

ZONING ORDINANCE NO. 68

for the

CITY OF CASPIAN

Iron County, Michigan

Adopted August 31, 1988

Effective October 1, 1988

CASPIAN CITY

ZONING ORDINANCE

CASPIAN ZONING ORDINANCE

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CASPIAN ZONING ORDINANCE

ORDINANCE NUMBER

Article Section

An Ordinance to establish zoning districts in the City of Caspian, Iron County, Michigan, and to establish land, building and structure use regulations within the districts, in accordance with Public Act 207 of the Public Acts of Michigan of 1921, as amended; to provide for uses of land, buildings and structures henceforth from the effective date of this Ordinance, to provide for administration of this Ordinance, including penalties for violations; to provide for a zoning board and a board of appeals; and to provide for amendments.

THE CITY OF CASPIAN ORDAINS:

I NAME

This Ordinance shall be known and cited as the CITY OF CASPIAN ZONING ORDINANCE.

II PURPOSE

The fundamental purpose of this Ordinance is to promote public health, safety, morals, and welfare of the residents of the City of Caspian by dividing the City into districts where the uses of lands, buildings and structures will be regulated. Regulations adopted for each zoning district are adopted with due consideration given to the following factors: the character of each district; suitability of the district to the various purposes to which property within eth district may be put to use, conservation of property values and natural resources; the capacity of each district to provide adequate and efficient transportation, sewage disposal, water, energy, education, and other public services; and the general trend and character of land, buildings, structure and population development, as authorized under Public Act 207 of the Public Acts of 1921.

III REGULATION OF USE

No person shall use any land, building or structure, except as provided by this Ordinance.

IV ANNEXATION

Any property annexed to the City of Caspian shall be designated Single Family Residential District A-1, unless and until otherwise designated by amendment hereto.

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V ESSENTIAL SERVICES

The erection, construction, alteration or maintenance of facilities, buildings, or structures by public utilities, municipal departments and commissions, necessary for the furnishing of adequate services for the public health, safety, morals or general welfare, shall be exempt from this Ordinance.

VI PRE-EXISTING NON-CONFORMING USE

Lawful use of land, buildings or structures existing at the time of passage of this Ordinance may be continued, even though the use is not in conformity with the regulations imposed hereby. No pre-existing, non-conforming use may be extended, added to or altered, unless the extension, addition or alteration is in conformity with this Ordinance.

VII NON-CONFORMING USE DUE TO RECLASSIFICATION

Any use of land, buildings or structures that become non-conforming due to reclassification of a district or portion of a district under this Ordinance shall be treated as those lawful non-conforming uses that existed as of the effective date of this Ordinance.

VIII TERMINATION OF NON-CONFORMING USE

If a non-conforming use is not made of a particular land, building or structure for a continuous period of time of one (1) year or more, the non-conforming use shall be terminated. Any use of the land, building or structure after termination of the non-conforming use shall be in conformity with regulations of this Ordinance.

IX RESTORATION OF A NON-CONFORMING BUILDING OR STRUCTURE

No person shall restore or replace a non-conforming building or structure. For purposes of this section, “restore or replace” refers to when expenditures on the building or structure for labor and materials within any one-year period exceed fifty percent (50%) of the total replacement cost of the pre-restored/pre-replaced building or structure.

X REPAIRS

Repairs and maintenance work necessary to keep a non-conforming building structure in a sound condition shall be made in conformity with the provisions of this Ordinance.

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the Zoning Administrator when the application shows a proposed use is inconsistent with the requirements of the applicable zone district. Applications for a permit for a variance from applicable zone district provisions as well as for approval of a planned unit development shall be governed by the Sections of this Ordinance related to Variances and Planned Unit Developments, respectively.

17.3 SIGN AND OTHER PERMITS

Other permits required by this Ordinance, including, but not limited to, advertising sign permits, shall be issued by the Zoning Administrator. Application, review of the applications and issuance of such permits shall proceed in the same manner as specified herein for zoning permits.

17.4 DUPLICATE APPLICATION AND FEE

All applications for permits under this Ordinance must be in duplicate and accompanied by the application fee, as established from time to time by the City Commission.

17.5 PERSONS WHO MAY APPLY FOR PERMIT

An application shall be filed by the owner of the premises and shall be accompanied by detailed plans and specifications drawn to scale, including current boundaries, buildings and structures and all proposed uses. The drawing shall be so drawn as to enable the Zoning Administrator to verify ownership of the premises to be covered by the permit and compliance of the proposal with the requirements of this Ordinance.

17.6 FILING, APPROVAL, DENIAL OF PERMIT

If the application conforms to the requirements of the Ordinance, both copies shall be signed and dated by the Zoning Administrator. One copy of the application shall be filed with the Zoning Administrator. The other shall be returned to the applicant. Applications shall be granted or denied within ten (10) business days after the written application is presented to the Zoning Administrator. Failure by the Zoning Administrator to grant or deny an application within ten (10) days shall be deemed a denial of the application for the purposes of authorizing the institution of an appeal to the Zoning Board of Appeals. When an application is granted, the Zoning Administrator shall deliver a zoning permit to the applicant along with a copy of the application.

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17.7 **EXPIRATION AND RENEWAL**

Any zoning permit under which no construction, renovation or remodeling has been completed within twelve (12) months of the date of issuance of the zoning permit or under which no change in use has been undertaken within twelve (12) months of the date of issuance shall expire at the end of twelve (12) months, but shall be renewable upon reapplication and payment of the application fee, subject, however, to the provisions of any Zoning Ordinance then in effect.

17.8 **REVOCAION, CANCELLATION**

The Zoning Administrator shall have the power to revoke or cancel any certificate in the case of failure or neglect to comply with the provisions of this Ordinance or in the case of false statements or misrepresentations made in the application. Any applicant performing work on or making use of any premises pursuant to a zoning permit must discontinue the performance of work or use within ten (10) days after the Zoning Administrator sends written notification of the revocation to the applicant in the mail.

17.9 **APPEAL OF DENIAL**

Denial of an application for a zoning permit, expiration of a permit, revocation of a permit or cancellation of a permit may be appealed to the Zoning Board of Appeals as provided herein in the APPEALS article hereof.

XVIII **VARIANCE**

18.1 **APPLICATION**

Application of a request to approve a variance shall be made to the Zoning Administrator. The application shall include all of the following information:

1. A plan of the variance as completed, in appropriate scale, indicating the proposed use, the exact boundaries, existing and proposed location and dimension of all buildings and structures, locations of all streets, alleys and other traffic ways adjacent to the property.
2. A written text shall accompany the plan of the variance. The application shall:
 - (a) explain in detail the extraordinary circumstances or conditions which the applicant believes justifies granting of a variance;
 - (b) indicate how granting a variance will preserve enjoyment by the other property within the same zone district;

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- (c) show that authorization of a variance will not impair the intents and purposes;
 - (d) demonstrate the use for which exception is sought is not so common to other properties so that a general regulation is more appropriate; and
 - (e) show that the use or activity for which a variance is sought is compatible with adjacent uses of land, the natural environment, the capacity of public facilities affected by the procedures.
3. Demonstrate that the proposed use is consistent with the public health, safety and welfare of the City.

The application for approval of a proposed variance shall be accompanied by the application fee, which shall be set by the City Commission.

18.2 HEARINGS AND NOTICE

Within sixty (60) days of the filing of the application for approval of a variance, the Zoning Board of Appeals shall hold a public hearing on the request for the variance. Notification of the public hearing shall be given to a property owner and the occupant of the property located within three hundred (300) feet of the property being considered. A notice that a request for a variance has been received should also be published in a newspaper of general circulation. The notice shall be given not less than five (5) and not more than fifteen (15) days before the application will be considered. Notification may be sent by regular mail or personal delivery, and if the name of the occupant of the premises is not known, the name "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. The notice shall:

- 1. Describe the nature of the variance request;
- 2. Indicate the property which is the subject of the variance request;
- 3. State when and where the variance request will be considered;
- 4. Indicate where and when the written comments will be received concerning the request; and
- 5. Indicate that a public hearing on the variance request may be requested by the property owner or occupant of any structure located within three hundred (300) feet of the boundary line of

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the property being considered for the variance.

18.3 PREREQUISITES FOR VARIANCE

No variance in the provisions or requirements of this Ordinance shall be authorized by the Zoning Board of Appeals unless the Zoning Board of Appeals finds that all of the following facts and conditions exist:

1. There are exceptional or extraordinary circumstances or conditions applying to the property in question with regard to its intended use, and they do not apply generally to other property or premises in the same ZONE DISTRICT;
2. The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same ZONE DISTRICT and vicinity (the possibility of increased financial returns shall not of itself be deemed significant to warrant an exception);
3. The authorization of the variance will not be a substantial detriment to adjacent property and will not materially impair the intents and purposes of this Ordinance or the public health, safety and welfare; and
4. The condition or situation of the specific piece of property or the intended use of said property, for which the exception is sought, is not of so general or recurrent nature as to make reasonably practical the formulation of a general regulation for such conditions or situation as part of this Zoning Ordinance.

18.4 CONDITIONAL VARIANCE

The Zoning Board of Appeals may attach in writing any condition in connection with the granting of a variance that is necessary to protect the health, safety and welfare of the people of the City of Caspian. The breach of a condition shall automatically invalidate the variance and any permit granted on the basis of it. In no case shall more than the minimum variance from the Ordinance be granted than is necessary to alleviate the exceptional difficulty.

18.5 DECISIONS

Within fifteen (15) days after the public hearing, the Zoning Board of Appeals shall deny, approve or approve with conditions the request. A written report shall be prepared stating the Zoning Board of Appeals shall deny, approve or approve with conditions the request. A written report shall be prepared stating the Zoning Board of Appeals' conclusions on the request for a variance, the basis for the decision, the decision and any conditions thereto.

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XIX

DISTRICT PERMITTED USES AND REQUIREMENTS

19.1

SINGLE FAMILY RESIDENTIAL DISTRICT A-A

19.1(a)

PERMITTED USES:

1. Single-family residential use.
2. Professional and personal services, including, for example, architectural, accounting, chiropractic, dental, dressmaking, hygiene/grooming, engineering, legal, medical, osteopathic, physical therapy, real estate and stockbroker services. The services may only be provided inside the principal building on the premises, and then only if the principal building is occupied by the provider(s) of the services as a primary residence. The service provider(s) may employ no more than one (1) non-resident assistant to simultaneously work at the premises. Services may not be provided in any accessory building or structure. No external indication other than permissible sign may be used to indicate the premises are used for any purpose other than a dwelling. No goods may be sold on a retail basis.
3. Publicly owned parks and playgrounds.
4. One (1) accessory building or structure.

19.1(b)

RESTRICTIONS:

1. Floor area of the principal building used for residential purposes, when measured along the outside perimeter of the building, shall be no less than fourteen hundred (1400) square feet.
2. Lots shall have a minimum area of nine thousand (9,000) square feet, minimum width at all points of seventy-five (75) feet, and a minimum depth at all points of one hundred twenty (120) feet. Front yard set-back shall be no less than twenty (20) feet from the front lot line of the owner's premises. Rear yard set-back shall be no less than twenty (20) feet from the rear lot line of the owner's premises. Side yard set-back shall be no less than ten (10) feet from the side lot line of the owner's premises, but no less than twenty (20) feet from the curb line of any abutting street.
3. Lots in this District having an area of at least twenty thousand (20,000) square feet shall have a front yard set-back of no less than twenty-two (22) feet from the front lot line of the owner's premises, a rear yard set-back no less than twenty-two (22) feet from the rear lot line of the owner's premises, and a side yard set-back of no less than twenty (20) feet from the side lot line of the owner's premises.

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4. Lots in this District having an area of at least twenty-seven thousand (27,000) square feet shall have a front yard set-back of no less than twenty-five (25) feet from the front lot line of the owner's premises, a rear yard set-back no less than twenty-two (22) feet from the rear lot line of the owner's premises, and a side yard set-back of no less than twenty (20) feet from the side lot line of the owner's premises.
5. Lots which have been platted in this District prior to enactment of this Ordinance which have less than the minimum area of nine thousand (9,000) square feet shall have a front yard set-back of no less than twenty (20) feet from the front lot line of the owner's premises, and a rear yard set-back no less than twenty (20) feet from the rear lot line of the owner's premises. Such lots shall have side yard set-back from the side lot line of the owner's premises of no less than that fraction of ten (10) feet which the lot area is of nine thousand (9,000) square feet, or four (4) feet, whichever is greater, but no less than twenty (20) feet from the curb line of any abutting street.

19.2 **SINGLE FAMILY RESIDENTIAL DISTRICT A-1**

19.2(a) **PERMITTED USES:**

1. Single-family residential use.
2. Professional and personal services, including, for example, architectural, accounting, chiropractic, dental, dressmaking, hygiene/grooming, engineering, legal, medical, osteopathic, physical therapy, real estate and stockbroker services. The services may only be provided inside the principal building on the premises, and then only if the principal building is occupied by the provider(s) of the services as a primary residence. The service provider(s) may employ no more than one (1) non-resident assistant to simultaneously work at the premises. Services may not be provided in any accessory building or structure. No external indication other than permissible sign may be used to indicate the premises are used for any purpose other than a dwelling. No goods may be sold on a retail basis.
3. Publicly owned parks and playgrounds.
4. One (1) accessory building or structure.

19.2(b) **RESTRICTIONS:**

1. Floor area of the principal building used for residential purposes, when measured along the outside perimeter of the building, shall be no less than one thousand (1,000) square feet.

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2. Lots shall have a minimum area of nine thousand (9,000) square feet, minimum width at all points of seventy-five (75) feet, and a minimum depth at all points of one hundred twenty (120) feet. Front yard set-back shall be no less than twenty (20) feet from the front lot line of the owner's premises. Rear yard set-back shall be no less than twenty (20) feet from the rear lot line of the owner's premises. Side yard set-back shall be no less than ten (10) feet from the side lot line of the owner's premises, but no less than twenty (20) feet from the curb line of any abutting street.
3. Lots in this District having an area of at least twenty thousand (20,000) square feet shall have a front yard set-back of no less than twenty-two (22) feet from the front lot line of the owner's premises, a rear yard set-back no less than twenty-two (22) feet from the rear lot line of the owner's premises, and a side yard set-back of no less than twenty (20) feet from the side lot line of the owner's premises.
4. Lots in this District having an area of at least twenty-seven thousand (27,000) square feet shall have a front yard set-back of no less than twenty-five (25) feet from the front lot line of the owner's premises, a rear yard set-back no less than twenty-two (22) feet from the rear lot line of the owner's premises, and a side yard set-back of no less than twenty (20) feet from the side lot line of the owner's premises.
5. Lots which have been platted in this District prior to enactment of this Ordinance which have less than the minimum area of nine thousand (9,000) square feet shall have a front yard set-back of no less than twenty (20) feet from the front lot line of the owner's premises, and a rear yard set-back no less than twenty (20) feet from the rear lot line of the owner's premises. Such lots shall have side yard set-back from the side lot line of the owner's premises of no less than that fraction of ten (10) feet which the lot area is of nine thousand (9,000) square feet, or four (4) feet, whichever is greater, but no less than twenty (20) feet from the curb line of any abutting street.

19.3 **MULTI-FAMILY RESIDENTIAL DISTRICT A-2**

19.3(a) **PERMITTED USES:**

1. Those uses permitted in Single Family Residential District A-1.
2. Residential use as no more than four (4) residences.
3. Child-care, nursery, and day care.
4. Temporary tourist bed and breakfast accommodations, providing lodging for no more than eight (8) lodgers at full capacity, so long as conducted at the residence of the proprietor and in full compliance with applicable State Law.

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5. Churches and schools and recreational, civic, social and fraternal buildings.

19.3(b) **RESTRICTIONS:**

1. Floor area of the principle building used for residential purposes, when measured along the outside perimeter of the building, shall be no less than six hundred (600) square feet per residential unit.
2. Set-back for all yards shall be the same as for the A-1 District.

19.4 **APARTMENT DISTRICT A-3**

19.4(a) **PERMITTED USES:**

1. Those uses permitted in Single Family Residential District A-1 and Multi-Family Residential District A-2.
2. Residential use as apartments without limit on number of units.

19.4(b) **RESTRICTIONS:**

1. Floor area of the principal building used for residential purposes, when measured along the outside perimeter of the building, shall be no less than four hundred (400) square feet per residential unit.
2. Set-back for all yards shall be the same as for the A-1 District.

19.5 **AGRICULTURAL DISTRICT A-4**

19.5(a) **PERMITTED USES:**

1. Uses permitted in Residential Districts A-1, A-2 and A-3.
2. Raising and cultivation of livestock, plants, produce or any item lawful for human consumption or use, including, but not limited to, cows, calves, bulls, steers, horses, mules, burros, donkeys, goats, hogs, sheep, chickens, roosters, turkeys, guinea hens, ducks, geese, any wild game and the like.
3. Greenhouses.
4. Retail sale of any products produced on the premises that could aid in the production of products on the premises.
5. Dog kennels.

19.5(b) **RESTRICTIONS:**

1. Floor area restrictions as those governing Multi-Family Residential District A-2.
2. Set-back for all yards shall be the same as for the A-1 District, except that any buildings or structures not used for human

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residential purposes shall have a minimum front yard set-back of sixty (60) feet from the front lot line of the owner's premises.

19.6 GENERAL BUSINESS DISTRICT B

19.6(a) PERMITTED USES:

1. Those permitted in Residential Districts A-1 and A-2.
2. Otherwise lawful wholesale or retail sale of goods and/or services, including, but not limited to, motels, hotels, libraries, greenhouses, parking lots, and restaurants, taverns and drive-in eateries, and motor vehicle service stations.
3. Assembly-only manufacturing operations.
4. Warehouse facilities.

19.6(b) RESTRICTIONS:

1. Lots shall have a minimum area of six thousand (6,000) square feet, minimum width of sixty (60) feet at all points and a minimum depth of one hundred (100) feet at all points.
2. Front yard set-back shall be no less than ten (10) feet from the front lot line of the owner's premises. Rear yard set-back shall be no less than ten (10) feet from the rear lot line of the owner's premises. Side yard set-backs shall be no less than ten (10) feet from the side lot line of the owner's premises, but no less than twenty (20) feet from the curb line of any abutting street. Common walls are prohibited.

19.7 INDUSTRIAL DISTRICT C

19.7(a) PERMITTED USES:

1. All uses permitted in General Business District B, except that no residential use whatsoever is to be made of premises within Industrial District C.
2. All types of manufacturing operations.
3. Gravel and mineral exploration, extraction, removal and mining.
4. Junkyards.
5. All types of industrial operations.

19.7(b) RESTRICTIONS:

1. Lots shall have a minimum area of forty-two thousand eight hundred forty-nine (42,849) square feet, with a minimum width at all points and a minimum depth at all points of two hundred seven (207) feet.

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2. Front yard set-back shall be no less than sixty (60) feet from the front lot line of the owner's premises.
3. Rear yard set-back shall be no less than thirty (30) feet from the rear lot line of the owner's premises.
4. Side yard set-back shall be no less than twenty (20) feet from the side lot line of the owner's premises.

XX

YARDS

20.1

FRONT YARD

All premises shall provide, according to the ZONE DISTRICT, a front yard consisting of an open, unoccupied space extending across the full width of the lot and lying between the most prominent portion of the front façade(s) of the principal building and the abutting street.

20.2

SIDE YARD

All premises shall provide, according to the ZONE DISTRICT, two (2) side yards consisting of the area bounded by the most prominent portion of the side facades(s) of the principal building, the side lot line, the rear yard, and the front yard.

20.3

REAR YARD

All premises shall provide, according to the ZONE DISTRICT, a rear yard extending across the full width of the lot, lying between the most prominent portion of the rear façade(s) of the principal building and the rear lot line.

XXI

LOT LINES

21.1

FRONT LOT LINE

The front lot line is that which is adjacent to and closest to the street on which the premises are listed as having an address.

21.2

SIDE LOT LINE

The side lot lines are those other than the front and rear lot lines.

21.3

REAR LOT LINE

The rear lot line is parallel to and furthest from the front lot line.

XXII

ACCESSORY BUILDINGS

Accessory buildings, structures or wood piles may be built on side or rear yards of premises on which there is a principal building or

Article Section

structure. Side and rear yard set-backs required for the principal building apply to accessory buildings, structures and wood piles. No accessory building shall be located in any front yard in any District. Only one accessory building may be located on any lot without a principal building.

XXIII

SIGNS

23.1

RESTRICTIONS

Signs shall be permissible within any ZONE DISTRICT according to the following dimensional restrictions:

1. ZONE DISTRICTS A-A, A-1 AND A-2: One (1) square foot
2. ZONE DISTRICTS A-3, A-4 AND B: Sixteen (16) square feet
3. ZONE DISTRICT C: Fifty (50) square feet (Industrial)

23.2

APPLICATION OF OTHER RESTRICTIONS

All signs must comply with height restrictions contained elsewhere in this Ordinance. No sign shall be located closer than ten (10) feet from an adjoining property line. No sign shall be erected or maintained in set-back area required of any yard in which the sign is located. No sign shall be positioned other than parallel to the principal building.

23.3

DISTANCE BETWEEN SIGNS

No sign shall be erected or maintained within fifty (50) feet of any other sign.

23.4

PERMITS REQUIRED

A yearly permit is required for advertising signs to be maintained for one (1) year or more. Advertising sign permits shall be issued by the Zoning Administrator for a fee established by the City Commission, payable in advance. The permit shall be permanently affixed to the advertising sign.

23.5

POLITICAL CAMPAIGN SIGNS

Signs supporting, opposing or notifying of an issue or a candidate in an election shall not be posted more than three (3) months prior to the election and must be removed within ten (10) days after the date of the election or the date when the candidate ceases to be a candidate, whichever is earlier.

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23.6 **LIGHTED SIGNS**

Lighted signs are prohibited in Zoning Districts A-A, A-1, A-2 and A-3. The use of all flashing, rotating, oscillating and self-illuminating signs is prohibited.

XXIV **ANIMALS**

24.1 **DOGS**

Dogs may be kept in any ZONE DISTRICT. No more than four (4) dogs may be maintained at any residential unit in the following ZONE DISTRICTS:

- Single Family Residential District A-A
- Single Family Residential District A-1
- Multi-Family Residential District A-2
- Apartment District A-3

If more than two (2) dogs are maintained in any ZONE DISTRICT, a secure dog kennel, with a minimum floor area of fifty (50) square feet per dog shall be erected and maintained in a safe and sanitary manner. No such kennel may be maintained in any front yard or in any side yard, and it shall comply with applicable rear yard set-back requirements.

24.2 **CATS**

Cats may be maintained in any ZONE DISTRICT. No more than four (4) cats may be maintained at any residential unit in the following ZONE DISTRICTS:

- Single Family Residential District A-A
- Single Family Residential District A-1
- Multi-Family Residential District A-2
- Apartment District A-3

If more than two (2) cats are maintained in any ZONE DISTRICT, a secure cat kennel, with a minimum floor area of twenty-five (25) square feet per cat shall be erected and maintained in a safe and sanitary manner. No such kennel may be maintained in any front yard or in any side yard, and it shall comply with applicable rear yard set-back requirements.

24.3 **DOGS AND CATS**

Owners of dogs and cats who own more than two (2) animals in any combination shall erect and maintain at least one kennel

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consistent with the requirements for owners of more than two (2) dogs.

24.4 RABBITS

Rabbits may be maintained as a family pet in any ZONE DISTRICT. No more than one (1) rabbit may be maintained at any residential unit in the following ZONE DISTRICTS:

- Single Family Residential District A-A
- Single Family Residential District A-1
- Multi-Family Residential District A-2
- Apartment District A-3

If more than one (1) rabbit is maintained in any ZONE DISTRICT, a secure rabbit pen, with a minimum floor area of twenty-five (25) square feet per rabbit shall be erected and maintained in a safe and sanitary manner. No such rabbit pen shall be maintained in any front yard or in any side yard, and it shall comply with applicable rear yard set-back requirements.

24.5 LIVESTOCK AND WILD GAME

No livestock, including, but not limited to, cows, calves, bulls, steers, horses, mules, burros, donkeys, goats, hogs, sheep, chickens, roosters, turkeys, guinea hens, ducks, geese or any wild game shall be maintained in any of the following ZONE DISTRICTS:

- Single Family Residential District A-A
- Single Family Residential District A-1
- Multi-Family Residential District A-2
- Apartment District A-3
- General Business District B
- Industrial District C

XXV BASEMENT/TEMPORARY DWELLING

25.1 PROHIBITION

The use of a basement or the basement of a partially built or planned building or structure as a residence or dwelling unit is prohibited in all zone areas.

25.2 TRAVEL TRAILERS

A travel trailer may be used as a temporary dwelling on a lot in any ZONE DISTRICT other than General Business District B and Industrial District C. The use of such trailer as a temporary residence shall be allowed only after a temporary dwelling permit for such use

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has been obtained from the ZONING ADMINISTRATOR. The permit shall be for the duration of no longer than one (1) year. Extensions of the permit may be allowed if approved by the Zoning Board of Appeals on request of the permit holder. Approval of a request for extension of a temporary dwelling permit shall be left to the discretion of the Zoning Board of Appeals. In order to have a request for extension of a temporary dwelling permit considered, a permit holder shall be required to show construction of the permanent residence has been delayed by extreme weather conditions beyond the ordinary, labor dispute, materials shortage, national emergency, or other event beyond the control of the permit holder.

Any travel trailer used as a temporary dwelling shall comply with all set-back and other requirements of this Ordinance and be fully connected to city water and sewer services.

Use of a travel trailer as a dwelling, except as provided herein, is prohibited.

XXVI

BUILDING HEIGHT

26.1

MAXIMUM

No building or structure shall be of a height exceeding the lesser of thirty-five (35) feet or two and one-half (2 ½) stories in any ZONE DISTRICT except for Industrial District C, where there shall be no height restriction and except for Agricultural District A-4, where the foregoing restriction shall not apply for silos and farm barns.

26.2

EXEMPT PROJECTIONS

Chimneys, radio and television antennas and ornamental projections such as flagpoles, spires and cupolas are exempt from the foregoing height requirement.

XXVII

CORNER LOTS

Lots where the side yard abuts a street shall be deemed as having two (2) front yards, one being the side yard abutting the street. In such a case, the side yard abutting the street shall be deemed to be that portion of the premises extending from the front yard to the rear lot line and lying between the most prominent portion of the side façade(s) of the principal building and abutting street. All requirements and restrictions related to the front yard shall be equally applicable to any side yard abutting a street.

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XXIX

LIGHTING AND SCREENING REQUIREMENT

Lighting of premises shall not illuminate adjoining premises or abutting streets so as to constitute a nuisance to any adjoining owner or to the public. Lighting of premises in General Business District B or in Industrial District C shall be screened from adjoining premises located in Single Family Residential District A-A and A-1, Multi-Family Residential District A-2, Apartment District A-3 and Agricultural District A-4 by either of the following:

1. A natural compact planting of evergreens, shrubbery or hedges which maintain their density and screening effect through all seasons, not less than four (4) feet high; or
2. A wall or fence of sufficient density of compactness not less than five (5) feet high.

Neither shall violate the other height restrictions for fences or hedges provided herein.

XXX

PARKING AND DELIVERIES

30.1

REQUIREMENTS

All premises shall provide sufficient off-street parking as follows:

1. Single Family Residential District A-A and A-1 premises shall provide a minimum of one (1) parking space.
2. Multi-Family Residential District A-2 premises and Apartment District A-3 premises shall provide at least one (1) parking space for every residential unit.
3. General Business District B and Industrial District C shall provide at least one (1) parking space for every employee to be simultaneously employed. Additional parking space must be provided for customers or patrons, computed on the basis of one (1) additional parking space for every four (4) customers at maximum occupancy or one (1) additional parking space per two hundred (200) square feet of customer-accessible floor space, whichever is greater.

30.2

DELIVERIES

Any premises to which regular deliveries are made to replenish inventories or supplies shall provide for such deliveries to be made at the rear of the premises. Any and all delivery bays, loading docks or like installations made to any building or structure shall be made to the rear of the building or structure.

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30.3 **FRONT YARD PARKING RESTRICTIONS**

No portion of a front yard shall be used to provide the off-street parking required by this Ordinance in Single Family Residential District A-A or A-1 or in Multi-Family Residential District A-2. No portion of the front, side or rear yard set-back shall be used to provide parking.

30.4 **SIZE OF SPACE**

For the purposes of determining compliance with this Ordinance, parking space shall be defined to be a contiguous area measuring no less than twenty (20) feet by eight (8) feet which may include floor area of a garage to be used for parking and vacant portions of driveways, except for that part of the driveway between the lot line and the required set-back line. In multiple-vehicle parking facilities, access ways shall be provided to each space, and the access ways shall not be included in determining compliance.

30.5 **DRAINAGE**

Off-street parking facilities shall be drained so as to prevent damage to adjoining properties or abutting roads.

30.6 **SET-BACK**

No parking space shall be closer than five (5) feet from the property line.

30.7 **SCREENING**

Off-street parking in General Business District B or in Industrial District C shall be screened from adjoining premises located in Single Family Residential District A-A and A-1, Multi-Family Residential District A-2, Apartment District A-3 and Agricultural District A-4 by either of the following:

1. A natural, compact planting of evergreens, shrubbery or hedges which maintain their density and screening effect through all seasons, not less than four (4) feet high; or
2. An opaque wall or fence of sufficient density or compactness not less than five (5) feet high.

30.8 **REDUCTION RESTRICTED**

No parking area, parking space or delivery/loading space which exists at the time this Ordinance becomes effective or which subsequent thereto is provided for the purpose of complying with the

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provisions of this Ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance unless additional parking area or space is provided sufficient for the purpose of complying with the provisions of this Ordinance within three hundred (300) feet of the proposed or existing uses for which such parking will be available.

XXXI

REPAIR AND STORAGE OF MACHINERY AND VEHICLES

31.1 USE OF FRONT YARD, SIDE YARD OR SET-BACK PROHIBITED

The front yard and side yard(s) abutting a street on a corner lot of any premises located in Single Family Residential District A-A or A-1, Multi-Family Residential District A-2, Apartment District A-3 or General Business District B and any required set-back in any ZONE DISTRICT shall not be used for repair or storage of machinery or vehicles.

31.2 MACHINERY AND VEHICLES DEFINED

For the purposes of this Ordinance, machinery and vehicles include but are not limited to the following items: automobiles, trucks, trailers, motorcycles, watercraft, all-terrain vehicles, tractors, machines or tools weighing over fifty (50) pounds or any parts thereof.

31.3 RESTRICTIONS ON NUMBERS

In Single Family Residential District A-A and A-1 and Multi-Family Residential District A-2, there shall be no outdoor storage of more than four (4) items of machinery or vehicles on the premises.

31.4 PERMISSIVE ACTIVITIES

Outdoor storage of machinery and vehicles permissible hereunder shall only be as follows:

1. In Single Family Residential District A-A and A-1, Multi-Family Residential District A-2, Apartment District A-3 and General Business District B, outdoor storage of machinery and vehicles shall be only in the rear yard, exclusive of the required set-back.
2. All machinery and vehicles stored outdoors shall be fully covered by a tarp or equivalent covering which shall be secured to the stored vehicle or machinery and maintained in a neat and orderly manner.
3. Outdoor storage of inoperable machinery and vehicles, including, but not limited to, those inoperable motor vehicles

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as defined by the Michigan Motor Vehicle Code, which by reason of accident, mechanical condition or otherwise are not operational and safe as required by law, or those vehicles not displaying evidence of current registration, plus inoperative parts of machinery or vehicles, shall not exceed thirty (30) days, or the time needed to repair, whichever is shorter, when storage is located in Single Family Residential District A-A and A-1, Multi-Family Residential District A-2, Apartment District A-3 and General Business District B.

4. Outdoor storage of machinery and vehicles shall be maintained in all ZONE DISTRICTS so as to preclude access to items containing broken glass, plastic or sharp edges, metallic or otherwise; and so as to preclude access to compartments of items which provide no readily-accessible means of escape from the interior of the compartments; and so as to preclude access to poisonous or otherwise hazardous substances, by the outdoor erection of suitable walls or fences or otherwise.
5. When outdoor storage of machinery and vehicles is not precluded by the terms of this Ordinance and more than four (4) items are stored, the storage shall be screened from adjoining premises located in Single Family Residential District A-A and A-1, Multi-Family Residential District A-2 and Apartment District A-3 by either of the following:
 - (a) A natural compact planting of evergreens, shrubbery or hedges which maintain their density and screening effect through all seasons, not less than five (5) feet high; or
 - (b) A wall or fence of sufficient density or compactness, not less than five (5) feet high.

Neither shall violate the other height restrictions for fences or hedges provided herein.

31.5 EXTENSION PERMIT

For the purposes of this Ordinance, if, for a reason beyond the control of the owner of an inoperable piece of machinery or vehicle, same cannot be removed within the thirty (30) day period stated in Paragraph 3 of the Permissive Activities Article, application for a permit for an extension of time can be submitted by the owner of the inoperable piece of machinery or vehicle to the Zoning Administrator. Said permit shall be for an extension period of not more than fifteen (15) days. The fee for said permit shall be as set forth from time to time by the City Commission.

31.6 STORAGE DEFINED

For the purposes of this Ordinance, storage of machinery or vehicles shall include, but not be limited to, instances where those

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items are permitted to remain on the premises for a period of three (3) days or more.

XXXII

MOBILE HOMES

32.1

REQUIREMENTS

A person desiring to use a mobile home permanently in any ZONE DISTRICT shall comply with all applicable provisions of this Ordinance including, but not limited to, obtaining a zoning permit as required by Section 17.1 prior to installation or placement of the mobile home or structure on any premises. The permit shall be obtainable upon proper application and fee payment showing compliance with requirements of this Ordinance for the applicable ZONE DISTRICT.

32.2

INSTALLATION

Installation shall be according to manufacturer's instructions. Wheels shall be removed. Connection to a foundation shall be by means of an anchoring system, and in the case of a mobile home, in accordance with those required by the Michigan Mobile Home Commission.

32.3

VARIANCE PLANNED UNIT DEVELOPMENT

When any person wishes to install one or more mobile homes without being in total conformity to this Ordinance for the applicable ZONE DISTRICT, application shall be made either for approval of a variance or planned unit development as set forth elsewhere in this Ordinance.

XXXIII

PLANNED UNIT DEVELOPMENT

33.1

PURPOSE

In order to provide flexibility in the regulation of land development, encourage innovation in land use and variety in design, layout, and type of structures constructed, and in order to achieve economy and efficiency in the use of land, natural resources, energy and in the providing of public services and utilities, and to encourage useful open space, the provision of better housing, employment and shopping opportunities, and for the benefit of the health, welfare and morals of the people of the City of Caspian, a permit for the construction and occupancy of a planned unit development may be issued by the Zoning Administrator pursuant to the requirements, standards, and procedures set forth in this Ordinance.

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33.2

APPLICATION

A request for approval of a planned unit development shall be by application made to the Zoning Administrator. An application shall include the following information:

1. A plan of the planned unit development, in appropriate scale, indicating the proposed use for each individual site in the development, the exact boundaries, existing and proposed location and dimension of all buildings and structures, points of entry and exit from each site in the development and into and from the development itself, locations of all streets, alleys and other traffic ways, and an indication of the use to which each site in the planned unit development will be put.
2. A written text shall accompany the plan for the planned unit development indicating compliance with the following criteria:
 - (a) The minimum size of the planned unit development shall be at least ten (10) acres.
 - (b) The uses permitted in the planned unit development may include single family residences, multiple family residences and businesses permissible in General Business District B.
 - (c) The number of units established for the planned unit development may not exceed the number of units which would be permitted if the entire property was developed under the density standard of the district where the development is located.
 - (d) Detailed explanation showing in what respects the planned unit development is or is not consistent with the purposes and intents of this section.
 - (e) Indications of where and to what extent the plan departs from the zoning requirements otherwise applicable to the district in which the development is proposed.
 - (f) The nature and extent of the common space in the planned unit development and the adequacy or inadequacy of the amount and function of the space as it relates to the overall project.
 - (g) The types of services to be rendered in the planned unit development and the necessity for the services to the development.
 - (h) The manner in which the planned unit development makes adequate provisions for all public services, provides efficient pedestrian and vehicular traffic movement, and furthers recreation and visual enjoyment.
 - (i) The compatibility and beneficial and adverse effect of the proposed unit development on the neighborhood in which the planned unit development is to be established.

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- (j) The facts of the planned unit development on the provision of water, sewer, and other public services to the planned unit development, and the differing effect of the planned unit development when compared with development according to the normal requirements of this Zoning Ordinance.
- (k) The manner in which Single Family Residential District A-A and A-1, Multi-Family Residential District A-2, and Apartment District A-3 will be insulated from the effects of the planned unit development. In particular, the way in which those four districts are to be insulated by open spaces or residential premises from business establishments.
- (l) The manner in which sale of the property within the planned unit development assures the common theme and aesthetic nature of the plan will continue into the future.

Application shall be accompanied by a filing fee set by the City of Caspian.

33.3

CONSIDERATION OF THE APPLICATION

Within sixty (60) days of the filing of the application for approval of a planned unit development, the Zoning Administrator shall hold a public hearing on the request of the planned unit development. Notification of the public hearing shall be given to a property owner and the occupant of the structure located within three hundred (300) feet of the property being considered for the planned unit development. A notice that a request for a planned unit development has been received should also be published in the newspaper of general circulation. The notice shall be given not less than five (5) and not more than fifteen (15) days before the application will be considered. Notification may be sent by regular mail or personal delivery, and if the name of the occupant of the premises is not known, the name "Occupant" may be used in making notification. Notification need not be given to more than one 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 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 will be requested to post the notice at the primary entrance to the structure. The notice shall:

1. describe the nature of the planned unit development request;
2. indicate the property which is the subject of the planned unit development request;

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3. state when and where the planned unit development request will be considered;
4. indicate where and when the written comments will be received concerning the request; and
5. indicate that a public hearing on the planned unit development request may be requested by a property owner or occupant of a structure located within three hundred (300) feet of the boundary line of the property being considered for the planned unit development.

33.4 DECISION

Within fifteen (15) days after the public hearing, the Zoning Administrator shall deny, approve, or approve with conditions the request. A written report shall be prepared stating the Zoning Administrator's conclusions on the request for a planned unit development, the basis for the decision, the decision, and any conditions relating to an affirmative decision.

33.5 RESTRICTION

No amendment of the Zoning Ordinance shall be required for approval of a planned unit development request. Planned unit developments may be approved only if located in a ZONE DISTRICT other than Industrial District C.

XXXIV APPEALS

34.1 DECISIONS OF THE ZONING ADMINISTRATOR

34.1(a) FILING REQUIREMENTS

Appeals of decisions of the ZONING ADMINISTRATOR may be taken by an owner or occupant of property either directly affected or within three hundred (300) feet of property directly affected by the decision. The appeal must be made within fifteen (15) days of mailing of the decision on an application made under this Ordinance. If no decision has been mailed, the appeal must be made within fifteen (15) days of the last day on which the Zoning Administrator may mail a decision. The appeal shall be made only by a written appeal received by the Zoning Board of Appeals. Receipt shall be by way of the City Clerk. The appeal shall specify the alleged wrong of the Zoning Administrator.

34.1(b) HEARING AND DECISION

An appeal of a decision by the Zoning Administrator shall be heard by the Zoning Board of Appeals. The Zoning Board of Appeals

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shall determine whether the correct decision was made by the Zoning Administrator on the basis of those facts presented to the Zoning Administrator. The Zoning Board of Appeals shall hear the appeal within thirty (30) days of making the appeal by the appellant. A decision shall be rendered by the Zoning Board of Appeals within fifteen (15) days of the hearing on the appeal. The decision shall be in writing and mailed by that date. If no decision has been mailed by the Zoning Board of Appeals at the conclusion of the fifteen days, the appeal shall be deemed denied.

34.2 **DECISIONS OF THE ZONING BOARD OF APPEALS**

34.2(a) **PROCEDURE**

Appeals of the decisions of the Zoning Board of Appeals may be taken, as may be provided under applicable Michigan Statutes, to the appropriate Courts within the State of Michigan.

XXXV VALIDITY OTHER ORDINANCES

Any and all ordinances or parts thereof in conflict with or inconsistent with any of the terms of this Ordinance are hereby repealed to such extent as they are so in conflict or inconsistent, however provided, that the adoption of this Ordinance shall not prevent or bar the continuance or institution of any proceedings for offenses heretofore committed in violation of any existing Ordinance.

XXXVI VIOLATIONS AND PENALTIES

Any person who shall violate the provisions of this Ordinance or otherwise fail to comply with this Ordinance or any part of the requirements of this Ordinance shall be deemed to have committed a criminal violation and shall be liable for a fine of not more than one hundred dollars (\$100), or to imprisonment for not more than ninety (90) days, or to both fine and imprisonment, plus costs of prosecution. Each day a violation continues is deemed to be a separate and distinct violation of this Ordinance. The Zoning Administrator and/or the City Police shall take such measures as necessary to enforce and prevent violations of this Ordinance, including issuance of District Court complaints and warrants and prosecution thereof by the City Attorney. The City shall also be entitled to seek injunctive civil relief against a violator or other civil relief that may be provided by law.

XXXVII AMENDMENTS

Amendments to this Ordinance may be adopted as provided by law.

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XXXVIII VALIDITY

Should any section, subsection, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid or unenforceable, all provisions of this Ordinance excepting the invalidated or unenforceable section, subsection, clause or provision shall remain in full force and effect.

XXXIX EFFECTIVE DATE

This Zoning Ordinance shall take effect on October 1, 1988.

XL ADOPTION

This Zoning Ordinance was adopted by the Caspian City Commission on August 31, 1988.

XLI CERTIFICATION

I certify that the foregoing constitutes a true and complete copy of a Zoning Ordinance duly adopted by the City Commission of the City of Caspian, Iron County, MI at a regular meeting held on the 31st day of August, 1988 and that said meeting was conducted, and public notice of said meeting was given pursuant and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976 and that the minutes of said meeting were kept and will be or have been made available as required by said act.

I certify that the following members were present at said meeting: Joe Sabol, Rosalie King, Leo Remondini, Edward Battye, Bill Stokoski, and Bill Leonoff, and no members were absent.

I further certify that the following members voted for adoption of said Zoning Ordinance: Joe Sabol, Rosalie King, Leo Remondini, Edward Battye, Bill Stokoski, Bill Leonoff, and no members voted against it and that the Zoning Ordinance was adopted.

Rosalie King
City Manager