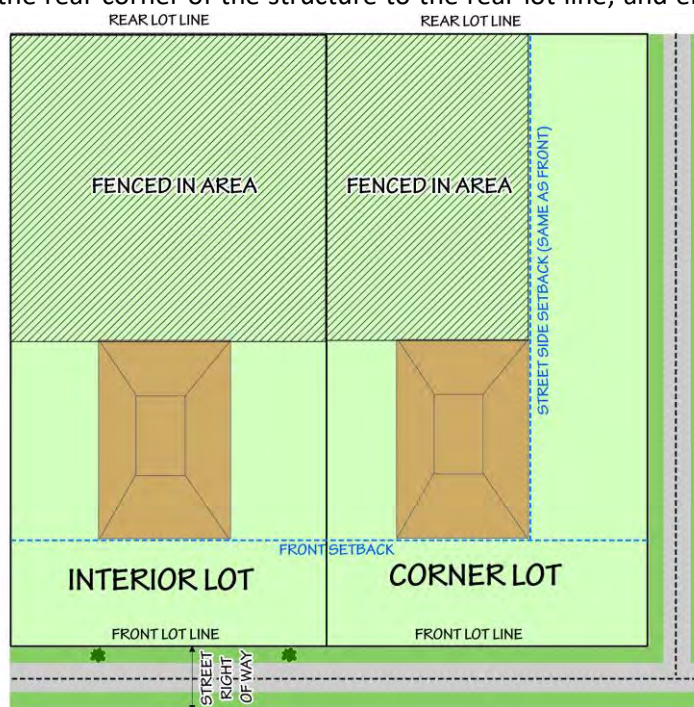
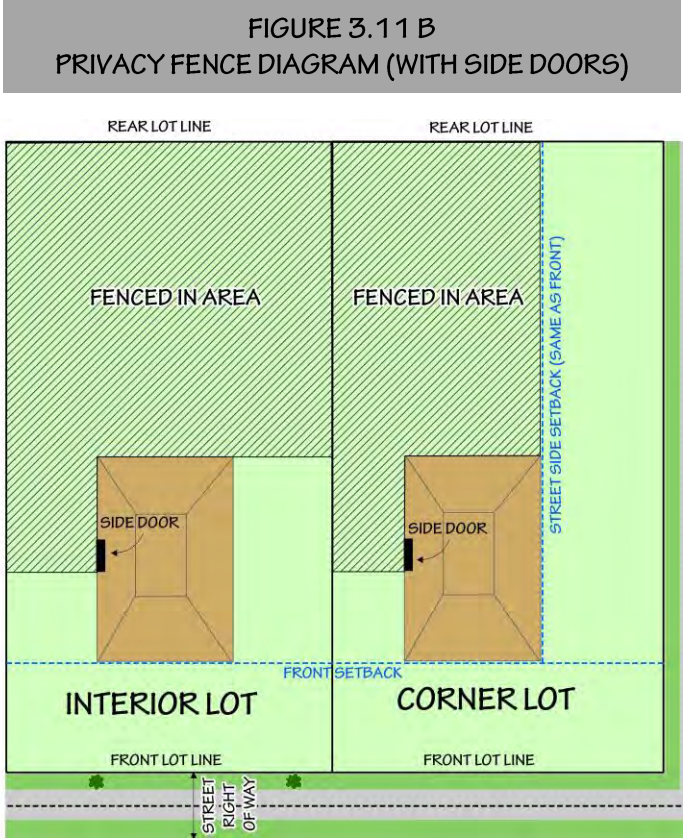


FIGURE 3.11 A: PRIVACY FENCE DIAGRAM

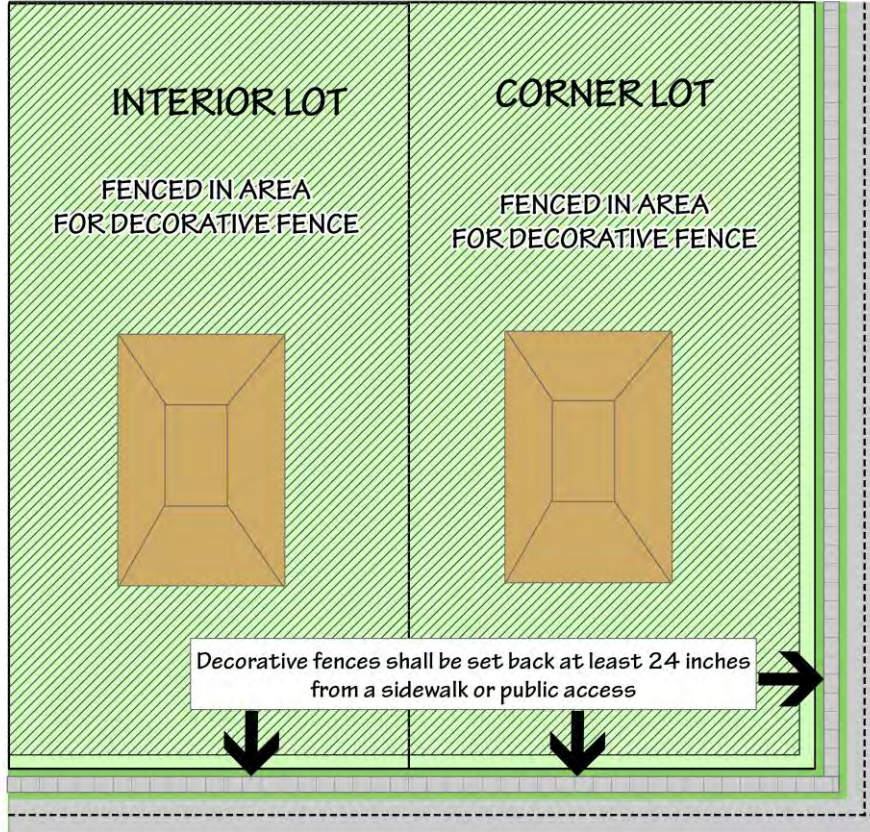


C. Decorative Fence.

A decorative fence shall be described as a fence that will add to the aesthetics of the property such as a picket or split rail fence.

1. **Maximum Height.** Forty-two (42”) inches.
2. A decorative fence shall maintain a minimum distance of twenty-four (24”) inches from a sidewalk or public access.
3. A front yard decorative fence may include side yards and rear yards.
4. A decorative fence shall contain a minimum of fifty (50%) percent open area.

FIGURE 3.11 C
DECORATIVE FENCE DIAGRAM



Village of Pellston Zoning Ordinance

Section 3.12 Nonconformities

A. Intent.

It is recognized that there exist, within the districts established by this Ordinance or by amendments, lots, structures, and uses of land which were lawful before this Ordinance was passed or amended which would be prohibited or restricted under the terms of this Ordinance or future amendments. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed.

B. Change in Tenancy or Ownership.

There may be a change of tenancy, ownership, or management of any existing nonconforming lot, use, or structure which does not alter the nonconforming status.

C. Nonconforming Structures.

1. **Alterations to Nonconforming Structures.** Alterations to a nonconforming structure are permitted, however no nonconforming structure may be enlarged or altered in a way which increases its nonconformity unless a variance is obtained from the Zoning Board of Appeals.
2. **Maintenance of Nonconforming Structures.** Nothing in this Ordinance shall prevent such necessary repairs, reinforcement, and incidental alterations of a nonconforming structure as may be necessary to secure a reasonable advantageous use thereof during its natural life nor shall any provision of this Ordinance prevent compliance with the provisions of any Building Code.
3. **Relocation of Nonconforming Structures.** Should such structure which is nonconforming due to setbacks be moved for any reason, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
4. **Repair, Reconstruction, and Restoration of Nonconforming Buildings.** Nothing in this Ordinance shall prohibit the repair, improvement, restoration, or modernization of a nonconforming building. A nonconforming building shall not be reconstructed if such reconstruction involves more than fifty (50%) percent of the bulk of the building unless the building is changed to a conforming building.
5. **Removal or Destruction of a Nonconforming Building.** Removal or destruction of a nonconforming building shall eliminate the nonconforming status of the premises.

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D. Nonconforming Uses.

1. **Expansion of Nonconformities.** Although it is the intent of this Ordinance to restrict the expansion and perpetuation of nonconforming uses, the Planning Commission, after subject to a hearing, may allow an expansion or enlargement of a nonconforming use by a Special Land Use permit, provided that such expansion or enlargement:
 - a. Will not further reduce the value or otherwise limit the lawful use of adjacent premises.
 - b. Will essentially retain the character and environment of abutting premises.
 - c. Will not materially increase or perpetrate the nuisance aspect (noise, glare, traffic congestion, odors, land overcrowding, etc.) of the use upon adjacent uses.

2. **Repair, Reconstruction and Restoration of Nonconforming Uses.** Nothing in this Ordinance shall prohibit the repair, improvement, reconstruction, restoration, or modernization of a building used for a nonconforming use provided that such repair, rebuilding, restoration, or modernization does not make the use more nonconforming.

3. **Discontinuance or Abandonment of Nonconforming Use.** Whenever a nonconforming use has been discontinued for six (6) consecutive months, such discontinuance shall be considered conclusive evidence of an intention to abandon and the nonconforming use shall not be reestablished and any future use shall be in conformity with the provisions of this Ordinance. When determining the intent of the property owner to abandon a nonconforming use, the Zoning Administrator shall consider the following factors:
 - a. Whether utilities such as water, gas, and electricity to the property have been disconnected.
 - b. Whether the property, buildings, and grounds have fallen into disrepair.
 - c. Whether signs or other indications of the existence of the nonconforming use have been removed.
 - d. Whether equipment or fixtures necessary for the operation of the nonconforming use have been removed.
 - e. Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use or structure.

4. **Changing Nonconforming Uses.** If an applicant wishes to change from one nonconforming use to another nonconforming use, the applicant may apply for a Conditional Rezoning pursuant to [Section 10.4](#).

Village of Pellston Zoning Ordinance

E. Nonconforming Lots.

1. **Nonconforming Lots of Record.** Any single lot or parcel of land which was of record at the time of adoption of this Ordinance and which does not meet the requirements for minimum lot width and area may be utilized for a permitted use or Special Land Use provided the yards or lot area and lot width are not less than seventy-five (75%) percent of the minimum required dimensions or areas in the zoning district. The Zoning Board of Appeals may issue a variance to build on lots less than seventy-five (75%) of the required lot width in the district.
2. **Contiguous Nonconforming Lots.** When two (2) or more parcels of land, each of which lacks adequate dimension or area to qualify for use as a nonconforming lot under [subsection 1](#) herein and are contiguous and held in one (1) ownership, they shall be combined and considered one (1) lot for the purposes of this Ordinance in order to meet the requirements of [subsection 1](#) above.
3. **Improved Nonconforming Lots of Record.** Any single lot or parcel of land, which was of record at the time of adoption of this Ordinance, which cannot meet the requirements for a nonconforming lot of record pursuant to [subsection 1](#) above, and which was improved on or before August 1, 1999, shall be considered an improved nonconforming lot of record. The improvement on such lot may be utilized for any allowed use, so long as the amount, quantity, or degree of any existing nonconformity is not increased thereby and no new nonconformity is thereby created. Notwithstanding the other provisions of this Ordinance, if such improvement has been damaged by fire, explosion, act of God or the public enemy, it may be restored so long as the amount, quantity, or degree of any existing nonconformity is not increased thereby, and no new nonconformity is thereby created.

Section 3.13 Garage/Yard/Rummage Sales

Occasional sales (garage sales, yard, and patio sales only) at retail shall not exceed two (2) in number on the same premises in any one (1) calendar year by a person who does not hold out as engaging in, or does not habitually engage in, the business of selling such property at retail; provided that:

- A. The sale shall be confined to the garage and or yard of the premises.
- B. No new merchandise acquired solely for the purpose of resale on the premises shall be sold at such occasional sale.
- C. The duration of each such sale shall not exceed three (3) consecutive calendar days.
- D. A permit shall be secured at least seventy-two (72) hours prior to and shall be prominently posted on such premises during such sale.
- E. The permit fee amount shall be as established by the Village Council.

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- F. Only two (2) signs shall be permitted, not to exceed two (2 ft²) square feet in area, upon the premises where and when the sale is taking place and a nearby location. In addition, all signage relating to the sale must be removed at the end of the sale. All other signs relating to the sale, either on or off the premises, shall be violations of this Ordinance.

Section 3.14 General Exceptions

A. Essential Services.

Essential services shall be permitted as authorized and regulated by law, it being the intention hereof to exempt such essential services from the application of this Ordinance. The term essential services shall be construed to include the erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel, or water transmission or distribution system, collection, communication, supply or disposal systems including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants, and similar equipment in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, or welfare. Essential services and the provision of same shall conform to all applicable laws, regulations, and standards in effect at any time of service delivery.

B. Voting Place.

The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

C. Permitted Height Exceptions.

The following exceptions shall be permitted to height limitations in [Article 4: District Regulations](#). These permitted exceptions shall not be for human occupancy or dwelling:

1. The maximum height allowed for buildings in this district does not apply to incidental appurtenances such as mechanical equipment, stacks, water towers, chimneys, flag poles, and farm silos.
2. Special structures, such as wind turbines and wireless communications support structures, shall be permitted to exceed the maximum building height pursuant to [Article 7](#).
3. Structures for purely ornamental purposes such as religious spires, belfries, cupolas, domes, ornamental towers, and monuments shall be permitted to exceed the maximum building height.

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Section 3.15 Off-Street Parking

A. Parking Requirements.

There shall be provided, in all districts except the Historic Village Commercial District, at the time of erection or enlargement of any principal building or structure, automobile off-street parking space with adequate access to all spaces.

B. Distance from Building.

Off-street parking for other than residential uses shall be either on the same lot or within four hundred (400') feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot.

C. Continued Conformance to Required Parking.

Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.

D. Shared Parking.

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

E. Storage Prohibited.

The storage of merchandise, motor vehicles for sale, or trucks, or the repair of vehicles is prohibited on required off-street parking lots. No off-street parking lots shall be used for the storage of wrecks, junk cars or junk motor vehicles, or any other type.

F. Parking for Single-Family and Two-Family Residential.

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

G. Unlisted Uses.

For those uses not specifically mentioned in [subsection L](#), the requirements for off-street parking facilities shall be in accordance with a use which the Planning Commission considers as being similar in type. The Village of Pellston recognizes that the table of parking requirements listed below cannot and does not cover every possible situation that may arise. Therefore, in cases not specifically covered, the Planning Commission is authorized to determine the parking requirements using the standard in the table of off street parking requirements as a guide.

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H. **Parking of Recreational Vehicles/Campers.**

See [Section 3.8](#).

I. **Parking in Front Yard.**

In all residential districts and residential lots in the Mixed Use District, no parking shall be permitted in the front yard setback. In all districts other than residential and on non-residential lots in the Mixed Use District, parking may be permitted in the front yard, provided there is at least a 10-foot setback between the road right-of-way and the off-street parking lot.

J. **Dimensions.**

1. Parking aisles shall be no less than twenty-four (24') feet in width.
2. Parking spaces shall be no less than ten (10') feet in width and twenty (20') feet in length, exclusive of area required for ingress or egress.

K. **Flexibility in Application of Parking Requirements.**

The Village recognizes that, due to the specific requirements of any given development, flexible application of the parking standards set forth in this Section may be required to prevent traffic congestion, unauthorized parking on adjacent streets or neighboring site, excessive paving and storm water runoff, and misuse of space which could otherwise be left as open space.

1. The Planning Commission, based on a recommendation from the Zoning Administrator, may permit deviations from the requirements of this Section and may require more or allow less parking whenever it finds that such deviations are more likely to provide a sufficient number of parking spaces to accommodate the specific characteristics of the use in question.
2. The Planning Commission may attach conditions to the approval of a deviation from the requirement of this Section that bind such approval to the specific use in question. Where a deviation results in a reduction of parking, the Planning Commission may further impose conditions which ensure that adequate reserve area is set aside for future parking, as needed.

L. **Minimum Number of Spaces.**

When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction shall require one (1) parking space. The minimum number of off-street parking spaces by use shall be in accordance with the following schedule:

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MINIMUM PARKING SPACES REQUIRED

Residential Uses

USE	NUMBER OF PARKING SPACES
Single- or Two-Family Dwelling	2 per dwelling
Elderly Housing/Retirement Homes	1 for each 2 tenants
Multiple-Family Dwelling	1 for each bedroom
Bed and Breakfast/Tourist Home	1 for each sleeping room
Manufactured Housing Community	2 per unit
Rooming House	2 per unit
Child Care Homes	1 per each employee and/or caregiver

Institutional Uses & Places of Public Assembly

USE	NUMBER OF PARKING SPACES
Churches and places of public assembly with seats	1 per 3 seats or each 6 feet of pew/bench
Places of public assembly without seats	1 per each 100 square feet of floor area used for assembly
Hospitals	1 per bed
Convalescent/Nursing Homes	1 per 2 beds
Nursery, elementary or junior high school	1 per employee plus 1 per 10 students
Senior high school	1 per employee plus 1 per 10 students
Sports arena or stadium	1 per 3 seats or 1 per 6 feet of bench
Theaters	1 per each 4 seats
Child Care Centers	See Section 7.7
Adult Day Care Centers	See Section 7.9

Commercial Uses

USE	NUMBER OF PARKING SPACES
Planned shopping center	1 per 135 sq. ft. of gross floor area
Barber and beauty shop	1 per employee plus 1 per service chair
Banks	1 per 135 sq. ft. of gross floor area
Doctor or Dentist	1 per 100 sq. ft. of waiting room plus 1 per service chair
Business office	1 per 250 sq. ft. of gross floor area
Taverns	1 per 75 sq. ft. of gross floor area
Restaurants	1 per 3 persons of seating capacity plus auto stalls if drive-in type
Furniture, appliances, plumber, electricians,	1 per 1000 sq. ft. of gross floor area

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minor repair service

Gasoline station 2 per service station stall plus 1 per employee

Laundromat 1 per 3 washing machines

Hotel or motel 1 per unit plus 1 per employee

Vehicle sales 1 per 200 sq. ft. of show room floor area

Retail Groceries 1 per 150 sq. ft. of gross floor area

Other Retail Stores 1 per 200 sq. ft. of gross floor area

Mortuary or Funeral Home 1 per each 100 square feet of floor area used for assembly, viewing, seating

Food Trucks 2 spaces per foot truck operating within a food truck park

Industrial Uses

Industrial office or research 1 ½ spaces per employee

Assembly plants 1 per employee (on the largest shift)

M. Additional Parking Requirements.

The number of parking spaces required under the above provisions shall be determined at the time a zoning permit is applied for based upon the plans and specifications and reasonable anticipated needs as of that time. If, because of an increase in the number of employees or other changes within a building, the number of spaces that would be required by this Ordinance is increased more than forty (40%) percent of the previously required number, the owner of the premises must provide the additional parking or reduce the number of users of the premises to conform with the parking available so as not to create congestion on public streets.

N. Paving.

All off-street parking areas shall be paved with at least two (2") inches of asphalt or four (4") inches of concrete.

O. Loading Space.

For all new construction after the effective date of this Ordinance, every building or structure engaged in loading and unloading goods shall provide space on the premises in addition to that required for parking for the loading, unloading, and standing of all vehicles to avoid undue interference with public use of the highway.

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Section 3.16 Private Roads

A. Definitions.

For purposes of this Section, the following words and phrases shall be defined as follows:

1. A "private road" is any privately owned and maintained drive, street, or roadway which provides or is intended to provide the primary means of ingress and egress ("access") to three (3) or more lots, buildings, or dwelling units. "Private road" includes only those portions of the drive, street or roadway which is shared or used jointly for access to three (3) or more lots, buildings, or dwelling units, and not portions which are used solely to provide access to one (1) or two (2) lots, buildings, or dwelling units. The provisions of this Section shall not apply to internal roads serving only one (1) lot or parcel of land which has direct public or private street frontage and is under the control of one (1) person, corporation, or association, and which is to be developed for uses subject to site plan review under this Ordinance. Such internal roads shall not provide the principal means of access to any abutting lot or parcel of land. Examples of access roads that may be exempted from the provisions of this Section include those serving multi-family dwellings, nursing/convalescent homes, hospitals, factories, schools, manufactured housing communities, and shopping centers.
2. An "existing private road" is a private road which is used to provide access to existing lots, buildings or dwelling units as of the effective date of this Section.
3. An "existing lot" is a lot which, as of the effective date of this Section, meets at least one (1) of the following conditions:
 - a. The lot consists of a parcel described by metes and bounds for which a deed has been recorded with the Emmet County Register of Deeds or of a parcel described by a land contract or memorandum of land contract which has been recorded with the Emmet County Register of Deeds;
 - b. The lot has been assigned its own permanent parcel number by the Emmet County Property Description and Mapping Department and is individually assessed and taxed on that basis; or
 - c. The lot consists of a "condominium unit" (i.e., a portion of a condominium project designed and intended for separate ownership and use as described in the condominium master deed) located within a "site condominium" development for which a condominium master deed has been recorded with the Emmet County Register of Deeds in accordance with the requirements of the [Michigan Condominium Act \(1978 PA 59](#), as amended, MCLA 559.101 et seq.) and other applicable laws and ordinances.
4. An "existing building" or an "existing dwelling unit" is a building or dwelling unit for which a building permit has been issued by the County as of the effective date of this Section.

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B. Minimum Standards and Requirements Applicable.

After the effective date of this Section, no private road shall be constructed, extended, improved, or relocated, nor shall an existing private road be used or extended to provide access to a lot, building or dwelling unit which was not existing and which was not provided access by the private road as of the effective date of this Section, except in accordance with the minimum standards and requirements of this Section.

C. Design and Construction.

The following minimum standards and requirements shall apply to the design and construction of private roads:

1. A private road shall be located within a private road easement. The easement shall be at least forty (40') feet wide at all points.
2. A lot shall have frontage on the private road easement which is at least equal to the minimum lot width required for the zoning district in which the lot is located.
3. If determined necessary by the Fire Chief or Planning Commission for maneuvering emergency vehicles or other public safety purposes, a private road or segment of a private road which terminates in a cul-de-sac or dead-end shall be provided with an easement with a minimum radius of sixty (60') feet at the terminal end of the private road. In the event that severe topography, mature trees, or other similar significant natural feature prevents the reasonable installation of the turnaround, the approving body may allow some other turnaround design to enable emergency vehicles to maneuver.
4. All private roads shall be constructed on a base of at least six (6") inches of MDOT 22A grade road gravel with a minimum of a twelve (12") inch sand sub-base and, if paved, a minimum roadway surface of two (2") inches of asphalt.
5. A private road which serves at least three (3) but not more than twenty (20) residential lots, or dwelling units shall have a minimum pavement width of twenty-two (22') feet inclusive of curbs measured back to back. This includes cul-de-sacs which are connected to a larger private road system.
6. No portion of a private road shall serve more than twenty (20) residential lots.
7. A private road that serves commercial or office lots or buildings shall have a minimum pavement width of thirty (30') feet inclusive of curbs measured back to back.
8. A three (3') foot wide road shoulder shall be provided along each side of the paved surface of a private road and around the circumference of the paved surface of any required turn-around area unless asphalt or concrete curbing is provided.

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9. A multiple-private road or interconnected private road system shall not serve more than forty-five (45) residential lots, or dwelling units, unless a secondary means of egress is provided for the entire property served. This secondary access shall meet the minimum standards of this Section.
10. A private road shall not exceed a grade of ten (10%) percent provided that within thirty (30') feet of the intersection of a private road with any other private road or with any public right-of-way, a private road shall not exceed a grade of four (4%) percent.
11. A private road shall be constructed in a manner determined adequate by the Qualified Licensed Engineer to provide effective storm water drainage and to prevent run-off onto adjacent property. If a private road crosses a natural drainage course, stream, or other natural body of water, the method of crossing (by bridge, culvert, or other structure, for example) must be approved by the Qualified Licensed Engineer and must comply with applicable State and local requirements. The Fire Chief shall also approve the crossing structure to ensure fire truck access.
12. A private road shall be given a street name that is not the same or similar to any other street name in the Village as determined by the Village of Pellston and/or the Emmet County 911 Authority. A readily visible street sign bearing the name given the private road shall be erected and maintained at the intersection of the private road with another private road or a public right-of-way.
13. A dwelling unit which derives its primary access from a private road shall display a house number in a manner so that the number is at all times readily visible from the private road. For dwelling units which are served by a shared private driveway, the house numbers shall also be visibly displayed at the intersection of the private driveway and private road.
14. The edge of the private road pavement shall be set back a minimum of thirty-five (35') feet from any existing principal dwelling not served by the private road. For private roads serving commercial and office uses, the Planning Commission may modify this setback requirement if such modification is needed to achieve safe and efficient traffic flow both on and off site.

D. Review and Approval of Private Road Plan.

1. Prior to constructing, extending, improving, or relocating a private road or using or extending an existing private road to provide access to a lot, building, or dwelling unit which was not existing or which was not provided access by the private road as of the effective date of this Section, a plan for the private road shall be submitted to the Village Fire Chief and to the Planning Commission to determine compliance with the standards and requirements of this Section. A private road which is part of a Planned Unit Development, Site Condominium, Subdivision, or other land development proposal requiring approval by the Planning Commission may be approved by the Planning Commission subject to the

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private road regulations of this Ordinance and approval by the Qualified Licensed Engineer and Fire Chief.

2. The plan for the private road shall be prepared and sealed by a registered engineer or surveyor and shall show the location, route, dimensions, design, and grade of the private road; the relation of the private road to adjacent or intersecting public or private roads; existing, or proposed curb cuts; the lots, buildings or dwelling units, existing and proposed, which will be provided access by the private road; the location of public utilities within the private road easement and within twenty (20') feet of the easement; the location of any drainage courses, lakes, streams or other natural bodies of water within the private road easement and within one hundred (100') feet of the easement; and the street name and location of street signs.

3. Provision shall be made to ensure the continued repair and maintenance of the private road and financing of the costs thereof by the property owners benefiting from the private road. This shall be accomplished through the use of a recorded agreement between the parties in interest in the private street or through a restrictive covenant, which shall run with the land. This recorded agreement shall ensure that easements are provided for access for emergency and other public vehicles and for installation of public utilities. The agreement shall also contain a statement that no public funds of the Village of Pellston shall be used to build, repair, or maintain the private road. A copy of the agreement or restrictive covenant shall be provided to the Village as a condition to approval of the plan for the private road.

4. If the Village Fire Chief, Qualified Licensed Engineer, and the Planning Commission determine that the private road meets the standards and requirements of this Section, then the plan shall be approved and the private road may be constructed, extended, improved, or relocated in accordance with the approved plan.

E. Issuance of Zoning Permits.

Drawings of the private road as it has been constructed shall be certified by the registered professional engineer who prepared the plans and shall be provided to the Village Zoning Administrator before a Certificate of Occupancy is issued or the applicant shall provide a bond or irrevocable letter of credit in an amount determined by the Village to ensure completion of the drawings as well as the completion of the private road if necessary.

F. Application to Existing Private Roads.

Except with regard to the requirements under [Sections 3.16.C.12](#) and [3.16.C.13](#) regarding street names, street signs, and house numbers, this Section shall not apply to an existing private road which provides access solely to existing lots, buildings, or dwelling units.

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Section 3.17 Performance Standards

A. Smoke and Air Contaminants.

It shall be unlawful for any person, firm, or corporation to permit the emission of any smoke or air contaminant in violation of air quality standards adopted by Federal and/or State regulatory authorities.

B. Drifted or Blown Material.

Property owners shall take appropriate measures to ensure the prevention of drifting of airborne particles or debris beyond their lot lines. Any such activity shall be promptly abated upon notification by the Village. During times of stockpiling or removal, excavation, or grading, those measures, necessary and practical (dampening, etc.), will be taken to minimize the blowing and drifting of material.

C. Odors.

Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped, or so modified as to remove the odor. The provisions of this Section are not intended to apply to farming activities.

1. For new facilities (commercial or industrial), the most recent technologies shall be utilized to reduce odors as part of or in addition to any conditions included in State and/or Federal regulatory agency air/water quality permit(s). As part of the site plan review, the applicant shall demonstrate that all measures technologically available and financially viable to mitigate the emission of noxious odors will be incorporated into the design of the facility.
2. For existing commercial and industrial facilities, odors resulting from the production process that are within the limits established by State and/or Federal regulatory agencies in approved permits shall not be considered in violation of this Ordinance. This does not exempt any business from the responsibility to take all necessary technologically feasible and financially viable measures to reduce such odors and to comply to with any new standards required as part of a renewed or new State and/or Federal regulatory agency environmental permits.

D. Gases.

The escape or emission of any gas which is injurious or destructive, harmful to person or property, or explosive shall be unlawful and shall be abated.

E. Electrical Disturbance, Electromagnetic, or Radio Frequency Interference.

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No use shall create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance or cause, create, or contribute to the interference with electronic signals (including television and radio broadcasting transmission) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

F. Glare and Heat.

Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot line, except during the period of construction of the facilities to be used and occupied.

G. Noise.

Noise which is objectionable, as determined by the Village, due to volume, frequency, or beat shall be muffled, attenuated, or otherwise controlled. Noise levels shall conform to the [Village of Pellston Noise Ordinance](#).

In addition, objectionable sounds of an intermittent nature or sounds characterized by high frequencies shall be so controlled so as not to become a nuisance to adjacent uses. Sirens and related apparatus used solely for public purposes are exempt from this requirement. Noise resulting from temporary construction activity shall also be exempt from this requirement.

H. Vibration.

All machinery shall be so mounted and operated that vibration from sound or noise at any lot line shall not be so intrusive as to interfere with normal daily activities in adjoining land uses. Vibrations resulting from temporary construction activity shall be exempt from the requirements of this Section.

Section 3.18 Grades & Drainage

No premises shall be filled or graded so as to discharge surface runoff on abutting premises in such a manner that will cause inconvenience or damage to adjacent properties. When property is developed adjacent to existing properties previously developed, existing grades shall have priority.

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Section 3.19 Signs

A. Description and Purpose.

The purpose of this Section is to promote the public health, safety and welfare by establishing standards and criteria for the construction, installation, maintenance, and operation of signs in the Village of Pellston which are subject to the provisions of this Section. It is the further purpose to provide for the removal of those signs that do not comply with these regulations. More specifically, this Section is intended to:

1. Protect and further the health, safety, and welfare of the Village residents, property owners, and visitors.
2. Conserve and enhance community character.
3. Protect property values.
4. Promote and maintain visually attractive, high value residential, retail, commercial, and industrial districts.
5. Promote the economic well-being of the community by creating a favorable physical image.
6. Ensure that signs are located and designed to:
 - a. Provide an effective means of way-finding in the community.
 - b. Reduce sign clutter and the distractions and confusion that may be contributing factors in traffic congestion and accidents and maintain a safe and orderly pedestrian and vehicular environment.
 - c. Minimize the disruption of the scenic views which when maintained protect important community values.
 - d. Prevent traffic hazards and pedestrian accidents caused by signs which obstruct vision, distract or confuse drivers, or are improperly secured or constructed.
 - e. Balance the public's right to be informed and its desire to avoid visual pollution and hazardous conditions with the desires of businesses and non-business uses to communicate by means of signs.
7. Provide review procedures that assure that signs are consistent with the Municipality's objectives and within the Village's capacity to efficiently administer the regulations.
8. To promote uniformity in the size, number, or placement of signs within districts.

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9. Prohibit all signs not expressly permitted by this Section. No sign shall be erected, altered, placed, established, painted, created, or maintained in the Village except in compliance with the standards, procedures, and requirements of this Section.

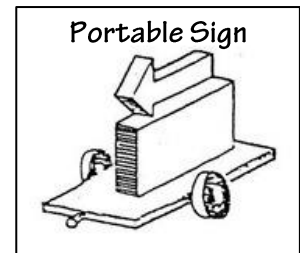
B. General Regulations.

1. **Application of Regulations.** The regulations contained in this Section shall apply to signs outside of the public right-of-way and on the property to which the standard or regulation refers, except when specifically stated otherwise. A sign may only be erected, established, painted, created, or maintained in conformance with the standards, criteria, procedures, and other applicable requirements of this Section.
2. **Interpretation.** Unless otherwise stated in this Section, all determinations, findings, and interpretations shall be made by the Zoning Administrator or other appropriate municipal officials called upon or designated by the Zoning Administrator.
3. **Maintenance.** All signs shall at all times be properly maintained in good structural condition in compliance with the requirements of this Section and shall not be permitted to become unsightly through disrepair or as a result of the effects of the weather. Under no circumstances shall the design, construction, support, or location of a sign constitute in any way a hazard to the health, safety, or welfare of the public or to adjacent property.
4. **Permit Required.** No sign, except those signs listed in [subsection C](#), shall be erected or altered until approved by the Zoning Administrator or unless authorized by the Planning Commission as part of an approved site plan.
5. **Property Lines.** A sign and its supporting mechanism shall not extend beyond any lot lines of the property on which it is located.
6. **Signs in Rights-of-Way.** Signs shall not be placed in, upon, or over any public right-of-way, alley, or other place, except as may be otherwise permitted by the Village of Pellston, Emmet County Road Commission, or Michigan Department of Transportation. Any sign installed or placed in the public right-of-way or otherwise on public property, except in compliance with the provisions of this Section, shall be forfeited to the public and subject to confiscation and may be immediately removed by the Village. In addition to other available remedies, the Village shall have the right to recover, from the owner or person placing an unauthorized sign, the full costs of removal and disposal of the sign.
7. **Traffic Interference.** A sign 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 authorized traffic sign, signal, or device, or constitute a nuisance.
8. **Moving Signs.** A sign or any portion thereof which assumes any physical motion constituting a non-stationary or non-fixed condition shall be prohibited.

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- 9. **Flashing/Oscillating Signs.** Any sign, including window signs, which have flashing, moving, oscillating, or blinking lights are prohibited (excluding digital changeable copy signs and barber pole signs, which are permitted).
- 10. **Roof Signs.** Roof signs are prohibited.
- 11. **Off-Premise Signs.** Off-premise signs are prohibited.
- 12. **Attention-Getting Devices.** Balloons, balloon signs, strings of light bulbs, pennants, streamers, banners, or inflatable signs/air dancers are limited to display of less than thirty (30) consecutive days in any six (6) month period.
- 13. **Portable Signs.** Portable signs are limited to display of less than thirty (30) consecutive days.
- 14. **Signs Affixed to Nontraditional Surfaces.** Signs affixed to utility poles, trees, rocks, shrubs, or similar natural features are prohibited. Signs affixed to fences are allowed.
- 15. **Obscene Material.** No sign shall contain statements, words, or pictures of an obscene or pornographic nature which would appeal predominantly to a prurient interest in sexual conduct, depict or describe sexual conduct in a patently offensive way, and be offensive, rude, lewd, or disgusting according to accepted moral standards.
- 16. **Signs Blocking Access.** No sign shall be erected, relocated, or maintained so as to obstruct firefighting or prevent free access to any door, window, or fire escape.
- 17. **Construction.** With the exception of temporary signs, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure. The sign support and construction for all signs requiring permanent attachment shall be able to withstand a minimum of thirty (30) pounds of horizontal pressure per square foot of the area of the sign.
- 18. **Address Signs.** Green address signs erected for 911 purposes are exempted from this Section.
- 19. **Digital Projection Signs.** Instruments which use technology to display or project digital messages onto windows or walls of buildings are prohibited.
- 20. **Illumination.**
 - a. Signs accessory to a single-family dwelling, two-family, townhome, or multi-family dwelling in a residential district may not be internally illuminated but are permitted to



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be externally illuminated so as not to cause glare onto neighboring properties or interfere with vision of pedestrians and vehicles on the public right-of-way.

- b. Temporary signs shall not be internally illuminated. Any external illumination of these signs shall be permitted only in commercial and industrial zones.
- c. No internal lighting shall include exposed incandescent or fluorescent bulbs.
- d. The external illumination of freestanding signs shall comply with the following:
 - (1) Any external lighting of signs that have a height of between eight (8') feet and fifteen (15') feet must be from the top of the sign and directed downward.
 - (2) The lighting of signs that have a height of eight (8') feet or less may be illuminated from the top of the sign or from the ground. Indirect light sources must be shielded from the view of persons viewing the sign and be further shielded and directed so that the light shines only on the sign and that illumination beyond the sign face is minimized.
- e. Externally illuminated wall signs may only be illuminated from the top of the sign.
- f. Light sources for externally illuminated signs must be shielded and directed so that the light shines on the sign and that illumination beyond the sign face is minimized.
- g. For signs on permitted non-residential uses in residential districts, the illumination may be from external sources or by internal illumination of the letters and logos only; internal illumination of the background portion of the sign is prohibited.
- h. If a registered trademark or logo is not in compliance with the illumination requirements of this Section, then such area of non-compliance shall be limited to a maximum of thirty (30%) percent of the sign area.

21. **Substitution Clause.** Any sign that can be displayed under the provisions of this Ordinance may contain a non-commercial message.

22. All signs located in the Village shall be erected, altered, and maintained at the risk of the owner of the sign, who shall assume full responsibility for consequences of any damage caused by the sign.

C. **Signs Not Needing a Permit.**

- 1. Temporary signs.
- 2. Signs erected by governmental or community service groups during times of community special events.

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3. Memorial signs.
4. Flags.
5. Window signs.
6. Canopy/awning or marquee signs.
7. Signs erected by an official governmental body, public utility, or historic agency.
8. Signs erected by any organization, firm, or corporation which is charged with warning the public of dangerous conditions and unusual hazards including but not limited to: road hazards, high voltage, fire danger, explosives, severe visibility, etc.
9. Legal postings and signs required by Federal or State agencies or in connection with Federal or State grant programs.
10. Information when carved into stone, concrete, metal, or similar material or made of other permanent type construction and made an integral part of the structure.
11. Signs not readable by motorists or pedestrians on any road, alley, water body, public lands, or adjacent parcels.
12. Addresses on the house and address signs at the road.

D. Sign Permits and Application.

1. **Permits Required.** No sign requiring a permit as provided by this Section shall be erected, used, constructed, or altered until a permit has first been obtained under this Section. A sign permit shall not be issued for a sign unless the sign fully complies with the requirements of this Section. The property owner shall at all times maintain in force a valid sign permit for any sign requiring a permit.
2. **Application.** Application for a sign permit shall be made to the Zoning Administrator along with a fee in the amount established by resolution of the Village Council. The permit application shall be reviewed in accordance with the following procedures:
 - a. **Required Drawings and Information.** An application for construction, creation, or installation of a new sign or for alteration of an existing sign shall be accompanied by detailed drawings and accompanying narrative statements to show and describe the dimensions, design, structure, and location of each particular sign. A single application and permit may include multiple signs on the same lot.

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- b. **Review for Completeness.** After receiving an application for a sign permit, the Village shall review it for completeness. If the Village determines that it is complete, the application shall then be processed. If the application is determined to be incomplete, the Village shall send to the applicant a written notice specifying how the application is deficient.
 - c. **Issuance or Rejection.** After the submission of a complete application for a sign permit, the Village shall either: (1) issue the sign permit if the sign that is the subject of the application conforms in every respect with the requirements of this Section; or (2) reject the sign permit if the sign that is the subject of the application fails in any way to conform with the requirements of this Section.
3. **Electrical Signs.** All signs requiring electrical service shall be reviewed for compliance with the County's electrical code. Approval of electrical signs shall be noted on or attached to the sign permit.
- E. **Sign Standards by District.**

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Sign Standards for the R-1, R-2, R-3, SR-1, and MU Districts

R-1 R-2 R-3 SR-1 MU

Sign Type	Single-Family & Two-Family Residential Uses	All Other Uses	Other
Freestanding Sign <i>(permanent)</i>	Size (max.): 8 sq ft Number Allowed: 1 Height (max.): 4 ft	Size (maximum): 24 sq ft Number Allowed: 1 per street frontage Height (maximum): 8 ft	Total square footage (in sum) of all freestanding & wall signs on a non-residential lot shall not exceed 32 sq ft in the R-1 & SR-1 and 50 sq ft in the R-2 & R-3.
	Setback: 5 ft from all lot lines.		
Wall Signs <i>(permanent)</i>	Not allowed	Size (maximum): 24 sq ft Number Allowed: 1 per street frontage.	
Temporary Signs <i>(no permit needed)</i>	Number Allowed: 2 Size (maximum): 12 sq ft (sum of all temporary signs)	Number Allowed: 2 signs per driveway entrance Size (maximum): 24 sq ft (sum of all temporary signs)	
Accessory Signs <i>(permanent)</i>	Not allowed	Number Allowed: 2 signs per driveway entrance Size (maximum): Up to 3 sq ft each.	
Changeable Copy Signs	Not allowed	Freestanding signs may have up to 30% percent of the permitted sign area devoted to changeable copy.	See subsection G
Projecting Signs	Not allowed	Size (maximum): 12 sq ft Number Allowed: 1 per establishment on the lot Minimum Height: 10 ft clearance from ground level (6 ft when it is located above an area that doesn't permit pedestrian traffic beneath the sign.	Limited to establishments that have at least 10 ft of building frontage.
Multiple Establishments on One Lot	Not allowed	Freestanding Signs: Multiple signs (1 for each establishment and 1 for the complex as a whole) on 1 freestanding structure shall be permitted. The total of all signs on the freestanding structure shall not exceed 24 sq ft. Wall Signs: For buildings with multiple establishments which have common entrance, the total of all individual wall signs shall not exceed 24 sq ft. For multiple businesses in a strip development structure which each have their own entrance, each establishment shall not exceed 24 sq ft in wall sign size.	

Sign Standards for the Highway Commercial, Office Park, Light Industrial District

HC

OP

I-1

Sign Type	All Other Uses	Other
Freestanding Sign <i>(permanent)</i>	Size (maximum): 120 sq ft Number Allowed: 1 per street frontage. Height (maximum): 12 ft Setback: The freestanding sign may be placed at the front lot line, but the sign shall not project over or into the right-of-way	The total square footage of all freestanding and wall signs on a lot shall not exceed 180 sq ft in sum. No sign shall exceed more than four (4) times its height in width.
Wall Signs <i>(permanent)</i>	Size (maximum): 120 sq ft Number Allowed: 1 per street frontage	
Temporary Signs <i>(no permit needed)</i>	Number Allowed: Maximum of 2 signs per driveway entrance Size (maximum): 24 sq ft (sum of all temporary signs)	
Accessory Signs <i>(permanent)</i>	Number Allowed: Maximum of 2 signs per driveway entrance. Size (maximum): Up to 3 sq ft each.	
Changeable Copy Signs	Freestanding signs may have up to 30% percent of the permitted sign area devoted to changeable copy.	See subsection G
Projecting Signs	Size (maximum): 12 sq ft Number Allowed: 1 per establishment on the lot Minimum Height: 10 ft clearance from ground level (6 ft when it is located above an area that doesn't permit pedestrian traffic beneath the sign)	Limited to establishments that have at least 10 ft of building frontage.
Multiple Establishments on One Lot	Freestanding Signs: Multiple signs (1 for each establishment and 1 for the complex as a whole) on 1 freestanding structure shall be permitted. The total of all signs on the freestanding structure shall not exceed 120 square feet. Wall Signs: For buildings with multiple establishments inside which have common entrance, the total of all individual wall signs shall not exceed 120 sq ft. For multiple businesses in a strip development structure which each have their own entrance, each establishment shall not exceed 120 sq ft in wall sign size.	

1 Title & Authority

2 Definitions

3 General Provisions

4 District Regulations

5 Site Plan Review

6 Special Land Use Review

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Adoption & Amendment

Sign Standards for the Historic Village Commercial District

HV

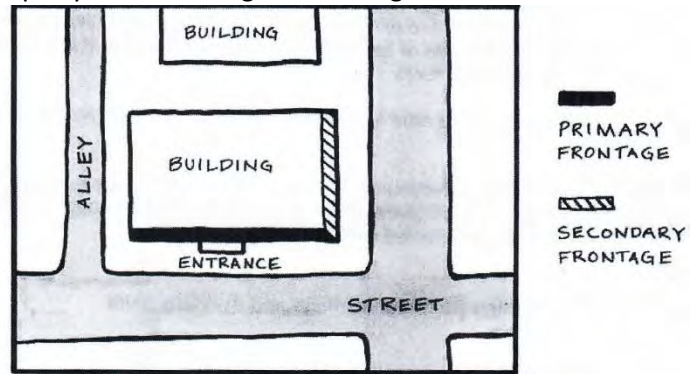
Sign Type	All Other Uses	Other
Freestanding Sign <i>(permanent)</i>	<p>Size (maximum): 32 sq ft Number Allowed: 1 per street frontage. Lots with 300’ or more lineal frontage may have 2 signs per street frontage. Height (maximum): 8 ft Setback: Minimum of 5 feet from each lot line.</p>	
Wall Signs <i>(permanent)</i>	<p>Size (maximum): On primary frontage, 2.0 sq ft per linear feet of primary frontage. On secondary frontage, 1.2 sq ft per linear feet of secondary frontage. Number Allowed: 1 per street frontage.</p>	
Temporary Signs <i>(no permit needed)</i>	<p>Number Allowed: Maximum of 2 signs per driveway entrance. Size (maximum): 24 sq ft (sum of all temporary signs)</p>	Temporary signs shall be located on the property, if possible. Signs located on the public sidewalk shall be positioned as near as possible to the wall of the building.
Accessory Signs <i>(permanent)</i>	<p>Number Allowed: Maximum of 2 signs Size (maximum): Up to 3 sq ft each.</p>	
Changeable Copy Signs	Freestanding signs may have up to 30% percent of the permitted sign area devoted to changeable copy.	See subsection G
Projecting Signs	<p>Size (maximum): 12 sq ft Number Allowed: 1 per establishment on the lot Minimum Height: 10 ft clearance from ground level (6 ft when it is located above an area that doesn’t permit pedestrian traffic beneath the sign).</p>	Limited to establishments that have at least 10 ft of building frontage.
Multiple Establishments on One Lot	<p>Freestanding Signs: Multiple signs (1 for each establishment and 1 for the complex as a whole) on 1 freestanding structure shall be permitted. The total of all signs on the freestanding structure shall not exceed 32 square feet. Wall Signs: For buildings with multiple establishments inside which have common entrance, the total of all individual wall signs shall not exceed the total listed for wall signs (above). For multiple businesses in a strip development structure which each have their own entrance, each establishment shall not exceed the allowable square footage as listed for wall signs (above) based on the frontage of their building unit.</p>	

Village of Pellston Zoning Ordinance

F. Determining Building Frontage, Street Frontage, and Setbacks.

For the purposes of this Section and for determining allowable wall sign area, the building frontage shall include the building walls that face a public street, face a parking lot which serves the use, or that contains a public entrance to the uses therein. For the purposes of these regulations, a public alley is not considered a public street.

1. The building frontage shall be measured along such building wall between the exterior faces of the exterior sidewalls.
2. In the case of an irregular wall surface, a single straight line approximating such wall surface shall be used to measure the wall's length.
3. For multi-occupant buildings, the portion of a building that is owned or leased by a single occupant shall be considered a building unit. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.



4. The primary frontage shall be the portion of a frontage that serves as the main access point to a building or building unit.
5. The secondary frontage shall be all other frontages.

6. **Determining Public Street Frontage.**

For the purposes of this Section and for determining allowable freestanding sign area, public street frontage is the length of the public street, which is contiguous to the adjacent private parcel for which the sign is being considered. For the purposes of these regulations a public alley is not considered a public street. For the purposes of this Section standards, which are based on a minimum length of the public street frontage, shall also apply to "any portion thereof" unless the specific section states otherwise.

7. **Determining Sign Setbacks.** The required setbacks for the sign shall apply to all elements of the sign including its frame and base.

G. Digital Changeable Copy Signs.

1. A digital changeable copy sign shall be allowed to have changing messages, scrolling message, and animation but shall not be allowed to contain flashing elements.
2. The digital elements shall be of an intensity that the brightness and motion shall not adversely affect surrounding or facing premises nor adversely affect safe vision of pedestrians or operators of vehicles on public or private streets, driveways, or parking areas.

Village of Pellston Zoning Ordinance

3. A digital changeable copy sign shall contain a default mechanism that freezes the sign in one (1) position if a malfunction occurs.
4. A digital changeable copy sign shall contain a mechanism to automatically adjust the intensity of its display according to natural ambient light conditions.

H. **Modification of Requirements.**

1. Except as provided in **subsection 2** below, all signs approved in connection with a Special Land Use or a Planned Unit Development shall meet the requirements of this Section for signs as applicable to the zoning district in which the Special Land Use or PUD is located.
2. In cases where extenuating or extraordinary circumstances create practical difficulties in complying with the requirements of this Section and where a modification of the requirements may still result in achieving the objectives of the zoning district in which the sign is to be located, the size, placement, number, and height requirements for signs may be modified as provided by this subsection. If the sign is part of a PUD, the Planning Commission may recommend to the Village Council, and the Council may, in its discretion, modify the size, placement, number, and height requirements for signs in the PUD. If the sign is part of a Permitted Use or a Special Land Use request, the Planning Commission alone may, in its discretion, modify the size, placement, number, and height requirements for any signs proposed. In determining whether to approve a proposed modification, the Planning Commission and the Village Council must each find, based upon the facts presented by the applicant, that the following criteria have been met:
 - a. The modification of requirements is justified due to the nature, size, density, location, or design of use, including the design or placement of proposed signs;
 - b. The modification of requirements will not result in traffic or other safety hazards, will not be injurious to the use or enjoyment of nearby property, will not result in visual blight, distraction, or clutter, and will not otherwise result in a detriment to the public health, safety or general welfare; and
 - c. The modification will still achieve the intended purpose of the zoning district in which the sign is to be located.

I. **Nonconforming Signs, and Signs Accessory to Nonconforming Uses.**

1. **Continuance.** Notwithstanding any other provision of this Section to the contrary, a permanent sign which was erected legally and which lawfully exists at the time of the enactment of this Section, but which does not conform to the height, size, area, or location requirements of this Section, is deemed to be nonconforming and may continue to be used subsequent to that time, as provided by this Section.

1 Title & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plan Review
6 Special Land Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendment

Village of Pellston Zoning Ordinance

2. **Alteration/Repair.** Nonconforming signs may not be expanded, enlarged, extended, or repaired without being brought into full compliance with all applicable regulations under this Section, except as expressly provided by this subsection.
 - a. A nonconforming sign may be diminished in size or dimension without jeopardizing the nonconforming status. As with conforming signs, a change solely in the wording of the copy of a nonconforming sign shall not constitute an alteration for purposes of this Section, unless the result of the change would cause the sign to be reclassified to a type of sign subject to different or more restrictive regulation.
 - b. Routine repair to maintain a nonconforming sign in a safe and aesthetic condition exactly as it existed at the time of the enactment of this Section and so as to continue the useful life of the sign shall not constitute an alteration for purposes of this Section, unless the estimated cost of repair exceeds fifty (50%) percent of the appraised replacement cost of the entire sign prior to the repair, as determined by the Village. If the estimated cost of repair exceeds fifty (50%) percent of that appraised replacement cost, the right to continue using the nonconforming sign shall thereupon terminate and the sign shall be brought into full compliance with all applicable provisions and requirements of this Section prior to further use.
 - c. In no event shall the alteration of a nonconforming sign result in an increase in the nature or degree of any aspect of the sign's nonconformity.
3. **Signs Accessory to Nonconforming Uses.** A sign related to a nonconforming use may be erected in the Village in accordance with the sign regulations for the zoning district in which the property is located.
4. **Damage or Destruction.** If a nonconforming sign is damaged or destroyed by fire, explosion, flood, wind, or other calamity, the sign may be restored to the condition exactly as it existed immediately prior to the damage or destruction, unless the estimated cost of restoration or replacement exceeds fifty (50%) percent of the appraised replacement cost of the entire sign prior to the loss, as determined by the Village. If the estimated cost of restoration or replacement exceeds fifty (50%) percent of that appraised replacement cost, the right to continue using the nonconforming sign shall thereupon terminate and the sign shall be brought into full compliance with all applicable provisions and requirements of this Section prior to further use.

J. **Abandoned Signs.**

Any sign which the Village determines to be abandoned shall be removed by the owner. If the owner does not remove the sign or if no owner can be found, the Village may remove the sign. If the sign is removed by the Village and the owner is known, the Village shall have the right to recover from the owner of the sign the full costs of removing and disposing of the sign.

K. **Violations.**

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1. It is a violation of this Section to install, create, erect, or maintain any sign that does not fully comply with the requirements of this Section, including, but not limited to, any of the following:
 - a. To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing the sign or the lot on which the sign is located;
 - b. To install, create, erect, or maintain any sign requiring a permit without a permit;
 - c. To fail to remove any sign that is installed, created, erected, or maintained in violation of this Section; or
 - d. To continue any violation of this Section.

2. Each sign installed, created, erected, or maintained in violation of this Section is considered a separate violation when applying the penalty portions of this Ordinance.

3. A sign shall be removed by the owner within twenty-four (24) hours of receipt of notice from the Village stating that the sign is unsafe or not properly maintained or otherwise does not comply with the requirements of this Section by reason of its size, height, design, condition, or location. The notice shall state that if the owner does not remove the sign or correct the unsafe or improper condition within that time period, the sign may be removed by the Village. Upon failure to remove or correct the unsafe or improper condition within twenty-four (24) hours of receipt of notice, the Village may take whatever action is necessary to have the sign removed or to otherwise abate the unsafe or improper condition, and in addition to other available remedies, the Village shall have the right to recover from the owner of the sign the full costs of removing and disposing of the sign or abating the unsafe or improper condition.

L. Severance Clause for Signs.

Provisions of this Section shall be deemed to be severable, and should any section, subsection, paragraph, or provision thereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Section as a whole or any other part thereof, other than the part so declared to be unconstitutional or invalid. If any court shall declare invalid the application of any provision of this Section to a particular parcel, lot use, building, or structure, such ruling shall not affect the application of said provision to any other parcel, lot use, building, or structure not specifically included in said ruling.

1 Title & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plan Review
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Article 4 District Regulations

Sec	Name	Pg	Sec	Name	Pg
4.1	Districts	4-1	4.10	Historic Village Commercial District (HV)	4-24
4.2	Boundaries	4-2	4.11	Highway Commercial District (HC)	4-28
4.3	Application of District Regulations	4-3	4.12	Light Industrial District (I-1)	4-32
4.4	Dwelling Standards	4-4	4.13	Office Park District (OP)	4-36
4.5	Village Residential District (R-1)	4-7	4.14	Dwelling Unit Aesthetic Standards & Exemption for Central Village Overlay District	4-40
4.6	Suburban Residential District (R-2)	4-10	4.15	The Greenbelt Area	4-41
4.7	Multiple-Family Residential District (R-3)	4-13	4.16	Full Table of Permitted & Special Land Uses	4-42
4.8	Scenic Resource District (SR-1)	4-16	4.17	Schedule of Regulations	4-53
4.9	Mixed Use District (MU)	4-19			

Section 4.1 Districts

For the purpose of this Ordinance, the Village of Pellston is hereby divided into the following districts:

R-1	Village Residential District
R-2	Suburban Residential District
R-3	Multiple-Family Residential District
SR-1	Scenic Resource District
MU	Mixed Use District
HV	Historic Village Commercial District
HC	Highway Commercial District
I-1	Light Industrial District
OP	Office Park District

Village of Pellston Zoning Ordinance

Section 4.2 Boundaries

A. Interpretation of Boundaries.

The boundaries of these districts are hereby established as shown on the Village Zoning Map which accompanies this Ordinance, and which map with all notation, references, and other information shown thereon shall be a part of this Ordinance. The official Zoning Map shall be kept and maintained by the Village Clerk or his/her designee and is available to view and purchase at the Village office.

1. Where district boundaries are indicated as approximately coterminous with street or highway centerlines or right-of-way lines, such centerlines or right-of-way lines shall be construed to be boundaries.
2. Where district boundaries are indicated as approximately coterminous with platted lot lines, quarter-section lines, or other survey lines, such lines shall be construed to be said boundaries.
3. Where district boundaries are indicated as approximately parallel to street or highway center lines or right-of-way lines or to section lines, quarter-section lines, or other survey lines, such boundaries shall be construed to be parallel thereto and at such distance therefrom as indicated on the Zoning District Map.
4. Where district boundaries are indicated as approximately coterminous with the centerline of a stream or river, such centerlines shall be construed to be boundaries.
5. Any question as to the interpretation of the district boundaries shall be determined by the Zoning Board of Appeals.

B. Zoning of Vacated Areas.

Whenever any street, highway, or other public right-of-way shall have been vacated by official government action and when such right-of-way lands attach to and become part of the land adjoining said right-of-way, such right-of-way property shall automatically acquire and be subject to the provisions of the zoning district of the abutting property without further governmental action. In the case of a vacated right-of-way which also served as a district boundary, the centerline of such vacated right-of-way shall remain the boundary line and the lands on either side of said centerline shall become attached to their respective adjoining properties without further governmental action.

C. Zoning of Annexed Areas.

Whenever any area is annexed to the Village of Pellston, said land shall automatically be classified as being in the Village Residential (R-1) District. The Planning Commission shall then determine the most appropriate district and shall begin the rezoning process, if necessary.

1 Title & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plan Review
6 Special Land Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendment

D. Zoning of Filled Areas.

Whenever, after appropriate permits are obtained, any fill material is placed in any body of water or wetland so as to create a usable or buildable space, such fill area shall take on the Zoning District and accompanying provisions of the land abutting said fill area. No fill material shall be placed in any body of water or wetland area within the Village unless appropriate permits are obtained.

Section 4.3 Application of District Regulations

The regulations herein established within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare.

No building shall hereafter be erected, altered, or moved, nor shall any building or premises hereafter be used for any purpose other than is permitted in the district in which said building or premises is located, except as herein described by this Ordinance. Except as hereinafter provided, district regulations shall be applied in the following manner:

A. Uses in Districts.

1. **Permitted Uses.** Permitted uses shall be permitted by right only if specifically listed as permitted uses in the zoning district sections in this Article or **Table 4.16** or are similar to such listed uses as determined by the Zoning Administrator. The Zoning Administrator may refer the determination of similar uses to the Planning Commission for determination.
2. **Special Land Uses.** Special Land Uses are permitted after review and approval by the Planning Commission only if specifically listed as a Special Land Use in the zoning district sections in this Article or **Table 4.16** or are similar to such listed uses as determined by the Zoning Administrator. The Zoning Administrator may refer the determination of similar uses to the Planning Commission for determination.

B. Application of Area and Width Regulations.

1. The area or width of a lot shall not be reduced below the minimum requirements herein established for the district in which such lot is located.
2. **Measuring Lot Width.** Lot width is the distance from one side lot line to the other side lot line measured at the minimum building setback permitted in this Ordinance.

C. Application of Yard Regulations.

1. All front yard setback lines shall be the minimum perpendicular distance measured from the right-of-way of the road upon which a lot or parcel fronts to the nearest point of the building (example: eave or dripline).

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2. All side and rear yard setback lines shall be the minimum perpendicular distance between the nearest point of the building (example: eave or dripline) and the side or rear lot line parallel thereto.
3. Decks and Patios.
 - A. Decks shall meet the same setbacks of the principal building.
 - B. Patios may encroach into the setbacks.
4. **Corner Lots and Through Lots.** A lot with frontage on two (2) or more streets shall have a building setback from each street not less than the required front setback. In case of a corner lot, a rear yard is required, but such yard may be any yard not facing a public street. In cases of through lots, one (1) yard shall be designated on the plans as the rear yard and one (1) yard as a front yard for purposes of locating accessory buildings. A single lot shall not be required to have more than two (2) front yards.

Section 4.4 Dwelling Standards

A. Intent.

The Residential Districts set forth herein are established in order to protect public health, and promote public safety, convenience, comfort, prosperity, and welfare. These general goals include among others the following specific purposes:

1. To protect residential areas against fire, explosion, noxious fumes, offensive noise, smoke, vibrations, dust, odors, heat, glare, and other objectionable factors.
2. To protect residential areas to the extent possible and appropriate in each area against unduly heavy motor vehicle traffic, especially through traffic, and to alleviate congestion by promotion of off-street parking.
3. To protect residential areas against undue congestion of public streets and other public facilities by controlling the density of population through regulation of the bulk of buildings.
4. To protect and promote the public health and comfort by providing for ample light and air to buildings and the windows thereof.
5. To promote public comfort and welfare by providing for usable open space on the same zoning lot with residential development.
6. To provide sufficient space in appropriate locations to meet the probable need for future residential expansion and to meet the need for necessary and desirable services in the vicinity of residences, which increase safety and amenity for residents and which do not exert objectionable influences.

1 Title & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plan Review
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Village of Pellston Zoning Ordinance

B. Residential Performance Standards for All Dwellings Outside of Manufactured Housing Communities.

The following performance standards shall apply to all housing constructed in or placed in Residential Districts Village Residential (R-1), Suburban Residential (R-2), Multiple-Family Residential (R-3) and Scenic Residential (SR-1), and shall be in addition to the requirements of other codes, ordinances, or provisions of this Ordinance. These requirements are to assure a degree of structural and aesthetic comparability between site-built dwellings and pre-constructed or factory built housing intended for one (1) family occupancy. On site construction modifications may be necessary and shall be permitted to attain the standards of comparability.

1. There shall be a foundation of material approved under the County Building Code around the entire exterior perimeter of all dwellings or additions thereto. Said foundation shall have a minimum depth of forty-two (42") inches below grade and shall provide a minimum exposed foundation above grade of eight (8") inches.
2. All dwellings without basements shall provide a crawl space below the entire floor of the dwelling in accordance with the local building code.
3. All dwelling units shall provide a minimum height between the floor and ceiling in accordance with the County Building Code.
4. All dwelling units shall provide storage areas (either within a basement or in an attic, or in a separate, fully enclosed structure) of not less than ten (10%) percent of the living area of the dwelling unit, exclusive of storage space for automobiles. Said storage areas shall not be counted in determining whether the dwelling unit complies with the minimum floor area requirements of this Ordinance.
5. All dwelling units shall provide a minimum of two (2) separate points of ingress and egress.
6. All dwelling units shall provide steps or porch areas permanently attached to the foundation where there exists an elevation differential of more than one (1') foot between a door and the surrounding grade.
7. All dwelling units shall be connected to a sanitary septic system and water supply system approved by the County Health Department.
8. **Manufactured.** All other provisions of this Ordinance to the contrary notwithstanding, manufactured homes shall be permitted as dwelling units and may be located outside licensed manufactured housing communities in any of the previously listed residential districts, subject to compliance with the requirements of this Ordinance applicable to all dwelling units, specific requirements applicable to dwelling units located within the specific zone district and the following:

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- a. The manufactured home shall be located so that no wheels, towing mechanisms, nor any part of the undercarriage are exposed.
 - b. The manufactured home shall meet all standards of the United States Department of Housing and Urban Development **Manufactured Home Construction & Safety Standards** in effect at the time the manufactured home is located in the Village.
 - c. Modular or manufactured home units shall not be structurally attached to one another or placed together unless specifically designed and engineered at the site of manufactured to be attached.
9. If the dwelling is a manufactured home without a basement or crawlspace-type foundation, the following conditions shall also apply:
- a. The area between ground level and the perimeter of the home shall be enclosed by means of wood or aluminum skirting or other similar material. The skirting shall be attached to the home top and bottom.
 - b. Each home shall be placed on a permanent foundation of at least eight (8) poured concrete or solid masonry pillars. The pillars shall be at least one (1') foot by two (2') foot in size. The pillars shall be spaced no more than ten (10') feet apart, with the end piers being no more than five (5') feet from the ends of the unit. Said pillars shall extend down a minimum of forty-two (42") inches below grade to a concrete pad base that is at least eight (8") inches thick. Each pillar shall have installed a wrap-around tie down strap, embedded in the concrete pillar, to which the home shall be secured.

Village of Pellston Zoning Ordinance

Section 4.5 Village Residential District (R-1)

A. Intent.

R-1

The intent of this district is to serve the needs of the majority of residents in the village; to preserve and protect the community character "village way of life" through lot size and dwelling density, appropriate street and travel patterns, and a compact mixture of residential and other related land uses.

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed below (also in [Section 4.16: Full Table of Permitted & Special Land Uses](#)) and shall be subject to all applicable provisions of [Article 5: Site Plan Review](#), [Article 6: Special Land Use Review](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P = Permitted by right</i> <i>S = Permitted with a Special Land Use Permit</i> <i>*supplemental development regulations</i>	R-1
Accommodation & Food/Event Services	
Bed & Breakfasts & Tourist Homes	S
Rooming Houses/Boarding Houses	P
Arts, Entertainment & Recreation	
Public Parks & Playgrounds; Nature Areas; Forest Preserves	P
Educational Services & Religion	
Public, charter or private schools (elementary through high school) - with no boarding facilities	P
Religious Institutions & Customary Accessory Uses	S
Human Care & Social Assistance	
Adult Day Care Facility – IN PRIVATE HOME (§7.8)	S*
Adult Foster Care Family Homes (6 or less adults)	P
Adult Foster Care Small Group Home (7-12 adults)	S
Child Care Home, Family (6 or less)	P
Child Care Home, Group (7 -12) (§7.6)	S*
State-Licensed Residential Facilities (Foster Care 6 or less)	P

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P = Permitted by right</i> <i>S = Permitted with a Special Land Use Permit</i> <i>*supplemental development regulations</i>	R-1
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal	P
Planned Unit Developments (§7.12)	S*
Public Facilities	
Civic Buildings	S
Residential Uses	
Accessory Dwelling Units/Guest Houses (§7.16)	S*
Home Occupations (§7.1)	P*
Cottage Industries (§7.1)	S*
Single-Family Detached Dwelling	P
Utilities, Energy & Communications	
Solar Energy Panels (Accessory) (§7.14)	P*
Wind Turbine Generators (On-Site) (§7.17)	S*
Wireless Communications Support Structures (less than 50' in height) and Amateur Radio Antennas (SHALL COMPLY WITH FAA) (§7.11)	P*

C. Development Standards for the R-1 District.

R-1

1. Lot & Structure Standards

a. Lot Area	8,000 sq ft
b. Lot Width (min.)	50 ft
c. Lot Depth (min.)	160 ft
d. Building Height (max.)	35 ft
e. Dwelling Unit Size (min.)	935 sq ft A dwelling unit which is smaller than the minimum stated may be approved by the Planning Commission. A pre-application meeting is required. The dwelling shall be designed and constructed similar to other dwellings in the neighborhood (similar quality of materials, etc). The Planning Commission may consider aesthetics as a basis for their decision.
f. Lot Coverage of Structures (max.)	40%
g. Density in Dwelling Units per Acre (max.)	5 dwelling units/acre

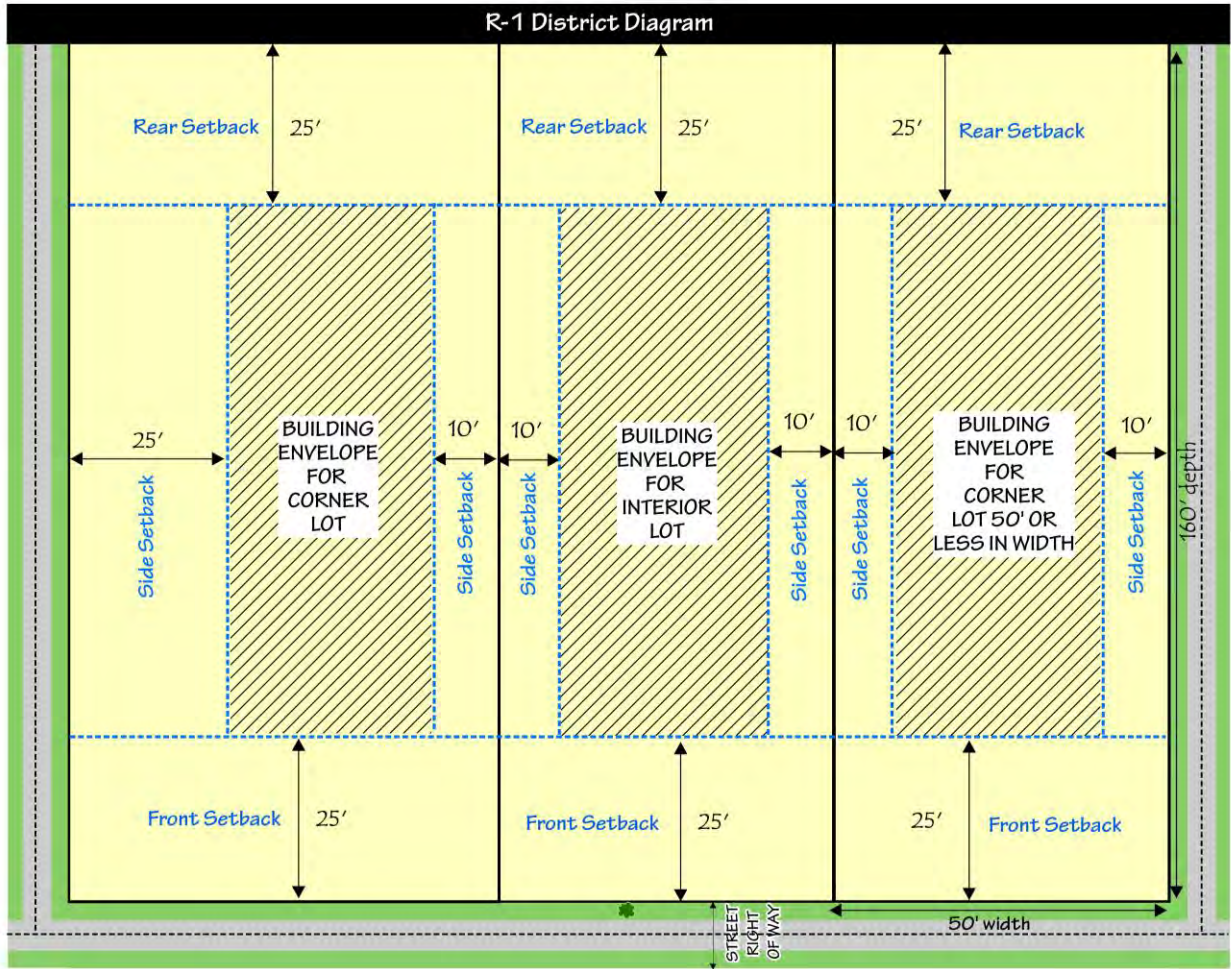
2. Setbacks (see figure 4.5)

a. Front (min.)	25 ft
b. Side (min.)	10 ft
c. Side - street - corner lot (min.)	25 ft (10 ft for lots that are 50 ft or less in width)
d. Rear (min.)	25 ft

3. Additional Development Standards

a. Accessory Buildings	Regulated by §3.7.
b. Screening/Buffering	When a non-residential use abuts a residential use or district, screening may be required.
c. Fences	Regulated by §3.11.
d. Parking	Regulated by §3.15. No parking shall be permitted in the front setback.
e. Permitted Height Exceptions	The maximum height allowed for buildings in this district does not apply to incidental appurtenances such as mechanical equipment, stacks, water towers, chimneys, flag poles, and farm silos.
f. Dwelling Regulations	Regulated by §4.4.
g. Accessory Structures Allowed	(1) Garages (2) Sheds (3) Antennas (Radio/Television and Satellite Dish)
h. Signs	Regulated by §3.19.

Figure 4.5



1 Title & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plan Review
6 Special Land Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendment

Village of Pellston Zoning Ordinance

Section 4.6 Suburban Residential District (R-2)

R-2

A. Intent.

The Suburban Residential District is intended to provide for an environment of predominantly low density, single-family detached dwellings along with other residentially related facilities which serve the residents in the district.

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed below (also in [Section 4.16: Full Table of Permitted & Special Land Uses](#)) and shall be subject to all applicable provisions of [Article 5: Site Plan Review](#), [Article 6: Special Land Use Review](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	R-2
Accommodation & Food/Event Services	
Bed & Breakfasts & Tourist Homes	S
Rooming Houses/Boarding Houses	P
Agriculture, Animals & Forest Products	
Microgardening (growing sellable produce in an urban environment)/Roadside Stand	P
Arts, Entertainment & Recreation	
Public Parks & Playgrounds; Nature Areas; Forest Preserves	P
Educational Services & Religion	
Public, charter or private schools (elementary through high school) - with no boarding facilities	P
Religious Institutions & Customary Accessory Uses	S
Human Care & Social Assistance	
Adult Day Care Facility – IN PRIVATE HOME (§7.8)	S*
Adult Foster Care Family Homes (6 or less adults)	P
Adult Foster Care Small Group Home (7-12 adults)	S
Child Care Home, Family (6 or less)	P
Child Care Home, Group (7 -12) (§7.6)	S*
State-Licensed Residential Facilities (Foster Care 6 or less)	P

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	R-2
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal	P
Planned Unit Developments (§7.12)	S*
Site Condominium Development, Low Density	P
Public Facilities	
Civic Buildings	S
Residential Uses	
Accessory Dwelling Units/Guest Houses (§7.16)	S*
Home Occupations (§7.1)	P*
Cottage Industries (§7.1)	S*
Single-Family Detached Dwelling	P
Utilities, Energy & Communications	
Solar Energy Panels (Accessory) (§7.14)	P*
Wind Turbine Generators (On-Site) (§7.17)	S*
Wireless Communications Support Structures (less than 50' in height) and Amateur Radio Antennas (SHALL COMPLY WITH FAA) (§7.11)	P*

Village of Pellston Zoning Ordinance

C. Development Standards for the R-2 District.

R-2

1. Lot & Structure Standards

a. Lot Area	25,600 sq ft
b. Lot Width (min.)	150 ft
c. Lot Depth (min.)	150 ft
d. Building Height (max.)	35 ft
e. Dwelling Unit Size (min.)	1,250 sq ft A dwelling unit which is smaller than the minimum stated may be approved by the Planning Commission. A pre-application meeting is required. The dwelling shall be designed and constructed similar to other dwellings in the neighborhood (similar quality of materials, etc). The Planning Commission may consider aesthetics as a basis for their decision.
f. Lot Coverage of Structures (max.)	20%
g. Density in Dwelling Units per Acre (max.)	2 dwelling units/acre

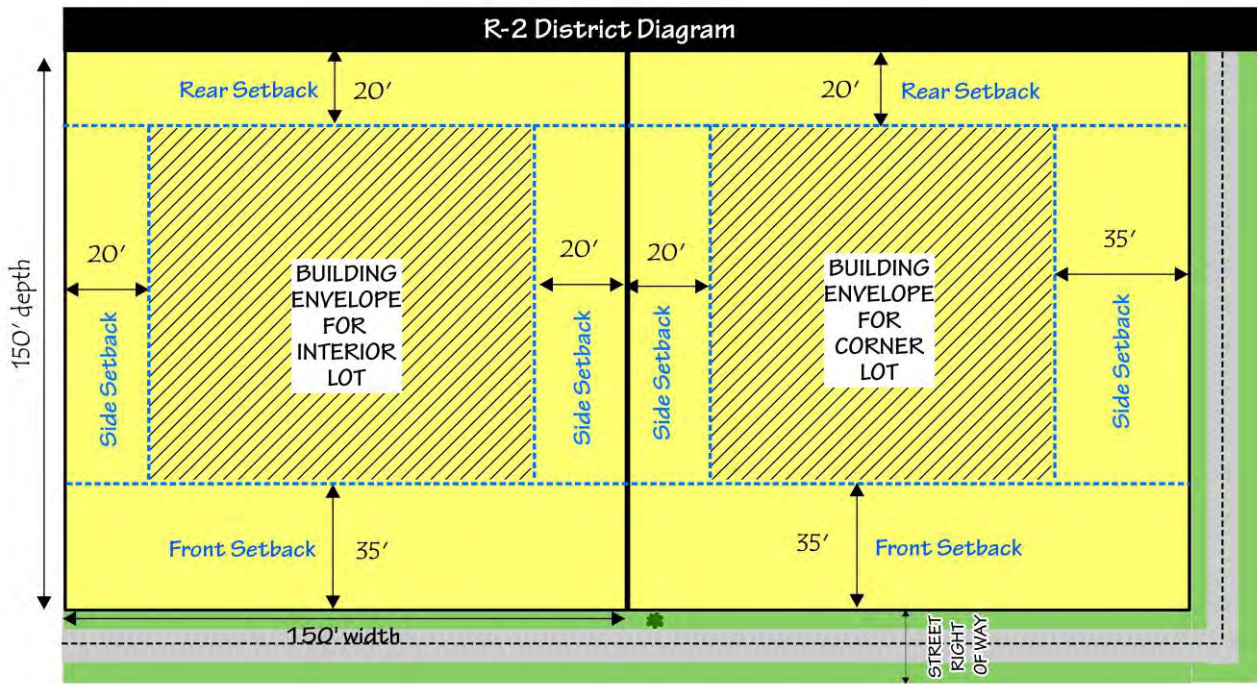
2. Setbacks

a. Front (min.)	35 ft
b. Side (min.)	20 ft
c. Side - street - corner lot (min.)	35 ft (10 ft for lots that are 50 ft or less in width)
d. Rear (min.)	20 ft

3. Additional Development Standards

a. Accessory Buildings	Regulated by §3.7 .
b. Screening/Buffering	When a non-residential use abuts a residential use or district, screening may be required.
c. Fences	Regulated by §3.11 .
d. Parking	Regulated by §3.15 . No parking shall be permitted in the front setback.
e. Permitted Height Exceptions	The maximum height allowed for buildings in this district does not apply to incidental appurtenances such as mechanical equipment, stacks, water towers, chimneys, flag poles, and farm silos.
f. Dwelling Regulations	Regulated by §4.4 .
g. Accessory Structures Allowed	(1) Garages (2) Sheds (3) Antennas (Radio/Television and Satellite Dish)
h. Signs	Regulated by §3.19 .

Figure 4.5



1 Title & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plan Review
6 Special Land Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendment

Village of Pellston Zoning Ordinance

Section 4.7 Multiple-Family Residential District (R-3)

R-3

A. Intent.

The Multiple-Family Residential District is designed to provide sites for low density Multiple-Family dwelling structures which will generally serve as a zone of transition between lower density single-family residences and the denser village residential.

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed below (also in [Section 4.16: Full Table of Permitted & Special Land Uses](#)) and shall be subject to all applicable provisions of [Article 5: Site Plan Review](#), [Article 6: Special Land Use Review](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	R-3
Accommodation & Food/Event Services	
Bed & Breakfasts & Tourist Homes	S
Rooming Houses/Boarding Houses	P
Arts, Entertainment & Recreation	
Public Parks & Playgrounds; Nature Areas; Forest Preserves	P
Educational Services & Religion	
Public, charter or private schools (elementary through high school) - with no boarding facilities	P
Religious Institutions & Customary Accessory Uses	S
Human Care & Social Assistance	
Adult Day Care Facility – IN PRIVATE HOME (§7.8)	S*
Adult Foster Care Family Homes (6 or less adults)	P
Adult Foster Care Small Group Home (7-12 adults)	S
Adult Foster Care Large Group Home (13-20 adults)	S
Adult Foster Care Congregate Facilities (over 20 adults)	S
Child Care Home, Family (6 or less)	P
Child Care Home, Group (7 -12) (§7.6)	S*
Child Care Center/Nursery School/Pre-School (not in home)(§7.7)	S*
Child Caring Institution	S
Convalescent Home/Nursing Home (§7.5)	S*
Residential Human Care & Treatment Facility (not in a residence)	S
State-Licensed Residential Facilities (Foster Care 6 or less)	P

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	R-3
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal	P
Planned Unit Developments (§7.12)	S*
Public Facilities	
Civic Buildings	S
Residential Uses	
Accessory Dwelling Units/Guest Houses (§7.16)	S*
Home Occupations (§7.1)	P*
Cottage Industries (§7.1)	S*
Manufactured Housing Community (with accessory uses such as laundry facilities, office building, & community building)(§7.2)	S*
Multiple-Family Dwelling Units (Apartments)	P
Single-Family Detached Dwelling	P
Single-Family Attached Dwelling (Townhouses)	P
Two-Family Dwelling (duplex)	P
Utilities, Energy & Communications	
Solar Energy Panels (Accessory) (§7.14)	P*
Wind Turbine Generators (On-Site) (§7.17)	S*
Wireless Communications Support Structures (less than 50' in height) and Amateur Radio Antennas (SHALL COMPLY WITH FAA) (§7.11)	P*

C. Development Standards for the R-3 District.

R-3

1. Lot & Structure Standards

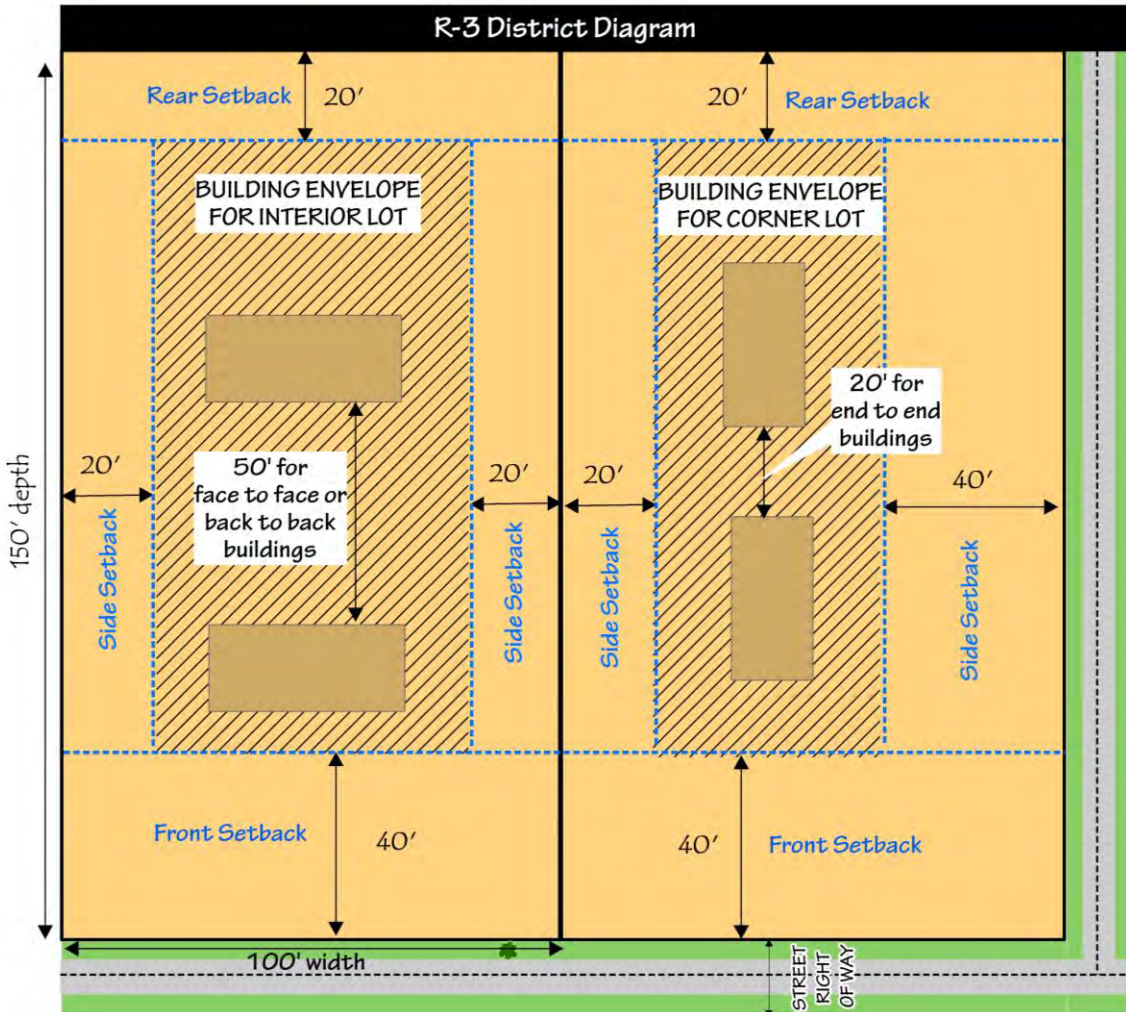
a. Lot Area	15,000 sq ft
b. Lot Width (min.)	100 ft
c. Lot Depth (min.)	150 ft
d. Building Height (max.)	35 ft
e. Dwelling Unit Size (min.)	Single-Family Dwelling: 935 sq ft (see subsection 3.g below) Multi-Family Dwellings: One bedroom apartment: 500 sq ft Two bedroom apartment: 750 sq ft Three bedroom apartment: 900 sq ft 150 additional sq ft for each additional bedroom
f. Lot Coverage of Structures (max.)	30%
g. Density in Dwelling Units per Acre (max.)	3.5 dwelling units/acre

2. Setbacks

a. Front (min.)	40 ft
b. Side (min.)	20 ft
c. Side - street - corner lot (min.)	40 ft
d. Rear (min.)	20 ft

3. Additional Development Standards

a. Accessory Buildings	Regulated by §3.7.
b. Screening/Buffering	When a non-residential use abuts a residential use or district, screening may be required.
c. Fences	Regulated by §3.11.
d. Parking	Regulated by §3.15. No parking shall be permitted in the front setback.
e. Permitted Height Exceptions	The maximum height allowed for buildings in this district does not apply to incidental appurtenances such as mechanical equipment, stacks, water towers, chimneys, flag poles, and farm silos.
f. Dwelling Regulations	Regulated by §4.4.
g. Single-Family Dwellings Below the Minimum Dwelling Unit Size	A dwelling unit which is smaller than the minimum stated may be approved by the Planning Commission. A pre-application meeting is required. The dwelling shall be designed and constructed similar to other dwellings in the neighborhood (similar quality of materials, etc). The Planning Commission may consider aesthetics as a basis for their decision.
h. Multiple-Family Dwellings	For the purpose of applying yard regulations, multiple-family dwellings shall be considered as 1 building occupying 1 lot. When more than 1 multiple-family dwelling building occupies 1 lot, the 2 or more structures must be separated by at least 20 feet when end to end and 50 feet when face to face or back to back for structures up to 2 stories. These isolation distances shall be increased by 8 feet for each story above the first 2 stories.
i. Accessory Structures Allowed	(1) Garages (2) Sheds (3) Antennas (Radio/Television and Satellite Dish)
j. Signs	Regulated by §3.19.



1 Title & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plan Review
6 Special Land Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendment

Village of Pellston Zoning Ordinance

Section 4.8 Scenic Resource District (SR-1)

SR-1

A. Intent.

This district is designed to promote the use of the wooded area of the Village in a manner that will retain the basic attractiveness of the natural resources.

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed below (also in [Section 4.16: Full Table of Permitted & Special Land Uses](#)) and shall be subject to all applicable provisions of [Article 5: Site Plan Review](#), [Article 6: Special Land Use Review](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	SR-1
Accommodation & Food/Event Services	
Bed & Breakfasts & Tourist Homes	S
Cabin Courts (or Cabin Complex)	S
Commercial Event Facilities (Convention/Conference Centers, Banquet Halls, Wedding Venues) (§7.18)	S*
Resorts, Vacation Lodges, Vacation Farms	S
Rooming Houses/Boarding Houses	P
Short Term Rental Homes (zoning permit required)	P
Agriculture, Forest Products & Animal Services	
Farms & Agricultural Operations on Category 4 Sites (Category 4 sites determined by MDARD)	S
Game Preserves/Hunting Preserves	S
Microgardening (growing sellable produce in an urban environment)/Roadside Stand	P
Arts, Entertainment & Recreation	
Boat, Canoe, or Kayak Livery & Boat Yard	S
Campgrounds/RV Parks	P
Camps (Summer Camps)	P
Country Clubs (on at least 10 acres) (§7.15)	S*
Golf Courses (on at least 10 acres)/Golf Driving Ranges (§7.15)	P*
Hunting & Fishing Cabins	P
Outdoor Performance Facilities (this use might also be classified as "Commercial Event Facility")	S
Public Parks & Playgrounds; Nature Areas; Forest Preserves	P
Wildlife Preserves	P
Educational Services & Religion	
Religious Institutions & Customary Accessory Uses	S

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	SR-1
Human Care & Social Assistance	
Adult Day Care Facility – IN PRIVATE HOME (§7.8)	S*
Adult Foster Care Family Homes (6 or less adults)	P
Adult Foster Care Small Group Home (7-12 adults)	S
Child Care Home, Family (6 or less)	P
Child Care Home, Group (7 -12) (§7.6)	S*
State-Licensed Residential Facilities (Foster Care 6 or less)	P
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal	P
Planned Unit Developments (§7.12)	S*
Public Facilities	
Civic Buildings	S
Residential Uses	
Accessory Dwelling Units/Guest Houses (§7.16)	S*
Home Occupations (§7.1)	P*
Cottage Industries (§7.1)	S*
Single-Family Detached Dwelling	P
Utilities, Energy & Communications	
Solar Energy Panels (Accessory) (§7.14)	P*
Wind Turbine Generators (On-Site) (§7.17)	S*
Wireless Communications Support Structures (less than 50' in height) and Amateur Radio Antennas (SHALL COMPLY WITH FAA) (§7.11)	P*

Village of Pellston Zoning Ordinance

C. Development Standards for the SR-1 District.

SR-1

1. Lot & Structure Standards

a. Lot Area	87,120 sq ft
b. Lot Width (min.)	300 ft
c. Lot Depth (min.)	260 ft
d. Building Height (max.)	35 ft
e. Dwelling Unit Size (min.)	1,250 sq ft A dwelling unit which is smaller than the minimum stated may be approved by the Planning Commission. A pre-application meeting is required. The dwelling shall be designed and constructed similar to other dwellings in the neighborhood (similar quality of materials, etc). The Planning Commission may consider aesthetics as a basis for their decision
f. Lot Coverage of Structures (max.)	10%
g. Density in Dwelling Units per Acre (max.)	0.5 dwelling units/acre In order to maintain the inherently undeveloped overall nature of this district, a Density Bonus from 0.5 dwelling units per acre to 0.75 dwelling units per acre can be awarded for developments of at least 15 acres where over 50% of the land is deeded in perpetuity to open space or forest preservation. This calculation cannot include wetlands, river frontage, or any required setback or Greenbelt area.

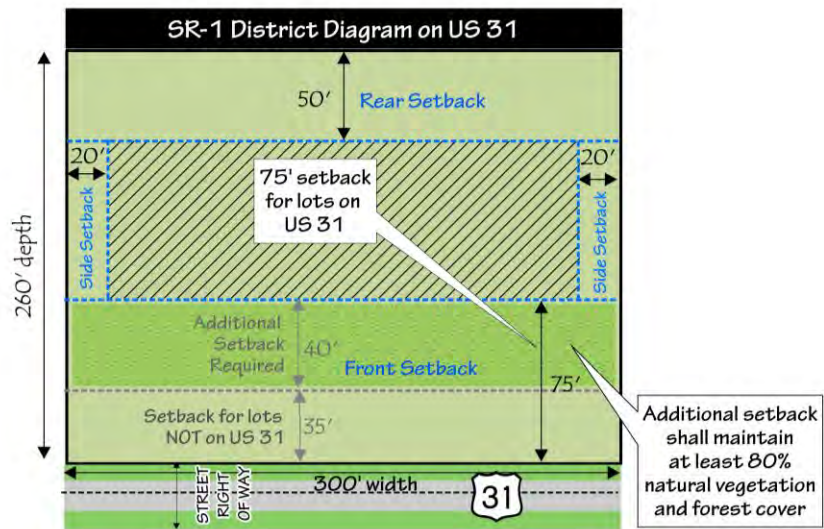
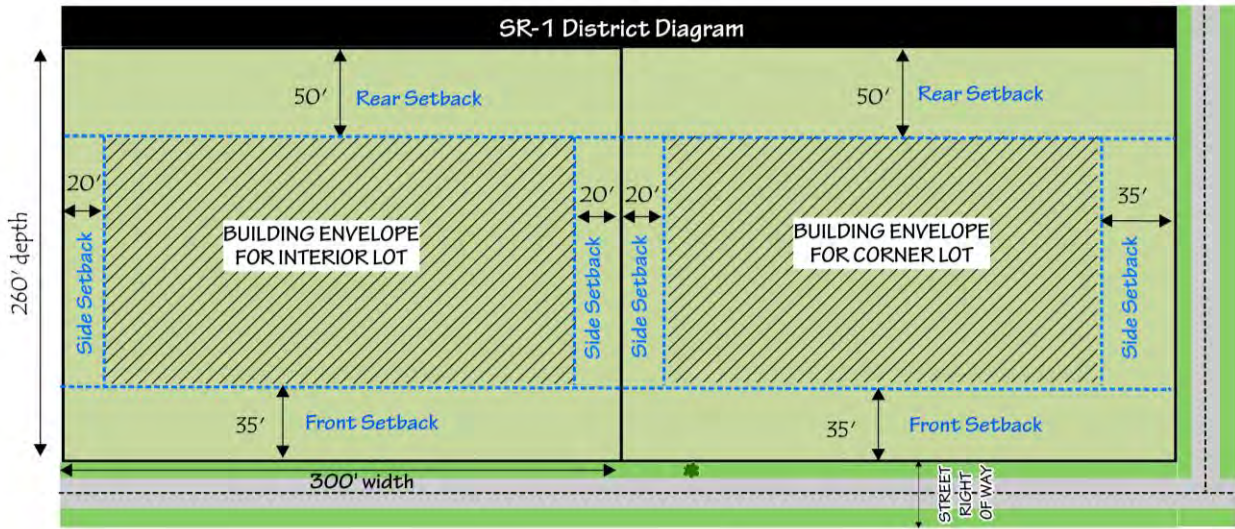
2. Setbacks

a. Front (min.)	35 ft All lots in this district which share a border with US 31 are required to maintain an additional setback of 40 ft beyond that which is stipulated above. This additional setback shall maintain not less than 80% of its area as natural vegetation and forest cover.
b. Side (min.)	20 ft
c. Side - street - corner lot (min.)	35 ft
d. Rear (min.)	50 ft

3. Additional Development Standards

a. Accessory Buildings	Regulated by §3.7.
b. Screening/Buffering	When a non-residential use abuts a residential use or district, screening may be required.
c. Fences	Regulated by §3.11.
d. Parking	Regulated by §3.15. No parking shall be permitted in the front setback.
e. Permitted Height Exceptions	The maximum height allowed for buildings in this district does not apply to incidental appurtenances such as mechanical equipment, stacks, water towers, chimneys, flag poles, and farm silos.
f. Dwelling Regulations	Regulated by §4.4.
g. Accessory Structures Allowed	(1) Garages (2) Sheds (3) Antennas (Radio/Television and Satellite Dish)
h. Signs	Regulated by §3.19.

Village of Pellston Zoning Ordinance



1 Title & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plan Review
6 Special Land Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendment

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Section 4.9 Mixed Use District (MU)

MU

A. Intent.

Located along the secondary corridors, the category is envisioned for low impact business and residential uses. Live/work structures would be encouraged with a desire to allow development of commercial uses in this zone. This will allow for transitions from residential to concentrated businesses along Pellston's main roadway corridors.

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed below (also in [Section 4.16: Full Table of Permitted & Special Land Uses](#)) and shall be subject to all applicable provisions of [Article 5: Site Plan Review](#), [Article 6: Special Land Use Review](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	MU
Accommodation & Food/Event Services	
Bed & Breakfasts & Tourist Homes	S
Coffee Shops	P
Commercial Event Facilities (Convention/Conference Centers, Banquet Halls, Wedding Venues) (\$7.18)	S*
Food Trucks/Food Truck Park (\$7.4)	S*
Hotels & Motels (attached or detached units)	S
Inns	S
Microbreweries, Brewpubs & Distilleries (serving directly to the public)	S
Restaurants without Drive-Through	P
Restaurants with Drive-In (eat in car)	P
Wineries & Cider Mills (including accessory uses such as tasting rooms)	S
Agriculture, Forest Products & Animal Services	
Dog Grooming Establishments	P
Farmers Markets – not grown on premises (Temporary) (\$7.3)	S*
Arts, Entertainment & Recreation	
Amusement Arcades & Similar Indoor Recreation	P
Art Galleries	P
Art Studios	P
Billiards Halls & Similar Recreational Uses	P
Cultural Institutions	P
Equipment Rental, Non-Motorized (Outfitter)	P

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	MU
Arts, Entertainment & Recreation (continued)	
Firearms Store	P
Fitness & Recreational Sports (ex: health clubs, gym, skating, tennis, racquetball)	P
Museums, Public/Historic Sites	P
Private Clubs; Lodges; Fraternal Organizations	P
Public Parks & Playgrounds; Nature Areas; Forest Preserves	P
Theaters/Performing Arts Facilities (indoor)	S
Commercial, Services, & Retail	
Banks/Financial Institutions	P
Business Incubator (Food Incubator listed under Manufacturing)	P
Business Services	P
Personal Services (beauty shops, barber shops tailoring, massage therapy)	P
Photofinishing/Photographers/Photo Studios	P
Retail Sales:	
Antique Stores (incl books, coins & other antiques)	P
Bicycle Shops	P
Book Stores	P
Clothing, Clothing Accessory & Shoe Stores (including shoe repair)	P
Convenience Stores	P
Florists	P

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TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	MU
Commercial, Services, & Retail (continued)	
Gift Shops	P
Grocery Stores/Meat Market/Fruit & Vegetable Market	P
Health & Personal Care Stores	P
Sporting Goods, Hobby, Book & Music Stores	P
Small-Scale Craft Making	P
Studios for Dance, Yoga, Martial Arts	P
Educational Services & Religion	
Religious Institutions & Customary Accessory Uses	S
Human Care & Social Assistance	
Adult Day Care Facility – IN PRIVATE HOME (§7.8)	S*
Adult Day Care Center - NOT IN PRIVATE HOME (§7.9)	S*
Adult Foster Care Family Homes (6 or less adults)	P
Adult Foster Care Small Group Home (7-12 adults)	S
Child Care Home, Family (6 or less)	P
Child Care Home, Group (7 -12) (§7.6)	S*
State-Licensed Residential Facilities (Foster Care 6 or less)	P

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	MU
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal	P
Convenience/Neighborhood Commercial Centers (multiple businesses on one property)	P
Mixed Uses (Commercial/Residential in one building or on one lot where both uses are the principal use)	P
Planned Unit Developments (§7.12)	S*
Public Facilities	
Civic Buildings	S
Residential Uses	
Accessory Dwelling Units/Guest Houses (§7.16)	S*
Dwelling Units in conjunction a Commercial	P
Home Occupations (§7.1)	P*
Cottage Industries (§7.1)	S*
Multiple-Family Dwelling Units (Apartments)	P
Single-Family Detached Dwelling	P
Single-Family Attached Dwelling (Townhouses)	P
Two-Family Dwelling (duplex)	P
Utilities, Energy & Communications	
Solar Energy Panels (Accessory) (§7.14)	P*
Small Cell Wireless Facilities (§7.11)	S*
Wind Turbine Generators (On-Site) (§7.17)	S*
Wireless Communications Support Structures (less than 50' in height) and Amateur Radio Antennas (SHALL COMPLY WITH FAA) (§7.11)	P*

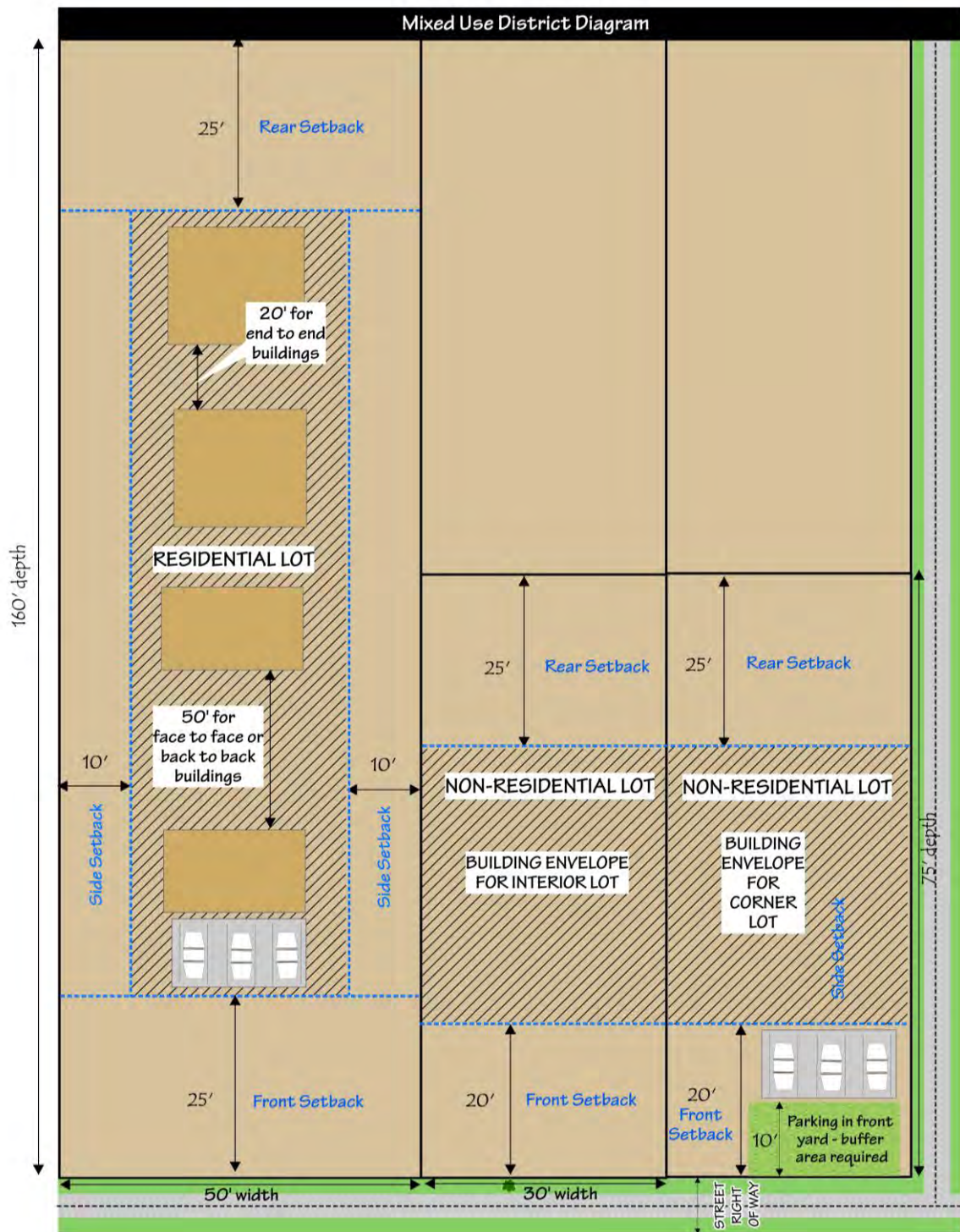
C. Development Standards for the Mixed Use District.

MU

	Residential	Non-Residential
1. Lot & Structure Standards		
a. Lot Area	8,000 sq ft	8,000 sq ft
b. Lot Width (min.)	50 ft	30 ft
c. Lot Depth (min.)	160 ft	75 ft
d. Building Height (max.)	35 ft	35 ft
e. Dwelling Unit Size (min.)	Single-Family Dwellings: 935 sq ft Multiple-Family Dwellings: 1. One bedroom apartment: 500 sq ft 2. Two bedroom apartment: 750 sq ft 3. Three bedroom apartment: 900 sq ft 150 additional sq ft for each additional bedroom A single-family dwelling unit which is smaller than the minimum stated may be approved by the Planning Commission. A pre-application meeting is required. The dwelling shall be designed and constructed similar to other dwellings in the neighborhood (similar quality of materials, etc). The Planning Commission may consider aesthetics as a basis for their decision.	
f. Lot Coverage of Structures (max.)	40%	60%
g. Density in Dwelling Units per Acre (max.)	5 dwelling units/acre for residential development	8 dwelling units/acre for mixed use development
2. Setbacks		
a. Front (min.)	25 ft	20 ft
b. Side (min.)	10 ft	0 ft
c. Side - street - corner lot (min.)	25 ft	0 ft
d. Rear (min.)	25 ft	25 ft
3. Additional Development Standards		
a. Structural Characteristics	The main structure (business or residence) must be either designed as a residence or designed to be easily converted to a residence. Any accessory buildings (garages, sheds, etc.) must be of a similar style and construction as the main structure. No accessory building may be built on a lot without a building permit having been issued and foundation started for the main structure. The aggregate footprint of accessory buildings shall not exceed 75% of that of the main structure.	
b. Accessory Buildings	Regulated by §3.7.	
c. Screening/Buffering	When a non-residential use abuts a residential use or district, screening may be required.	
d. Fences	Regulated by §3.11.	
e. Parking	Regulated by §3.15. (1) Residential Uses: No parking shall be permitted in the front setback. (2) Nonresidential Uses: Parking may be permitted in the front yard, provided there is at least a 10-foot buffer area between the road right-of-way and the off-street parking lot.	

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f. Permitted Height Exceptions	The maximum height allowed for buildings in this district does not apply to incidental appurtenances such as mechanical equipment, stacks, water towers, chimneys, flag poles, and farm silos.
g. Dwelling Regulations	Regulated by §4.4.
h. Multiple-Family Dwellings	For the purpose of applying yard regulations, multiple-family dwellings shall be considered as 1 building occupying 1 lot. When more than 1 multiple-family dwelling building occupies 1 lot, the 2 or more structures must be separated by at least 20 feet when end to end and 50 feet when face to face or back to back for structures up to 2 stories. These isolation distances shall be increased by 8 feet for each story above the first 2 stories.
i. Accessory Uses Allowed	(1) Garages (2) Sheds (3) Antennas (Radio/Television an Satellite Dish)
j. Signs	Regulated by §3.19.



1 Title & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plan Review
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Village of Pellston Zoning Ordinance

Section 4.10 Historic Village Commercial District (HV)

HV

A. Intent.

This district is intended to meet the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas. This district is designed to provide for office buildings, retail stores, and related activities which occupy the prime retail frontage by serving the shopping, convenience, and service needs of the entire municipal area as well as adjacent and surrounding residential areas beyond the Village limits. It is also intended to reflect the heritage of the village as a pedestrian oriented commerce center. Finally, it is intended that this area retain its current mix of retail and residential use characteristics, as exhibited by apartments above retail stores.

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed below (also in [Section 4.16: Full Table of Permitted & Special Land Uses](#)) and shall be subject to all applicable provisions of [Article 5: Site Plan Review](#), [Article 6: Special Land Use Review](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P = Permitted by right</i> <i>S = Permitted with a Special Land Use Permit</i> <i>*supplemental development regulations</i>	HV
Accommodation & Food/Event Services	
Bakeries, Confectioneries & Ice Cream Shops	P
Bars/Taverns/Cocktail Lounges	S
Caterers/Food Service Contractors	P
Coffee Shops	P
Commercial Event Facilities (Convention/Conference Centers, Banquet Halls, Wedding Venues)(§7.18)	S*
Food Trucks/Food Truck Park (§7.4)	S*
Hotels & Motels (attached or detached units)	S
Inns	S
Microbreweries, Brewpubs & Distilleries (serving directly to the public)	P
Restaurants without Drive-Through	P
Restaurants with Drive-In (eat in car)	P
Wineries & Cider Mills (including accessory uses such as tasting rooms)	P
Agriculture, Forest Products & Animal Services	
Farmers Markets – not grown on premises (Temporary) (§7.3)	S*
Greenhouse; Nursery; Landscaping Establishments	S

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P = Permitted by right</i> <i>S = Permitted with a Special Land Use Permit</i> <i>*supplemental development regulations</i>	HV
Arts, Entertainment, Culture & Recreation	
Amusement Arcades & Similar Indoor Recreation	P
Art Galleries	P
Art Studios	P
Billiards Halls & Similar Recreational Uses	P
Cultural Institutions	P
Equipment Rental, Non-Motorized (Outfitter)	P
Firearms Store	P
Fitness & Recreational Sports (ex: health clubs, gym, skating, tennis, racquetball)	P
Museums, Public/Historic Sites	P
Private Clubs; Lodges; Fraternal Organizations	P
Theaters/Performing Arts Facilities (indoor)	S
Tours (Commercial Operations)	P
Commercial, Services, & Retail	
Automotive Tire Sales & Installation	P
Automotive Oil Change	P
Banks/Financial Institutions	P
Business Services	P
Data Processing & Computer Centers	P
Health Spa	P
Interior Designers/Showrooms	P

Village of Pellston Zoning Ordinance

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	HV
Commercial, Services, & Retail (continued)	
Offices, Professional	S
Personal Services (beauty shops, barber shops tailoring, massage therapy)	P
Photofinishing/Photographers/Photo Studios	P
Retail Sales	
Antique Stores (incl books, coins & other antiques)	P
Bicycle Shops	P
Book Stores	P
Clothing, Clothing Accessory & Shoe Stores (including shoe repair)	P
Convenience Stores	P
Florists	P
Gift Shops	P
Grocery Stores/Meat Market/Fruit & Vegetable Market	S
Health & Personal Care Stores	S
Sporting Goods, Hobby, Book & Music Stores	P
Small-Scale Craft Making	P

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	HV
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal	P
Convenience/Neighborhood Commercial Centers (multiple businesses on one property)	S
Mixed Uses (Commercial/Residential in one building or on one lot where both uses are the principal use)	S
Planned Unit Developments (§7.12)	S*
Residential Uses	
Dwelling Units in conjunction a Commercial	P
Utilities, Energy & Communications	
Solar Energy Panels (Accessory) (§7.14)	P*
Small Cell Wireless Facilities (§7.11)	S*
Wind Turbine Generators (On-Site) (§7.17)	S*
Wireless Communications Support Structures (less than 50' in height) and Amateur Radio Antennas (SHALL COMPLY WITH FAA) (§7.11)	P*

C. Development Standards for the Historic Village Commercial District.

HV

1. Lot & Structure Standards

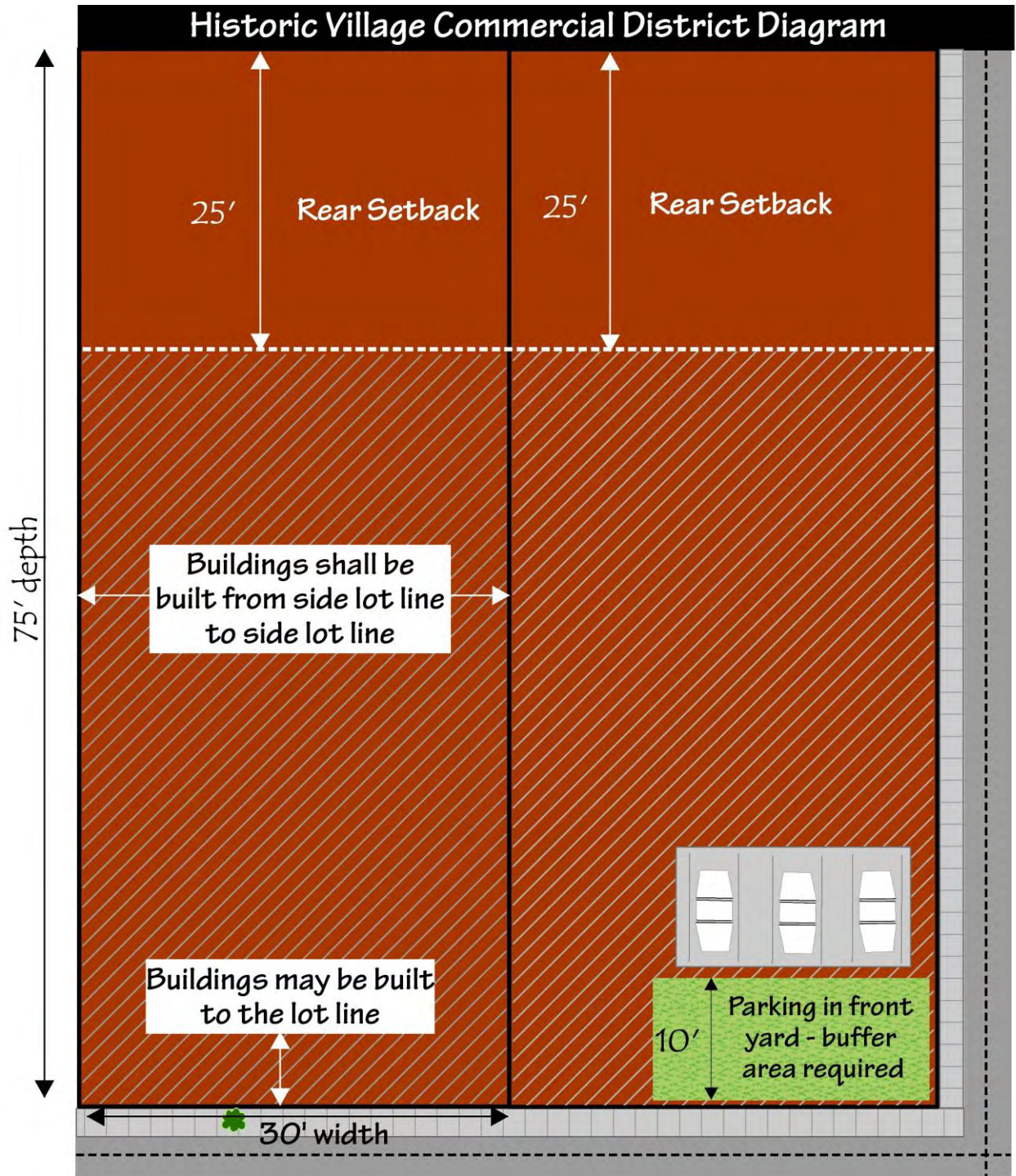
a. Lot Area	8,000 sq ft
b. Lot Width (min.)	30 ft
c. Lot Depth (min.)	75 ft
d. Building Height (max.)	35 ft
e. Lot Coverage of Structures (max.)	60%
f. Density in Dwelling Units per Acre (max.)	8 dwelling units/acre
h. Dwelling Unit Size (min.)	1 bedroom apartment: 500 sq ft 2 bedroom apartment: 750 sq ft 3 bedroom apartment: 900 sq ft 150 additional sq ft for each additional bedroom

2. Setbacks

a. Front (min.)	0 ft
b. Side (min.)	0 ft (Interior side and street side)
c. Rear (min.)	25 ft

3. Additional Development Standards

a.	It is the desire of the Village to maintain a distinct downtown commercial center. Insofar as it is a reasonable objective, the district must maintain a consistent visual congruity between structures within the Historic Village Commercial District, the following additional standards are promulgated. These standards are geographically specific and are based on the prevailing architectural standards and development types that make up the desired character of the Historic Village Commercial District. (1) The minimum width of any building shall be 100% of lot width. The Planning Commission may deviate from this standard for an outdoor use (i.e. outdoor café). (2) It is recommended that the well be located in the front of the building and the septic field be located in the rear. (3) Height Regulations: All building fronts shall be a maximum of 35'. (4) When multiple buildings are on 1 lot, they shall have a minimum of 2 stories.
b. Accessory Buildings	Regulated by §3.7.
c. Screening/Buffering	When a non-residential use abuts a residential use or district, screening may be required.
d. Fences	Regulated by §3.11.
e. Parking	Off-street parking spaces are not required in the HV District. However, if parking is provided, it may be permitted in the front yard, provided there is at least a 10-foot buffer area between the road right-of-way and the off-street parking lot.
f. Permitted Height Exceptions	The maximum height allowed for buildings in this district does not apply to incidental appurtenances such as mechanical equipment, stacks, water towers, chimneys, flag poles, and farm silos.
g. Multiple-Family Dwellings	For the purpose of applying yard regulations, multiple-family dwellings shall be considered as 1 building occupying 1 lot. When more than 1 multiple-family dwelling building occupies 1 lot, the 2 or more structures must be separated by at least 20 feet when end to end and 50 feet when face to face or back to back for structures up to 2 stories. These isolation distances shall be increased by 8 feet for each story above the first 2 stories.
h. Signs	Regulated by §3.19.



1 Title & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plan Review
6 Special Land Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendment

Village of Pellston Zoning Ordinance

Section 4.11 Highway Commercial District (HC)

HC

A. Intent.

This district is designed to provide more diversified business types which would often be incompatible with pedestrian movement in a local or Historic Village Commercial District.

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed below (also in [Section 4.16: Full Table of Permitted & Special Land Uses](#)) and shall be subject to all applicable provisions of [Article 5: Site Plan Review](#), [Article 6: Special Land Use Review](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P = Permitted by right</i> <i>S = Permitted with a Special Land Use Permit</i> <i>*supplemental development regulations</i>	HC
Accommodation & Food/Event Services	
Bakeries, Confectioneries & Ice Cream Shops	P
Bars/Taverns/Cocktail Lounges	P
Caterers/Food Service Contractors	P
Coffee Shops	P
Commercial Event Facilities (Convention/Conference Centers, Banquet Halls, Wedding Venues) (§7.18)	S*
Food Trucks/Food Truck Park (§7.4)	S*
Hotels & Motels (attached or detached units)	S
Inns	S
Microbreweries, Brewpubs & Distilleries (serving directly to the public)	P
Restaurants without Drive-Through	P
Restaurants with Drive-Through	P
Restaurants with Drive-In (eat in car)	P
Wineries & Cider Mills (including accessory uses such as tasting rooms)	P
Agriculture, Forest Products & Animal Services	
Bulk Seed, Feed, Fertilizer and Nursery Stock Outlet and Distribution Centers (including wholesale)	P
Dog Grooming Establishments	P
Farmers Markets – not grown on premises (Temporary) (§7.3)	P*
Greenhouse; Nursery; Landscaping Establishments	P
Veterinary Clinic/Animal Hospital	P

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P = Permitted by right</i> <i>S = Permitted with a Special Land Use Permit</i> <i>*supplemental development regulations</i>	HC
Arts, Entertainment, Culture & Recreation	
Amusement Arcades & Similar Indoor Recreation	P
Archery Ranges (& as accessory use), Outdoor	P
Archery Ranges (& as accessory use), Indoor	P
Art Galleries	P
Art Studios	P
Billiards Halls & Similar Recreational Uses	P
Bowling Centers	P
Equipment Rental, Motorized (ORV, Snowmobile)	P
Equipment Rental, Non-Motorized (Outfitter)	P
Firearms Store	P
Fitness & Recreational Sports (ex: health clubs, gym, skating, tennis, racquetball)	P
Outdoor Commercial Recreational Facility (ex – go karts; miniature golf; disc golf; drive-in theaters)	S
Private Clubs; Lodges; Fraternal Organizations	P
Shooting (Firearms) Ranges/Sportsmen's Association	P
Theaters/Performing Arts Facilities (indoor)	S
Tours (Commercial Operations)	P
Commercial, Services, & Retail	
Automotive Tire Sales & Installation	P
Automotive Oil Change	P
Auto Repair; Auto Body/Paint/Interior & Glass (in conjunction with auto service station)	P
Automobile Towing Businesses	S

Village of Pellston Zoning Ordinance

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	HC
Commercial, Services, & Retail (continued)	
Banks/Financial Institutions	P
Building & Garden Equipment & Supplies Dealers	P
Building Material Sales Lumber Yards (pre-planed, finished lumber)	P
Business Incubator (Food Incubator listed under Manufacturing)	P
Business Services	P
Car Washes (in conjunction with auto service station)	S
Cash Advance Stores	P
Cleaning Services	P
Commercial Equipment Repair & Maintenance	P
Data Processing & Computer Centers	P
Dry Cleaning & Laundry Services	P
Electronic & Precision Equipment Repair & Maintenance	P
Equipment Rental & Sales	P
Fix-It Shops	P
Flea Market	S
Funeral Homes & Mortuaries	P
Furniture Refinishing (Upholsterers)/Furniture Repair	P
Gasoline Service Stations	P
General Rental Centers (i.e. rent to own)	P
Health Spa	P
Indoor Swap Meet	P
Interior Designers/Showrooms	P
Laboratories, Medical/Dental	P
Locksmiths	P
Manufactured Home Dealers	P
Movie Rental Stores	P
Offices, Professional	P
Outdoor Sales/Rental of automobiles, trucks, motorcycles, ATVs, marine craft, farm implements, contractor's equipment, recreational equipment	S
Pawn Shops	P
Personal Services (beauty shops, barber shops tailoring, massage therapy)	P
Photofinishing/Photographers/Photo Studios	P

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	HC
Commercial, Services, & Retail (continued)	
Printing/Binding/Publishing of Print Material	S
Recording Studios	P
Retail Sales	
Antique Stores (incl books, coins & other antiques)	P
Automotive Accessory Sales	P
Bait & Tackle Shops	P
Bicycle Shops	P
Book Stores	P
Building & Garden Equipment & Supplies Dealers	P
Clothing, Clothing Accessory & Shoe Stores (including shoe repair)	P
Convenience Stores	P
Department Stores	P
Electronics & Appliance Stores	P
Farm Market	P
Florists	P
Furniture & Home Furnishings Stores/Fixtures Stores (including wall/floor cover)	P
General Merchandise Stores/General Retail	P
Gift Shops	P
Grocery Stores/Meat Market/Fruit & Vegetable Market	P
Hardware Stores	P
Health & Personal Care Stores	P
Home Improvement Centers (lumber stored in enclosed structure)	P
Liquor Stores (where liquor is the primary item for sale)	P
Malls, Shopping Centers, or Shopping Plazas	P
Office Supply Stores	P
Pet Stores & Pet Supply Stores	P
Pharmacies/Medical & Optical Supplies	P
Resale Shops/Thrift Shops	P
Sporting Goods, Hobby, Book & Music Stores	P
Small Engine Repair	P
Small-Scale Craft Making	P

Village of Pellston Zoning Ordinance

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	HC
Commercial, Services, & Retail (continued)	
Studios for Dance, Yoga, Martial Arts	P
Taxidermy Shops	P
Tattoo & Body Piercing Studios	P
Vehicle Sales (primarily outdoors) – see “Outdoor Sales/Rental of automobiles, trucks, motorcycles, ATVs, marine craft, farm implements, contractor’s equipment, recreational equipment”	S
Construction/Contractors	
Special Trade Contractors Offices & Showrooms – no outdoor storage (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	P
Educational Services/Religion	
Religious Institutions & Customary Accessory Uses	S
Human Care & Social Assistance	
Adult Day Care Center - NOT IN PRIVATE HOME (§7.9)	S*
Charitable Institution (ex: soup kitchen); Non-Profit Organizations	P
Child Care Center/Nursery School/Pre-School (not in home)(§7.7)	S*
Health Care/Dental/Optical Clinics	P
Rehabilitation Facilities	P
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal	P
Cemeteries including Columbaria & Mausoleums (human or pet) (only permitted adjacent to existing)	S
Convenience/Neighborhood Commercial Centers (multiple businesses on one property)	P
Planned Unit Developments (§7.12)	S*
Public Facilities	
Civic Buildings	S
Residential Uses	
Dwelling Units in conjunction a Commercial	P

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	HC
Transportation & Storage	
Self-Storage Facilities/Mini-Storage	S
Taxi Cab Facilities	P
Truck Rental Facilities (ex: U-Haul)	P
Wholesale Businesses	P
Utilities, Energy & Communications	
Propane Distributor/Propane Supply Facilities	P
Solar Energy Panels (Accessory) (§7.14)	P*
Small Cell Wireless Facilities (§7.11)	S*
Wind Turbine Generators (On-Site) (§7.17)	S*
Wireless Communications Support Structures (less than 50' in height) and Amateur Radio Antennas (SHALL COMPLY WITH FAA) (§7.11)	P*
Wireless Communications Support Structures (50' or greater in height) (SHALL COMPLY WITH FAA) (§7.11)	S*

C. Development Standards for the Highway Commercial District.

HC

1. Lot & Structure Standards

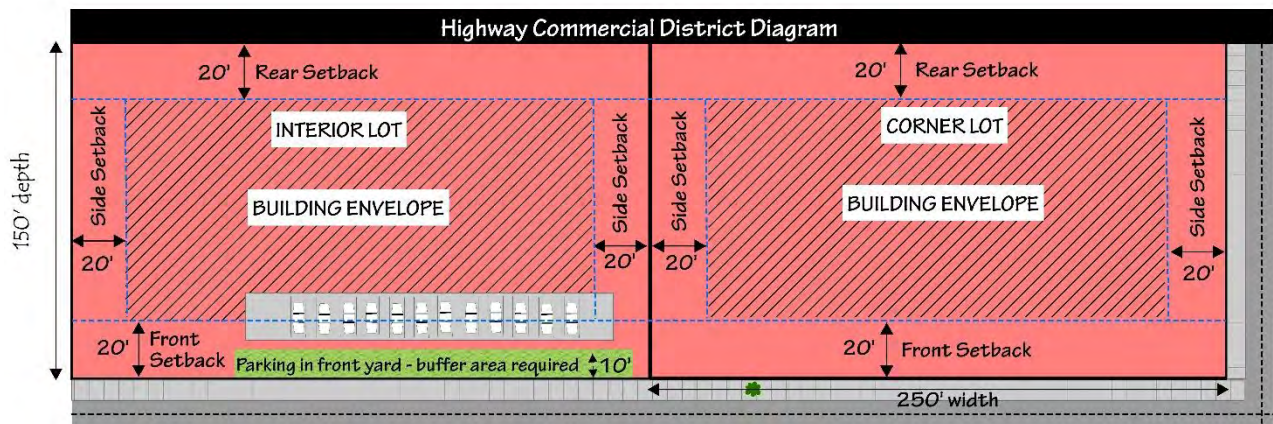
a. Lot Area	30,000 sq ft
b. Lot Width (min.)	250 ft
c. Lot Depth (min.)	150 ft
d. Building Height (max.)	35 ft
e. Lot Coverage of Structures (max.)	n/a

2. Setbacks

a. Front (min.)	20 ft
b. Side (min.)	20 ft
c. Side - street - corner lot (min.)	20 ft
d. Rear (min.)	20 ft

3. Additional Development Standards

a. Accessory Buildings	Regulated by §3.7.
b. Screening/Buffering	When a non-residential use abuts a residential use or district, screening may be required.
c. Fences	Regulated by §3.11.
d. Parking	Regulated by §3.15. Parking may be permitted in the front yard, provided there is at least a 10-foot buffer area between the road right-of-way and the off-street parking lot.
e. Permitted Height Exceptions	The maximum height allowed for buildings in this district does not apply to incidental appurtenances such as mechanical equipment, stacks, water towers, chimneys, flag poles and farm silos.
f. Signs	Regulated by §3.19.



Village of Pellston Zoning Ordinance

Section 4.12 Light Industrial District (I-1)

I-1

A. Intent.

The Light Industrial District is designed so as to primarily accommodate wholesale activities, warehouses, and industrial operations whose external physical effects are restricted to the area of the district and in no manner affect in a detrimental way any of the surrounding districts. This district is so structured as to permit, along with specified uses, the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semi-finished products from previously prepared material. It is further intended that the processing of raw materials for shipment in bulk form to be used in an industrial operation at another location shall not be permitted.

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed below (also in [Section 4.16: Full Table of Permitted & Special Land Uses](#)) and shall be subject to all applicable provisions of [Article 5: Site Plan Review](#), [Article 6: Special Land Use Review](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL LAND USES		TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P = Permitted by right</i>	I-1	<i>P = Permitted by right</i>	I-1
<i>S = Permitted with a Special Land Use Permit *supplemental development regulations</i>		<i>S = Permitted with a Special Land Use Permit *supplemental development regulations</i>	
Accommodation & Food/Event Services		Commercial, Services, & Retail	
Bakeries, Confectioneries & Ice Cream Shops	P	Auto Repair; Auto Body/Paint/Interior & Glass (in conjunction with auto service station)	P
Bars/Taverns/Cocktail Lounges	S	Automobile Towing Businesses	P
Restaurants without Drive-Through	S	Boat/RV/Recreational Equipment Repair & Storage	P
Agriculture, Forest Products & Animal Services		Building & Garden Equipment & Supplies Dealers	P
Agricultural Products Processing and Storage (Excluding Concentrated Animal Feeding Operations)	P	Building Material Sales Lumber Yards (pre-planned, finished lumber)	P
Bulk Seed, Feed, Fertilizer and Nursery Stock Outlet and Distribution Centers (including wholesale)	P	Business Incubator (Food Incubator listed under Manufacturing)	P
Firewood Sales (Large Scale) (does not include small bundles of firewood)	P	Car Washes (in conjunction with auto service station)	S
Forest Products Processing (Saw Mills, Veneer Mills, Planing Mills & related operations)	P	Cleaning Services	P
Grain Elevators	P	Commercial Equipment Repair & Maintenance	P
Kennels; Dog Clubs	P	Electronic & Precision Equipment Repair & Maintenance	P
Slaughter Houses	S	Equipment Rental & Sales	P
Veterinary Clinic/Animal Hospital	P	Extermination & Pest Control Services	P
Arts, Entertainment, Culture & Recreation		Film Production Facilities including sound stages & other related activities	P
Shooting (Firearms) Ranges/Sportsmen's Association	P	Flea Market	P
Stadiums	S	Funeral Homes & Mortuaries	P

1 Title & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plan Review
6 Special Land Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendment

Village of Pellston Zoning Ordinance

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	I-1
Commercial, Services, & Retail (continued)	
Gasoline Service Stations	P
Indoor Swap Meet	P
Laboratories, Medical/Dental	P
Manufactured Home Dealers	P
Outdoor Sales/Rental of automobiles, trucks, motorcycles, ATVs, marine craft, farm implements, contractor's equipment, recreational equipment	P
Printing/Binding/Publishing of Print Material	P
Sexually Oriented Businesses (SEE VILLAGE SEXUALLY-ORIENTED BUSINESS ORDINANCE)	S
Small Engine Repair	P
Taxidermy Shops	P
Construction/Contractors	
Special Trade Contractors Offices & Showrooms – no outdoor storage (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	P
Special Trade Contractors Offices & Showrooms w/ outdoor storage of materials & contractor's equipment (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	P
Manufacturing, Industrial, & Waste Management	
Manufacturing, Light – including the production, processing, cleaning, testing, & distribution of materials, goods, foodstuffs, & products. Light Manufacturing are those industries in which the modes of operation of the industry <u>have no</u> external effects & <u>do not</u> directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, & vibration.	P
Manufacturing, Heavy – including the production, processing, cleaning, testing, & distribution of materials, goods, foodstuffs, & products. Heavy Manufacturing are those industries in which the modes of operation of the industry <u>do have</u> external effects & <u>may</u> directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, & vibration.	S
Accessory Uses incidental to Manufacturing (offices, foods services, caretaker buildings)	P
Biofuel Production Facilities (not on farm)	S

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	I-1
Manufacturing, Industrial, & Waste Management (continued)	
Blast Furnace, Steel Furnace, Blooming or Rolling Mill	S
Boat and Boat Building Yards	S
Boiler and Tank Manufacturing	S
Breweries	S
Central Dry Cleaning Plants & Laundries (not dealing directly with customers)	S
Cold Storage Plants	P
Crematories	S
Fertilizer, Liquid Nitrogen, & Anhydrous Ammonia Handling	S
Food Hub Facility/Food Incubator Facility	P
Furniture Assembly	P
Gas & Oil Processing Facilities/Refinery	S
Incinerator Plant (non-pyrolysis)	S
Incinerator Plant (pyrolysis type)/Gasification	S
Industrial Parks (planned)	S
Junkyards/Salvage Yards/Scrap Yards/Motor Vehicle Impoundment & Wrecking Yards	S
Laboratories, Experimental	S
Machine Shops	P
Meat Packing Plants	S
Metal Plating/Buffering/Polishing/Cutting/Slitting/Shearing	P
Mineral Processing Facilities & Operations	S
Natural resources utilization, exploitation, mining or development (water wells shall be considered an accessory use and not a Special Land Use)(§7.10)	S*
Petroleum Products, Gas Products, Paint & Chemical Bulk Storage & Distribution	S
Petroleum Refinery	S
Portable & Temporary Hot & Cold Mix Asphalt Plants, Ready-Mix Concrete Plants, & Similar Uses	S
Printing or Forming of Boxes, Cartons & Cardboard	P
Printing, Lithographic & Blueprinting	P
Recycling Facilities/Resource Recovery Facilities/Sold Waste Transfer Facilities	S
Research/Design/Experimental Product Development & Testing	P

1 Title & Authority

2 Definitions

3 General Provisions

4 District Regulations

5 Site Plan Review

6 Special Land Use Review

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Adoption & Amendment

Village of Pellston Zoning Ordinance

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	-1
Manufacturing, Industrial, & Waste Management (continued)	
Smelting Industries	S
Tin Shops or Plumbing Supply Shops	P
Tool & Die Shops	S
Waste Collection Companies	S
Woodworking Shops	P
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal	P
Planned Unit Developments (§7.12)	S*
Removal of sod or removal or redistribution of top soil except as necessarily incident to normal farming operations or to the performance of work with respect to a building or structure under a permit issued pursuant to the Building Code of Emmet County (sod farm)	P
Public Facilities	
Correctional Facilities	S
Public Works Facilities with Outdoor Storage	S
Transportation & Storage	
Airports, Aviation Support Services, Heliports & Landing Fields	S
Couriers/Parcel Packing/Shipping/Delivery Establishments/Mail Order Establishments	P
Distribution Centers/Freight Terminals/Trucking Facilities	P
Drone (Unmanned Aerial) Centers	P
Self-Storage Facilities/Mini-Storage	P
Storage Facilities	P
Taxi Cab Facilities	P
Transit Facilities (including bus garages/stations)	P
Truck Rental Facilities (ex: U-Haul)	P
Truck Repair, Heavy	P
Truck Washes	P
Warehousing	P
Wholesale Businesses	P

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	-1
Utilities, Energy & Communications	
Electric Substations, Gas Regulator Stations, Telephone Exchanges, & Essential Service Buildings (Planning Commission may approve as Special Land Uses in other districts besides those listed on a case by case basis – based on need)	S
Heating & Electric Power Generating Plants	S
Propane Distributor/Propane Supply Facilities	P
Public & Private Utility Buildings	S
Small Cell Wireless Facilities (§7.11)	S*
Solar Energy Panels (Accessory) (§7.14)	P*
Solar Energy Facility (Utility-Scale) (§7.14)	S*
Television/Radio Broadcasting Stations w/tower (§7.11)	S*
Television/Radio Broadcasting Stations w/o tower	P
Water Towers, Water Works, Pumping Stations, or Wells: public	S
Wind Turbine Generators (On-Site) (§7.17)	S*
Wireless Communications Support Structures (less than 50' in height) and Amateur Radio Antennas (SHALL COMPLY WITH FAA) (§7.11)	P*
Wireless Communications Support Structures (50' or greater in height) (SHALL COMPLY WITH FAA) (§7.11)	S*

C. Development Standards for the Industrial District.

I-1

1. Lot & Structure Standards

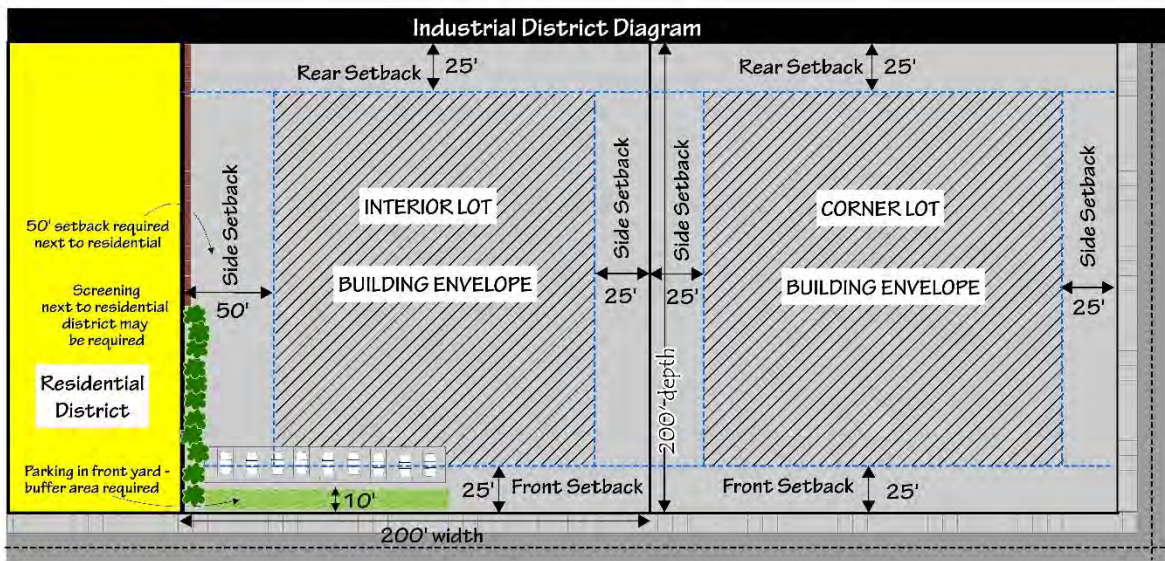
a. Lot Area	43,560 sq ft
b. Lot Width (min.)	200 ft
c. Lot Depth (min.)	200 ft
d. Building Height (max.)	35 ft
e. Lot Coverage of Structures (max.)	n/a

2. Setbacks

a. Front (min.)	25 ft	
b. Side (min.) – interior and street	25 ft	Where an industrial-zoned parcel abuts a residentially-zoned parcel, a setback of 50 feet shall be provided.
c. Rear (min.)	25 ft	

3. Additional Development Standards

a. Accessory Buildings	Regulated by §3.7.
b. Screening/Buffering	When a non-residential use abuts a residential use or district, screening may be required.
c. Fences	Regulated by §3.11.
d. Parking	Regulated by §3.15. Parking may be permitted in the front yard, provided there is at least a 10-foot buffer area between the road right-of-way and the off-street parking lot.
e. Permitted Height Exceptions	The maximum height allowed for buildings in this district does not apply to incidental appurtenances such as mechanical equipment, stacks, water towers, chimneys, flag poles, and farm silos.
f. Signs	Regulated by §3.19.



Village of Pellston Zoning Ordinance

Section 4.13 Office Park District (OP)

OP

A. Intent.

This is a professional office district intended to accommodate a demonstrated need for the development of such uses together with necessary landscaping and off-street parking facilities in locations served by primary access, yet inappropriate for commercial or high-employment office centers because of close proximity to purely residential uses. It is intended that the professional and administrative uses established in this district shall be designed and landscaped with large setbacks and greenbelts so as to be in harmony with such adjacent residential uses.

The Office Park District is intended to provide for the development of small office structures that can be located proximate to residential areas. Buildings located in this district are generally small one- or two-story structures and can accommodate most professional office functions that require modest physical space. Also permitted are structures originally constructed for residential purposes that are suitable for use as small offices and which are--from land use and zoning perspectives--justified to be put to such use. These structures may either remain in residential usage or be adapted for use as small offices. Retail uses are severely limited and consist only of uses that directly supplement an office use (i.e., a pharmacy supplements a medical clinic). The district is normally located on primary or secondary thoroughfares, is relatively small in size, and requires intensive protective measures to make the uses permitted more compatible with adjacent land uses.

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed below (also in [Section 4.16: Full Table of Permitted & Special Land Uses](#)) and shall be subject to all applicable provisions of [Article 5: Site Plan Review](#), [Article 6: Special Land Use Review](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P = Permitted by right</i>	OP
<i>S = Permitted with a Special Land Use Permit</i> <i>*supplemental development regulations</i>	
Agriculture, Forest Products & Animal Services	
Veterinary Clinic/Animal Hospital	S
Arts, Entertainment, Culture & Recreation	
Art Studios	S
Public Parks & Playgrounds; Nature Areas; Forest Preserves	P
Commercial, Services, & Retail	
Banks/Financial Institutions	S
Business Incubator (Food Incubator listed under Manufacturing)	S
Business Services	P
Cash Advance Stores	P
Data Processing & Computer Centers	P

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P = Permitted by right</i>	OP
<i>S = Permitted with a Special Land Use Permit</i> <i>*supplemental development regulations</i>	
Commercial, Services, & Retail (continued)	
Funeral Homes & Mortuaries	S
Interior Designers/Showrooms	P
Laboratories, Medical/Dental	P
Offices, Professional	P
Personal Services (beauty shops, barber shops tailoring, massage therapy)	P
Photofinishing/Photographers/Photo Studios	P
Recording Studios	P
Studios for Dance, Yoga, Martial Arts	P

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TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	OP
Educational Services/Religion	
Business Colleges/Commercial Schools	S
Religious Institutions & Customary Accessory Uses	S
Human Care & Social Assistance	
Health Care/Dental/Optical Clinics	P
Rehabilitation Facilities	P
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal	P
Residential Uses	
Single-Family Detached Dwelling	P
Two-Family Dwelling (duplex)	S
Utilities, Energy & Communications	
Electric Substations, Gas Regulator Stations, Telephone Exchanges, & Essential Service Buildings (Planning Commission may approve as Special Land Uses in other districts besides those listed on a case by case basis – based on need)	S
Solar Energy Panels (Accessory) (§7.14)	P*
Small Cell Wireless Facilities (§7.11)	S*
Wind Turbine Generators (On-Site) (§7.17)	S*
Wireless Communications Support Structures (less than 50' in height) and Amateur Radio Antennas (SHALL COMPLY WITH FAA) (§7.11)	P*

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C. Development Standards for the Office Park District.

OP

1. Lot & Structure Standards

a. Lot Area	63,340 sq ft
b. Lot Width (min.)	225 ft
c. Lot Depth (min.)	225 ft
d. Building Height (max.)	35 ft
e. Lot Coverage of Structures (max.)	30%
f. Density in Dwelling Units per Acre (max.)	1 dwelling unit/acre
g. Dwelling Unit Size (min.)	935 sq ft A dwelling unit which is smaller than the minimum stated may be approved by the Planning Commission. A pre-application meeting is required. The dwelling shall be designed and constructed similar to other dwellings in the neighborhood (similar quality of materials, etc). The Planning Commission may consider aesthetics as a basis for their decision.

2. Setbacks

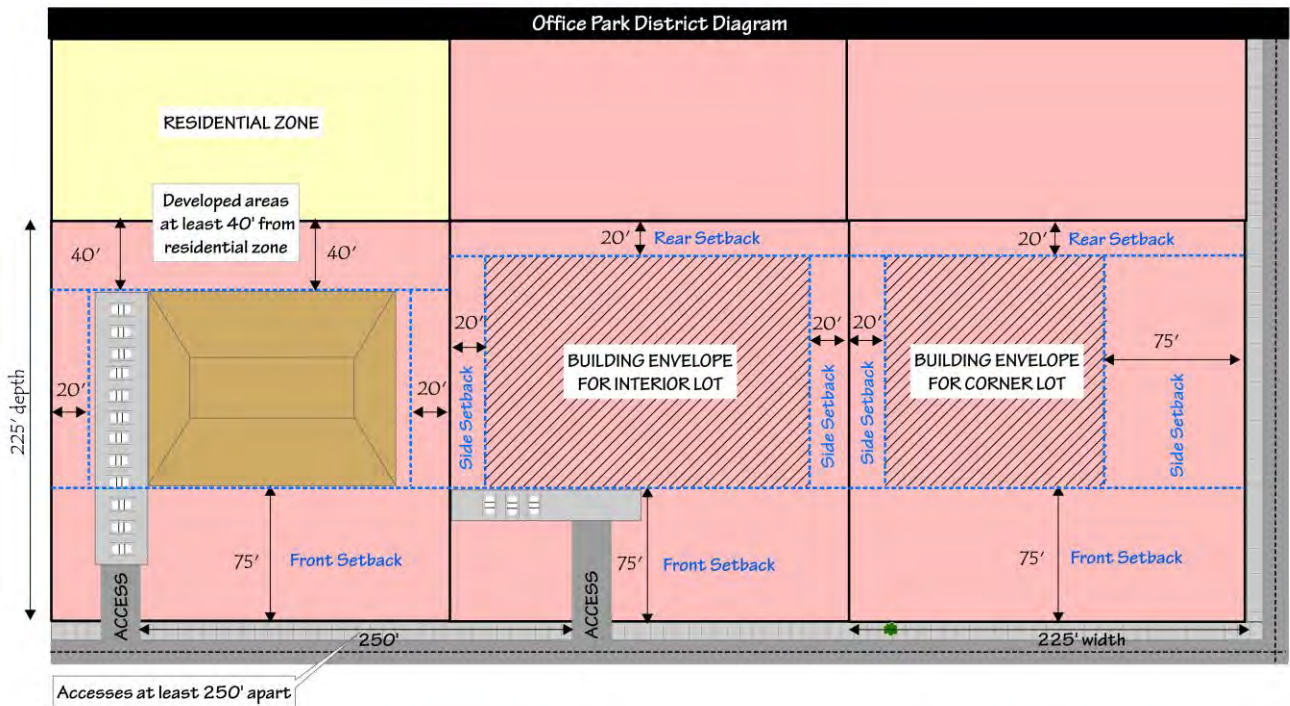
a. Front (min.)	75 ft
b. Side (min.) – interior and street	20 ft
c. Rear (min.)	20 ft
	40 ft when the property directly abuts a residential district

3. Additional Development Standards

a. Access	(1) It is required that all access to developments in this zone be from State Highways or Primary County Roads. Therefore, access points may be situated no closer than 250 feet to each other. A shared access point between adjacent parcels is encouraged (see (2) below). (2) The Minimum Lot Area will be reduced to 1 acre if a complete development (for site plan review purposes) is 5 acres or larger in size and has only 1 roadway access point.
b. Proximity to Residential Zone	No developed area (i.e. building or parking lot associated with it) shall be closer than 40' to any residential zone.
c. Accessory Buildings	No accessory buildings shall be larger than 24 feet by 24 feet, 1 story, 1 per parcel.
d. Screening/Buffering	When a non-residential use abuts a residential use or district, screening may be required.
e. Dumpsters	All dumpsters are to be enclosed by a 6-foot high fence.
f. Fences	Regulated by §3.11.
g. Storage	No outside storage of materials.
h. Permitted Height Exceptions	The maximum height allowed for buildings in this district does not apply to incidental appurtenances such as mechanical equipment, stacks, water towers, chimneys, flag poles, and farm silos.

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i. Signs	Regulated by §3.19.
j. Trucks	The parking of trucks, accessory to a permitted use when used in the operation of said permitted business listed in the district regulations shall be limited to vehicles of not over one and one-half (1 1/2) tons capacity when located within one hundred fifty (150) feet of a residence district boundary line or stored, parked, or otherwise confined to the premises overnight.
k. Exterior Lighting	All exterior lighting for EACH zoning lot shall be shaded or inwardly directed so that no direct lighting is cast upon adjacent zoning lots. Furthermore, no upwardly directed lighting is permitted, even if shaded.
l. Parking	Regulated by §3.15. Parking may be permitted in the front yard, provided there is at least a 10-foot buffer area between the road right-of-way and the off-street parking lot.
m. Restriction on Sales and Services Involving Parked Motor Vehicles	Except for drive-in financial institutions when authorized as Special Land Uses, no business establishment shall offer goods or services directly to customers waiting in parked motor vehicles or sell beverages or food for consumption on the premises in parking motor vehicles.



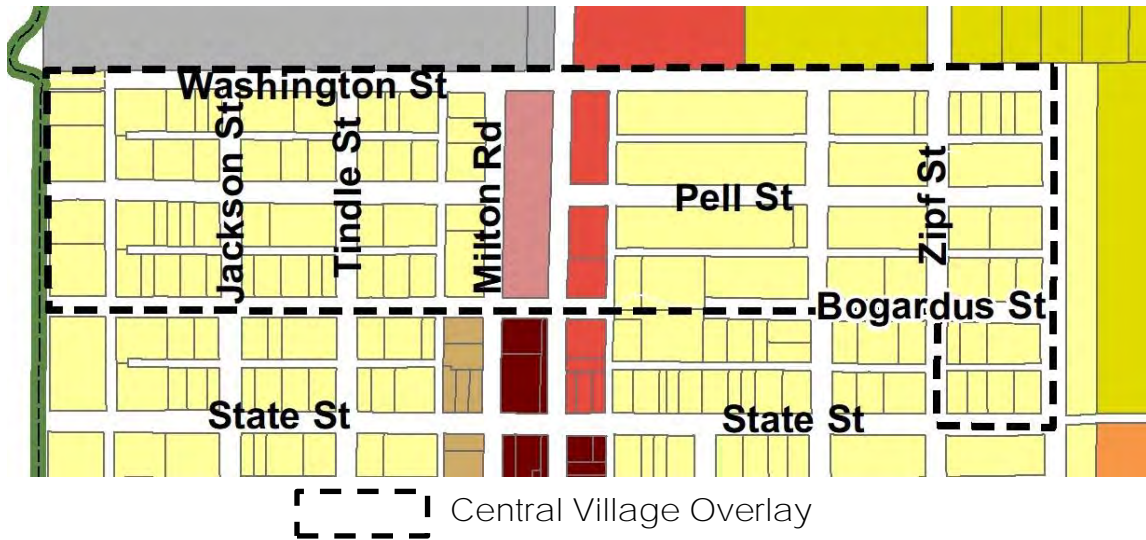
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Section 4.14 Dwelling Unit Aesthetic Standards & Exemption for Central Village Overlay District

Insofar as it is a reasonable objective to maintain a degree of visual comparability between dwelling units in certain areas of the village that have developed in a consistent manner, the following additional standards are promulgated. These standards are based on the prevailing architectural standards and development types that make up the character of the village. The following standards apply to all dwellings in the Village except for the area outlined below and titled “Central Village Overlay.”

- A. The minimum width of any dwelling unit, either factory assembled or stick built, shall be twenty-two (22’) feet for at least sixty-seven (67%) percent of its length.
- B. The core living area of any dwelling unit shall be an area twenty (20’) feet by twenty (20’) feet square.
- C. The roof pitch of any dwelling unit shall be at least three (3’) feet of rise for every twelve (12’) feet of run.
- D. All dwelling units must either have a roof overhang of not less than six (6”) inches on all sides or a roof drainage system that concentrates collection points on one (1) side of the building.

The area below titled “Central Village Overlay” are exempt from the standards A through D above.



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Section 4.15 The Greenbelt Area

A. **Intent.**

The purpose of establishing this area is to protect the natural beauty and character of the Maple River, the only significant river situated in the Village of Pellston.

B. **Boundaries.**

The Greenbelt Area shall include all of the land and water one hundred (100') feet either side of and parallel to the center line of the Maple River.

C. **Restrictions.**

1. No buildings shall be erected, constructed, or located within the Greenbelt Area.
2. With the exception of tree removal for the purpose of building erection in conformity with the above restriction, no vegetation or trees of any kind shall be removed from the Greenbelt Area. This requirement, however, shall not be interpreted so as to prohibit selective tree cutting to remove dangerous trees or other tree and shrub removal that may prevent The Greenbelt Area from being retained in a healthful, growth condition.

D. **Permitted Uses.**

The particular district in which The Greenbelt Area is located shall determine the uses permitted in The Greenbelt Area, provided the use does not in any way conflict with The Greenbelt Area restrictions set forth in **subsection C**.

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Section 4.16 Full Table of Permitted & Special Land Uses

ZONING DISTRICTS	
R-1	Village Residential District
R-2	Suburban Residential District
R-3	Multiple-Family Residential District
SR-1	Scenic Resource District
MU	Mixed Use District
HV	Historic Village Commercial District
HC	Highway Commercial District
I-1	Light Industrial District
OP	Office Park District

Land Use Categories	Pg
Accommodation & Food/Event Services	4-42
Agriculture, Forest Products & Animal Services	4-43
Arts, Entertainment, Culture & Recreation	4-44
Commercial, Services & Retail	4-45
Construction/Contractors	4-47
Educational Services/Religion	4-47
Human Care & Social Assistance	4-48
Manufacturing, Industrial & Waste Management	4-49
Miscellaneous	4-51
Public Facilities	4-51
Residential Uses	4-51
Transportation & Storage	4-52
Utilities, Energy & Communications	4-52

Table of Permitted Uses & Special Land Uses									
<i>P = Permitted S = Special Land Use Permit *supplemental development regulations</i>	R-1	R-2	R-3	SR-1	MU	HV	HC	I-1	OP
Accommodation & Food/Event Services									
Bakeries, Confectioneries & Ice Cream Shops						P	P	P	
Bars/Taverns/Cocktail Lounges						S	P	S	
Bed & Breakfasts & Tourist Homes	S	S	S	S	S				
Cabin Courts (or Cabin Complex)				S					
Caterers/Food Service Contractors						P	P		
Coffee Shops					P	P	P		
Commercial Event Facilities (Convention/Conference Centers, Banquet Halls, Wedding Venues) (§7.18)				S*	S*	S*	S*		
Food Trucks/Food Truck Park (§7.4)					S*	S*	S*		
Hotels & Motels (attached or detached units)					S	S	S		
Inns					S	S	S		
Microbreweries, Brewpubs & Distilleries (serving directly to the public)					S	P	P		
Resorts, Vacation Lodges, Vacation Farms				S					
Restaurants without Drive-Through					P	P	P	S	
Restaurants with Drive-Through							P		
Restaurants with Drive-In (eat in car)					P	P	P		
Rooming Houses/Boarding Houses	P	P	P	P					
Short Term Rental Homes (zoning permit required)				P					
Wineries & Cider Mills (including accessory uses such as tasting rooms)					S	P	P		

- 1** Title & Authority
- 2** Definitions
- 3** General Provisions
- 4** District Regulations
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- 9** Administration & Enforcement
- 10** Adoption & Amendment

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Table of Permitted Uses & Special Land Uses										
P = Permitted S = Special Land Use Permit *supplemental development regulations	R-1	R-2	R-3	SR-1	MU	HV	HC	I-1	OP	
Agriculture, Forest Products & Animal Services										
Agricultural Products Processing and Storage (Excluding Concentrated Animal Feeding Operations)								P		
Bulk Seed, Feed, Fertilizer and Nursery Stock Outlet and Distribution Centers (including wholesale)							P	P		
Dog Grooming Establishments					P		P			
Farms & Agricultural Operations on Category 4 Sites (Category 4 sites determined by MDARD)				S						
Farmers Markets – not grown on premises (Temporary)(§7.3)					S*	S*	P*			
Firewood Sales (Large Scale) (does not include small bundles of firewood)								P		
Forest Products Processing (Saw Mills, Veneer Mills, Planing Mills & related operations)								P		
Game Preserves/Hunting Preserves				S						
Grain Elevators								P		
Greenhouse; Nursery; Landscaping Establishments						S	P			
Kennels; Dog Clubs								P		
Microgardening (growing sellable produce in an urban environment)/Roadside Stand		P		P						
Slaughter Houses								S		
Veterinary Clinic/Animal Hospital							P	P		S

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P = Permitted *supplemental development regulations	R-1	R-2	R-3	SR-1	MU	HV	HC	I-1	OP
Arts, Entertainment, Culture & Recreation									
Amusement Arcades & Similar Indoor Recreation					P	P	P		
Archery Ranges (& as accessory use), Indoor							P		
Archery Ranges (& as accessory use), Outdoor							P		
Art Galleries					P	P	P		
Art Studios					P	P	P		S
Billiards Halls & Similar Recreational Uses					P	P	P		
Boat, Canoe, or Kayak Livery & Boat Yard				S					
Bowling Centers							P		
Campgrounds/RV Parks				P					
Camps (Summer Camps)				P					
Country Clubs (on at least 10 acres) (\$7.15)				S*					
Cultural Institutions					P	P			
Equipment Rental, Motorized (ORV, Snowmobile)							P		
Equipment Rental, Non-Motorized (Outfitter)					P	P	P		
Firearms Store					P	P	P		
Fitness & Recreational Sports (ex: health clubs, gym, skating, tennis, racquetball)					P	P	P		
Golf Courses (on at least 10 acres/Golf Driving Ranges (\$7.15))				P*					
Hunting & Fishing Cabins				P					
Museums, Public/Historic Sites					P	P			
Outdoor Commercial Recreational Facility (ex – go karts; miniature golf; disc golf; drive-in theaters)							S		
Outdoor Performance Facilities (this use might also be classified as "Commercial Event Facility")				S					
Private Clubs; Lodges; Fraternal Organizations					P	P	P		
Public Parks & Playgrounds; Nature Areas; Forest Preserves	P	P	P	P	P				P
Shooting (Firearms) Ranges/Sportsmen's Association							P	P	
Stadiums								S	
Theaters/Performing Arts Facilities (indoor)					S	S	S		
Tours (Commercial Operations)						P	P		
Wildlife Preserves				P					

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Table of Permitted Uses & Special Land Uses										
P = Permitted *supplemental development regulations	R-1	R-2	R-3	SR-1	MU	HV	HC	I-1	OP	
Commercial, Services, & Retail										
Auto Repair; Auto Body/Paint/Interior & Glass (in conjunction with auto service station)							P	P		
Automotive Oil Change						P	P			
Automotive Tire Sales & Installation						P	P			
Automobile Towing Businesses							S	P		
Banks/Financial Institutions					P	P	P			S
Boat/RV/Recreational Equipment Repair & Storage								P		
Building & Garden Equipment & Supplies Dealers							P	P		
Building Material Sales Lumber Yards (pre-planned, finished lumber)							P	P		
Business Incubator (Food Incubator listed under Manufacturing)					P		P	P		S
Business Services					P	P	P			P
Car Washes (in conjunction with auto service station)							S	S		
Cash Advance Stores							P			P
Cleaning Services							P	P		
Commercial Equipment Repair & Maintenance							P	P		
Data Processing & Computer Centers						P	P			P
Dry Cleaning & Laundry Services							P			
Electronic & Precision Equipment Repair & Maintenance							P	P		
Equipment Rental & Sales							P	P		
Extermination & Pest Control Services								P		
Film Production Facilities including sound stages & other related activities								P		
Fix-It Shops							P			
Flea Market							S	P		
Funeral Homes & Mortuaries							P	P		S
Furniture Refinishing (Upholsterers)/Furniture Repair							P			
Gasoline Service Stations							P	P		
General Rental Centers (i.e. rent to own)							P			
Health Spa						P	P			
Indoor Swap Meet							P	P		
Interior Designers/Showrooms						P	P			P
Laboratories, Medical/Dental							P	P		P
Locksmiths							P			
Manufactured Home Dealers							P	P		

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Table of Permitted Uses & Special Land Uses										
P = Permitted S = Special Land Use Permit *supplemental development regulations	R-1	R-2	R-3	SR-1	MU	HV	HC	I-1	OP	
Commercial, Services, & Retail (continued)										
Movie Rental Stores							P			
Offices, Professional						S	P		P	
Outdoor Sales/Rental of automobiles, trucks, motorcycles, ATVs, marine craft, farm implements, contractor's equipment, recreational equipment							S	P		
Pawn Shops							P			
Personal Services (beauty shops, barber shops tailoring, massage therapy)					P	P	P		P	
Photofinishing/Photographers/Photo Studios					P	P	P		P	
Printing/Binding/Publishing of Print Material							S	P		
Recording Studios							P		P	
Retail Sales										
Antique Stores (incl books, coins & other antiques)					P	P	P			
Automotive Accessory Sales							P			
Bait & Tackle Shops							P			
Bicycle Shops					P	P	P			
Book Stores					P	P	P			
Building & Garden Equipment & Supplies Dealers							P			
Clothing, Clothing Accessory & Shoe Stores (including shoe repair)					P	P	P			
Convenience Stores					P	P	P			
Department Stores							P			
Electronics & Appliance Stores							P			
Farm Market							P			
Florists					P	P	P			
Furniture & Home Furnishings Stores/Fixtures Stores (including wall/floor cover)							P			
General Merchandise Stores/General Retail							P			
Gift Shops					P	P	P			
Grocery Stores/Meat Market/Fruit & Vegetable Market					P	S	P			
Hardware Stores							P			
Health & Personal Care Stores					P	S	P			
Home Improvement Centers (lumber stored in enclosed structure)							P			
Liquor Stores (where liquor is the primary item for sale)							P			
Malls/Shopping Centers, or Shopping Plazas							P			
Office Supply Stores							P			

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P = Permitted S = Special Land Use Permit *supplemental development regulations	R-1	R-2	R-3	SR-1	MU	HV	HC	I-1	OP
Commercial, Services, & Retail (continued)									
Pet Stores & Pet Supply Stores							P		
Pharmacies/Medical & Optical Supplies							P		
Resale Shops/Thrift Shops							P		
Sporting Goods, Hobby, Book & Music Stores					P	P	P		
Sexually Oriented Businesses								S	
Small Engine Repair							P	P	
Small-Scale Craft Making					P	P	P		
Studios for Dance, Yoga, Martial Arts					P		P		P
Taxidermy Shops							P	P	
Tattoo & Body Piercing Studios							P		
Vehicle Sales (primarily outdoors) – see “Outdoor Sales/Rental of automobiles, trucks, motorcycles, ATVs, marine craft, farm implements, contractor’s equipment, recreational equipment”							S		
Construction/Contractors									
Special Trade Contractors Offices & Showrooms – no outdoor storage (construction, electrical, plumbing, heating, excavation, well-drilling, etc)							P	P	
Special Trade Contractors Offices & Showrooms w/ outdoor storage of materials & contractor’s equipment (construction, electrical, plumbing, heating, excavation, well-drilling, etc)								P	
Educational Services/Religion									
Business Colleges/Commercial Schools									S
Public, charter or private schools (elementary through high school) - with no boarding facilities	P	P	P						
Religious Institutions & Customary Accessory Uses	S	S	S	S	S		S		S

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P = Permitted S = Special Land Use Permit *supplemental development regulations	R-1	R-2	R-3	SR-1	MU	HV	HC	I-1	OP
Human Care & Social Assistance									
Adult Day Care Facility – IN PRIVATE HOME)(§7.8)	S*	S*	S*	S*	S*				
Adult Day Care Center - NOT IN PRIVATE HOME (§7.9)					S*		S*		
Adult Foster Care Family Homes (6 or less adults)	P	P	P	P	P				
Adult Foster Care Small Group Home (7-12 adults)	S	S	S	S	S				
Adult Foster Care Large Group Home (13-20 adults)			S						
Adult Foster Care Congregate Facilities (over 20 adults)			S						
Charitable Institution (ex: soup kitchen); Non-Profit Organizations							P		
Child Care Home, Family (6 or less)	P	P	P	P	P				
Child Care Home, Group (7 -12))(§7.6)	S*	S*	S*	S*	S*				
Child Care Center/Nursery School/Pre-School (not in home)(§7.7)			S*				S*		
Child Caring Institution			S						
Convalescent Home/Nursing Home (§7.5)			S*						
Health Care/Dental/Optical Clinics							P		P
Rehabilitation Facilities							P		P
Residential Human Care & Treatment Facility (not in a residence)			S						
State-Licensed Residential Facilities (Foster Care 6 or less)	P	P	P	P	P				

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P = Permitted S = Special Land Use Permit *supplemental development regulations	R-1	R-2	R-3	SR-1	MU	HV	HC	I-1	OP
Manufacturing, Industrial, & Waste Management									
Manufacturing, Light – including the production, processing, cleaning, testing, & distribution of materials, goods, foodstuffs, & products. Light Manufacturing are those industries in which the modes of operation of the industry <u>have no</u> external effects & <u>do not</u> directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, & vibration.								P	
Manufacturing, Heavy – including the production, processing, cleaning, testing, & distribution of materials, goods, foodstuffs, & products. Heavy Manufacturing are those industries in which the modes of operation of the industry <u>do have</u> external effects & <u>may</u> directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, & vibration.								S	
Accessory Uses incidental to Manufacturing (offices, foods services, caretaker buildings)								P	
Biofuel Production Facilities (not on farm)								S	
Blast Furnace, Steel Furnace, Blooming or Rolling Mill								S	
Boat and Boat Building Yards								S	
Boiler and Tank Manufacturing								S	
Breweries								S	
Central Dry Cleaning Plants & Laundries (not dealing directly with customers)								S	
Cold Storage Plants								P	
Crematories								S	
Fertilizer, Liquid Nitrogen, & Anhydrous Ammonia Handling								S	
Food Hub Facility/Food Incubator Facility								P	
Furniture Assembly								P	
Gas & Oil Processing Facilities/Refinery								S	
Incinerator Plant (non-pyrolysis)								S	
Incinerator Plant (pyrolysis type)/Gasification								S	
Industrial Parks (planned)								S	
Junkyards/Salvage Yards/Scrap Yards/Motor Vehicle Impoundment & Wrecking Yards								S	
Laboratories, Experimental								S	
Machine Shops								P	
Meat Packing Plants								S	
Metal Plating/Buffing/Polishing/Cutting/Slitting/Shearing								P	
Mineral Processing Facilities & Operations								S	

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P = Permitted S = Special Land Use Permit *supplemental development regulations	R-1	R-2	R-3	SR-1	MU	HV	HC	I-1	OP	
Manufacturing, Industrial, & Waste Management										
Natural resources utilization, exploitation, mining or development (water wells shall be considered an accessory use and not a Special Land Use)(§7.10)								S*		
Petroleum Products, Gas Products, Paint & Chemical Bulk Storage & Distribution								S		
Petroleum Refinery								S		
Portable & Temporary Hot & Cold Mix Asphalt Plants, Ready-Mix Concrete Plants, & Similar Uses								S		
Printing or Forming of Boxes, Cartons & Cardboard								P		
Printing, Lithographic & Blueprinting								P		
Recycling Facilities/Resource Recovery Facilities/Solid Waste Transfer Facilities								S		
Research/Design/Experimental Product Development & Testing								P		
Smelting Industries								S		
Tin Shops or Plumbing Supply Shops								P		
Tool & Die Shops								S		
Waste Collection Companies								S		
Woodworking Shops								P		

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P = Permitted S = Special Land Use Permit *supplemental development regulations	R-1	R-2	R-3	SR-1	MU	HV	HC	I-1	OP	
Miscellaneous										
Accessory Buildings & Uses Incidental to Principal	P	P	P	P	P	P	P	P	P	P
Cemeteries including Columbaria & Mausoleums (human or pet) (only permitted adjacent to existing)							S			
Convenience/Neighborhood Commercial Centers (multiple businesses on one property)					P	S	P			
Mixed Uses (Commercial/Residential in one building or on one lot where both uses are the principal use)					P	S				
Planned Unit Developments (§7.12)	S*	S*	S*	S*	S*	S*	S*	S*	S*	
Removal of sod or removal or redistribution of top soil except as necessarily incidental to normal farming operations or to the performance of work with respect to a building or structure under a permit issued pursuant to the Building Code of Emmet County (sod farm)								P		
Site Condominium Development, Low Density		P								
Public Facilities										
Civic Buildings	S	S	S	S	S		S			
Correctional Facilities								S		
Public Works Facilities with Outdoor Storage								S		
Residential Uses										
Accessory Dwelling Units/Guest Houses (§7.16)	S*	S*	S*	S*	S*					
Dwelling Units in conjunction a Commercial					P	P	P			
Home Occupations (§7.1)	P*	P*	P*	P*	P*					
Cottage Industries (§7.1)	S*	S*	S*	S*	S*					
Manufactured Housing Community (with accessory uses such as laundry facilities, office building, & community building) (§7.2)			S*							
Multiple-Family Dwelling Units (Apartments)			P		P					
Single-Family Detached Dwelling	P	P	P	P	P					P
Single-Family Attached Dwelling (Townhouses)			P		P					
Two-Family Dwelling (duplex)			P		P					S

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P = Permitted S = Special Land Use Permit *supplemental development regulations	R-1	R-2	R-3	SR-1	MU	HV	HC	I-1	OP
Transportation & Storage									
Airports, Aviation Support Services, Heliports & Landing Fields								S	
Couriers/Parcel Packing/Shipping/Delivery Establishments/Mail Order Establishments								P	
Distribution Centers/Freight Terminals/Trucking Facilities								P	
Drone (Unmanned Aerial) Centers								P	
Self-Storage Facilities/Mini-Storage							S	P	
Storage Facilities								P	
Taxi Cab Facilities							P	P	
Transit Facilities (including bus garages/stations)								P	
Truck Rental Facilities (ex: U-Haul)							P	P	
Truck Repair, Heavy								P	
Truck Washes								P	
Warehousing								P	
Wholesale Businesses							P	P	
Utilities, Energy & Communications									
Electric Substations, Gas Regulator Stations, Telephone Exchanges, & Essential Service Buildings (Planning Commission may approve as Special Land Uses in other districts besides those listed on a case by case basis – based on need)								S	S
Heating & Electric Power Generating Plants								S	
Propane Distributor/Propane Supply Facilities							P	P	
Public & Private Utility Buildings								S	
Small Cell Wireless Facilities (§7.11)					S*	S*	S*	S*	S*
Solar Energy Panels (Accessory) (§7.14)	P*	P*	P*	P*	P*	P*	P*	P*	P*
Solar Energy Facility (Utility-Scale) (§7.14)								S*	
Television/Radio Broadcasting Stations w/tower (§7.11)								S*	
Television/Radio Broadcasting Stations w/o tower								P	
Water Towers, Water Works, Pumping Stations, or Wells: public								S	
Wind Turbine Generators (On-Site) (§7.17)	S*	S*	S*	S*	S*	S*	S*	S*	S*
Wireless Communications Support Structures (less than 50' in height) and Amateur Radio Antennas (SHALL COMPLY WITH FAA) (§7.11)	P*	P*	P*	P*	P*	P*	P*	P*	P*
Wireless Communications Support Structures (50' or greater in height) (SHALL COMPLY WITH FAA) (§7.11)							S*	S*	

Section 4.17 Schedule of Regulations

Zoning District	Lot Area minimum	Lot Width minimum	Lot Depth minimum	Density in Dwelling Units maximum	Dwelling Unit Square Footage (A) minimum	Building Height maximum	Lot Coverage maximum	Front Yard Setback minimum	Side Yard Setback minimum		Rear Yard Setback minimum
									Interior side	Street side	
R-1: Village Residential	8,000 sq ft	50 ft	160 ft	5 du/acre	935 sq ft	35 ft	40%	25 ft	10 ft	25 ft (J)	25 ft
R-2: Suburban Residential	25,600 sq ft	150 ft	150 ft	2 du/acre	1,250 sq ft	35 ft	20%	35 ft	20 ft	35 ft	20 ft
R-3: Multiple-Family Residential	15,000 sq ft	100 ft	150 ft	3.5 du/acre (B)	935 sq ft (C)	35 ft	30%	40 ft	20 ft	40 ft	20 ft
SR-1: Scenic Resource	87,120 sq ft	300 ft	260 ft	0.5 du/acre (D)	1,250 sq ft	35 ft	10%	35 ft (E)	20 ft	35 ft	50 ft
MU: Mixed Use (Residential) (F)	8,000 sq ft	50 ft	160 ft	5 du/acre	935 sq ft (C)	35 ft	40%	25 ft	10 ft	25 ft	25 ft
MU: Mixed Use (Non-Residential) (F)	8,000 sq ft	30 ft	75 ft	8 du/acre for mixed use development (B)	N/A	35 ft	60%	20 ft	0 ft	0 ft	25 ft
HV: Historic Village Commercial (G)	8,000 sq ft	30 ft	75 ft	8 du/acre for mixed use development (B)	(C)	35 ft	60%	0 ft	0 ft	0 ft	25 ft
HC: Highway Commercial	30,000 sq ft	250 ft	150 ft	N/A	N/A	35 ft	N/A	20 ft	20 ft	20 ft	20 ft
I-1: Industrial	43,560 sq ft	200 ft	200 ft	N/A	N/A	35 ft	N/A	25 ft	25 ft (H)	25 ft	25 ft (H)
OP: Office Park (I)	63,340 sq ft	225 ft	225 ft	1 du/acre	935 sq ft	35 ft	30%	75 ft	20 ft	20 ft	20 ft

ABBREVIATIONS: du/acre = dwelling units per acre; N/A = Not Applicable
See individual district sections (§4.5 through §4.13) for full set of regulations pertaining to each district.

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A. Single-Family Dwellings Units Smaller than the Minimum.

A single-family dwelling unit which is smaller than the minimum stated may be approved by the Planning Commission. A pre-application meeting is required. The dwelling shall be designed and constructed similar to other dwellings in the neighborhood (similar quality of materials, etc). The Planning Commission may consider aesthetics as a basis for their decision.

B. Multiple-Family Dwellings Considered as One Building.

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

C. Minimum Square Footage for Multi-Family Dwellings.

1. One bedroom apartment: 500 sq ft
2. Two bedroom apartment: 750 sq ft
3. Three bedroom apartment: 900 sq ft
4. 150 additional sq ft for each additional bedroom

D. Density Bonus.

In order to maintain the inherently undeveloped overall nature of this district, a Density Bonus from 0.5 dwelling units per acre to 0.75 dwelling units per acre can be awarded for developments of at least fifteen (15) acres where over fifty (50%) percent of the land is deeded in perpetuity to open space or forest preservation. This calculation cannot include wetlands, river frontage, or any required setback or Greenbelt area.

E. Scenic Resource District Front Setback.

All lots in this district which share a border with US 31 are required to maintain an additional front setback of forty (40) feet beyond that which is stipulated above. This additional setback shall maintain not less than eighty (80%) percent of its area as natural vegetation and forest cover.

F. Mixed Use District Structural Characteristics.

The main structure (business or residence) must be either designed as a residence or designed to be easily converted to a residence. Any accessory buildings (garages, sheds, etc.) must be of a similar style and construction as the main structure. No accessory building may be built on a lot without a building permit having been issued and foundation started for the main structure. The aggregate footprint of accessory buildings shall not exceed seventy-five (75%) percent of that of the main

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structure.

G. Additional Development Standards in the Historic Village Commercial District (HV).

It is the desire of the Village to maintain a distinct downtown commercial center. Insofar as it is a reasonable objective, the district must maintain a consistent visual congruity between structures within the Historic Village Commercial District, the following additional standards are promulgated. These standards are geographically specific and are based on the prevailing architectural standards and development types that make up the desired character of the Historic Village Commercial District.

1. The minimum width of any building shall be one hundred (100%) percent of lot width. The Planning Commission may deviate from this standard for an outdoor use (i.e. outdoor café).
2. It is recommended that the well be located in the front of the building and the septic field be located in the rear.
3. Height Regulations: All building fronts shall be a maximum of thirty-five (35') feet.
4. When multiple buildings are on one (1) lot, they shall have a minimum of two (2) stories.

H. Industrial District Setbacks.

Where an industrial-zoned parcel abuts a residentially-zoned parcel, a setback of fifty (50') feet shall be provided.

I. Additional Development Standards in the Office Park District (OP).

1. **Access.**
 - a. It is required that all access to developments in this zone be from State Highways or Primary County Roads. Therefore, access points may be situated no closer than two hundred fifty (250') feet to each other. A shared access point between adjacent parcels is encouraged (see (b) below).
 - b. The minimum lot area will be reduced to one (1) acre if a complete development (for site plan review purposes) is 5 acres or larger in size and has only one (1) roadway access point.
2. **Proximity to Residential Zone.** No developed area (i.e. building or parking lot associated with it) shall be closer than forty (40') feet to any residential zone.
3. **Accessory Buildings.** No accessory buildings shall be larger than twenty-four (24') feet by twenty-four (24') feet, one (1) story, and one (1) is allowed per parcel.

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- 4. **Dumpsters.** All dumpsters are to be enclosed by a six (6') foot high fence.
- 5. **Storage.** No outside storage of materials.
- 6. **Trucks.** The parking of trucks, accessory to a permitted use, when used in the operation of said permitted business listed in the district regulations, shall be limited to vehicles of not over one and one-half (1 1/2) tons capacity when located within one hundred fifty (150') feet of a residence district boundary line or stored, parked, or otherwise confined to the premises overnight.
- 7. **Exterior Lighting.** All exterior lighting for EACH zoning lot shall be shaded or inwardly directed so that no direct lighting is cast upon adjacent zoning lots. Furthermore, no upwardly directed lighting is permitted, even if shaded.
- 8. **Parking.** Parking may be permitted in the front yard, provided there is at least a ten (10') foot buffer area between the road right-of- way and the off-street parking lot.
- 9. **Restriction on Sales and Services Involving Parked Motor Vehicles.** Except for drive-in financial institutions when authorized as Special Land Uses, no business establishment shall offer goods or services directly to customers waiting in parked motor vehicles or sell beverages or food for consumption on the premises in parking motor vehicles.

J. **Street Side Setback on Corner Lots in R-1.**

On lots fifty (50') or less in width, the street side setback shall be ten (10') feet.

Article 5 Site Plan Review

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5.2	Site Plan Content	5-1
5.3	Site Plan Review Procedures	5-3
5.4	Site Plan Review Standards	5-5
5.5	Site Plan Amendments	5-7
5.6	Violations, Revocation & Expiration of Site Plan	5-8

Section 5.1 Uses Requiring Site Plan Review

The following uses require Site Plan Review:

Table 5.1: Site Plan Review Required	
Type of Use	
1. Attached Single-Family Dwellings (i.e. townhouses) and Multiple-Family Dwellings	
2. Dwelling Units in conjunction with Commercial Establishments	
3. Mixed Use Developments	
4. Special Land Uses (except residential Special Land Uses such as Cottage Industry and Group Child Care Homes (which shall undergo the Special Land Use process only)	
5. Parking Lots	
6. Non-Residential Structures/Uses	
7. Non-Residential Accessory Structures	

Section 5.2 Site Plan Content

A site plan shall contain all of the information contained in **Table 5.2**. The Planning Commission shall have the discretion to waive the inclusion in the site plan of any of the information required by this Section.

Table 5.2 Site Plan Content Requirements	
A. General Information	
1. The date, north arrow, and scale. The scale shall not be less than 1" = 50' if the subject property is less than three (3) acres and 1" = 100' if the subject property is three (3) acres or more.	
2. The name and address of the professional individual, if any, responsible for the preparation of the site plan.	
B. Property Information	

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1. Property's legal description.
2. The existing zoning district in which the site is located and the zoning of adjacent parcels.
3. Existing and proposed easements or rights-of-way.

C. Existing and Proposed Site Features

A site plan based on an accurate certified land survey shall be prepared showing:

1. Location, size, and type of present buildings or structures to be retained or removed.
2. Location of all proposed buildings, structures, or other improvements.
3. Location of existing and proposed streets, drives, and parking lots.
4. Location of water and sewer lines.
5. Storm drainage.
6. Refuse and service areas.
7. Utilities with reference to location, availability, and compatibility.
8. Screening and buffering with reference to type, dimensions, and character.
9. Topographical features including contour intervals no greater than two (2') feet.
10. Ditches and water courses.
11. Ground cover and other pertinent physical features of the site such as trees.
12. Proposed landscaping.
13. Location of existing improvements.
14. Location of lot lines.
15. Loading and unloading facilities.
16. Exterior lighting and signs.
17. Location of existing structures on land immediately adjacent to the site within one hundred (100') feet of the site's parcel lines.

D. Building Information

1. Preliminary architectural sketches and/or a general statement as to the type of construction and materials to be used in the proposed buildings or structures. Height and area of buildings and structures shall be described.
2. Gross areas of buildings and parking.

E. Supplemental Information

Additional information as may be requested by the Planning Commission which is reasonably necessary to evaluate the site plan.

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Section 5.3 Site Plan Review Procedures

A. Pre-Application Conference.

The Zoning Administrator, Planning Commission Chair, and/or Planning Commission shall have the authority to conduct a pre-application meeting with the applicant/developer to assist them in understanding the site plan review process and other Ordinance requirements and to provide insight as to what portions of their proposed development may be of special concern to the Planning Commission. The pre-application conference must be requested by the applicant.

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

B. Site Plan Submittal.

A minimum of four (4) copies of a site plan, in bound sets if more than one (1) sheet, shall first be submitted to the Village Zoning Administrator. The Zoning Administrator may require a digital copy of the site plan. A complete application package, with the required fee, must be received at least fifteen (15) days before the date of the Planning Commission meeting at which the application is to be reviewed. If a site plan review is being conducted for a Special Land Use, the application deadline specified for that process would apply ([Article 6](#)).

C. Review for Completeness by the Zoning Administrator.

The Zoning Administrator will review the materials submitted to assure all information required by the Ordinance has been provided. If the application is incomplete, the Zoning Administrator will send a notice with a detailed list of all deficiencies to the applicant. If the site plan, including all required additional or related information, is determined to be complete, it shall be placed on the agenda of the next Planning Commission meeting if the site plan was submitted at least fifteen (15) days prior to the meeting. If the site plan was submitted less than fifteen (15) days prior to the Planning Commission meeting, the site plan shall be placed on the agenda of the next available meeting.

D. Coordinated Review.

The Zoning Administrator may distribute the site plan to the following for comment or recommendation prior to consideration for approval:

- a. The [Emmet County Soil Erosion and Sedimentation Control Officer](#)
- b. The [Emmet County Drain Commissioner](#)
- c. The [Emmet County Road Commission](#) and, if appropriate, the [Michigan Department of Transportation](#)

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- d. The [Emmet County Building Department](#)
- e. [Health Department of Northwest Michigan](#)
- f. Local police, fire, and ambulance service providers
- g. Planning consultant
- h. Engineering consultant or staff
- i. Other agencies or departments as deemed appropriate

Comments on the site plan must be transmitted to the Zoning Administrator at least five (5) days before the Planning Commission meeting at which the site plan is to be reviewed. Reviewers shall address the considerations identified by the Review Standards in this Article.

E. Site Plans Requiring ZBA Action.

Where the applicant is dependent upon the granting of any variances by the Zoning Board of Appeals, the Planning Commission may approve the site plan contingent upon the granting of a variance by the Zoning Board of Appeals.

F. Planning Commission Action.

1. **Transmittal to the Planning Commission.** Upon determining that the proposed use complies with the Zoning Ordinance, the Emmet County Building Code, and all other pertinent codes and ordinances of the Village, the Zoning Administrator shall cause the site plan to be placed on the agenda of a meeting of the Planning Commission and shall transmit the copies of the site plan to the Planning Commission for its review in accordance with this Article.
2. **Representation at Meeting.** The applicant shall be present at the meeting at which the site plan is scheduled to be reviewed by the Planning Commission. If the applicant fails to provide representation, the review shall be tabled until the next scheduled Planning Commission meeting. If the applicant fails to provide representation at the next Planning Commission meeting, the Planning Commission shall void the application.
3. **Consultants & Studies.** The Planning Commission shall have the authority to request a professional review by an Architect, Engineering Consultant, and/or Planning Consultant or to require the submission of a study such as, but not limited to, an Environmental Impact Assessment or Traffic Study. The Village may accept studies prepared for another public agency. The cost of review shall be passed along to the applicant as per [Section 9.4](#). No zoning permit will be issued until this fee is paid.
4. **Decision of the Planning Commission.**
 - a. Decisions of the Planning Commission shall be made by a majority of those in attendance.

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- b. The Planning Commission shall approve, disapprove, or approve with modifications, the site plan in accordance with the requirements of the zoning district in which the proposed use is located, the criteria listed in [Section 5.4](#), and any applicable standards contained in [Article 7](#) (Supplemental Regulations). If the site plan is disapproved by the Planning Commission, notification of such disapproval shall be given to the applicant, by the Zoning Administrator, within ten (10) days after such Commission action.
 - c. **Findings of Fact.** The decision of the Planning Commission shall be incorporated into a written statement of findings and conclusions relative to the site plan which specifies the basis for the decision and any condition(s) imposed.
 - d. **Conditions.** The Planning Commission may impose conditions pursuant to [Section 9.8](#).
 - e. **Conformity Required.** Upon approval of a site plan by the Planning Commission, the site plan, as approved, shall become part of the record of approval and subsequent actions relating to the activity authorized shall be consistent with the approved site plan, unless a change conforming to the Zoning Ordinance receives approval pursuant to [Section 5.5](#).
5. **Signed Copies.** Upon approval of a site plan, at least three (3) copies of the site plan shall be signed and dated by the Chairman of the Planning Commission. One (1) copy of the approved site plan shall then be filed with the Village Clerk, one (1) copy shall be submitted to the Village Zoning Administrator, and one (1) copy shall be returned to the applicant.
 6. **Appeals.** Appeals of a decision of the Planning Commission may be made to the Zoning Board of Appeals pursuant to [Article 8](#).
 7. Approval of the site plan does not exempt compliance with other local, State, and Federal laws.

Section 5.4 Site Plan Review Standards

- A. The Planning Commission shall approve a site plan if it determines all of the following:
 1. The plan complies with the requirements of this Ordinance.
 2. The proposed project promotes the intent and purposes of this Ordinance.
 3. The proposed project will be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the proposed project.
 4. The proposed project will be consistent with the public health, safety, and welfare needs of the Village.

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B. In making its determination, the Planning Commission shall apply the following standards:

1. **Landscape Preservation.** The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal and any grade changes shall be in keeping with the general appearance of neighboring developed areas.

Berms, greenbelts, or other screening may be reasonably required to enhance compatibility with adjoining properties.
2. **Relation of Buildings to Environment.** Proposed structures shall be related harmoniously to the terrain and to the existing buildings in the vicinity.
3. **Drives, Parking and Circulation.** With respect to vehicular and pedestrian circulation, including walkways, interior drives, and parking, special attention shall be given to location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and, insofar as practical, do not detract from the design of the proposed buildings and structures and the neighboring properties.
4. **Surface Water Drainage.** Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Storm water shall be drained away from all roofs, canopies, and paved areas by means of a suitable drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in paved areas. The property owner or developer is required to retain on site all stormwater drainage in excess of natural conditions. This provision may require stormwater retention ponds where appropriate. An exception can be made for water leaving the site via an existing stormwater pipe or through other stormwater facilities which will be developed at the same time as the proposed new use. All stormwater facilities, including detention or retention ponds, shall be designed at minimum to handle a storm with the projected frequency of once every ten (10) years (ten-year design storm). The use of rain gardens, bioswales, and pervious pavement may be approved to minimize surface runoff.
5. **Signs.** The size, location, and lighting of all signs shall be consistent with the requirements of [Section 3.19](#) of this Ordinance and shall be compatible with adjoining properties.
6. **Special Features.** Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas shall comply with the requirements developed in the site plan review process for screen plantings or other screening methods.
7. **Lighting.** All lighting shall conform to current outdoor lighting standards as specified in the Emmet County Zoning Ordinance, Lighting Review Standards.

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Section 5.5 Site Plan Amendments

All improvements shall conform to the approved site plan. It shall be the responsibility of the applicant to notify the Zoning Administrator of any such changes prior to such change being made. The Zoning Administrator shall have the authority to determine if a proposed change requires an amendment to an approved site plan. A site plan may be amended upon application and in accordance with the procedure herein for a site plan. The Zoning Administrator may approve minor changes in an approved site plan, provided that a revised site plan drawing(s) be submitted showing such minor changes for purposes of record. Even if determined to be a minor change, the Zoning Administrator may refer changes to the Planning Commission for their approval. Amended site plans shall conform to all standards of this Ordinance unless a variance has been granted by the Zoning Board of Appeals.

A. Determination of Minor Changes to a Site Plan.

The Zoning Administrator shall consider the following to be a minor change:

1. Changes in floor plans that do not exceed twenty-five (25%) percent of the total floor area or five hundred (500 ft²) square feet, whichever is less, and which do not alter the character of the use or increase the amount of required parking.
2. Alterations to vertical elevations by up to twenty-five (25%) percent.
3. Movement of a building or buildings by no more than ten (10') feet.
4. Reduction of the size of any structure and/or sign.
5. Improvements to site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.
6. Internal re-arrangement of the parking lot which does not affect the number of parking spaces by more than ten (10%) percent or alter access locations or design.
7. Relocation of sidewalks and/or refuse storage stations.
8. Changes of building materials to another of higher quality, as determined by the Zoning Administrator.
9. Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
10. Changes that will preserve the natural features of the site without changing the basic site layout.
11. Change type and design of lighting fixture provided an engineer or architect certifies there will be no change in the intensity of light at the property boundary.

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12. Changes required or requested by the Village or other State or Federal regulatory agencies in order to conform with other laws or regulations provided the extent of such changes does not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval and provided that such changes conform to the regulations contained in this Ordinance.

B. Revised Site Plan with Minor Changes.

1. After approval by the Zoning Administrator, the applicant shall prepare a revised site plan showing the approved amendment. The revised site plan shall contain a list of all approved amendments and a place for the Zoning Administrator to sign and date all approved amendments.
2. No fees shall be required for minor site plan amendments approved by the Zoning Administrator.

C. Amendment to Site Plan – Major.

1. For amendments to site plans that do not qualify as a minor amendment or which require Planning Commission action, the same application process and fee for site plan review shall apply.
2. If the Zoning Administrator finds that a proposed amendment to a site plan does not qualify as a minor change, he or she shall immediately notify the permit holder in writing that site plan approval has been suspended pending approval of the proposed amendment. The permit holder's notice shall be delivered by mail or in person. If construction has begun, a Stop Work Order shall be issued, affecting that portion of the project that is not in compliance with the approved site plan. When the Planning Commission has approved the amendment, the Zoning Administrator shall send a written notice to the permit holder that the project's site plan has again been approved. This provision is not to be construed to prohibit phased development of a project provided that each phase is developed in accordance with an approved site plan.

Section 5.6 Violations, Revocation & Expiration of Site Plan

A. Conformity to Site Plan Required.

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

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2. No construction, reconstruction, demolition, or other site work may progress in the interim between submittal and final approval of a site plan.

B. Expiration of Site Plan Approval.

1. Approval shall expire and be of no effect unless a building permit shall have been taken out within one (1) year of the date of approval of the final site plan.
2. Thirty (30) days prior to expiration of an approved final site plan, an applicant may make application to the Planning Commission for a one (1) year extension of the site plan. The Planning Commission shall grant the requested extension for this additional one (1) year if it finds good cause for the extension.
3. Any subsequent re-submittal of a site plan due to expiration shall be processed as a new request with new fees.

Article 6

Special Land Use Review

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Section 6.1 Purpose

Special Land Uses are those uses of land which are, with the additional regulations specified herein, compatible with the uses permitted in a zoning district but possess characteristics or location qualities which requires individual review and restrictions in order to ensure compatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. The intent of this Article is to establish equitable procedures and criteria which shall be applied in the determination of requests to establish Special Land Uses. Uses requiring a Special Land Use permit shall be subject to the general provisions and supplemental site development standards of this Ordinance in addition to the provisions of the zoning district where located and the standards of this Article to prevent conflict with or impairment of the other uses or uses permitted by right of the district.

Section 6.2 Approval Procedure

A. Submission of Application.

1. **Pre-Application Meeting.** A pre-application meeting pursuant to [Section 5.3.A](#) may be requested by the applicant.
2. **Application.**
 - a. An application for a Special Land Use authorized by this Ordinance may be filed by any person or governmental department having a legal interest in the property involved.
 - b. The application for a Special Land Use shall be filed with the Zoning Administrator and shall include a site plan and such information as may be required to establish that the proposed use is an authorized Special Land Use and that the requirements and conditions of this Ordinance in regard to such Special Land Use are met. The Zoning Administrator shall thereupon submit such application to the Village Planning Commission. For certain Special Land Uses, such as but not limited to Group Day Care

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Homes and Cottage Industries, the Zoning Administrator may waive site plan requirements in favor of a lesser plan.

- c. **Fee.** The application package shall be accompanied by a fee as established by the Village Council.
- 3. **Application Deadline.** The complete application package must be submitted at least thirty (30) days before the Planning Commission meeting at which it will be considered.

B. Review for Completeness and Meeting Schedule.

- 1. **Zoning Administrator Review.** The Zoning Administrator will review the materials submitted to assure all information required by the Ordinance has been provided. If the application is incomplete, the Zoning Administrator will send a notice with a detailed list of all deficiencies to the applicant. If the application, including all required additional or related information, is determined to be complete, the Zoning Administrator shall cause the submittal to be placed on the agenda of the Planning Commission meeting as a public hearing after notice has been provided in accordance with [Section 9.7](#).
- 2. **Coordination.** The Zoning Administrator may distribute the application materials to other agencies/departments pursuant to [Section 5.3.D](#).

C. Planning Commission Review Procedure.

- 1. The Planning Commission, after review of the application, shall convene a public hearing thereon, following the public notice procedures set forth in [Section 9.7](#).
- 2. **Representation at Meeting.** The applicant shall be present at the meeting at which the site plan is scheduled to be reviewed by the Planning Commission. If the applicant fails to provide representation, the review shall be tabled until the next scheduled Planning Commission meeting. If the applicant fails to provide representation at the next Planning Commission meeting, the Planning Commission shall void the application.
- 3. **Delay at Applicant's Request.** The applicant may ask that the Special Land Use approval process, including the public hearing, be postponed. However, postponing the hearing prior to the hearing taking place requires an additional notification of neighboring property owners and newspaper publication of another notice. Therefore, the applicant will be required to pay an additional application fee to offset the added cost. If the delay is requested during the public hearing and a date and time is set for the new review at that time, no additional notification of property owners and newspaper notice shall be required.
- 4. **Decision.** The Planning Commission may deny, approve, or approve with conditions, a request for Special Land Use approval. The decision on a Special Land Use shall be

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incorporated in a statement containing the conclusions relative to the Special Land Use under consideration which specifies the basis for the decision and any conditions imposed.

5. **Notification of Disapproval.** If the Special Land Use is disapproved by the Planning Commission, notification of such disapproval shall be given to the applicant within ten (10) days after such Commission action by the Zoning Administrator.
6. **Signed Copies.** Upon approval of a site plan for a Special Land Use, at least three (3) copies of the site plan shall be signed and dated by the Chairman of the Planning Commission. One (1) copy of the approved site plan shall then be filed with the Village Clerk, one (1) copy shall be submitted to the Village Zoning Administrator, and one (1) copy shall be returned to the applicant.
7. **Conditions of Approval.** In granting a permit for any Special Land Use, the Planning Commission may require such land area, such parking, and such greenbelt or other landscaping as, in the opinion of the Planning Commission, is adequate to protect adjacent property from any undue adverse effect and, in addition, may impose such conditions upon its approval as are stated in [Section 9.8](#) hereof.
8. **Performance Guarantee.** Whenever, in the opinion of the Planning Commission, a performance bond is necessary to ensure compliance with the terms of this Ordinance and conditions of approval, if any, an applicant for a Special Land Use shall file a performance guarantee as set forth in [Section 9.5](#) hereof.
9. Where the applicant is dependent upon the granting of any variances by the Zoning Board of Appeals, the Planning Commission may approve the Special Land Use contingent upon the granting of a variance by the Zoning Board of Appeals.
10. **Applications Requiring a Rezoning.** In the event that allowance of a desired use requires both a rezoning (change in Zoning District designation for the parcel) and a Special Land Use permit, both requests may be submitted jointly and considered at a single meeting of the Planning Commission, subject to the following requirements:
 - a. **Separate Consideration.** The rezoning shall be considered separately and prior to the Special Land Use.
 - b. **Procedures.** The Ordinance procedures for each decision shall be followed as specified. Any Special Land Use approval must be conditioned upon adoption of the rezoning by the Village Council pursuant to [Article 10](#).
 - c. **Standards.** All standards required by this Ordinance shall be observed for each action.
 - d. **Public Hearings.** The public shall be given the opportunity for input on both the rezoning and Special Land Use decisions. Thus, two (2) separate public hearings shall be held at the same meeting.

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11. **Appeals.** The decision of the Planning Commission regarding a Special Land Use may not be appealed to the Zoning Board of Appeals.
12. **Resubmittal.** For a period of ninety (90) days following a decision by the Planning Commission, no reconsideration of that decision shall be given unless the Planning Commission, in its sole discretion, determines that there has been a material change in applicable facts and circumstances.

Section 6.3 Special Land Use Standards

The Planning Commission, after public hearing, may approve of such Special Land Use or conditionally approve the same if it shall find that authorizing such use shall meet the following standards:

- A. The proposed use will not be of substantial detriment to adjacent property.
- B. The proposed use will not materially impair the intent and purposes of this Ordinance or the public interest.
- C. Specific conditions hereinafter set forth are met and complied with.
- D. The proposed use will promote the intent and purpose of this Ordinance.
- E. The proposed use will be compatible with adjacent uses of land.
- F. The proposed use will be compatible with the natural environment.
- G. The proposed use will be compatible with the capacities of public services and facilities affected by such Special Land Use.
- H. The proposed use will be consistent with the health, safety, and welfare of the Village.
- I. In addition, whenever applicable, a proposed Special Land Use shall comply with the requirements of this Ordinance set forth in [Article 7](#) (Supplemental Regulations).

Section 6.4 Inspection of a Special Land Use

The Zoning Administrator shall have the right to inspect any Special Land Use to ensure continued compliance with the conditions of the Special Land Use.

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Section 6.5 Amendment to a Special Land Use

Minor amendments to a previously-approved Special Land Use may be approved by the Zoning Administrator with no public hearing or public hearing notice required according to the procedures stated in **Section 5.5**. Major amendments shall undergo the same process as a new Special Land Use approval.

Section 6.6 Expiration, Suspension or Revocation of a Special Land Use

A. Time Limit for Expiration.

The Special Land Use permit shall expire unless the use has begun within one (1) year of approval. The Zoning Administrator shall notify the permittee by certified mail of the pending expiration at least forty-five (45) days prior to the expiration. Said notice shall be mailed to the permit holder at the address indicated on said permit. Thirty (30) days prior to expiration of an approved Special Land Use permit, an applicant may make application to the Planning Commission for a one (1) year extension of the Special Land Use permit. The Planning Commission may grant the requested extension for this additional one (1) year if it finds good cause for the extension.

B. Special Land Use that has been Replaced or Superseded.

The Special Land Use permit shall expire if replaced or superseded by a subsequent permitted use or Special Land Use permit or if the applicant requests the rescinding of the Special Land Use permit.

C. Abandonment of Special Land Use.

The Special Land Use permit shall expire if the Special Land Use has been abandoned for a period of one (1) year or more. When determining the intent of the property owner to abandon a Special Land Use, the Zoning Administrator shall consider the following factors:

1. Whether utilities such as water, gas, and electricity to the property have been disconnected.
2. Whether the property, buildings, and grounds have fallen into disrepair.
3. Whether signs or other indications of the existence of the Special Land Use have been removed.
4. Whether equipment or fixtures necessary for the operation of the Special Land Use have been removed.

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5. Other information or actions that evidence an intention on the part of the property owner to abandon the Special Land Use.

D. Special Land Use and Transfer or Sale of Property.

A Special Land Use does not expire on transfer or sale of the property unless the use has been determined by the Zoning Administrator to have been abandoned pursuant to **subsection C** above.

E. Special Land Use Suspension or Revocation.

The Planning Commission may suspend or revoke a Special Land Use permit issued under the provisions of this Ordinance whenever the permit is issued erroneously on the basis of incorrect information supplied by the applicant or his agent or is in violation of any of the provisions of this Ordinance or of any other ordinances or regulations of the Village. The breach of any condition shall be cause for the Planning Commission to revoke a Special Land Use permit.

1. **First Notice.** The Zoning Administrator shall send written notice of the revocation to the holder of the permit by certified mail. The notice shall state that correction must be made within thirty (30) days or the Special Land Use permit will be revoked by the Zoning Administrator and the use shall cease.
2. **Second Notice and Order.** If the correction is not made after expiration of the thirty (30) day period, the Zoning Administrator shall notify the permit holder by certified mail that the Special Land Use permit has been revoked, and the use for which the permit was granted must cease within sixty (60) days from the date of this second notice.
3. **Enforcement of Order.** Failure to comply with the order to cease an activity for which a Special Land Use permit has been revoked is a violation of this Ordinance, subject to all penalties thereof.

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Section 7.1 Home Occupations & Cottage Industries

A Home Occupation does not require a zoning permit or zoning approval but shall comply with the standards listed herein. A Cottage Industry requires Planning Commission approval as a Special Land Use. A Home Occupation or Cottage Industry use shall not create a nuisance or endanger the health, safety, welfare, or enjoyment of any other person in the area, by reason of noise, vibration, glare, fumes, odor, unsanitary or unsightly conditions, fire hazards, or the like, involved in or resulting from such Home Occupation or Cottage Industry.

A. Employees.

Off-street parking for employees shall be provided on the lot containing the Home Occupation or Cottage Industry.

- Home Occupation.** A Home Occupation may employ no more than one (1) person that works on the premises of the Home Occupation that does not physically reside within the premises containing the Home Occupation.

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2. **Cottage Industry.** The number of people that are permitted to work on the premises of the Cottage Industry that do not physically reside within the premises containing the Cottage Industry shall be evaluated and determined during Special Land Use review.

B. Use of Dwelling.

The use of the dwelling unit for the Home Occupation or Cottage Industry shall be clearly incidental and subordinate to its use for residential purpose by the occupants, provided further that not more than twenty-five (25%) percent of the total actual floor area of any story of the residence may be used for Home Occupation or Cottage Industry purposes. One hundred (100%) percent of the floor area of an accessory building may be used for the Home Occupation or Cottage Industry.

C. Outside Appearance.

There shall be no change in the outside appearance of the structure or premises or any visible evidence of the conduct of such Home Occupation or Cottage Industry, other than one (1) sign pursuant to [Section 3.19](#).

D. Traffic.

No traffic shall be generated by such Home Occupation or Cottage Industry in greater volumes than would normally be expected in a residential neighborhood. Any need for parking generated by the conduct of such Home Occupation or Cottage Industry shall be provided by an off-street area, located other than in a front setback.

E. Equipment.

No equipment or process shall be used in such Home Occupation or Cottage Industry, which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses of persons off the lot. In the case of electrical interference, no non-FCC (Federal Communications Commission) licensed equipment or process shall be used which creates visual or audible interference with any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

F. Sales and Outdoor Storage/Display.

1. Home Occupations.

- a. All activities shall be carried on within an enclosed structure.
- b. There shall be no outside display of any kind or other external or visible evidence of the conduct of a Home Occupation.
- c. There shall be no sale of goods or merchandise on the premises of the Home Occupation except those produced on the premises by the conducting of the Home

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Occupation. No goods, merchandise, or other articles for sale shall be displayed in such a manner as to be viewable from outside the principal dwelling.

2. **Cottage Industries.**

- a. **Unfinished Goods.** The outdoor storage of unfinished goods and/or materials is prohibited unless screened (by a tight-board wood fence or decorative masonry wall, landscaped buffer, landscaped berm, or similar method) from view from neighboring property and bordering road rights-of-way. If screening is required, the type and location of the screening shall be approved by the Zoning Administrator.
- b. **Finished Goods.** The Planning Commission may permit the display of finished goods and outdoor sales as part of the approval process.

G. **Hours of Operation.**

Hours of operation for Cottage Industries will be set during the approval process.

H. **Uses Not Allowed.**

Such uses as medical clinics, dental clinics, animal hospitals, kennels, real estate offices, and motor vehicle servicing, repair, and maintenance businesses shall not be permitted as Home Occupations or Cottage Industries.

I. **Compliance, Inspections, and Violations.**

- 1. Upon written application by the owner, the Planning Commission may, for just cause, grant a time extension for compliance with the conditions of this Section.
- 2. Any Home Occupation or Cottage Industry shall be subject to periodic review by the Zoning Administrator, if needed, at the discretion of the Zoning Administrator.
- 3. If the Zoning Administrator has reason to believe the property owner is in violation of his or her permit or that grounds for revocation exist, written notice of alleged violation(s) shall be sent to the operator of the Home Occupation or Cottage Industry and to the owner of the real property premises, if different from the operator of the Home Occupation or Cottage Industry. The operator shall be afforded the opportunity to appear at a public hearing before the Planning Commission to present his or her case. The hearing notice procedures shall be the same as those for a Special Land Use.
- 4. Following the public hearing, the decision of the Planning Commission shall be made in writing and shall be based on specific findings of fact. Reasonable conditions may be imposed to prevent conflicts with other property uses or to assure compatibility with the standards of this Ordinance. The Planning Commission shall have the authority to limit the

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- hours of operation, impose conditions of operation or, if deemed necessary, order the complete termination of the activity.
5. Proposed revisions or additions to a Cottage Industry shall constitute a change of use and shall be subject to a new review and approval.

Section 7.2 Manufactured Housing Communities

A. Standards.

1. **Size of Manufactured Housing Community.** The land parcel being proposed for a manufactured housing community shall be of such area as to provide for a minimum of at least fifteen (15) sites and shall not exceed a maximum of one hundred (100) sites.
2. **Setbacks.** Setbacks shall comply with the rules of the [Michigan Administrative Code pertaining to manufactured housing R 125.1101 to R 125.3069](#).
3. **Compliance with State Code.** Said park shall comply in all respects with the regulations promulgated by the [State Manufactured Housing Commission Administrative Code](#), the minimum standards for manufactured housing communities established by the [State of Michigan](#) and [The Mobile Home Commission Act](#).
4. **Home Sites.** Each manufactured home site shall be provided with a pad compliant with the [Michigan Administrative Code pertaining to manufactured housing R 125.1101 to R 125.3069](#).
5. **Underground Utilities.**
 - a. All utility wires, pipes, and tanks shall be underground except that oil tanks used as part of a central distribution system may be above ground if fully screened from view by a wood or masonry wall or fence.
 - b. Each manufactured housing community shall have an underground master television antenna system and exterior antenna shall not be permitted on individual manufactured homes.
6. **Recreational Area.** Each manufactured housing community shall contain one (1) or more recreation areas totaling at least one hundred (100 ft²) square feet per manufactured home, with a minimum area of not less than five thousand (5,000 ft²) square feet, which shall be no longer than two (2) times its width. Such area shall be developed and maintained by the management so as to provide open space recreation for the children and other persons housed in the manufactured housing community. In computing such minimum recreation area, the area utilized for day room, clubhouses, and similar open and closed structures shall be excluded.

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- 7. **Screening.** A wall, green belt, or obscuring fence four (4') feet six (6") inches in height shall be provided on all sides of the manufactured housing community, except where the boundary is crossed by driveways.
- 8. **Drainage.** The park shall be graded and drained so that rain water will not stand in pools or puddles.
- 9. **Storage.** Each manufactured housing community shall provide to each manufactured home an enclosed storage shed or partitioned space in such a shed, either of which will have a least three hundred sixty (360 ft³) cubic feet and shall be located within one hundred fifty (150') feet of said manufactured home. No outside storage shall be permitted by any manufactured housing community, including the storage of anything underneath any manufactured home, unless said underneath portion is completely enclosed by an opaque screen.
- 10. No manufactured home shall be occupied unless it is supported on masonry blocks or jacks, connected to utilities, and provided with skirting, made of aluminum or other durable material, from the bottom of the walls to the ground.

B. Manufactured Housing Community Approval Procedure.

- 1. A person who desires to develop a manufactured housing community shall submit a preliminary plan to the Village Council, [Health Department of Northwest Michigan](#) (Emmet County), the [Emmet County Road Commission](#), and the [Emmet County Drain Commission](#) for preliminary approval. The preliminary plan shall include the location, layout, general design, and a general description of the project. The preliminary plan shall not include detailed construction plans.
- 2. The developer must submit the preliminary approvals with the final plans to the [State of Michigan](#) for review.
- 3. When all preliminary approvals are obtained, the developer shall submit any required documents and final plans to the [Michigan Department of Licensing and Regulatory Affairs](#) for approval.
- 4. No person shall construct a manufactured home without having obtained a permit (of approval) issued by the [Michigan Department of Licensing and Regulatory Affairs](#).
- 5. Upon completion of the construction of a manufactured housing community, the park owner or operator and a registered professional engineer or architect shall file with the [Michigan Department of Licensing and Regulatory Affairs](#) an affidavit certifying that the manufactured housing community, lot, and work were completed in accord with the approved specifications and plans.

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Section 7.3 Farmers Markets

Farmer's Markets, as temporary uses, are subject to the following restrictions:

- A. A site plan must be approved by the Village Planning Commission, and an operating permit must be obtained from the Village Zoning Administrator. The site plan shall indicate:
 - 1. The proposed location of the farmer's market.
 - 2. Required setbacks, indicating that the market does not encroach into any required setbacks or sight triangles.
 - 3. A reasonable plan for parking and traffic control and evidence that such plan will be implemented.
 - 4. Indicate locations of accessible bathrooms for both sexes, located on the same side of the street within five hundred (500') feet of the proposed location.
 - 5. All display items shall be removed from the site at the end of every day.
 - 6. All display and sale of items shall be conducted during daylight hours only.
 - 7. Provide a letter from the property owner authorizing this use for the site.
- B. Lighting, activities, noise, or increased traffic associated with a farmer's market shall not unreasonable disturb surrounding residential properties.
- C. A separate permit shall be obtained for any ancillary uses for the site.
- D. All Farmer's Markets and their vendors shall receive all required operating and health permits and these permits (or copies) shall be in the possession of the Farmer's Market operator or the vendor as applicable, on the site of the Farmer's Market during all hours of operation.
- E. All Farmer's Markets shall have a representative of the operator authorized to direct the operations of all vendors participating in the market on the site of the market during all hours of operation.

Section 7.4 Food Trucks/Food Truck Park

A. **Standards for Food Trucks/Food Truck Parks.**

- 1. Food Trucks and Businesses within the Food Truck Park shall be limited to those that sell prepared food for human consumption.

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2. **Food Trucks on US 31.**
 - a. All Food Trucks within a Food Truck Park shall face US 31 and must be located on US 31 frontage.
 - b. Food Trucks will be limited to one (1) operation/trailer per forty (40') feet of US 31 frontage.
3. **Display.** All display items shall be removed from the site at the end of every day.
4. **Utilities.** All utility wires, pipes, tanks, and water lines shall be underground.
5. **Drainage.** The Food Truck/Food Truck Park shall be graded and drained so that rain water will not stand in pools or puddles.
6. **Restrooms.**
 - a. Parks with two (2) to five (5) Food/Trucks - Must contain one (1) public either sex restroom on the park premises or the site plan or the site plan must show access to one (1) either sex public restroom within five hundred (500') feet of the Food Truck/Food Truck Park.
 - b. Parks with more than five (5) Food/Trucks - Must contain one (1) public either sex restroom on the park premises per every five (5) Food Trucks.
7. **Parking.** A minimum of two (2) parking spaces per Food Truck operating within a Food Truck Park.
8. **Materials.** Food Trucks must be constructed of durable/sturdy materials. No fabric or tent walled structures will be authorized except that suitable canopies may be permitted over outdoor dining areas.
9. **Signs.** A sign plan must be approved by the Village Planning Commission prior to erection and use of signs. The sign plan shall be developed in accordance with [Section 3.19](#) and subject to the additional restrictions:
 - a. No freestanding permanent signage is permitted at individual Food Truck lots. Each individual Food Truck lot will be limited to one (1) collapsible "A" frame type with a business ad on both sides.
 - b. The Food Truck Park shall be allowed up to two (2) freestanding permanent signs per block limited to one (1) on each corner.
 - c. Wall/Building signs must be in accordance with [Section 3.19](#).

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B. Food Truck/Food Truck Park Approval Procedure.

A site plan must be approved by the Zoning Administrator, and an approved operating permit must be obtained from the Zoning Administrator prior to operation. The site plan shall indicate:

1. The proposed location of the Food Truck and their associated lot.
2. Proposed outdoor dining area, if any.
3. Required setbacks, indicating that the market does not encroach into any required setbacks or sight triangles.
4. A reasonable plan for parking.
5. Location of restrooms

Section 7.5 Homes for the Elderly or Retired

The following shall be required in connection with any approval granted for convalescent homes, assisted living homes, or homes for the elderly or retired:

- A. There is provided one (1) off-street parking space for each two (2) tenants, elderly, or retired persons.
- B. No part of the building or buildings so used is closer than one hundred (100') feet to an adjacent lot line except that the Planning Commission may reduce this setback requirement to not less than twenty-five (25') feet if it finds that such reduction in the setback will not be injurious to the use or enjoyment of nearby properties; will not result in traffic or other safety hazards; will not result in visual blight, distraction, or clutter; and will not materially impair the intent and purpose of this Ordinance or the public's interest. In modifying such set back requirements, the Planning Commission may attach conditions regarding the location, character, landscaping, or treatment of the buildings or premises or other such matters as are reasonable necessary to the furtherance of the intent and spirit of this Ordinance and the public's interest.
- C. There is provided, for each tenant, elderly, or retired person in the building or buildings so used, a minimum floor area exclusive of basement or attic space of four hundred (400 ft²) square feet.
- D. A child care facility may be permitted as an accessory use to a home for the elderly or retired ("home"), subject to review and approval by the Planning Commission as otherwise provided for in this Ordinance, and subject to all of the following additional conditions and requirements:
 1. The child care facility may receive infants, preschool, and elementary- school age children for care (including, without limitation, supervision, training, or educational instruction) for periods of less than twenty-four (24) hours a day.

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2. The child care facility shall provide care primarily to children of employees of the home while those employees are engaged in carrying out their employment with the home. The requirements of this paragraph shall be deemed satisfied so long as preference in admission to the facility shall be given to children of employees prior to the admission of any children of persons who are not employees of the home.
3. The principal functions of the child care facility shall be to provide opportunities for the interaction of and to foster an inter-generational relationship between the elderly residents of the home and the children attending the child care facility and to provide child care for the children of employees of the home.
4. The child care facility shall be located on the same property as the home to which the facility is accessory.
5. The child care facility shall provide appropriate fencing, child drop-off and pick-up areas, and other facilities, design elements, or operational characteristics for the safety of the children attending the facility, as determined necessary by the Planning Commission.
6. The child care facility shall be registered and licensed as required for "child care centers" or "day care centers" in accordance with the requirements of the [Child Care Organizations Act, 1973 PA 116](#), as amended; MCL 722.111 et seq.).

Section 7.6 Group Child Care Homes

The following shall be required in connection with any approval granted for a group child care home:

- A. The minimum lot size shall conform to the minimum lot size regulations applicable in the district in which the group child care is located.
- B. Parking shall conform to the parking regulations applicable in the district in which the group child care home is located.
- C. Setbacks and required yard areas shall conform to the setback and yard regulations applicable in the district in which the group child care home is located.
- D. Based upon the established capacity of the group child care home, there shall be provided and maintained on the lot a minimum of one hundred fifty (150 ft²) square feet of outdoor play area per child, with not less than five thousand (5,000 ft²) square feet of outdoor play area per facility. For purposes of this Section, outdoor play area means the area located on the lot behind the established front yard setback of the facility which is available or devoted to outdoor activities, exclusive of any area occupied by a swimming pool. The outdoor play area shall be free from sharp gravel, glass, or cinder, and shall be well-drained. The outdoor play area shall be completely enclosed by a chain link or solid fence of at least four (4') feet in height and shall be

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screened from any abutting residential use by vegetation having a height when planted of at least five (5') feet.

- E. Operating hours of the group child care home shall not exceed sixteen (16) hours during any 24-hour period, and, unless specifically approved by the Planning Commission based upon a finding under the particular circumstances of no detriment to the surrounding area, shall be limited from 6 am to 10 pm daily.
- F. Dormitory facilities shall not be permitted.
- G. Signs shall conform to the sign regulations applicable in the district in which the group child care home is located.
- H. The property shall be maintained consistent with the visible characteristics of the neighborhood.
- I. Child drop-off and pick-up areas and other facilities, design elements, and operational requirements shall be provided or complied with as determined necessary by the Planning Commission for the safety of the children attending the group child care home.
- J. The group child care home shall be registered and licensed as required for group child care homes in accordance with the [Child Care Organizations Act, 1973 PA 116](#), MCL 722.111 et seq., as amended).

Section 7.7 Child Care Centers

Any approval granted for a child care center shall be subject to the following standards and requirements:

- A. Parking shall conform to the parking regulations applicable in the district in which the child care center is located, except that additional off-street parking for the facility shall be provided according to the following schedule:

Number of Children	Off-Street Parking Spaces
1-12	1
13-18	2
19-26	3
27-30	4

In addition, at least 1 off-street parking space shall be provided for each on-duty employee of the child care center.

- B. Child drop-off and pick-up areas and other facilities, design elements, and operational requirements shall be provided or complied with as determined necessary by the Planning Commission for the safety of the children attending the child care center. If the child care center

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is located on U.S. 31, an off-street drop-off/pick-up area must be provided, including an on-site vehicle turn-around or separate entrance and exit points.

- C. The child care center shall be registered and licensed as required for "child care centers" or "day care centers" under the **Child Care Organizations Act (1973 PA 116, MCL 722.11 et seq., as amended)**.
- D. The minimum lot size shall conform to the minimum lot size regulations applicable in the district in which the child care center is located.
- E. Setbacks and required yard areas shall conform to the setback and yard regulations applicable in the district in which the child care center is located.
- F. Based upon the established capacity of the child care center, there shall be provided and maintained on the lot a minimum of one hundred fifty (150 ft²) square feet of outdoor play area per child, with not less than five thousand (5,000 ft²) square feet of outdoor play area per facility. For purposes of this Section, outdoor play area means the area located on the lot behind the established front yard setback of the facility which is available or devoted to outdoor activities, exclusive of any area occupied by a swimming pool. The outdoor play area shall be free from sharp gravel, glass, or cinder and shall be well-drained. The outdoor play area shall be completely enclosed by a chain link or solid fence of at least four (4') feet in height and shall be screened from any abutting residential use by vegetation having a height when planted of at least five (5') feet.
- G. Operating hours of the group child care home shall not exceed sixteen (16) hours during any 24-hour period, and, unless specifically approved by the Planning Commission based upon a finding under the particular circumstances of no detriment to the surrounding area, shall be limited from 6 am to 10 pm daily.
- H. Dormitory facilities shall not be permitted.
- I. Signs shall conform to the sign regulations applicable in the district in which the child care center is located.
- J. The property shall be maintained consistent with the visible characteristics of the neighborhood.

Section 7.8 Adult Day Care Facilities (in Private Home)

Any approval granted for an adult day care facility in a private home shall be subject to the following standards and requirements:

- A. Based upon the established capacity of the facility, there shall be provided and maintained on the lot a minimum of one hundred fifty (150 ft²) square feet of outdoor open space area per adult receiving care, with not less than five thousand (5,000 ft²) square feet of outdoor area per facility. For purposes of this Section, outdoor open space area means the area located on the lot

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behind the established front yard setback of the facility which is available or devoted to outdoor activities, exclusive of any area occupied by a swimming pool. The outdoor open space area shall be free from sharp gravel, glass, or cinder and shall be well-drained. The outdoor open space area shall be completely enclosed by a chain link or solid fence of at least four (4') feet in height and shall be screened from any abutting residential use by vegetation having a height when planted of at least five (5') feet.

- B. Drop-off and pick-up areas for adults receiving care and other facilities, design elements, and operational requirements shall be provided or complied with as determined necessary by the Planning Commission for the safety of the adults attending the facility.
- C. The minimum lot size shall conform to the minimum lot size regulations applicable in the district in which the in-home adult day care facility is located.
- D. Parking shall conform to the parking regulations applicable in the district in which the in-home adult day care facility is located.
- E. Setbacks and required yard areas shall conform to the setback and yard regulations applicable in the district in which the in-home adult day care facility is located.
- F. Operating hours of the in-home adult day care facility shall not exceed sixteen (16) hours during any 24-hour period, and, unless specifically approved by the Planning Commission based upon a finding under the particular circumstances of no detriment to the surrounding area, shall be limited from 6 am to 10 pm daily.
- G. Dormitory facilities shall not be permitted.
- H. Signs shall conform to the sign regulations applicable in the district in which the in-home adult day care facility is located.
- I. The property shall be maintained consistent with the visible characteristics of the neighborhood.

Section 7.9 Adult Day Care Centers (Commercial – Not in a Private Home)

Any approval granted for an adult day-care center shall be subject to the following standards and requirements:

- A. Parking shall conform to the parking regulations applicable in the district in which the adult day care center is located, except that additional off-street parking for the facility shall be provided according to the following schedule:

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Number of Adult Clients	Off-Street Parking Spaces
1-12	1
13-18	2
19-26	3
27-30	4

In addition, at least 1 off-street parking space shall be provided for each on-duty employee of the adult day care center.

- B. The adult day care center is located on a major arterial street, an off-street drop-off/pick-up area must be provided, including an on-site vehicle turn-around or separate entrance and exit points.
- C. The minimum lot size shall conform to the minimum lot size regulations applicable in the district in which the adult day care center is located.
- D. Setbacks and required yard areas shall conform to the setback and yard regulations applicable in the district in which the adult day care center is located.
- E. Operating hours of the adult day care center shall not exceed sixteen (16) hours during any 24-hour period, and, unless specifically approved by the Planning Commission based upon a finding under the particular circumstances of no detriment to the surrounding area, shall be limited from 6 am to 10 pm daily.
- F. Dormitory facilities shall not be permitted.
- G. Signs shall conform to the sign regulations applicable in the district in which the adult day care center is located.
- H. The property shall be maintained consistent with the visible characteristics of the neighborhood.
- I. Drop-off and pick-up areas for adults receiving care, and other facilities, design elements and operational requirements shall be provided or complied with as determined necessary by the Planning Commission for the safety of the adults attending the facility.

Section 7.10 Natural Resource Extraction

The following shall be required in connection with any approval granted for the removal of sand, gravel, stone aggregate, and other raw materials or minerals or in connection with any proposed solid waste landfill operations.

- A. **Conformance to the Michigan Zoning Enabling Act.**

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The Village shall not prevent the extraction, by mining, of valuable natural resources from any property unless very serious consequences would result from the extraction of those natural resources.

1. Natural resources shall be considered valuable if a person, by extracting the natural resources, can receive revenue and reasonably expect to operate at a profit.
2. In determining whether very serious consequences would result from the extraction, by mining, of natural resources, the standards set forth in *Silva v Ada Township*, 416 Mich 153 (1982), shall be applied and all of the following factors may be considered, if applicable:
 - a. The relationship of extraction and associated activities with existing land uses.
 - b. The impact on existing land uses in the vicinity of the property.
 - c. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
 - d. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
 - e. The impact on other identifiable health, safety, and welfare interests in the local unit of government.
 - f. The overall public interest in the extraction of the specific natural resources on the property.
3. The Planning Commission may regulate hours of operation, blasting hours, noise levels, dust control measures, and traffic, not preempted by [Part 632 of the Natural Resources And Environmental Protection Act, 1994 PA 451](#), MCL 324.63201 to 324.63223. However, such regulation shall be reasonable in accommodating customary mining operations.

B. Application.

In connection with any such application, the applicant shall furnish the following:

1. Topographic survey map on a scale not less than one (1") inch equaling one hundred (100') feet showing on a two (2') foot contour interval existing grades of the land prior to any removal, grades of the proposed excavations, and the finished grades, said map to be prepared and sealed by a registered civil engineer or land surveyor.
2. Detailed proposal as to method of operation and type of machinery or equipment which will be used and the estimated period of time the operation will cover.
3. Detailed statement showing exactly what type of deposit it is proposed to extract or add.

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4. Such other information as would be reasonably required to appraise the character and nature of the proposed use.

C. Performance Bond.

The Planning Commission shall require as a condition of its approval that the applicant file a surety bond executed by a reputable surety company authorized to do business in the State of Michigan and running to the Village in an amount established by the Planning Commission conditioned upon the prompt and complete compliance with all the provisions of this Ordinance and the requirements upon which the Planning Commission may condition its approval. The Planning Commission shall, in establishing the amount of the bond, consider the scale of the operations, the prevailing cost to rehabilitate the property upon default of the operator, court costs, and other reasonable expenses. If the owner of the property and the operator of the proposed use shall be separate, each of them shall be required to execute the bond as principal.

D. Permits.

After considering all available facts and after public hearing, the Planning Commission, if it shall determine that the proposed operation will not be injurious to the general public health, safety, and welfare and after making the determinations aforesaid, shall authorize the Zoning Administrator to issue a permit conditioned upon compliance with the requirements of this Article. Said permit shall be for a period of one (1) year except that the Planning Commission may authorize a permit for removal of sand, gravel, stone aggregate, and other raw materials or minerals for longer than one (1) year, but not to exceed three (3) years, if the Planning Commission finds that the removal for the additional period will not be injurious to the public health, safety, and welfare, considering the nature of the removal operation, the quantity of the raw materials or minerals to be removed, and the impact of the removal on adjacent property. Permits shall be non-transferable in whole or in part and if the property owner and the operator shall not be the same shall be issued jointly to the property owner and the operator.

E. Physical Requirements.

In connection with any such operation the following physical requirements shall be satisfied:

1. No cut shall be made which creates a pit or depression in the earth closer than fifty (50') feet measured from the nearest street, highway, or alley right-of-way line nor nearer than ten (10') feet to the nearest property line, provided, however, that the Planning Commission may prescribe more strict requirements in order to give lateral support to surrounding property where soil or geographic conditions warrant it.
2. Where an excavation results in a temporary edge being formed which is in excess of a five to one (5:1) slope, a fence shall be erected protecting that portion of the site where said edge extends, which fence shall be of wire mesh or other suitable material to afford protection to persons and property and be not less than five (5') feet in height.

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3. No roads may be used for the purpose of ingress or egress to said excavation, stripping, or removal site which are located within four hundred (400) feet of occupied residences unless such roads be of a hard surface with concrete, bituminous substance, or chemically treated at sufficient intervals of time to ensure that dust will be controlled.
 4. Wherever top soil exists suitable for growing turf or for other land use at the time the operations begin, a sufficient quantity of top soil shall be stockpiled on said site so that the entire site, when operations are completed may be covered with a minimum of four (4") inches of top soil. Such replacement shall be in a manner suitable for growing turf or for other land uses.
 5. When the filling and grading have been completed, the Planning Commission may require a topographic survey by a registered civil engineer or land surveyor under his seal to be submitted by the owner or operator covering the completed removal and filling operations which must be approved by the Building Inspector for compliance with the requirements of this Ordinance and the permit before release of the bond.
 6. Additional equipment or machinery for the operations on the premises shall not be permitted unless specifically applied for in the application and covered by the permit issued.
 7. The operations conducted under a permit issued as aforesaid shall be carried on only during such reasonable hours as shall be established by the Planning Commission.
 8. No stockpile of sand, gravel, stone aggregate, or other raw materials shall remain on the site for a period longer than thirty (30) days after the expiration of said permit.
- F. The Planning Commission may establish such other reasonable requirements as are deemed necessary to properly protect the public health, safety, and welfare and may waive or modify any of the above requirements which are not deemed requisite by the Planning Commission to protect the public health, safety, and welfare.

Section 7.11 Antennas & Towers (Wireless Communications)

All wireless communications support structures and antennas shall comply with the Federal Aviation Administration requirements. The antenna or support structures and the construction, installation, maintenance, and operation thereof, shall comply with all Federal, State, and local laws, statutes, codes, ordinances, rules, and regulations. A wireless communication antenna or support structure shall require a zoning permit in all instances and may be permitted as follows:

A. **Antenna Co-Location on an Existing Support Structure.**

1. **Co-Location (All Districts).** Antenna co-location on an existing support structure shall be a permitted use of property pursuant to Section 3514 of **2006 PA 110**, as amended, provided it will not do any of the following:

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- a. Increase the overall height of the wireless communications support structure by more than twenty (20') feet or ten (10%) percent of its original height, whichever is greater.
- b. Increase the width of the wireless communications support structure by more than the minimum necessary to permit co-location.
- c. Increase the area of the existing equipment compound to greater than two thousand five hundred (2,500 ft²) square feet.

If co-location will not meet the above standards, it shall require a Special Land Use Permit.

- 2. No antenna or similar sending/receiving devices appended to the support structure, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the support structure thereby jeopardizing the tower's/support structure's structural integrity.
- 3. The installation and/or operation of the above mentioned antennas or facilities shall not interfere with normal radio/television reception in the area. In the event interference occurs, it shall be the sole responsibility of the owner to rectify the situation with the parties involved.

B. New Wireless Support Structures.

1. Wireless Support Structures Less than 50' in Height and Amateur Radio Antenna.

- a. Wireless support structures erected which are not more than fifty (50') feet in height as measured between the tower's base at grade and its highest point erected and all Amateur Radio Antenna are permitted uses in all districts and exempt from [Section 7.11](#) (except this **subsection 7.11.B.1**). Amateur radio antenna shall be no higher than is sufficient to accommodate amateur radio service communications.
- b. A wireless support structure/amateur radio antenna shall be located only in the rear yard except that in Commercial and Industrial Districts the antenna or tower may be located in the side yard. This paragraph does not apply to small satellite dishes thirty-six (36") inches in diameter or less.
- c. A wireless support structure/amateur radio antenna shall be located at least ten (10') feet from all lot lines.
- d. The height of a satellite dish antenna larger than three (3') feet in diameter, including any platform or structure upon which the satellite dish antenna is mounted, shall not exceed fifteen (15') feet.

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- e. Except as provided in (1) below, a wireless support structure/amateur radio antenna shall be permanently attached to a roof or a foundation.
 - 1. A satellite dish antenna shall be permanently attached to a foundation. No satellite dish antenna shall be mounted on the roof of a building, unless it is thirty-six (36") inches in diameter or less.
- f. **Signs and Advertising.** No part of a wireless support structure/amateur radio antenna shall exhibit any name, message, symbol, graphic representation, or other writing visible from adjoining properties.
- 2. **New Support Structures 50' or Greater in Height.** New wireless communications support structures which are greater than fifty (50') feet in height may be authorized as a Special Land Use by the Planning Commission in the HC or I-1 District using the procedures listed in **subsections C** and **D** below.

C. Special Land Use Approval Procedure for New Wireless Support Structures.

- 1. An application for Special Land Use approval of wireless communications support structures shall include all information required by **Section 5.2 (Site Plan Content)**.
- 2. After an application for a Special Land Use approval is filed, the Zoning Administrator shall determine whether the application is administratively complete. The application shall be considered to be administratively complete when the Zoning Administrator makes that determination or fourteen (14) business days after the Zoning Administrator receives the application, whichever is first.
- 3. If, before the expiration of the 14-day period under **subsection C.2**, the Zoning Administrator notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the 14-day period under **subsection C.2** is tolled until the applicant submits to the body or official the specified information or fee amount due. The notice shall be given in writing or by electronic notification.
- 4. The Planning Commission shall approve or deny the application not more than ninety (90) days after the application is considered to be administratively complete. If the Planning Commission fails to timely approve or deny the application, the application shall be considered approved and the Planning Commission shall be considered to have made the determination required for approval.

D. Wireless Support Structure (50' or Greater in Height) Submittal Requirements and Approval Standards.

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1. **Visual Impact Analysis.** The Village may request a visual impact analysis, prepared by the applicant, which includes graphic depictions of the anticipated visual appearance of the tower from important vantage points in the surrounding area. Methods used in preparing the analysis shall be reviewed and approved by the Zoning Administrator.
2. **Height Exemption.** A wireless communications support structure shall be exempt from building height limits established by zoning district regulations, provided that the tower height shall not exceed the minimum height necessary to serve its intended functions. Such towers shall comply with all **FAA** requirements.
3. **Buildings and Equipment.** The tower and any ancillary building housing equipment needed for operation of the wireless communications equipment shall not exceed the floor area and height minimally necessary for such equipment and shall be of a size, type, and exterior materials which are aesthetically and architecturally compatible with the surrounding area and as minimally obtrusive as possible. Landscape screening may be required by the Planning Commission to accomplish screening of ancillary equipment buildings.
4. **Color.** The tower shall be colored so as to be as unobtrusive as possible. The coloring of towers in alternate bands of color shall be permitted only if specifically required by **Federal Communications Commission** (FCC), **Federal Aviation Administration** (FAA), or **Michigan Aeronautics Commission** (MAC) regulations. If alternate band coloring is required by **FCC**, **FAA**, or **MAC** regulations, the applicant shall provide documentation of such requirements and regulations.
5. **Lighting.** The applicant shall provide documentation of any lighting to be installed on the tower. Lighting shall consist of the minimum required by the **FAA**, **MAC**, **FCC**, or other applicable agencies.
6. **Signs and Advertising.** No part of an antenna or tower shall exhibit any name, message, symbol, graphic representation, or other writing visible from adjoining properties.
7. **Conformance with Other Regulations.** The antenna or tower, and the construction, installation, maintenance, and operation thereof, shall comply with all Federal, State, and local laws, statutes, codes, ordinances, rules, and regulations.
8. **Performance Guarantee.** As a condition of approval, the Planning Commission may require an owner to deposit a performance guarantee pursuant to **Section 9.5**. If required, such performance guarantee shall be in an amount equal to one and one-quarter (1.25) times the estimated cost of removal of the tower at the time of approval. Such escrow deposit or bond shall be maintained by successor owners.
9. **Abandonment.** All abandoned or unused towers and associated facilities shall be removed within twelve (12) months of the cessation of operations at the site unless a time extension is approved by the Village Manager and Zoning Administrator. A copy of the relevant portions

1 Title & Authority

2 Definitions

3 General Provisions

4 District Regulations

5 Site Plan Review

6 Special Land Use Review

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of a signed agreement, which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site, shall be submitted at the time of application. In the event that a tower and associated facilities is not removed within twelve (12) months of the cessation of operations at a site, the tower and associated facilities may be removed by the Village and the costs of removal assessed against the property (unless a Performance Guarantee was deposited at the time of approval and is available for use).

- 10. **Setbacks.** The tower and any supporting or appurtenant structures shall be no closer to any lot line or public street than the distance equal to the height of the tower measured from its base at grade to its highest point of elevation.
- 11. **Modifications.** Modifications to an existing tower that significantly change the structure (that do not fall under **subsection A**) require a new Special Land Use permit. Replacement of equipment or replacement of the tower that does not significantly change the original structure requires only a zoning permit. The Zoning Administrator makes the determination if a new Special Land Use approval is required.

E. **Small Cell Wireless Facilities.**

- 1. **Exempt Small Cell Wireless Facilities.** The co-location of a small cell wireless facility and associated support structure within a public right-of-way (ROW) is not subject to zoning reviews or approvals under this Ordinance to the extent it is exempt from such reviews under the **Small Wireless Communications Deployment, 2018 PA 365**, as amended. In such case, a utility pole in the ROW may not exceed forty (40') feet above ground level without Special Land Use approval and a small cell wireless facility in the ROW shall not extend more than five (5') feet above a utility pole or wireless support structure on which the small cell wireless facility is co-located.
- 2. **Special Land Use Approval for Non-Exempt Small Cell Wireless Facilities.** The modification of existing or installation of new small cell wireless facilities or the modification of existing or installation of new wireless support structures used for such small cell wireless facilities that are not exempt from zoning review in accordance with **2018 PA 365**, as amended shall be subject to review and approval by the Planning Commission as a Special Land Use in accordance with the following procedures and standards:
 - a. The processing of an application is subject to all of the following requirements:
 - (1) Within thirty (30) days after receiving an application under this Section, the Zoning Administrator shall notify the applicant in writing whether the application is complete. The notice tolls the running of the 30-day period.
 - (2) The running of the time period tolled under subsection (1) resumes when the applicant makes a supplemental submission in response to the Zoning Administrator's notice of incompleteness.

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- (3) The Planning Commission shall approve or deny the Special Land Use application and notify the applicant in writing within ninety (90) days after an application for a modification of a wireless support structure or installation of a small cell wireless facility is received or one hundred fifty (150) days after an application for a new wireless support structure is received. The time period for approval may be extended by mutual agreement between the applicant and Planning Commission.
- b. The Planning Commission shall base their review of the request on the standards contained in [Sections 5.4](#) and [Section 6.3](#) provided, however that a denial shall comply with all of the following:
 - (1) The denial is supported by substantial evidence contained in a written record that is publicly released contemporaneously.
 - (2) There is a reasonable basis for the denial.
 - (3) The denial would not discriminate against the applicant with respect to the placement of the facilities of other wireless providers.
- c. In addition to the provisions set forth in [subsection b](#), in the Planning Commission’s review:
 - (1) An applicant's business decision on the type and location of small cell wireless facilities, wireless support structures, or technology to be used is presumed to be reasonable. This presumption does not apply with respect to the height of wireless facilities or wireless support structures.
 - (2) An applicant shall not be required to submit information about its business decisions with respect to any of the following:
 - (a) The need for a wireless support structure or small cell wireless facilities.
 - (b) The applicant's service, customer demand for the service, or the quality of service.
 - (3) The Planning Commission may impose reasonable requirements regarding the appearance of facilities, including those relating to materials used or arranging, screening, or landscaping.
 - (4) The Planning Commission may impose spacing, setback, and fall zone requirements substantially similar to spacing, setback, and fall zone requirements imposed on other types of commercial structures of a similar height in a similar location.
- d. Within one (1) year after a zoning approval is granted, a small cell wireless provider shall commence construction of the approved structure or facilities that are to be operational

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for use by a wireless services provider, unless the Planning Commission and the applicant agree to extend this period or the delay is caused by a lack of commercial power or communications facilities at the site. If the wireless provider fails to commence the construction of the approved structure or facilities within the time required the zoning approval is void.

Section 7.12 Planned Unit Development

A. Intent.

1. A PUD, or Planned Unit Development, is not a District per se, but rather a set of standards that may be applied to a development type.
2. The Planned Unit Development accommodates the fulfillment of the objectives of the Village Comprehensive Plan while allowing limited relief from strict application of use and bulk regulations which may cause undue hardship or complications for desirable but unconventional development.
3. It is intended that a PUD promote innovation in land use and variety in design, layout, and the type of structures constructed; economy and efficiency in the use of land, natural resources, energy and the provision of public services and utilities; encourage the provision of useful public open space; and provide better housing, shopping, and employment opportunities than can be provided for by more conventional zoning, consistent with the Village Comprehensive Plan. It is also intended that the PUD promote mixed-use developments, and, where appropriate, a pedestrian-oriented environments in keeping with the Village character.

B. Design Standards and Criteria.

In addition to the standards applicable to each specific type of district and all other standards of this Ordinance, development plans for all PUDs shall also meet the standards and conditions contained in this subsection.

1. **General.** The development plan shall include sufficient covenants, easements, and other provisions relating to bulk, layout, land uses, and public facilities as are necessary to protect the welfare of the Planned Unit Development and adjoining properties and are not inconsistent with the Village Comprehensive Plan.
2. **Ownership.** The Planned Unit Development shall be under single ownership and/or unified control at the time of filing an application for approval of the Planned Unit Development.
3. **Public Improvements.** All public improvements shall conform to the regulations and design standards of the Village Subdivision Regulations, except that the design standards may be modified if the function of the public improvement is not altered.

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4. **Recreation.** The Planned Unit Development shall provide for the dedication of land for park and recreational purposes and land for school sites or a cash contribution in-lieu of actual land dedication or a combination of both all in accordance with Village Ordinances.
5. **Number of Buildings per Lot.** A Planned Unit Development may provide a means to utilize a parcel of land or lot for the purpose of erecting more than one (1) principal building or structure.
6. **Uses Allowed.** Any land use authorized in this Ordinance may be included in a Planned Unit Development, subject to adequate public health, safety, and welfare protection mechanisms being designed into the development to ensure the compatibility of varied land uses both within and outside the development. Mixed use PUD’s are encouraged. However, PUD’s that are primarily residential should locate in residential or mixed use districts. PUD’s that are primarily commercial should locate in commercial or mixed use districts.
7. **District Requirements.** Minimum development standards set forth by the original district in which the proposed PUD is located shall act as general guideline. To encourage flexibility and creativity consistent with the intent of PUD regulations, the Village may permit specific departures from the requirements of the Zoning Ordinance.
8. **Open Space.** A minimum of twenty-five (25%) percent of the land area of the Planned Unit Development devoted to multiple-family residential use shall consist of common open space. No area within thirty (30') feet of any building or structure, except one used for recreational purposes, shall be included in the computation of the common open space requirements. In no event shall the total amount of common open space, including the required park donation, have to exceed forty five (45%) percent of the gross land area of the Planned Unit Development.
9. **Landscaping.** Exceptional landscaping features such as larger caliper, varied species, and reduced spacing of trees and plantings shall be provided for Planned Unit Developments compared to standards specified by the Village Subdivision Ordinance and site development regulations. All front, side, rear yards, and open spaces where required shall be suitably contoured, landscaped, and maintained to provide protective screening between the proposed project and adjacent areas not in the project and to screen various ancillary uses within the project from other uses, such as off-street parking facilities in relation to residential buildings or patios for one family unit in relation to another family unit, etc.
10. **Streets, Curbs, Gutters, and Sidewalks.** All public streets within a PUD shall comply with the applicable standards of the Emmet County Road Commission. Private streets shall comply with the standards for private streets as set forth in this Ordinance. Curbs, gutters, and sidewalks may be required if it is determined that the improvements are necessary for reasons of public safety.
11. **Traffic Generation.** The amount and type of traffic generated by the proposed project shall not exceed the capacity of existing streets or streets proposed as a part of the

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proposed project to safely absorb that additional traffic, giving due regard to the hours of prime traffic generation. The proposed project shall be designed so that all additional traffic generated by the proposed project will not create a substantial detrimental effect on neighboring properties or on the health, safety, and welfare of the Village residents including the residents of the project.

- 12. **Traffic Circulation.** Within each project, the streets and pedestrian walkways shall be designed so as to facilitate safe pedestrian and vehicular traffic flow patterns with due regard to the prevention of any hazardous design or construction based upon traffic engineering standards normally applied in the Village.
- 13. **Traffic and Emergency Access.** All points of ingress and egress to the project shall be located and designed to maximize safety. Within each development, buildings and streets shall be located to maximize access for emergency vehicles.
- 14. **Environmental Effects.** Each project shall be designed to have a minimal adverse effect on the environment, as documented by the environmental impact statement if one is required. Special emphasis shall be placed on maintaining the quality of ground water, streams, and rivers. Trees shall be preserved wherever feasible.
- 15. **Schools.** Whether a project can be served by existing schools and school-related facilities and the impact upon schools, if the property is developed in accordance with the PUD plans or in accordance with the conventional zone district requirements, shall be considered. In addition, streets and pedestrian paths shall be designed and located in any project to facilitate the ability of students to make the best and safest use of existing schools and school related facilities.
- 16. **Public Facilities.** The impact which a project will have on fire and police protection services and on water and sewer facilities and the costs for such services shall be considered and each project shall be designed and located to facilitate use of, access to, or the logical expansion or extension of existing facilities in order to minimize any adverse financial or other impact upon the Village and to promote public health and safety.
- 17. **Water, Sewer and Drainage Systems.** A PUD shall be served by public or private water or sanitary sewer systems, which shall be approved by the Health Department of Northwest Michigan and the Village Council. A PUD shall also have a drainage system for surface water run-off, which shall be approved by the Emmet County Drain Commission and the Village Council.
- 18. **Height Requirement.** A building or structure within a PUD shall not exceed thirty (35') feet in height as measured from the established grade of the building's surrounding area. A greater height may be permitted by the Village Council if it finds that a greater height is appropriate for the PUD, will not have adverse effects on adjoining properties, and can be adequately served by the Village Fire Department.

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- 19. **Street Plans.** A PUD shall be designed to comply with the location for future streets as set forth in the Comprehensive Land Use Plan for the Village and shall also be designed in accordance with the Plan for the U.S. 31 corridor, if such plan is developed by MDOT.
- 20. **Location of Buildings Structures and Parking Areas.** The PUD shall be designed so the location of buildings, structures, and parking areas within the development maximize the preservation of the natural topography and other natural features of the site and shall minimize any adverse impact upon adjacent or neighboring property.
- 21. **Outdoor Lighting.** Subject to all other provisions of this Ordinance, outdoor lighting, when permitted, shall be designed and located to avoid casting any direct or reflected glare upon neighboring property or upon adjacent structures within the proposed project. In addition, all lighting shall meet all standards and guidelines as called for in the Emmet County Zoning Ordinance and Lighting Guidelines.
- 22. **Signs.** Signs shall comply with the provisions of [Section 3.19 \(Signs\)](#).
- 23. **Off-Street Parking and Loading.** Except as provided by this Section, a PUD shall meet the off-street parking area and off-street loading/unloading space requirements provided by [Section 3.15](#) of this Ordinance for each use within the PUD. The Planning Commission may recommend approval of, and the Village Council may in its discretion approve, a proposed PUD which provides for less than the otherwise required off-street parking area and/or off-street loading and unloading space, if the applicant demonstrates to the satisfaction of the Planning Commission and the Village Council that less than the required parking area or loading/unloading space will meet the projected needs of the PUD due to:
 - a. The nature, size, density, location, or design of the proposed project, including the design of the development's plan for circulation, parking, and loading/unloading;
 - b. The availability of vacant or otherwise undeveloped land within the PUD development which, as shown on the proposed development plan, will remain available to provide additional off-street parking area or loading/unloading space if additional area or space for those purposes is subsequently determined to be necessary by the Village Council to meet the needs of the PUD;
 - c. The unique parking and loading/unloading needs of the residents, occupants, or users of the project; or
 - d. Any other factors reasonably related to the need for parking area or loading/unloading space for the proposed project.

C. **Procedure.**

A Planned Unit Development shall be granted as a Special Land Use to the zoning district in which it is located. The process for obtaining a Planned Unit Development shall be as follows:

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1. **Concept Plan.** A concept review before the Planning Commission and Village Council shall be conducted after an initial review by Village Staff. Recommendations and findings listed during the concept stage are preliminary only, subject to modification as a result of information provided during later public hearing stages.

2. **Preliminary Plat.**
 - a. An application for approval of a Preliminary Plat of Planned Unit Development shall be filed in writing with the Village Planning Commission. The Zoning Administrator shall transmit the application to the Planning Commission for review and duly published public hearing. The application shall contain such information as may be required to conduct a comprehensive review and evaluation of the proposal as determined by Village Staff, the Planning Commission, or Village Council.
 - b. Notice of the public hearing shall be published in accordance with [Section 9.7](#) and all applicable State Statutes.
 - c. The applicant shall give written notice to owners of adjoining property as required by law.
 - d. The public hearing shall be conducted by the Planning Commission and a record of such proceedings shall be preserved in such manner as the Planning Commission shall, by rule, prescribe from time to time.
 - e. The Planning Commission shall make written findings of fact and shall submit same together with its recommendations to the Village Council.
 - f. After recommendation by the Planning Commission, the Village Council may grant, deny or grant with modification, the proposed Planned Unit Development.
 - g. The Preliminary Plat of the Planned Unit Development and supporting documents shall become part of the official record of approval. Approval of a Preliminary Plat of Planned Unit Development shall not constitute final approval of the Final Plat of Planned Unit Development, rather it shall be deemed an expression of approval of the concept and layout submitted on the Preliminary Plat as a guide to the preparation of the Final Plat of Planned Unit Development.

3. **Final Plat.**
 - a. The Planned Unit Development may be final platted in segments. The Final Plat or plats of the Planned Unit Development shall conform substantially to the Preliminary Plat of Planned Unit Development, as approved. The Preliminary Plat of Planned Unit Development shall generally specify uses of land and locations of buildings, whereas the

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Final Plat of Planned Unit Development shall designate with particularity of the uses of land and the location of buildings.

- b. An application for approval of a Final Plat of Planned Unit Development shall be filed in writing with the Zoning Administrator. The Zoning Administrator shall transmit the application to the Plan Commission for review. The application shall contain such information as may be required to conduct a comprehensive review and evaluation of the application as determined by the Village Staff, the Planning Commission, or Village Council.
- c. The review shall be conducted by the Planning Commission and a record of such proceedings shall be preserved in such a manner and the Planning Commission shall, by rule, prescribe from time to time.
- d. The Planning Commission shall make written findings of fact and shall submit same together with its recommendations to the Village Council.
- e. After recommendation by the Planning Commission, the Village Council may grant, deny or grant with modification, the proposed Planned Unit Development. The Final Plat of Planned Unit Development and supporting documents shall become part of the official record of approval.

D. Content of Planned Unit Development Submittals.

For each stage in the Planned Unit Development review process, the following information and data shall be submitted:

1. **Concept Plan.** The following information and data is required:
 - a. Data regarding site conditions, land characteristics, available community facilities and utilities, and other related general information about uses of land on site and surrounding sites.
 - b. Sketch drawing showing the proposed location of the uses of land, major streets, and other features.
 - c. Property survey and legal description of the subject parcel of land.
2. **Preliminary Plat.** The following information and data is required:
 - a. **Preliminary Plat.** A drawing of the Planned Unit Development, at a scale of one hundred (100') feet to one (1) inch (1" = 100'), composed of one (1) or more sheets showing the following information:
 - (1) Title by which the proposed Planned Unit Development is to be referred.

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- (2) Legal description of the property and total acreage included.
- (3) Date, scale, north point, and date of preparation.
- (4) Name and address of the owner, applicant, engineer, and land surveyor.
- (5) Location of corporate boundary, county, and township lines at or near the Planned Unit Development.
- (6) Location, dimensions, and acreage of proposed land uses including single-family residential, multi-family residential, business areas, industrial areas, open spaces, and school sites.
- (7) Location and dimensions of proposed streets, alleys, easements, and storm water control areas.
- (8) Dimensions of the lots into which the property is proposed to be subdivided.
- (9) Density of the Planned Unit Development for both the entire development and individual land use areas.
- (10) Location map showing the location of the Planned Unit Development within the Village.
- (11) Character of the surrounding area adjacent to the Planned Unit Development including existing land uses, subdivision of lands, location and dimensions of streets, alleys, easements, and storm water control areas, and location of buildings and structures.
- (12) The zoning classification of the subject property and the surrounding area adjoining the site.
- (13) Location and dimensions of existing streets, alleys, easements, stormwater control areas, buildings, structures, and public utilities within the Planned Unit Development.
- (14) Plan for sidewalks or pedestrian access and circulation.
- (15) General internal uses of each building or structure.
- (16) Ground elevations on the tract showing one (1')foot contours for land that slopes less than one-half (0.5%) percent; two (2') foot contours for land that slopes more than one-half (0.5%)percent; spot elevations at all breaks in grades, along all

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drainage channels or swales, and at selected points not more than one (100') hundred feet apart in all directions.

(17) Flood plain lines including floodway and flood fringe delineation.

- b. **Character.** An explanation of the character of the Planned Unit Development, the reasons why it needs the flexibility of the Planned Unit Development regulations, how the official plan affects the property, and how it accomplishes the purposes of the Planned Unit Development regulations.
 - c. **Design Schedule.** A listing of the area, lot width, yard, height, and bulk requirements applicable to the Planned Unit Development.
 - d. **Service Facilities.** Information on all service facilities and off-street parking facilities.
 - e. **Preliminary Engineering.** Engineering in sufficient detail which will convey the general basis of design of the sanitary sewer, water, storm water control, flood control and street facilities.
 - f. **Natural Features Study.** An analysis of the natural features and drainage patterns of the property.
 - g. **Geological and Soil Analysis.** An examination of the adequacy of the property for development.
 - h. **Impact Studies.** Impact studies and geological analysis and other information and data as the Planning Commission may require for the full and complete consideration of the Planned Unit Development.
3. **Final Plat.** The following information and data is required:
- a. **Final Plat.** A drawing of the Planned Unit Development, suitable for recording with the County Recorder of Deeds, showing the following information:
 - (1) Designation with particularly the uses of the land and the location of buildings and structures.
 - (2) Title under which the proposed Planned Unit Development is to be recorded.
 - (3) Legal description of the property and total acreage included.
 - (4) Date, scale, north point, and date of preparation.

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- (5) Location, dimensions, and acreage of proposed land uses including single-family residential, multi-family residential, business areas, industrial areas, open spaces, and school sites.
- (6) Location and dimensions of proposed streets, alleys, easements, and storm water control areas.
- (7) Dimensions of the lots into which the property is proposed to be subdivided.
- (8) Plan for sidewalks or pedestrian access and circulation.
- b. **Design Schedule.** A listing of the area, lot width, yard, height, and bulk requirements applicable to the Planned Unit Development.
- c. **Statement of Intent and Agreement.** A document by the applicant setting forth the nature, kind, character, and the extent of all the public improvements to be constructed, the specific park and school donation, applicable fees and charges, agreement on cost sharing of public improvement, and agreement on any other items.
- d. **Financing Surety.** Guarantee of funds in accordance with the procedures adopted by the Village.
- e. **Covenants.** Final agreements, provisions or covenants which will govern the use, maintenance, and continued protection of the Planned Unit Development.
- f. **Final Engineering.** Complete and detailed engineering which shows the design of the sanitary sewer, water, storm water control, flood control, and street facilities including specifications.
- g. **Cost Estimate.** Estimates of cost for all public improvements.
- h. Other information and data as the Village Staff, Planning Commission, or Village Council may require for full and complete consideration of the Planned Unit Development.

E. Modification of the Planned Unit Development.

A Planned Unit Development shall be constructed in accordance with the approved Preliminary or Final Plat of Planned Unit Development and all supporting data. These plats shall control and limit the use of the parcel of land (including the general internal use of buildings and structures) and the location of buildings and structures in the Planned Unit Development as indicated on the plats.

Modification to the Planned Unit Development shall be defined as follows:

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1. **Major Changes.** Major changes are modifications which alter the concept or intent of the Planned Unit Development such as changes in density, changes in location and type of uses of land, increases in the height of buildings or structures, reduction in the acreage of open space, modification increasing the number of dwelling units in any designated land use area, or alteration in road alignment.

A revised Preliminary Plat of Planned Unit Development and supporting data shall be submitted upon a major change. The procedure for approval shall be in accordance with the provisions of [subsection C.2](#) (above). If a Final Plat of Planned Unit Development has also been approved, it shall also be amended at the time of approval of the revised Preliminary Plat of Planned Unit Development.

2. **Minor Changes.** Any change not considered a Major Changes shall be considered a Minor Change. Minor changes shall be approved by the Village Council without the review and recommendation of the Planning Commission. This provision shall not prohibit the Village Council from requesting of the Planning Commission its new review and recommendation.

F. Findings of Facts.

The Planning Commission shall not recommend nor the Village Council grant a Planned Unit Development unless it shall make findings based upon the evidence presented to it in each specific case that:

1. The design of the Planned Unit Development presents an innovative and creative approach to the development of land and living environments.
2. The Planned Unit Development meets the requirements and standards of the Planned Unit Development regulations.
3. The physical design of the Planned Unit Development efficiently utilizes the land and adequately provides for transportation and public facilities while preserving the natural features of the site.
4. Open space areas and recreational facilities are provided.
5. The modifications in design standards from the subdivision control regulations and the waivers in bulk regulations from the zoning regulations fulfill the intent of those regulations.
6. The Planned Unit Development is compatible with the adjacent properties and the neighborhood.
7. The Planned Unit Development fulfills the objectives of the Comprehensive Plan and land use policies of the Village.

G. Effective Period of Planned Unit Development.

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1. The Planned Unit Development shall be constructed in a timely manner. The Planned Unit Development shall be subject to revocation under the following conditions:
 - a. Final Platting does not occur within two (2) years from the date of approval of the Preliminary Plat of Planned Unit Development.
 - b. Construction does not commence and a letter of credit and proceed within two (2) years from the date of approval of the Final Planned Plat of a Planned Unit Development.
2. The Village Council may extend those time limits in one (1) year increments.
3. The Village Council may initiate or the owner of the parcel of land on which the Planned Unit Development is to be constructed may apply for the revocation of the Planned Unit Development. Said owner shall be notified, in writing, at least thirty (30) days prior to the Village Council consideration of the revocation.
4. Upon the revocation of the Planned Unit Development, the parcel of land shall conform to the permitted uses and other regulations of the zoning district of which it is a Special Land Use unless an amendment or other Special Land Use is initiated by the Village Council or is applied for by the owner of the parcel of land on which the Planned Unit Development was to be constructed and granted by the Village Council in accordance with the provisions of this Section.

Section 7.13 Medical Marijuana Primary Caregivers

A. Intent and Purpose.

The purpose of this Section is to implement land use regulations to address the medical use of marijuana as authorized by the enactment of the [Michigan Medical Marijuana Act](#) (hereinafter referred to as the "MMMA"), Initiated Law 1 of 2008, MCL 333.26423, et seq, and its administrative rules, [R 333.101, et seq.](#)

B. Regulations for Primary Caregivers.

The medical use of marijuana by a primary caregiver in a primary caregiver facility is hereby authorized as a use by right in any zoning district, provided that all of the following regulations are met:

1. The primary caregiver must be issued and at all times must maintain a valid registry identification card by the [Michigan Department of Licensing and Regulatory Affairs](#) or any successor agency under the provisions of the [MMMA](#).
2. Except when being transported as provided in [subsection 8](#) below, all marijuana plants or products must be contained within the primary caregiver facility in an enclosed, locked

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facility that segregates the marijuana plants and products for medical use for each qualifying patient and that permits access only by the primary caregiver.

3. If a room with windows within the primary caregiver facility is utilized to grow marijuana for medical use, any artificial lighting shall be shielded to prevent glare, must not be visible from neighboring properties, and must not be visible from adjacent streets or public ways.
4. Except as provided herein, no more than one (1) primary caregiver shall be permitted to provide primary caregiver services within a single primary caregiver facility. Provided, however, a husband and wife or not more than two (2) unrelated individuals whose relationship is of a permanent and distinct domestic character and who live as a single, nonprofit housekeeping unit with single culinary facilities may both be primary caregivers within the same primary caregiver facility.
5. Except for any qualifying patients who reside with the primary caregiver at the primary caregiver facility, no more than five (5) qualifying patients may be present at the same time at a primary caregiver facility for any purpose directly related to primary caregiver services. This subsection, however, shall not be construed to prohibit the presence of qualifying patients at a primary caregiver facility for purposes unrelated to primary caregiver services.
6. Qualifying patient visits to a primary caregiver facility shall be restricted to between the hours of 8:00 a.m. and 8:00 p.m., except when
 - (a) The qualifying patient resides with the primary caregiver at the primary caregiver facility, or
 - (b) The qualifying patient visits are for purposes unrelated to primary caregiver services.
7. No qualifying patients under the age of eighteen (18) shall be permitted at any time at a primary caregiver facility, except when
 - (a) In the presence of his/her parent or guardian, or
 - (b) The qualifying patient resides with the primary caregiver at the primary caregiver facility, or
 - (c) The qualifying patient visits are for purposes unrelated to primary caregiver services.
8. No marijuana for medical use shall be dispensed by the primary caregiver to qualifying patients at the primary caregiver facility, except to a qualifying patient who resides with the primary caregiver at the primary caregiver facility. Except as provided herein, the primary caregiver shall deliver all marijuana for the medical use of such qualifying patient, and such delivery shall take place on private property away from public view. Any such delivery vehicle shall be unmarked and not bear any emblem or sign that would indicate the nature

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of its cargo. In addition, all marijuana for medical use delivered to a qualifying patient shall be packaged so the public cannot see or smell the marijuana.

9. No marijuana for medical use shall be consumed, smoked, or ingested by a qualifying patient by any method at a primary caregiver facility, except by a qualifying patient who resides with the primary caregiver at the primary caregiver facility.
10. A primary caregiver shall display at the primary caregiver facility indoors and in a manner legible and visible to his/her qualifying patients:
 - a. A notice that qualifying patients under the age of eighteen (18) are not allowed at the primary caregiver facility, except when
 - (1) In the presence of his/her parent or guardian, or
 - (2) The qualifying patient resides with the primary caregiver at the primary caregiver facility, or
 - (3) The qualifying patient visits are for purposes unrelated to primary caregiver services.
 - b. A notice that no dispensing or consumption of marijuana for medical use shall occur at the primary caregiver facility, except to or by a qualifying patient who resides with the primary caregiver at the primary caregiver facility.
11. A primary caregiver facility shall not have any signage visible from the outdoors that would indicate the nature of the primary caregiver services being conducted in the primary caregiver facility.
12. A primary caregiver facility shall not be located within one thousand five hundred (1,500') feet of the lot on which another primary caregiver facility is located and shall not be located within one thousand five hundred (1,500') feet of a lot on which any of the following uses are located:
 - (a) Any church or place of worship and its accessory structures.
 - (b) Any public or private school, having a curriculum including kindergarten through 12th grade and its accessory structures.
 - (c) Any preschool, child care, or day care facility and its accessory structures.
 - (d) Any public facility, such as libraries, museums, parks, playgrounds, public beaches, community centers, and other public places where children may congregate.
13. The portion of the primary caregiver facility, including any room or area utilized to grow marijuana for medical use, shall contain electrical service and wiring, certified by an

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electrician licensed in the State of Michigan, meeting the applicable requirements of the electrical code in effect in the Village.

14. If the primary caregiver facility is located within a dwelling, the dwelling shall be the primary residence of the primary caregiver.

C. Relationship to Federal Law.

Nothing within this Section is intended to grant, nor shall it be construed as granting, immunity from Federal law.

D. Commercial Marijuana Facilities.

All commercial medical and recreational marijuana facilities or marijuana establishments as defined in the [Medical Marijuana Facilities Licensing Act, 2016 PA 281](#), as amended, and [Initiated Law 1 of 2018](#), as amended, are prohibited.

Section 7.14 Solar Energy

A. Utility-Scale/Commercial.

1. **Village-Owned Property.** Solar Energy Facilities are allowed on all property owned by the Village of Pellston as well as in the districts indicated in [Table 4.16](#).
2. **Reflection/Glare.** Solar collection devices, or combination of devices, shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard. This may be accomplished by both the placement and angle of the collection devices as well as human-made or environmental barriers. Glare intensity is considered an issue if it measures more than twenty (20%) percent of the incident sun intensity. Plans to reduce glare may be required in the initial materials submitted.
3. **Impervious Surface/Stormwater.** If more than eight thousand (8,000 ft²) square feet of impervious surface will be located on the site, the application shall include a drainage plan prepared by an engineer showing how stormwater runoff will be managed. If detergents will be used to clean solar panels, details on the type of detergent, frequency and quantity of use, and stormwater quality protection measures shall be provided. Any necessary permits from outside agencies for off-site discharge shall be provided.
4. **Screening.** Solar devices shall be screened from view from any residential district or residential use by use of a masonry screen wall, evergreen vegetation or other screening of a similar effectiveness and quality, if determined as necessary by the Planning Commission.

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- 5. **Setbacks.** The setbacks of all solar collection devices and ancillary equipment shall be at least fifty (50') feet from all property lines. Solar panels will be kept at least one hundred (100') feet from a residence that is not part of the Special Land Use.
- 6. **Electrical Transmission Lines.** All electrical service and transmission lines on the site of the solar energy facility shall be located underground.
- 7. **Abandonment.** Any freestanding solar collection site or device which is not used for one (1) year shall be deemed to be abandoned. The applicant/permit holder will be so notified in writing by the Village and requested to dismantle the site and return it to its original state. If there are mitigating circumstances as to why the site has not been used, the applicant/permit holder may contact the Village and request a six month extension. If a site has been deemed abandoned and no request for an extension is received, the applicant/permit holder will be notified to dismantle the site and return it to its original state. If the applicant/permit holder does not do this, the Village will have the removal and restoration done at the owner/applicant's expense. The Village may require a performance guarantee pursuant to **Section 9.5** at the time of approval to use for the cost of removal of abandoned structures. Removal shall include removing posts, equipment, panels, foundations, and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.

B. Accessory Solar Panels.

Solar energy panels shall be allowed as an accessory use in all zoning districts subject to the requirements below. A plan showing the location of the proposed accessory solar panel shall be submitted to the Zoning Administrator. A zoning permit is required following review by the Zoning Administrator. Repair or replacement of an existing panel does not require a review or permit provided there is no change in size, height, or coverage area.

- 1. **Height.**
 - a. Ground-Mounted or Pole-Mounted Accessory Solar Energy Panels shall not exceed ten (10') feet in height when oriented at maximum tilt (measured from the ground at the base of the equipment).
 - b. Roof-Mounted Accessory Solar Energy Panels shall not exceed the maximum allowed building height in any zoning district. Solar Energy Panels that are wall-mounted shall not exceed the height of the building to which they are mounted.
- 2. **Yard Location and Setbacks.**
 - a. Ground-Mounted or Pole-Mounted Accessory Solar Energy Panels shall be located in the rear or side yard and shall be setback a minimum of ten (10) feet from the interior side lot line and ten (10) feet from a rear lot line. The required setback of

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the corner side lot line shall be equal to the front setback for a principal building in the district.

- b. Building-Mounted or Roof-Mounted Accessory Solar Energy Panels shall adhere to district setbacks for a principal building but may encroach into designated principal building setbacks by twelve (12) inches.
3. **Glare.** Panels shall not result in glare onto adjoining properties or public rights-of-way.
4. **Coverage and Size.**
- a. Roof-Mounted or Building-Mounted Accessory Solar Energy Panels shall allow for adequate roof access for fire-fighting purposes.
 - b. Ground-Mounted or Pole-Mounted Accessory Solar Energy Panels shall not exceed fifty (50%) percent coverage of the rear yard (exclusive of setbacks).
5. **Installation.**
- a. Solar energy panels shall be installed, maintained, and used only in accordance with the manufacturer’s specifications.
 - b. Solar energy panels shall comply with building code, electrical code, and all other applicable regulations.
 - c. Solar energy panels that are building-mounted shall be permanently and safely attached to the building or structure and shall be safely supported by the roof.
 - d. Solar energy panels that are ground-mounted shall be safely attached to the ground.

Section 7.15 Country Clubs & Golf Courses

- A. Country clubs and golf courses shall be on property of ten (10) acres or more of land.
- B. Buildings shall be located at least fifty (50’) feet from any other lot.

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Section 7.16 Accessory Dwelling Units

The purpose of this Section is to allow a minor amount of space on a lot and/or within an accessory building to be used, rented, or leased as separate living quarters for extended family or non-family members in residential neighborhoods within the Village. These provisions are further intended to provide reasonable control in recognition of the high percentage of owner-occupied single-family homes in the Village. The purpose of these standards is also to prevent the undesirable proliferation of permanent two-family units which could, over time, disrupt the character of single-family neighborhoods. The following regulations shall apply:

- A. One (1) accessory dwelling unit is allowed per lot. A Special Land Use permit is required.
- B. If the accessory dwelling unit is rented or leased, the tenants of the accessory dwelling unit shall be permanent residents rather than transients.
- C. The dwelling accessory unit shall not exceed six hundred (600 ft²) square feet or twenty-five (25%) percent of the total floor area of the principal dwelling, whichever is less, so that it remains an accessory use to the primary dwelling and does not result in the creation of a duplex or apartment building.
- D. The accessory dwelling unit shall be provided electricity, plumbing, and heat.
- E. The accessory unit shall be a self-contained unit and may be either :
 - 1. Located above an attached or detached garage; or
 - 2. A freestanding, detached unit.
- F. Freestanding, detached accessory dwelling units shall meet the required district setbacks of the principal building.
- G. The residents of the principal dwelling shall maintain the accessory unit and shall ensure that no excessive noise, traffic, or blight occurs on the property.
- H. The accessory dwelling unit shall conform to current building code standards.
- I. One (1) additional parking space shall be provided on-site for the accessory dwelling unit.

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Section 7.17 On-Site Wind Turbines

A. Purpose and Goals.

The purpose of this Section is to establish guidelines for siting wind turbine generators. This Section’s goals are as follows:

1. To promote the safe, effective, and efficient use of wind turbines installed to reduce on-site consumption of electricity supplied by utility companies.
2. To lessen potential adverse impacts that wind turbines may have on residential areas and land uses through careful design, siting, noise limitations, and innovative camouflaging techniques.
3. To avoid potential damage to adjacent properties from turbine failure through proper siting of turbines.

B. Technological Advances and Design Standards Flexibility.

The Village recognizes the accelerated pace at which the technology of wind energy generation is constantly evolving, and the impact these technological changes may have on the use and placement of wind turbines within the Village. Consequently, in order to effectively incorporate new technology that may outpace the regulations established herein, the Planning Commission may approve wind turbines that do not fully comply with the strict development standards of these regulations, if in the opinion of the Commission they comply with the intent of the regulations and do not create significant adverse impacts on the petitioned property, abutting properties, or the immediate neighborhood.

C. On-Site Wind Turbines.

A wind turbine which is intended to primarily serve the needs of the property upon which it is located shall be allowed as a Special Land Use in all districts. The following site development standards shall apply:

1. **Design & Installation.** All wind turbines (ground and roof-mounted) shall comply with building code. Wind turbines shall be installed by a licensed contractor and applications shall be accompanied by engineering drawings of the wind turbine structure including the tower, base, and footings. The installation of the wind turbine shall meet manufacturer’s specifications.
2. **Plot Plan Submittal.** An application for the installation of an On-Site Wind Turbine Generator shall include a plot plan including the following information:
 - a. Location of the proposed wind turbine.

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- b. Location of all structures on the property and adjacent properties and the distance from the wind turbine.
 - c. Distance from other wind turbines on adjacent lots, if applicable.
3. **Height.** The maximum height shall be determined on a case-by-case basis dependent upon the site and manufacturer’s specifications and recommendations. Wind turbines must be able to be contained on the property owner’s lot in the event that it should fall. Height of the wind turbine shall comply with all Federal Aviation Administration (FAA) restrictions.
 4. **Number of Turbines (Horizontal or Vertical).** The number of turbines shall be determined by the spacing requirement of the manufacturer.
 5. **Rotor Clearance.** A minimum fifteen (15’) foot clearance from the ground shall be maintained for the vertical blade tip of a Horizontal Axis Wind Turbine and for the bottom of the rotating spire or helix of a Vertical Axis Wind Turbine.
 6. **Guy Wires.** The use of guy wires shall be prohibited.
 7. **Noise.** Small wind turbines shall not cause a sound pressure level in excess of fifty-five (55) dB(A) or in excess of five (5) dB(A) above the background noise, whichever is greater, as measured at the nearest property line. This level may be exceeded during short-term events such as utility outages and severe wind storms.
 8. **Vibration.** Wind turbines shall not cause vibrations through the ground which are perceptible beyond the property line of the parcel on which it is located.
 9. **Spacing.** Minimum spacing between wind turbines shall be per the manufacturer’s specifications.
 10. **Reception Interference.** Wind turbines shall not cause interference with television, microwave, navigational, or radio reception to neighboring areas.
 11. **Shadow Flicker.** The property owner of a wind turbine shall make reasonable efforts to minimize shadow flicker to any occupied building on nearby properties.
 12. **Potential Ice Throw.** Any potential ice throw or ice shedding from the wind turbine shall not cross the property lines of the site nor impinge on any right-of-way or overhead utility line.
 13. **Visual Impact.** All visible components of a small on-site wind turbine shall be colored a non-reflective, non-obtrusive neutral color and maintained in good repair in accordance with industry standards.

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- 14. **Safety.** An on-site wind turbines shall have an automatic braking system to prevent uncontrolled rotation.
- 15. **Other Regulations.** On-site use of wind turbines shall comply with all applicable State construction and electrical codes, Federal Aviation Administration requirements, Michigan Aeronautics Commission requirements, **1959 PA 259**, as amended, (**Michigan Tall Structures Act**, being MCL 259.481 et. seq.), and the **Michigan Public Service Commission** and **Federal Energy Regulatory Commission** standards.
- 16. **Roof-Mounted Wind Turbines.**
 - a. Roof-mounted Vertical Axis Wind Turbines must be located on the rear half (1/2) of the structure unless incorporated as an architectural design feature of the building.
 - b. Horizontal Axis Wind Turbines shall not be roof-mounted, except for those specifically designed for such installation.

Section 7.18 Commercial Event Facilities

A. **Standards.**

- 1. Restaurants and hotels with banquet facilities where commercial event facilities are accessory to the principal use shall not be subject to this Section.
- 2. **Parking.** No vehicles associated with the event shall be permitted to be parked on public roadways. All vehicle parking shall be maintained "on site." Adequate parking shall be provided for the guests of the event and those employed in support of the event. At a minimum, at least one (1) parking space for every four (4) persons attending the event shall be provided for on-site parking. The Planning Commission is authorized to take into account, to the extent it deems practicable, the joint use of parking spaces that may that may exist for a golf course, public restaurant, or other operations on the property during the time of events. The Planning Commission may approve, in its discretion, the use of off-site parking as an alternative with transportation provided to the site for attendees.
- 3. **Setbacks.** The general event area (the actual location(s) in which the gathering is to occur) shall be located three hundred (300') feet from adjacent owners' property lines. All activities associated with the use are to be included within the general event area, the only exception being the parking as allowed by **subsection 2** above.
- 4. **Hours of Operation for Events.** Year-round operations may be authorized. Events shall commence no earlier than 10 AM and shall terminate no later than midnight. However, the Planning Commission shall have the power to modify the commencement and termination times for a particular site based upon the specifics of the application. For purposes of this Section, "termination" shall mean the termination of food, drinks, service, and

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entertainment, with the understanding that attendees and servers will need a reasonable amount of time after termination to exit the premises.

5. **Amplified Sound.** Sources of amplified sound, including but not limited to recorded music, live musical performances, and spoken word, shall commence no earlier than 12:00 PM and shall be terminated by 10:00 PM. The Planning Commission shall have the power to modify the time limits for amplified sound for a particular site based on the specifics of the application. Enclosed buildings, tents, pavilions and other open/non-enclosed structures shall be considered an acceptable location for the source of amplified sound as referenced in this Section. Strict consideration shall be afforded to the maintenance of ambient outdoor noise levels at the property boundaries.
6. **Overnight Accommodations.** No overnight accommodations shall be provided in temporary structures such as tents or recreational vehicles unless the Planning Commission approves a deviation from this standard. Any Commercial Event Facility which provides overnight accommodations must comply with all applicable codes and laws related to the provision of said accommodations.
7. **Capacity.** The number of persons allowed at each event for a proposed Commercial Event Facility shall be compatible with the proposed facilities and infrastructure for each site.
8. **Sanitary Facilities.** Adequate sanitary restroom facilities shall be provided on site, and the type and location of such facilities shall be subject to the approval of the [Health Department](#).
9. **Number of Events.** The Planning Commission may limit the number of events allowed per year.
10. **Ingress/Egress.** The site of the Commercial Event Facility shall have at least two (2) means of egress, at least one (1) of which is adequate for emergency vehicles as determined by the Planning Commission in consultation with emergency responders based on its width, length, surface and ability to support the gross vehicle axle weight of emergency vehicles.
11. **Buffers.** The Planning Commission may require appropriate buffers between the Commercial Event Facility and adjoining properties given the size of lot, the natural topography, and vegetative cover.
12. **Outdoor Seating.** Seating for events may occur outdoors, under a fabric structure temporarily constructed on the property, or in an event barn or other structure.

B. Submittal Requirements.

1. In addition to the requirements in [Section 5.2 \(Site Plan Content\)](#), the site plan must show the area of event, parking, temporary structures, and sanitation facilities.

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2. **Event Management Plan.** An event management plan shall be prepared and submitted to the Planning Commission for review and approval. The plan shall include provisions for traffic and parking management, hours of operation, noise abatement, toilet facilities, and maximum number of guests. The plan shall also include a list of contacts for emergency situations.
 - a. Hours of operation including setup and takedown times.
 - b. The event plan must provide expected maximum number of persons intended to use the property at one time and collectively, including organizers, employees, vendors, exhibitors, and spectators/participants.
 - c. The event plan must provide the expected number of automobiles and other vehicles intended to use the property at one time and collectively.
 - d. The event plan must provide certification that the property where the event is to take place is not subject to any covenant or restriction limiting its use, or if the use is restricted by easement or otherwise, a copy of a survey or diagram depicting the easement area and any reserved area where development rights are intact.

3. The Planning Commission may grant a deviation from any of the [subsections A.2](#) through [A.6](#) above upon the following findings:
 - a. Granting the deviation will not cause a substantially adverse effect on neighboring properties and will not produce nuisance conditions to occupants of nearby properties.
 - b. Granting the deviation will not otherwise impair the public health, safety, and general welfare of the residents.
 - c. Granting the deviation will uphold the spirit and intent of this Ordinance.

A request for deviation shall be considered as part of the site plan review or special land use process. The need/reason for the deviation shall be provided, in writing, by the applicant. If a deviation is requested after the initial approval, a new approval process shall be required.

Article 8 Zoning Board of Appeals

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Section 8.1 Creation & Membership

A. Board Membership.

1. **Establishment.** There is hereby established, pursuant to **2006 PA 110, the Michigan Zoning Enabling Act**, as amended, a Zoning Board of Appeals, to be known as the Pellston Zoning Board of Appeals (or ZBA) and to consist of five (5) members.
2. **Members.** The members of the Zoning Board of Appeals shall be selected by the Village Council. None of the members shall be in any office of the Village, elected or appointed, except for the following:
 - a. One (1) member may be a member of the Council but may not be appointed Chairperson of the Zoning Board of Appeals;
 - b. One (1) member shall be a member of the Planning Commission and shall not be the same as the Council member and may be appointed as Chairperson.
3. **Terms of Office.** Of the five (5) first so selected, two (2) shall hold office one (1) year, two (2) for (2) years, and one (1) for three (3) years. Their respective successors shall each hold office for a term of three (3) years.
4. **Employees and Contractors.** An employee or contractor of the Village may not serve as a member of the Zoning Board of Appeals.
5. **Officers.** The Board shall annually select its Chairperson and Vice-Chairperson. Records shall be kept by the Chairperson/Vice-Chairperson and shall be transmitted to the Village Clerk.
6. **Alternates.** The Village Council shall appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called to serve as a regular member of the Zoning Board of Appeals in the absence of a regular member if the regular member is absent from or will be unable to attend two

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(2) or more consecutive meetings of the Zoning Board of Appeals or is absent from or will be unable to attend meetings for a period of more than thirty (30) consecutive days. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the Zoning Board of Appeals.

7. **Dual Membership on the ZBA/Planning Commission.** A member of the Zoning Board of Appeals who is also a voting member of the Planning Commission shall not vote on the same matter that the member voted on as a member of the Planning Commission. However, the member may consider and vote on other unrelated matters involving the same property.

B. Removal of Members.

A member of the Zoning Board of Appeals may be removed by the Village Council for misfeasance, malfeasance, or nonfeasance in office, upon written charges and after public hearing a member shall disqualify him or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify him or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

Section 8.2 Meetings

A. Open Meetings Act.

All meetings shall be open to the public and shall be held in compliance with the [Open Meetings Act, 1976 PA 267](#) being Section 15.261 to 15.275 of the Michigan Compiled Laws.

B. Procedures and Records.

The board shall adopt its own rules or procedure and keep minutes of its proceedings, showing the action taken upon each matter considered. A writing prepared, owned, used, in possession of or refrained by the Zoning Board of Appeals in performance of an official function shall be made available to the public in compliance with the [Freedom of Information Act, 1976 PA 442](#), being Section 15.231 to 15.246 of the Michigan Compiled Laws.

C. Scheduling of Meetings.

Meetings of the Board shall be held at such times and places as may be designated by the Chairperson. Public notice of the time, date, and place of the meeting shall be given in the manner required by [1976 PA 267](#) and [Section 9.7](#). The Zoning Administrator is authorized to request, through the Chairperson, such meetings at any time when matters are pending requiring attention by the Board. In addition, the Zoning Administrator may request such meetings whenever:

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3 General Provisions

4 District Regulations

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1. A meeting is to be held as previously determined by the Board, or
2. The Zoning Administrator is so instructed by the Chairperson, or
3. The Zoning Administrator is so instructed in writing by any other three (3) members of the Board.

D. Quorum and Voting.

1. **Quorum.** Three (3) members shall constitute a quorum.
2. **Majority Vote.** The concurring vote of a majority of the members of the Board shall be necessary to reverse or modify any order, requirement, decision, or determination of the Zoning Administrator or to decide in favor of the appellant upon any matter which is required to pass, or to effect any variation in this Ordinance.

Section 8.3 Powers & Duties

The Zoning Board of Appeals shall hear and decide appeals de novo (new appeals) and review, on appeal, any order, requirement, decision, or determination made by the Zoning Administrator or Planning Commission in enforcement or application of this Ordinance, and, upon such appeal, may, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and shall make such order, requirement, decision, or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer from whom the appeal is taken.

A. Review.

The Zoning Board of Appeals shall hear and decide concerning all administrative orders, requirements, decision, or determination made by an administrative official or body charged with enforcement of the Zoning Ordinance including:

1. All decisions of the Zoning Administrator.
2. All decisions concerning site plan review.

B. Interpretation.

The Zoning Board of Appeals shall hear and decide questions that arise in the administration of the Zoning Ordinance including its interpretation and interpretation of the zoning map.

C. Dimensional Variances.

The Appeals Board shall base its decisions on variances from the strict requirements of this

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Ordinance so that the spirit of the Ordinance is observed, public safety secured, and substantial justice done based on the following standards. A dimensional variance may be granted by the Zoning Board of Appeals only in cases where the applicant demonstrates, in the official record of the public hearing, that practical difficulty exists by showing all of the following:

1. That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shaper, water, or topography and is not due to the applicants personal or economic difficulty.
2. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).
3. That strict compliance with regulations governing area, setback, frontage, height, bulk, density, or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.
4. That the requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.
5. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

D. Powers Not Granted.

1. **Amendments.** Nothing herein contained shall be construed to give or grant to the Zoning Board of Appeals the power or authority to alter or change the Zoning Ordinance or the Zoning Map, such power and authority being reserved to the Village Council in the manner here in before provided by law.
2. **Use Variances.** Under no circumstances shall the Appeals Board grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.
3. **Special Uses & PUDs.** The Zoning Board of Appeals shall have no jurisdiction to hear appeals of Special Land Use Permits or Planned Unit Developments.

Section 8.4 Appeal Procedures

A. Application for Appeal.

1. An appeal to the Zoning Board of Appeals may be made by a person aggrieved or by an officer, department, board, or bureau of the Village, County, or State by filing a written

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Application for Appeal with the Zoning Administrator. In addition, when acquisition of a portion of a parcel of property under Section 4 of the [Uniform Condemnation Procedures Act, 1980 PA 87](#), MCL 213.54 leaves a parcel in nonconformity with this Ordinance, a variance in the Zoning Ordinance may be applied for and granted.

2. **Timing.** Appeals of administrative actions shall be taken to the Zoning Board of Appeals within thirty (30) days of the date of such actions by the filing of a Notice of Appeal with the Zoning Administrator.
3. **Documents Required.** The applicant shall submit an Application for Appeal and six (6) copies of surveys, plans, and data or other information which is requested by the Zoning Administrator or Chair of the ZBA and which is reasonably necessary. In the event an application is made involving more than one (1) building, the total development may be incorporated in one (1) appeal provided that the subject property is continuous and is not divided by another zoning district.
4. **Review for Completeness.** Upon receipt of a demand for appeal, the Zoning Administrator will review the demand for appeal to insure it is complete and the fee is paid.
 - a. If the application is not complete, the Zoning Administrator will return the application to the applicant with a letter that specifies the additional material required.
 - b. If the application is complete, the administrator and Chairperson of the ZBA shall establish a date to hold a hearing on the appeal.
5. **Transmission of Records.** The Zoning Administrator shall transmit to the ZBA all the papers constituting the record of the action being appealed.
6. **Stay of Proceedings.** The demand for appeal stays all proceedings in furtherance of the action appealed unless the body or officer from whom the appeal is taken certifies to the Zoning Board of Appeals that, by reason of facts stated in the certificate, a stay would in the opinion of the body or officer cause imminent peril of life or property, in which case proceedings may be stayed by a restraining order issued by the Zoning Board of Appeals or a circuit court.

B. Hearing & Public Notice.

1. The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal within thirty (30) days from the date of filing thereof and give due notice thereof pursuant to [Section 9.7](#).
2. **Representation at Hearing.** Upon the hearing any party or parties may appear in person or by agent or by attorney.

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3. **Adjournment.** During the hearing of any application for appeal, the Board may adjourn the hearing in order to obtain additional information or to cause such further notice as it deems proper to be served upon such other property owners as it decides may be interested in the application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of the hearing, if it is set before adjournment.

C. **Decisions.**

1. **Timing.** The Board shall render a decision within a reasonable time.
2. **Decision.** The Board may reverse or affirm, wholly or partly, the administrative decision or may modify the order, requirement, decision, or determination at issue, and to that end shall have all the powers of the officer or body from whom the appeal was taken. The ZBA may direct the issuance of a permit.
3. **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 any administrative official or body or to decide in favor of the applicant in any matter upon which it is required to pass under this Ordinance or to effect any variation in this Ordinance.
4. **Findings of Fact.** In granting or denying a variance, the ZBA shall state, in a written statement of findings of fact, the grounds upon which it justifies the granting or denial of a variance. Copies of the written findings of fact shall be supplied to the applicant, Village Council, and Planning Commission.
5. **Conditions.** In granting the variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in conformity with [Section 9.8](#). Violations of such conditions and safeguards, when made part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and shall automatically invalidate the approval.

Section 8.5 Expiration & Resubmittal

A. **Variance Time Limitation.**

No order of the Zoning Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

B. **Re-filing of Appeal.**

An owner of property or his authorized agent shall not file an appeal for a zoning variance affecting

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the same parcel more often than once every six (6) months. An exception this rule may be made in those cases where the Zoning Board of Appeals determines that:

1. The conditions affecting the property have changed substantially; or
2. The nature of the request has changed substantially, thereby justifying the repetition before (6) months have elapsed from the date of the previous petition.

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Administration & Enforcement

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Section 9.1 Zoning Administrator

A. Zoning Administrator.

1. Except where otherwise stated, the provisions herein shall be administered by a Zoning Administrator who shall be appointed by the Village Council, for a term of not less than four (4) years, and who shall be subject to re-appointment by the Village Council not more than four (4) times.
2. The Zoning Administrator shall under no circumstances be permitted to make changes to this Ordinance or to vary the terms of this Ordinance in carrying out his/her duties as Zoning Administrator.
3. The Zoning Administrator shall not refuse to issue a Permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said Permit.

B. Duties of the Zoning Administrator.

The Zoning Administrator and such deputies or assistants as have been, or shall be, duly appointed shall enforce the Zoning Regulations and in addition thereto, and in furtherance of such authority, shall:

1. Register all nonconforming uses when they are identified.

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2. Conduct inspections of buildings, structures, and uses of land to determine compliance with the provisions of this Ordinance.
3. Issue violation notices that require compliance within ten (10) days (thirty (30) days for Special Land Uses), and advise suspected violators of right of appeal.
4. Require that all construction or work of any type be stopped when such work is not in compliance with this Ordinance.
5. Forward, to the Planning Commission, applications for amendments to the Zoning Ordinance text or map and Special Land Uses.
6. Forward, to the Zoning Board of Appeals, applications for appeals and variances.
7. Forward, to the Planning Commission, applications for buildings, structures, and uses of land.
8. Review all cases of encroachment into required yards.
9. Interpret the Zoning Regulations when questions arise, subject to review by the Planning Commission.
10. Determine which uses, though not contained by name in a zoning district list of permitted uses, are of the same general character and permit their establishment.
11. Initiate an examination of the administrative record of variances and appeals and make a report to the Village Council not less frequently than once a year.

Section 9.2 Zoning Permits

A. Zoning Permit Required.

Before proceeding with the erection, alteration, repair, moving, or removing of any building or part thereof, an owner or his authorized agent shall obtain a permit from the Zoning Administrator. The applicant for a permit must file a set of plans and written specifications sufficient to clearly and fully indicate the nature of the contemplative work and the kind and quality materials to be used therein, together with an estimated cost. Drawings shall clearly indicate the size of structural members, walls and openings, the position of the building on the site with reference to property and street lines and adjacent buildings, and such other information as may be necessary to provide for the enforcement of these regulations. It shall be the duty of all lot owners to have accurately located all corners and boundaries of their property prior to building thereon.

B. Records.

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A record of such applications and plans shall be kept in the office of the Zoning Administrator for such period of time as the Village Council deems necessary.

C. Other Required Permits.

When the plans submitted have been found to conform with the requirements of this Ordinance, the Zoning Administrator shall issue a permit. He or she shall inform the applicant that this permit does not do away with the necessity for permits showing conformity with the Building Code, Sanitary Code, and other requirements of the County of Emmet and State of Michigan, and that no construction shall be commenced until these other legal requirements have been fully met.

D. Inspections.

The Zoning Administrator shall inspect the building once during construction and shall make a final inspection of all buildings after completion, before occupancy begins, upon receiving notice from the owner, contractor, or his/her agent that said building is ready for such final inspection.

E. Zoning Permit Expiration.

Permits for structures on which work has not started within twelve (12) months following the date of issue and permits for structures upon which work has been abandoned for a period of twelve (12) months, shall lapse and cease to be in effect.

F. Permit After the Fact.

Any building erected, relocated, or altered or any construction which requires a zoning permit from the Village which begins without first obtaining the required zoning permit may be issued that zoning permit (and all permits necessary for approval), but this zoning permit (and possibly others) will be considered a permit after-the-fact. An after-the-fact permit form is the same as a standard permit form, but the fee is double the cost of the standard permit fee. This fee doubling applies to all permits and applications necessary for approval of the project. The permits and applications regulated in the Zoning Ordinance which can be filed as after-the-fact permits include but are not limited to zoning permits, site plans, variances, rezoning, and Special Land Use permits.

The payment of after-the-fact permit fees and approval of an after-the-fact permit does not constitute a remedy for any citation or court action involving such a project. Citations for violating Village Ordinances may also be issued for any project which does not abide by Village Ordinances.

Section 9.3 Certificate of Occupancy & Compliance

No vacant land shall be occupied or used and no building hereafter erected or altered shall be occupied, used, or changed in use until a Certificate of Occupancy and Compliance shall be issued by the Zoning Administrator, stating that the building or proposed use of the building and premises complies with the Village building and health laws and ordinances. In addition, all other inspections

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must be complete and signed for. Certificates of Occupancy and Compliance shall be applied for with the application for a building permit and shall be used within ten (10) days after the construction or alteration of such building shall have been substantially completed.

Section 9.4 Fees

- A. Fees for inspection and issuance of permits or copies thereof required or issued under the provisions of this Ordinance may be collected by the Zoning Administrator in advance of issuance. The amount of such fees shall be established by the Village Council.
- B. If the Zoning Administrator, Planning Commission, Village Council, or Zoning Board of Appeals determines that the basic zoning fees will not cover the actual costs of the application review or appeal, or if the Zoning Administrator, Planning Commission, Village Council, or Zoning Board of Appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary, then the applicant shall deposit with the Village Treasurer such additional zoning fees in an amount determined by the Zoning Administrator equal to the estimated additional costs. The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten (10%) percent of the initial escrow deposit or less than ten (10%) percent of the latest additional escrow deposit, and review of the application or decision on the appeal is not completed, then the Planning Commission, Village Council, or Zoning Board of Appeals may require the applicant to deposit additional fees into escrow in an amount determined by the Zoning Administrator to be equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective, thereby justifying the denial of the application or the dismissal of the appeal. Any unexpected funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the Village in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or prior to the final decision on an appeal.

Section 9.5 Performance Guarantee

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

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Section 9.6 Planning Commission

A. **Creation and Membership.**

The Planning Commission, as established under the provisions of the [Michigan Planning Enabling Act, 2008 PA 33](#), as amended, is the Planning Commission referred to in this Ordinance.

B. **Jurisdiction.**

The Planning Commission shall discharge the following duties and responsibilities under this Ordinance:

1. Review all applications for amendments to the Zoning Ordinance (text or map) in the manner prescribed by and subject to the standards established herein and report findings and recommendations to the Village Council in accordance with the of this Ordinance.
2. Review all site plans in the manner prescribed by and subject to the standards established herein.
3. Review all applications for Special Land Uses in the manner prescribed by and subject to the standards established herein.
4. Advise the Village Council on all matters referred to it or upon which is it required to review under this Ordinance.
5. Receive and consider the report of the Village Zoning Administrator as related to the effectiveness of this Ordinance and report the Commission's conclusions and recommendations to the Village council not less frequently than once a year.
6. Initiate amendments to the Zoning Ordinance, text, or map.
7. Review and update of the Comprehensive Plan no less than every five (5) years.
8. Implement and uphold Village of Pellston Comprehensive Plan as it may be amended.

C. **Recommendations of the Planning Commission.**

All recommendations of the Commission on any applications for amendments to the Zoning Ordinance text or map or on any other matter shall in all instances be advisory in nature and shall be subject to final consideration, evaluation, and determination by the Village Council.

D. **Maps, Drawings, and Renderings.**

Whenever this Ordinance requires the Planning Commission to review or approve a proposed use or

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activity, the Planning Commission may require the submission of maps, drawings, renderings, and such other information as will assist the Planning Commission in its review or approval of the proposed use or activity.

Section 9.7 Public Notification

All applications for development approval requiring a public hearing shall comply with the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended and the other provisions of this Section with regard to public notification.

A. Responsibility.

When the provisions of this Ordinance or the [Michigan Zoning Enabling Act](#) require that notice be published, the Zoning Administrator shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in the County of Emmet and mailed or delivered as provided in this Section.

B. Content.

All mail, personal, and newspaper notices for public hearings shall:

1. **Describe Nature of the Request.** Identify whether the request is for a rezoning, text amendment, Special Land Use, Planned Unit Development, variance, appeal, ordinance interpretation, or other purpose.
2. **Location.** Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning or when the request is for an ordinance interpretation not involving a specific property.
3. **When and Where the Request will be Considered.** Indicate the date, time, and place of the public hearing(s).
4. **Written Comments.** Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.
5. **Handicap Access.** Information concerning how handicap access will be accommodated if the meeting facility is not handicap accessible.

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C. Personal and Mailed Notice.

1. When the provisions of this Ordinance or State law require that personal or mailed notice be provided, notice shall be provided to:
 - a. The owner of property for which approval is being considered and the applicant, if different than the owner(s) of the property.
 - b. Except for rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property, to all persons to whom real property is addressed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of the Village of Pellston. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
 - c. Each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport that registers its name and mailing address with the clerk of the legislative body for the purpose of receiving the notice of public hearing.
2. **Notice by Mail/Affidavit.** Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, postage paid. The Zoning Administrator shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.

D. Timing of Notice.

Unless otherwise provided in the [Michigan Zoning Enabling Act, PA 110 in 2006](#), or this Ordinance where applicable, notice of a public hearing shall be provided as follows:

1. For a public hearing on an application for a rezoning, text amendment, Special Land Use, Planned Unit Development, variance, appeal, or ordinance interpretation: not less than fifteen (15) days before the date the application will be considered for approval. [This means it is be published in a newspaper of general circulation and for those receiving personal notice, received by mail or personal notice, not less than 15 days before the hearing.]

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2. For any other public hearing required by this Ordinance: 15 days before the date the application will be considered for approval.

Section 9.8 Conditions

The Planning Commission, and Zoning Board of Appeals may impose reasonable conditions with any affirmative decision. The conditions may include, but are not limited to, conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

- A. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- B. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- C. Be necessary to meet the intent and purpose of this Ordinance, be related to the standards established in this Ordinance for the land use or activity under consideration, including but not limited to, the standards in [Sections 5.4](#) and [6.3](#), and be necessary to ensure compliance with those standards.

The conditions imposed shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving body and the landowner. The Village shall maintain a record of conditions which are changed.

Section 9.9 Use of Consultants

From time to time, the Village Council, Planning Commission, or Zoning Board of Appeals may employ planning, engineering, legal, traffic, or other special consultants to assist in the review of Special Land Use permits, site plans, rezonings, or other matters related to the planning and development of the Village.

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Section 9.10 Rehearing

A. Rehearing Performed by the Planning Commission or ZBA.

The Planning Commission or Zoning Board of Appeals may grant a rehearing under exceptional circumstances for any decision made by it. A rehearing shall mean that the body which originally reviewed the request shall be the body which reviews the same request again. Exceptional circumstances shall mean any of the following:

1. The applicant who brought the matter before the approving body made misrepresentations concerning a material issue, which was relied upon by the approving body in reaching its decision.
2. There has been a material change in circumstances regarding the approving body’s findings of fact, which occurred after the public hearing.
3. The Village attorney, by written opinion, states that, in the attorney’s professional opinion, the decision made by the approving body or the procedure used in the matter was clearly erroneous.

B. Rehearing Procedure.

A rehearing may be requested by the applicant or by the Zoning Administrator, or a rehearing may be granted by the Planning Commission or Zoning Board of Appeals on its own motion.

1. **Time Limit.** A request for a rehearing which is made by an applicant must be made within thirty (30) days from the date on which the applicant receives notification regarding the decision for which the rehearing is being requested.
2. A request for a rehearing made by the Zoning Administrator or a rehearing granted by the approving body on its own motion may be granted at any time as long as the applicant has not been prejudiced by any delay.
3. Whenever the approving body considers granting a rehearing, it shall provide written notice to the applicant that a rehearing will be considered. All notice requirements for the type of decision being heard shall be completed before the approving body holds a hearing at which it considers whether to grant a rehearing.

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Section 9.11 Violation & Penalties

- A. Buildings erected, altered, razed, or converted or uses carried on in violation of any provision of this Article, local ordinances, or regulations made pursuant to **2006 PA 110**, as amended declared to be nuisance per se. The Court shall order such nuisance abated, and the owner and/or agent in charge of such building or land shall be adjudged guilty of maintaining a nuisance per se.
- B. For any and every violation of the provisions of this Ordinance, the owner, agent, architect, builder, lessee, or tenant of the land or building or part thereof where violation has been committed or a misdemeanor and the owner, agent, architect, builder, or any person who commits, takes part, or assists in such violation of any of the provisions of this Ordinance, or any person who maintains any building or land in or on which such violation exists, shall be guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction shall be punished by a fine of not more than \$100 for each offense, or shall be punished by imprisonment in jail for a period not to exceed 90 days, or both such fine and imprisonment at the discretion of the court. In case the owner, lessee, or tenant is an unincorporated association or a non-profit membership corporation, every member of such association or corporation shall be deemed guilty of a misdemeanor as herein provided and subject to the penalties herein specified. Each day that a violation is permitted to exist shall constitute a separate offense.
- C. The Village or any interested party may apply to any court of competent jurisdiction to restrain any person, firm, or corporation from such disobedience or threatened violation, notwithstanding such disobedience or violation may be punishable by a fine or imprisonment as above provided.

Section 9.12 Action Table

The following table is a summary of basic requirements for various administrative actions under this Zoning Ordinance. It supplements the preceding text but is not a substitute for it:

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Type of action	Parties who may initiate action	Body making decision	Public hearing required?	Published notice(s)	Mailed notice to owners & occupants within 300'	Body to which applicant may appeal
Single-family dwelling, accessory building, sign or fence permit	Applicant	Zoning Administrator	No	Not required	Not required	Zoning Board of Appeals
Site plan approval	Applicant	Planning Commission	No	Not required	Not required	Zoning Board of Appeals
Special Land Use/PUD	Applicant	Planning Commission	Yes	Not less than 15 days	Not less than 15 days	Circuit Court
Variance	Applicant	Zoning Board of Appeals	Yes	Not less than 15 days	Not less than 15 days	Circuit court
Interpretation	Applicant or Zoning Administrator	Zoning Board of Appeals	Yes	Not less than 15 days	Not less than 15 days	Circuit court
Appeal from decision	Any aggrieved party	Zoning Board of Appeals	Yes	Not less than 15 days	Not less than 15 days	Circuit court
Amendment (Rezoning or Text Change)	Applicant, Planning Commission	Step 1: Planning Commission recommends to Village Council	Yes	Not less than 15 days	Not less than 15 days	No action until after Village Council decision
		Step 2: Village Council	No	----	----	Subject to protest petition
		Step 3: Village Council publishes Notice of Adoption in newspaper (within 15 days after adoption). Rezoning (map amendment) goes into effect on the 8th day after publication.				
Zoning Ordinance Enforcement	Zoning Administrator	----	----	----	----	Zoning Board of Appeals

Article 10

Adoption & Amendment

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Section 10.1 Amendments

The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the official zoning map of the Village of Pellston may be amended, supplemented, or changed by the Village Council in accordance with **2006 PA 110**, as amended (being the **Michigan Zoning Enabling Act**, M.C.L. 125.3101 et seq.).

Section 10.2 Amendment Procedure

A. Initiation of Amendments.

Proposals for amendments, supplements, or changes may be initiated by the Village Council on its own motion, by the Planning Commission, or by petition of one (1) or more owners of property to be affected by the proposed amendment.

B. Petition to Village Planning Commission.

Each petition by one (1) or more owners for an amendment shall be submitted by application to the Zoning Administrator on a standard form provided. A fee as established by the Village Council shall be paid at the time of application to cover costs of necessary advertising for public hearing and investigation of the amendment request. No part of such fee shall be returnable to a petitioner. The Zoning Administrator shall transmit the application to the Village Planning Commission.

C. Public Hearing.

After deliberations on any proposal, the Planning Commission shall conduct at least one (1) public hearing before any regulation shall become effective. Notice of the public hearing shall be given pursuant to **Section 9.7**.

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D. Planning Commission Action.

The Planning Commission shall hold the public hearing and take comments from the public. The Planning Commission may recommend adoption of the amendment to the Village Council. Following the public hearing, the Planning Commission shall submit a final report to the Village Council, containing a summary of the comments received at the public hearing and its recommendation on the proposed amendment(s) including reasons for the recommendation.

E. Action by Village Council.

After the public hearing, and after receipt of the Planning Commission's, the Village Council may adopt the Ordinance and/or the Village Zoning map with or without amendments or refer the Ordinance and/or Map again to the Planning Commission for further report. The Village Council may hold additional public hearings it considers such hearings necessary. It may refer the same again to the Planning Commission for further report, in accordance with the provisions and procedures of [2006 PA 110](#), as amended.

F. Protest Petition.

Whenever the Village Council shall receive a protest petition against a proposed amendment, before final Village Council action on the amendment, then such amendment, supplement, modification or change shall not be passed except by three-fourths vote of the Village Council. The protest petition shall be presented to the Village Council before final legislative action on the amendment and shall be signed by one (1) or more of the following:

1. The owners of at least twenty (20%) percent of the area of land included in the proposed change.
2. The owners of at least twenty (20%) percent of the area of land included within an area extending outward one hundred (100') feet from any point on the boundary of the land included in the proposed change.

Publicly owned land shall be excluded in calculating the twenty (20%) percent land area requirement under this subsection.

G. Publication Notice after Adoption.

Following adoption of a Zoning Ordinance and subsequent amendments by the Village Council, one (1) notice of adoption shall be published in a newspaper of general circulation in the Village within fifteen (15) days after adoption. The notice of adoption shall contain the effective date of the ordinance and the place and time where a copy of the ordinance may be purchased or inspected. In the case of a newly adopted zoning ordinance, the notice shall state: "A zoning ordinance regulating the development and use of land has been adopted by the Village Council of the Village of Pellston".

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In the case of an amendment to an existing ordinance, the notice shall contain either a summary of the regulatory effect of the amendment including the geographic area affected or the text of the amendment.

H. Re-Submittal of Rezoning Request.

No application for a rezoning which has been denied by the Village Council shall be resubmitted for a period of one (1) year from the date of the last denial, except on ground or newly discovered evidence or proof of change conditions found upon inspection by the Village Council to be valid.

Section 10.3 Rezoning Standards

In considering any petition for an amendment to the official zoning map (rezoning), the Planning Commission shall and the Village Council may consider the following criteria in making its findings, recommendations, and decision:

- A. Is the proposed use consistent with the goals and objectives of the currently adopted Master Plan, including any subarea or corridor studies? If conditions have changed since the Master Plan was adopted, is the proposed use consistent with recent development trends in the area?
- B. Are all of the allowable uses in the proposed district reasonably consistent with surrounding uses?
- C. Will there be an adverse physical impact on surrounding properties?
- D. Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?
- E. Will rezoning create a deterrent to the improvement or development of adjacent property?
- F. What is the impact on the ability of the Village and other governmental agencies to provide adequate public services and facilities and/or programs that might reasonably be required in the future if the proposed amendment is adopted?
- G. Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?

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Section 10.4 Conditional Rezoning

A. Intent.

It is recognized that there are certain instances where it would be in the best interests of the Village, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with Section 405 of the **Michigan Zoning Enabling Act, 2006 PA 110**, as amended, by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

B. Application and Offer of Conditions.

1. An owner of land may voluntarily offer, in writing, conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
3. The owner’s offer of conditions may not authorize uses or developments not permitted in the requested new zoning district.
4. The owner’s offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
5. Any use or development proposed as part of an offer of conditions that would require a Special Land Use permit, variance, or site plan approval under the terms of this Ordinance may only be commenced if the Special Land Use permit, variance, or site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
6. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Village Council provided that, if such withdrawal occurs subsequent to the Planning Commission’s public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

C. Planning Commission Review.

The Planning Commission, after a public hearing as set forth in **Section 9.7** of this Ordinance and

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consideration of the factors set forth in **Section 10.3** (except **10.3.G**) of this Ordinance, may recommend approval, approval with recommended changes, or denial of rezoning provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

D. Village Council Review.

After receipt of the Planning Commission’s recommendation, the Village Council shall deliberate upon the requested conditional rezoning and may approve or deny the request. Should the Village Council consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Village Council shall, in accordance with Section 401 of **2006 PA 110**, refer such amendments to the Planning Commission for a report thereon within a time specified by the Village Council, and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

E. Approval.

1. If the Village Council finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the Ordinance adopted by the Village Council to accomplish the requested rezoning.
2. The Statement of Conditions shall:
 - a. Be in a form recordable with the County Register of Deeds, or as an alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Village Council.
 - b. Contain the legal description and tax identification number of the land to which it pertains.
 - c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 - d. Incorporate by attachment or reference any diagram, plans, or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 - e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Village with the County Register of Deeds.

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- f. Contain the notarized signatures of all owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
- 3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Village Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
- 4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Village with the County Register of Deeds. The Village Council shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the timeframe within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Village or to any subsequent owner of the land.
- 5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

F. Compliance with Conditions.

- 1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Ordinance and be punishable accordingly.
- 2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

G. Time Period for Establishing Development or Use.

Unless another time period is specified in the Ordinance, the approved development and/or use of the land pursuant to building or other required permits must be commenced upon the land within two (2) years after the rezoning took effect and thereafter proceeded diligently to completion. This time limitation may, upon written request, be extended by the Village Council if (1) it is demonstrated to Village Council’s reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion, and (2) the Village Council finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

H. Reversion of Zoning.

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If the approved development and/or use of the rezoned land does not occur within the timeframe specified under [subsection G](#) above, then the land shall revert to its former zoning classification. The reversion process shall be initiated by the Village Council requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall be the same as applies to all other rezoning requests.

I. Subsequent Rezoning of Land.

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification, but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to [subsection H](#) above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. The Village Clerk shall record with the County Register of Deeds that the Statement of Conditions is no longer in effect.

J. Amendment of Conditions.

1. During the time period for commencement of an approved development and/or use specified pursuant to [subsection G](#) above or during any extension thereof granted by the Village Council, the Village shall not add to or alter the conditions in the Statement of Conditions.
2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

K. Village Right to Rezone.

Nothing in the Statement of Conditions or in the provisions of this Section shall be deemed to prohibit the Village from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the [Michigan Zoning Enabling Act \(Act 110 of the Public Acts of 2006, as amended\)](#).

L. Failure to Offer Conditions.

The Village shall not require any owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

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Section 10.5 Vested Right

It is hereby expressly declared that nothing in this Ordinance shall be held or construed to give or grant to any person, firm, or corporation any vested right, license, privilege, or permit.

Section 10.6 Severance Clause

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 10.7 Interpretation & Conflicting Regulations

- A. In interpreting and applying the provisions of this Ordinance, they shall be deemed to be the minimum requirements adopted for the promotion of the public safety, health, convenience, comfort, prosperity, and general welfare.
- B. Wherever in the Village of Pellston there are two (2) or more laws or ordinances that have conflicting provisions, the law or ordinance with the more stringent requirements shall govern.
- C. It is not intended by this Ordinance to interfere with or abrogate or annul any ordinance, rules, regulations or permits previously adopted or issued and not in conflict with any of the provisions of this Ordinance or the provisions of other ordinances of the Village, or which have been adopted or which shall be adopted or issued pursuant to law relating to the use of buildings or premises. Nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or requires larger open spaces than are imposed or required by such other Article, law, ordinance, rules, regulation, or permits, or by easement, covenants, or agreements, the provisions of this Ordinance shall control unless legally superseded by such other law.
- D. The graphics, tables, and text used throughout this Ordinance are regulatory. In case of a conflict, text shall control over tables or graphics; tables shall control over graphics.
- E. Whenever it is necessary to have an interpretation of the meaning of this Ordinance, the Village Board of Appeals shall determine what was meant.

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Section 10.8 Enactment & Effective Date

- A. This Ordinance was adopted on March 9, 2021 by the Pellston Village Council and will be effective on March 19, 2021. The foregoing Zoning Ordinance and Map of Zoning Districts were presented at a public hearing before the Planning Commission on March 1, 2021.

- B. Amendments or revision to this Ordinance or Map of Zoning Districts shall become effective on the expiration of seven (7) days or at a later date specified by the Village Council after publication of a notice of adoption of said amendments or revisions within fifteen (15) days of adoption in accordance with Section 401 of **Michigan Zoning Enabling Act, 2006 PA 110**, as amended, (being the, M.C.L. 125.3101 et seq.).

I hereby certify that the above Ordinance was adopted by the Pellston Village Council at a regular meeting held on March 9, 2021.

Village Clerk

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