

CITY OF CRYSTAL FALLS

ORDINANCE NO. 4

(AS AMENDED)

ZONING ORDINANCE

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ZONING ORDINANCE

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CITY OF CRYSTAL FALLS
ZONING ORDINANCE
NO. 4
(as amended)

An Ordinance to establish zoning for the City of Crystal Falls, Iron County, Michigan, pursuant to the provisions of Act 110, of the Public Acts of 2006, being the City and Village Zoning Act.

THE CITY OF CRYSTAL FALLS HEREBY ORDAINS:

Section 1 – Introduction

1.1 Short Title:

This Ordinance shall be known and referred to as the City of Crystal Falls Zoning Ordinance, Ordinance No. 4, as amended.

1.2 Effective Date:

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

1.3 Rules

1. Words used in the present tense shall include the future; and words used in the singular number shall include the plural number, and the plural the singular; where the context requires.
2. The word “shall” is mandatory and not discretionary.
3. The word “may” is permissive.
4. The word “lot” shall include the words “piece”, “parcel”, “tract”; and the phrase “used for” shall include the phrases “arranged for”, “designed for”, “intended for”, “maintained for”, and “occupied for”.
5. All measured distances shall be to the nearest integral foot; if a fraction is one-half foot or less, the integral foot next below shall be taken.
6. Any words not defined as follows shall be construed in their general accepted meanings as defined in the most recent publication of Webster’s Dictionary.

7. The words and terms set forth herein under “Definitions” wherever they occur in this Ordinance shall be interpreted as herein defined.

1.4 Definitions:

1. Abutting

Having a property line or district line in common.

2. Alley

A public or legally established private thoroughfare affording only a secondary means of access to abutting property, such thoroughfare being not less than twenty (20) feet in width and not more than thirty (30) feet in width

3. Alterations

Any change, addition or modification to a structure or to the type of occupancy or use of a structure or land, or any change in the structural members of a building, such as walls or partitions, columns, beams or girders, or any substantial change in the roof or exterior walls, the consummated act of which may be referred to herein as “altered” or “reconstructed” or “changed”.

4. Automobile or Trailer Sales Area

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

5. Basement

That portion of a building where 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.

6. Bed and Breakfast

An accessory use to the principal use of a dwelling as a single family detached dwelling unit in which transient guests are provided a sleeping room and food for payment.

7. Billboard

A large sign that is affixed to or erected upon a freestanding framework, designed or intended to be used for posting information not pertaining directly to the use of the premises on which it is located.

8. Board

Wherever the word “Board” is used, it refers to the Zoning Board of Appeals.

9. Buffer

A strip of land, including any specified plantings or structures required to provide a transition between uses of differing intensity.

10. Building

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

11. Building line

A line parallel to the front lot line at the finish grade or surface of ground. A minimum building line is the same as the minimum required front setback line.

12. Building, Accessory

A structure subordinate to the principal use and located on the same premises serving a purpose customarily incidental to the principal use.

13. Camp or Campgrounds

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

14. Carport

A partially open structure, intended to shelter one or more vehicles. Such structure shall comply with all yard requirements applicable to private garages.

15. Church

A building wherein persons assemble for religious worship controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.

16. Clinic

A place for the care, diagnosis, and treatment of sick or injured persons, and those in

need of medical or minor surgical attention. A clinic may incorporate customary laboratories and pharmacies incidental or necessary to the operation of the clinic or service to the patients, excluding facilities for inpatient care or major surgery.

17. Club

An organization catering exclusively to members and their guests on premises and buildings for recreational, artistic, political or social purposes which are not conducted primarily for profit and which do not provide merchandise, vending, or commercial activities, except as required incidentally for the membership and purpose of such club.

18. Comprehensive Plan

The extensively developed and evolving plan, also called the Master Plan, adopted by the City Planning Commission and City Council.

19. Conservation

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

20. Consumer Service:

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

21. Court

An open, unoccupied space bounded on at least two sides by a building. A court extending to the front or rear lot line is an outer court. All other courts are inner courts.

22. Dwelling, Single-Family:

A building containing not more than one (1) dwelling unit designed for residential use, complying with the standards in Section 4.6 of this Ordinance:

23. Dwelling, Two Family

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

24. Dwelling, Multi-Family

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

25. Essential Services

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

26. Family

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

27. Family Day Care Home

A private home in which more than one but less than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or guardian, except 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 weeks during a calendar year, or a home licensed by the Michigan Department of Social Services as a Family Day Care Home.

28. Fence

An artificially constructed barrier of wood, metal, stone, or any manufactured materials erected for the enclosure of yard areas.

29. Fence, Screening

A structure of definite height and location, maintained to allow 20% passage of light and to screen and separate a use from adjacent property. A screening fence shall be an obscuring fence.

31. Floor Area:

- a. Gross: The sum of all horizontal areas of the several floors of a building measured from the outside dimensions of the structure. Unenclosed porches, courtyards, or patios whether covered or uncovered shall not be considered as a part of the gross floor area unless used for commercial purposes such as nursery beds or sales of outdoor equipment.
- b. Usable: That area to be used for the sale of merchandise or services, or to service patrons, clients, or customers, excluding floor area used or intended to be used for the storage or processing of merchandise, hallways, stairways, elevator shafts, utilities, or sanitary facilities. Total usable floor area shall be the sum of the horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.

32. Garage, Private

An accessory building, or an accessory portion of a principal building enclosed on at least three (3) sides which is intended for and used to store private passenger motorized vehicles, land and building maintenance equipment, and other private personal property.

33. Garage, Public

A building other than a private garage used for the care, repair, of equipment or automobiles, or where such vehicles are parked or stored for remuneration, hire, or sale. Such storage shall not exceed seventy-two (72) hours duration and shall not permit the storage of wrecked vehicles.

34. Grade

An elevation as determined by the level of the ground adjacent to the walls of any structure used to control the number of stories and height of a structure. If the ground is not level, the grade shall be determined by averaging the elevation of the ground for each face of the structure.

35. Group Day Care Facility

A private home or a facility other than a private home receiving more than six persons for care or supervision for periods of less than 24 hours a day; a facility licensed as a day care center or a home licensed as a group day care home by the Michigan Department of Social Services.

36. Home Occupation

Home occupations such as a professional office or studio or a room used for home occupations, or occupational rooms located in the dwelling in which the practitioner resides, or in an accessory building adjacent to where the practitioner resides, and provided that the space occupied and utilized for such purposes does not exceed two rooms or an area equal to twenty-five (25%) percent of the ground floor of the dwelling or of the accessory building in which it is located.

Home income utilization such as the renting of rooms to permanent or tourist guests, provided such use shall be accessory to a residential occupancy and provided that the space occupied and utilized for such purposes does not exceed four rooms and provided that such utilization is only for lounging and sleeping.

Home occupations and home income utilization can be approved only when no goods are publicly displayed on the premises and there is no advertising, except for one (1) sign used to advertise the accessory use conducted on the premises may be displayed providing it is in compliance with sign regulations in the city.

37. Hotel

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

38. Housing for the Elderly

An establishment other than a hospital, hotel, or nursing home which provides dwelling units for persons primarily of retirement age or older.

39. Housekeeping Unit

A dwelling organized as a single entity which the members share common kitchen facilities and have access to all parts of the dwelling.

40. Institutional Uses

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

41. Junk

Any motor vehicle, machinery, appliance, or merchandise with parts missing or any other scrap materials that are damaged or deteriorated.

42. Junkyard

Any land or structures used for a salvaging operation including, among other things,

the storage and sale of waste paper, rags, scrap metal, and discarded materials, and the collecting, dismantling, storage and salvaging of unlicensed, inoperative vehicles.

43. Kennel

(a) Commercial: A lot or premise used for the commercial maintenance of dogs, cats, or other domestic pets.

(b) Private: A lot or premise used for the private maintenance of up to four dogs, cats, or other domestic pets in any combination. The keeping of more than four animals, regardless of ownership or species, shall be considered a commercial kennel.

44. Loading Area

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

45. Lodging Room

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

46. Lot

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

47. Lot, Area

The total horizontal area within the boundary lines of a parcel of property.

48. Lot, Corner

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

49. Lot Coverage

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

walls, or hedges used as fences or swimming pools.

50. Lot, Depth

The horizontal distance between the front lot line and the rear lot line, with the measurement taken along a line that is equal distance between the two side lot lines.

51. Lot, Interior

A lot other than a corner lot.

52. Lot, Nonconforming

A lot, the size, width or other characteristic of which fails to meet requirements of the Zoning District in which it is located and which was conforming (“of record”) prior to enactment of this ordinance.

53. Lot Line, Front

In the case of an interior lot, a line separating the lot from the street or place; and in the case of a corner lot, a line separating the narrowest street frontage from the street. For purposes of front setbacks, the front lot line shall be defined as the right of way of the street; however, fences, landscaping, etc. may be placed up to the edge of the pavement or sidewalk (where a sidewalk exists) in accordance with all other provisions of this ordinance.

54. Lot Line, Rear

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

55. Lot Line, Side

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

56. Lot, Recorded

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

57. Lot Width

The width of a parcel of land measured at the front of the lot street yard.

58. Lot, Zoning

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

59. Mobile Home

“Mobile Home” means a structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities., and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure and meets the requirements of a single family dwelling.

60. Mobile Home Park

“Mobile Home Park” means an area of land upon which two (2) or more occupied trailer coaches or mobile homes are harbored and shall include any building, structure, tent, vehicle, or enclosure used or intended for use as a part of the equipment of such trailer coach park. Lots may be either leased or individually owned.

61. Motel

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

62. Nonconforming Structure

A structure or building, the size, dimensions or location of which was lawful prior to the adoption, revision or amendment to a zoning ordinance, but which fails by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

63. Nonconforming Use

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

64. Non-Retail Commercial

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

65. Nursing Home or Rest Home

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

66. Nuisance

Whatever annoys, injures, or endangers the safety, health, comfort, or repose of the public; offends public decency; interferes with, obstructs, or renders dangerous any street, highway, navigable lake or stream; or in any way renders the public insecure in life or property.

67. Occupancy

The residing of an individual or individuals overnight in a dwelling unit, or the installation, storage, or use of equipment, merchandise or machinery in any public, commercial or industrial building.

68. Open Space, Required

The area of a lot between the street or other lot lines and the required setback line which shall be open, unoccupied, and unobstructed by any structures except as otherwise provided in this Ordinance.

69. Open Sales Lot

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

70. Parking Lot

A hard surfaced or dust free area with well defined entrances and exits and lanes for unencumbered access to vehicle parking spaces.

71. Parking Space

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

72. Permit

Authorization granted by the code officials having jurisdiction, to erect, alter, enlarge, or relocate a structure.

73. Planned Unit Development (PUD)

A form of development usually characterized by a unified site design for a number of housing units, clustering buildings and providing common open space, density increases and a mix of building types and land uses. This development shall be based on an approved site plan and must meet all the requirements of the Planned Unit Development District, and any additional requirements placed upon it by the Planning Commission.

74. Planning Commission

The City Planning Commission of the City of Crystal Falls.

75. Public Utility

Any person, firm, corporation, municipal department, board, or commission duly authorized under federal, state, or municipal regulations to furnish, including but not limited to, gas, steam, electricity, sewage disposal, communication, telephone, cable television, transportation, or water to the public.

76. Recreational Equipment

Includes travel trailers, pickup campers, motor homes, tent trailers or tent campers, boats and boat trailers and the like, tents, snowmobiles, horse trailers, aircraft of any kind, houseboats, docks, rafts, float boats, dune buggies, off road vehicles (ORV), motorized units primarily intended for recreational purposes and any other similar equipment which may from time-to-time evolve.

77. Recreation Area

All lands and structures operated for outdoor recreation activities.

78. Recreational Vehicle

A motorized or non-motorized vehicle designed and used as a temporary living

quarters for recreational, camping, or travel use. A recreational vehicle is not a dwelling for the purpose of this Ordinance. A tent is not a recreational vehicle for the purpose of this Ordinance. The term recreational vehicle includes the following:

- a. Travel trailer means a transportable, non-motorized vehicle which is mounted on wheels and drawn upon a highway by a motorized vehicle.
- b. Camping trailer means a transportable, non-motorized vehicle which is mounted on wheels and drawn upon a highway by a motorized vehicle, and which is constructed with collapsible partial sidewalls of fabric, plastic, or other pliable material which fold for towing and unfold at a campsite.
- c. Motor home means a self-propelled vehicle built on a motor vehicle chassis, and designed and constructed to provide temporary living quarters for recreation, camping or travel use.
- d. Truck camper means a portable structure designed and constructed to be loaded onto, or affixed to, the bed or chassis of a truck or other motor vehicle.

79. Recreational Vehicle Park

A parcel or tract of land on which a minimum of ten (10) recreational vehicle sites are located and offered for use on a transient basis by person travelling in recreational vehicles.

80. Relatives

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

81. Restaurant

- a. Fast Food: An establishment whose principal business is the sale of food or beverages in a ready to consume state for consumption within a building, motor vehicle, or as carry out orders. The principal method of operation includes the service of food or beverages in edible containers, paper, plastic, or other disposable containers.
- b. Standard: An establishment whose principal business is the sale of food or beverages in a ready to consume state. The principal method of operation includes providing a menu, service by a restaurant employee to a table at which the food and beverages are consumed, or a cafeteria style operation where food and beverages are consumed within the building.

82. Retail Sales

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

83. Right Of Way

A public or private street, alley, or other thoroughfare or easement permanently established for the passage of persons or vehicles, or for the location of utilities delineated by legally established lines or boundaries.

84. Runoff

Water from rain or melting snow that flows over the surface of the ground and eventually drains into nearby water bodies.

85. Sanitary Landfill

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

86. Seasonal or Secondary Residence

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

87. Service Station, Filling Station, Gas Station

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

88. Setback

- a. Front: The required minimum unoccupied distance, extending the full width, between the front lot line and any structures.
- b. Rear: The required minimum unoccupied distance, extending the full lot width, between the lot line opposite the front lot line and any structures.
- c. Side: The required minimum unoccupied distance, extending the full lot length, between the side lot lines and any structures.

89. Screen

A manmade or natural vegetative structure providing an enclosure or visual barrier between two properties.

90..Sexually Oriented Business

A sexually oriented business shall include an adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, adult hotel, adult motion picture theater, escort, escort agency, nude model studio, or other such business in which specified anatomical areas and/or specified sexually oriented activities are performed.

91.Shopping Center

A business or group of businesses providing a variety of merchandise or services requiring a location on a major street and a large parking lot.

92. Signs

Any words, letters, figures, numerals, phrases, sentences, emblems, devises, designs, trade names or trade marks by which information is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity or product, and which are visible from any public street, highway, or pedestrian way.

93. Sign, Advertising

A sign which directs attention to a business, commodity, service, or entertainment not necessarily conducted, sold or offered for sale on the premises where such sign is located, or to which it is affixed, excepting those signs erected or approved by the City Council.

94. Sign, Business

A sign which directs attention to a business or profession conducted, or to a commodity, service, or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed.

95. Sign, Gross Area Of

The entire area within a single contiguous perimeter enclosing the extreme limits of the actual surface of a single-face sign. It does not include any structural elements lying outside the limits of such sign and not forming an integral part of the display. A double-face or V-type sign erected on a single supporting structure where the interior angle does not exceed one hundred thirty-five (135°) degrees, shall, for the purpose of computing square-foot area, be considered and measured as a single-face sign; otherwise each display surface of a sign shall be considered

a single sign.

96. Site Plan

A diagram showing all salient features of a proposed development in order to determine whether it meets the provisions of this Ordinance.

97. Special Use Permit

Authorization issued by the Planning Commission to a person or persons intending to undertake an activity upon land or within a structure and for those uses not specifically mentioned in this Ordinance which possess unique characteristics.

98. Story

That part of a building, excluding mezzanines, between the surface of one floor and the surface of the next floor or ceiling above it. A story will be counted as such when more than 50% is above the height level of the adjoining ground.

99. Street

A public or private dedicated right of way which affords traffic circulation and principal means of access to abutting property.

100. Structure

Anything erected, the use of which requires more or less permanent location on the ground; or attached to something having a permanent location on the ground. A sign, billboard, or other advertising device detached or projecting shall be construed to be a structure.

101. Structural Alterations

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

102. Subdivision

The division or splitting of a parcel of land.

103. Thoroughfare

A street with a high degree of continuity which serves as an intrastate, an intra-

county or interstate highway, or as an arterial traffic way between the various districts of this City. It affords a primary means of access to and from abutting properties or other limited access routes not containing frontage roads.

104. Use

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

105. Use, Accessory

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

106. Use, Permitted

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

107. Use, Principal

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

108. Use, Special

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

109. Utilities

Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone, electronic communication devices, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops and storage yards.

110. Yard, Corner Side

A side yard which adjoins a street or thoroughfare.

111. Yard, Front (setback)

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

112. Yard, Interior Side

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

113. Yard, Rear (setback)

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

114. Yard, Side (setback)

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

114. Zoning Administrator.

The City of Crystal Falls official or an authorized representative charged with the responsibility of administering this Ordinance.

1.5 Purpose:

The City of Crystal Falls Zoning Ordinance is adopted for, but not limited to, the following purposes:

1. To meet the public needs for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service and other uses of land;
2. To insure that use of the land shall be situated in appropriate locations and relationships;
3. To limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities;
4. To facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, communication, education, recreation, and other public

- service and facility requirements;
5. To promote public health, safety, and welfare;
 6. To divide the City into districts of such number, shape and area as it considers best suited for the purposes of the Ordinance and to restrict and regulate therein the location, erection, construction, reconstruction, alteration and use of buildings, structures and land for residential, business, manufacturing, industrial, recreational, and other specified uses.
 7. To regulate land development and establish districts which apply only to land areas and activities which are involved in a special program to achieve specific land management objectives and avert or solve specific land use problems, including the regulation of land development and the establishment of districts in areas subject to damage from flooding or beach erosion, and for that purpose may divide the City into districts of a number, shape and area considered best suited to accomplish those objectives.
 8. To limit the location, height, number of stories, and size of dwelling, buildings, structures, or otherwise, that may be erected or altered, and the specific uses for which dwellings, buildings, structures, or otherwise, may be erected or altered.
 9. To establish requirements and standards governing the area of yards, courts, and other open spaces, and the sanitary, safety, and protective measures that shall be required for the dwellings, buildings, structures, or otherwise.
 10. To establish requirements and standards governing the maximum number of families which may be housed in buildings, dwellings, structures, or otherwise, erected or altered.
 11. To assure that the provisions of the Zoning Ordinance shall be uniform for each class of land or buildings, dwellings, structures, or otherwise, throughout each district, but the provisions in one district may differ from those in other districts.
 12. To provide adequate light, air, privacy and convenience of access to property.
 13. To prohibit uses, building, structures, or otherwise incompatible with the character of development or intended uses within the specified districts.
 14. To limit congestion in public streets and rights-of-way, and protect the public health, safety, convenience and general welfare by providing for off-street parking of motor vehicles and the loading and/or unloading of commercial vehicles.
 15. To protect against fire, explosion, noxious fumes, noise, wastes, pollutants, and other hazards in the interest of the public health, safety, comfort and general welfare.

16. To encourage the preservation of property values and resources throughout the City.
17. To define and limit the powers and duties of the administrative officials and governmental bodies affected by the Zoning Ordinance.
18. To maintain a Zoning Board of Appeals with the powers and duties as set forth in 125.3603, Section 603 of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, and other applicable statutes.
19. To make provisions for amendments or supplements to the Zoning Ordinance.
20. To provide for existing structures, nonconforming uses, acquisitions for the purpose of removing nonconforming uses, and variances.
21. To provide for State licensed residential facilities, and their use and regulation.
22. To provide for the license fees and/or special tax revenues to provide funds to administer and enforce the Zoning Ordinance.
23. To provide penalties for violation of the provisions of the Zoning Ordinance.
24. To authorize and permit any and all other matters relative to zoning which are allowed by law.
25. To compliment the historic preservation of significant resources in the City of Crystal Falls.

1.6 Abrogation and Greater Restrictions:

1. Where the conditions imposed by any provision of this Zoning Ordinance upon the use of land or buildings, or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this Ordinance or any other law, ordinance, resolution, rule, or regulation of any kind, the regulations which are more restrictive (or which impose higher standards or requirements) shall govern.
2. This Ordinance is not intended to abrogate any easement, covenant, or any other private agreement provided that where the regulations of this Ordinance are more restrictive (or impose higher standards or requirements) than such easements, covenants, or other private agreements, the requirements of this Ordinance shall govern.

1.7 Interpretation:

1. In their interpretation and application, the provisions of this Zoning Ordinance shall be held to be the minimum requirements for the promotion of the public health,

safety, morals, and welfare.

Section 2 – General Provisions

2.1 Jurisdiction:

1. The jurisdiction of this Ordinance shall include all lands and waters within the City of Crystal Falls. All buildings erected hereafter, all uses of land or buildings established hereafter, all structural alterations or relocation of existing buildings occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this Ordinance which are applicable to the zoning districts in which such buildings, use, or land shall be located.

2.2 Use Restrictions:

1. Principal Uses: Only those principal uses specified for a district or on a planned development plat, their essential services, and the following uses shall be permitted in that district.
 1. Accessory Uses and Structures: Accessory uses and structures are permitted in any district, but not until their principal structure is present or under construction.
 2. Special Uses: Special uses and their accessory uses are permitted in districts as specified, but only according to the special use procedure in Section 10.
 3. Unclassified or Unspecified Uses: In case of uncertainty where the Zoning Administrator is unable to determine literally whether a use is permitted as a principal or accessory use, he shall consult the Board of Zoning appeals for an interpretation.
 4. Temporary Uses: Temporary uses, such as construction field offices or shelters for materials and equipment being used in the construction of a permanent structure, are permitted while sales or construction are in progress.

2.3 Site Restrictions:

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

2. All lots shall abut upon a public thoroughfare with at least thirty (30) feet of frontage.
3. No lot of record created after the effective date of this Ordinance without any frontage on a public street or way shall be occupied unless access to a street is provided by an easement or other right-of-way no less than twenty (20) feet in width. Access to commercial, industrial or recreational uses shall not be permitted through residential areas.
4. The finished surface of ground areas outside the walls of any building or structure hereafter erected, altered, or moved shall be so designed that surface water shall flow away from the building walls in such a direction and with such a method of collection that inconvenience or damage to adjacent properties will not result. When property is developed adjacent to existing properties previously developed, existing grades shall have priority.
5. Nothing within this Ordinance shall be construed to prevent compliance with an order by the appropriate authority to correct, improve, strengthen, or restore to a safe or healthy condition any part of a building or premise declared to be unsafe or unhealthy.
6. Only one principal structure shall be located, erected, or moved onto any lot or parcel of land.
7. No building permit shall be issued for a lot that abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.
8. Private Sewer and Water: In a district where public sewage service is not available, the width and area of all lots shall be sufficient to permit the use of an on-site sewage disposal system designed in accordance with the local or Michigan State Board of Health standards.
9. Reduction of Joint Use: No lot, yard, parking area, or other space shall be reduced in area or dimension so as not to meet the provisions of this Ordinance. No part of any lot, yard, parking area, or other space required for a structure or use shall be used for any other structure or use.
10. Substandard Lots: Any lot in a single ownership, which ownership was of record at the time of the adoption of this Ordinance, that does not meet the requirements of this Ordinance for yards, courts, or other area of open space may be utilized for single residence purposes, provided the requirements for such yard or court area, width, depth, or open space is within seventy-five (75%) percent of that required by the terms of this Ordinance. The purpose of this provision is to permit the utilization of recorded lots which lack adequate width or depth as long as reasonable living standards can be provided.

2.4 General Development Procedure:

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

2.5 Restoration of Unsafe Buildings:

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

2.6 Existing Platted Lots:

Where lot sizes are not specified in the various zoning districts, subdivision of property will be controlled by the City of Crystal Falls Ordinance No. 4.01, titled City of Crystal Falls Subdivision Ordinance.

2.7 Storage and Repair of Automobiles:

Storage and repair of automobiles shall be controlled by City of Crystal Falls Ordinance No. 2.03, which regulates open storage and repair of disabled automobiles.

2.8 Visibility Restrictions:

For residential zones, fences, hedges or clumps of shrubs within fifteen (15) feet of the front lot line, or other lot line adjoining a public street, higher than thirty (30) inches above the average sidewalk grade measured at the center of the lot are prohibited. No other fence shall exceed a height of six (6) feet above the lot grade, or eight (8) feet above the lot grade in compliance with the setbacks in Section 4.1 of this Ordinance. All fences shall be placed at least one (1) foot within the property line to allow the owner to maintain the fence without leaving his property.

2.9 Demolition of Buildings:

No building shall be razed until a permit has been obtained from the Iron County Building Code Office.

Section 3 – Zoning Districts

3.1 Establishment:

For the purpose of this Zoning Ordinance, the City of Crystal Falls, Iron County, State of Michigan, is hereby divided into the following zoned districts:

R-1 Residential One District
R-2 Residential Two District
R-3 Residential Three District
R-4 Residential Four District
B-1 Central Business District
B-2 General Business District
M-1 Mixed Use District
I-1 Industrial One District
I-2 Industrial Two District

3.2 Zoning District Map:

1. The boundaries of the respective districts enumerated in 3.1 are established as depicted on the map entitled "City of Crystal Falls Official Zoning Map," which is an integral part of this Ordinance. This map, along with all notations and explanatory matter, shall become as much a part of this Ordinance as if fully described herein.
2. The City of Crystal Falls Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk. If, in accordance with the provisions of this Ordinance, changes are made in district boundaries, such changes shall be incorporated on the City of Crystal Falls Official Zoning Map and approved by the City Council of the City of Crystal Falls together with an entry on the City of Crystal Falls Official Zoning Map showing the date and official action taken.
3. One copy of the City of Crystal Falls Official Zoning Map is to be maintained and kept up-to-date by the Zoning Administrator, accessible to the public and shall be the final authority as to the current zoning status of properties in the City of Crystal Falls.

3.3 Areas Not Included Within A District

In every case where property has not been specifically included within a district including all cases of property becoming a part of the City subsequent to this Ordinance, such property shall be in the R-1 Residential District, unless and until it is re-designated into a different district by proper action of the City Planning Commission and the City Council.

3.4 Interpretation of the Zoning Map

1. Where due to the scale, lack of detail or illegibility of the zoning maps, there is any uncertainty, contradiction or conflict as to the intended location of any zoning district

boundary as shown thereon, the Zoning Board of Appeals shall make an interpretation of said map upon request of any person. The Zoning Board of Appeals shall apply the following standards in interpreting the zoning map:

- a. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines;
 - b. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
 - c. Boundaries indicated as approximately following City boundaries shall be construed as following City boundaries;
 - d. Boundaries indicated as following shorelines shall be construed as following such shoreline, and in the event of change in shoreline shall be construed as moving with said shoreline;
 - e. Boundaries indicated as approximately following property lines or section lines or other lines of the government survey shall be construed as following such property lines as of the effective date of this Ordinance, (or applicable amendment), section lines or other lines of government survey.
 - f. Where a zoning district boundary line divides a lot, the location of any such zoning district boundary lines, unless indicated by dimensions shown on the zoning map, shall be determined by the use of the map scale shown thereon.
2. If, after the application of the foregoing rules, uncertainty still exists as to the exact location of a zoning district boundary line, the boundary line shall be determined in a reasonable manner, considering the history of uses of property and the history of zoning ordinances and amendments in the City of Crystal Falls as well as all other relevant facts.

3.5 Replacement of Official Zoning Map

In the event the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes made by the City Council may adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The Official Zoning Map shall bear the current City officers' signatures and certification as required in Section 3.2. Unless the Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved together with all available records pertaining to its adoption or amendment.

3.6 Application of District Regulations

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

each class of land or buildings and structures throughout each district. Where there are practical difficulties in the way of carrying out the strict letter of this Ordinance, the Zoning Board of Appeals shall have power in passing upon appeals, in accordance with Section 12.3, to vary or modify regulations and provisions of this Ordinance so that the intent and purposes of this Ordinance shall be observed, public safety secured and substantial justice done.

3.7 Scope of Provisions

1. Except as may otherwise be provided in this Ordinance, every building and structure erected, every use of any lot, building or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of or addition to an existing use, building or structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the zoning district in which such use, building, or structure shall be located.
2. Uses are permitted by right only if specifically listed as uses permitted by right in the various zoning districts. Where not specifically permitted, either by right or conditionally, uses are prohibited unless construed to be similar to an expressly permitted use. The Zoning Board of Appeals shall determine if a use is similar to a use specifically permitted by right or by conditions. The Zoning Board of Appeals may grant a variance to allow a use not permissible under the terms of this Ordinance in any district, in accordance with the standards in Section 12.4.1.c.
3. Accessory uses are permitted as indicated for the various zoning districts and when clearly incidental to the permitted principal uses.
4. The uses permitted as special or conditional uses are recognized as possessing characteristics of such unique and special nature (relative to location, design, size, etc.) as necessitating individual standards and conditions in order to safeguard the general health, safety and welfare of the community.
5. Any structure, use of a structure or land use and any lot, the size, width, or other characteristic of which fails to meet the requirements of the land use district in which it is located and which was lawfully established in accordance with state and local statutes ("of record") prior to the effective date of this amendment shall be considered a legal nonconforming use.
6. Structures or uses which were lawful prior to the adoption of this Ordinance existing on non-conforming lots may be used for any of the permitted uses in the districts in which they are located providing all other requirements of this Ordinance are met.
7. No vested right shall arise to the property owner for any parcel or use created in violation of any preceding City of Crystal Falls Zoning Ordinance.

3.8 Conflicting Regulations

Wherever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than those imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern.

3.9 Exemptions

1. The location of pipes, wires, poles, and generating and transmission equipment of public utilities or railroad tracks regulated by the State of Michigan or by the United States are exempt from regulation under this Ordinance.
2. 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.

3.10 R-1 Residential One District

1. Intent: The R-1 Residential One District is established and maintained for medium- to high-density residential and related uses, typically in older residential neighborhoods with small lots. These areas are served by municipal water and wastewater services.
2. Permitted Principal Uses:
 - a. Single-family dwelling
 - b. Adult foster care small group home
 - c. Day care facility, family
 - d. Elementary or secondary school
 - e. Library and other public building
 - f. Church
3. Special Uses Authorized by Permit:
 - a. Adult foster care large group home
 - b. Bed and breakfast establishment
 - c. Day care facility, group
 - d. Funeral home
 - e. Home occupation
 - f. Multiple-family dwelling
 - g. Parks and recreational facilities for day use
 - h. Two-family dwelling
4. Accessory Uses Permitted: Accessory uses and structures normally associated with permitted uses, such as a garage, shed for yard tools, playhouse, facilities for household pets, boathouse, swimming pools, enclosed woodshed, or sauna are permitted. Boathouses and other shoreline uses may be regulated or prohibited by

other agencies, including but not limited to, the Michigan Department of Environmental Quality.

3.11 R-2 Residential Two District

1. Intent: The R-2 Residential Two District is established and maintained for low to medium density residential and related uses in those areas which are served by municipal water and sewer, or where it would be economically feasible to extend such service.
2. Permitted Principal Uses:
 - a. Single-family dwelling
 - b. Adult foster care small group home
 - c. Day care facility, family
 - d. Elementary or secondary school
 - e. Libraries and other public building
 - f. Church
3. Special Uses Authorized by Permit:
 - a. Adult foster care large group home
 - b. Bed and breakfast establishment
 - c. Day care facility, group
 - d. Funeral home
 - e. Home occupation
 - f. Multiple-family dwelling
 - g. Nursing home, assisted living facility or similar use
 - h. Parks and recreational facility for day use
 - i. Planned unit development
 - j. Two-family dwelling
4. Accessory Uses Permitted: Accessory uses and structures normally associated with permitted uses, such as a garage, shed for yard tools, playhouse, facilities for household pets, boathouse, swimming pools, enclosed woodshed, or sauna are permitted. Boathouses and other shoreline uses may be regulated or prohibited by other agencies, including but not limited to, the Michigan Department of Environmental Quality.

3.12 R-3 Residential Three District

1. Intent: The R-3 Residential Three District is established and maintained for medium- to high-density residential and related uses, typically in older residential neighborhoods with small lots. These areas are served by municipal water and wastewater services.
2. Permitted Principal Uses:
 - a. Single-family dwelling

- b. Adult foster care small group home
 - c. Day care facility, family
 - d. Church
 - e. Two-family dwelling
3. Special Uses Authorized by Permit:
 - a. Adult foster care large group home
 - b. Day care facility, group
 - c. Home occupation
 - d. Mobile Home Park
 - e. Multiple-family dwelling
 - f. Parks and recreational facilities for day use
 - g. Planned unit development (PUD)
 4. Accessory Uses Permitted: Accessory uses and structures normally associated with permitted uses, such as a garage, shed for yard tools, playhouse, facilities for household pets, boathouse, swimming pools, enclosed woodshed or sauna are permitted. Boathouses and other shoreline uses may be regulated or prohibited by other agencies, including but not limited to, the Michigan Department of Environmental Quality.

3.13 R-4 Residential Four District

1. Intent: The R-4 Residential Four District is established and maintained for low-to-medium residential and related uses, typically in areas which have not previously been developed. These areas will be provided with municipal water and wastewater services. Clustered development, conservation subdivisions, and similar types of development which protect and maintain open space are encouraged in this district.
2. Permitted Principal Uses:
 - a. Single-family dwelling
 - b. Adult foster care small group home
 - c. Day care facility, family
 - d. Church
3. Special Uses Authorized by Permit:
 - a. Adult foster care large group home
 - b. Day care facility, group
 - c. Home occupation
 - d. Parks and recreational facilities for day use
 - e. Planned unit development (PUD)
 - f. Two-family dwelling
4. Accessory Uses Permitted: Accessory uses and structures normally associated with permitted uses, such as a garage, shed for yard tools, playhouse, facilities for household pets, boathouse, swimming pools, enclosed woodshed or sauna are

permitted. Boathouses and other shoreline uses may be regulated or prohibited by other agencies, including but not limited to, the Michigan Department of Environmental Quality.

3.14 B-1 Central Business District

1. Intent: The B-1 Central Business District is established and maintained for business uses within the Central Business District, in those areas which are served by municipal water and sewer, and where small lots, zero lot line development and minimal or no side setbacks are common.
2. Permitted Principal Uses:
 - a. Dwelling unit in the upper floors of commercial establishment, provided that such dwelling unit have a separate entrance and separate off-street parking in addition to the entrance and parking required for the commercial use
 - b. Financial institution
 - c. Laundromat
 - d. Medical offices, including clinic
 - e. Off-street parking lot
 - f. Personal service establishments, such as barber or beauty shops, health and fitness facilities, etc.
 - g. Private club, fraternal organization and lodge hall
 - h. Professional office building
 - i. Retail store
 - j. Service business, such as photo studio, shoe repair, etc.
 - k. Tavern or restaurant not having drive-through service
 - l. Theater, concert hall, art gallery, museum, or similar place of assembly
 - m. Church
 - n. Automobile dealership
3. Special Uses Authorized by Permit:
 - a. Automobile repair facility
 - b. Bowling alley
 - c. Car wash
 - d. Convenience Retail
 - e. Gasoline station
 - f. Plumber, decorator, electricians, etc. showroom and office
 - g. Retail and Service Establishments with Drive-through service
 - h. Sexually-Oriented Businesses provided that such use is located at least 1,000 feet from any church, school or day-care facility.
4. Accessory Uses Permitted: Accessory uses and structures normally associated with permitted uses, such as any structural or mechanical building or use customarily incidental to the permitted principal use, and signs subject to the regulations established in Section 6 Signs are permitted.

3.15 B-2 General Business District

1. Intent: The B-2 General Business District is established and maintained for diverse business uses outside the Central Business District, in those areas which are served by municipal water and sewer, or where such service could be easily extended. This district provides for business development at a low density, typically along state trunklines.
2. Permitted Principal Uses:
 - a. Financial institution
 - b. Greenhouses, florists, and plant material sale
 - c. Laundromat
 - d. Long term care facilities, such as hospital, convalescent or nursing home
 - e. Medical office, including clinic
 - f. Off-street parking lot
 - g. Personal service establishment, such as barber or beauty shop, health and fitness facility
 - h. Plumber, decorator, electricians, etc. showroom and office
 - i. Private club, fraternal organization and lodge hall
 - j. Professional office building
 - k. Church
 - l. Retail store
 - m. Service business, such as photo studio, shoe repair, etc.
 - n. Tavern or restaurant not having drive-through service
 - o. Theater, concert hall, art gallery, museum, or similar place of assembly
3. Special Uses Authorized by Permit:
 - a. Amusement park and similar outdoor recreational facility
 - b. Automobile repair establishment
 - c. Bottling works and food packaging
 - d. Bowling alley, indoor archery range, indoor skating rink, or similar forms of indoor recreation
 - e. Car wash
 - f. Convenience mart on lots of 10,000 square feet or greater
 - g. Dwelling unit in the upper floors of commercial establishment, provided that such dwelling unit have a separate entrance and separate off-street parking in addition to the entrance and parking required for the commercial use
 - h. Funeral home
 - i. Gasoline service station on lots of 10,000 square feet or greater
 - j. Hotel and motel
 - k. Outdoor retail sales of merchandise when associated with a permitted use in this district
 - l. Publicly-owned building, publicly-owned or regulated utility buildings and facility
 - m. Planned unit development
 - n. Restaurant with drive-through

- o. Retail and Service Establishments with Drive-through service
 - p. Sales and showrooms for new and/or used motor vehicles, recreational vehicles, boats, etc. repair establishment
 - q. Shopping center/mini mall
 - r. Veterinary hospital or animal clinic, provided that all activities are conducted within a completely enclosed building
 - s. Wholesale and warehousing, locker plant, mini-storage warehouse
4. Accessory Uses Permitted: Structural or mechanical buildings normally associated with permitted uses and signs subject to the regulations established in Section 6 Signs are permitted.

3.16 M-1 Mixed Use District

1. Intent: The M-1 Mixed Use District is established and maintained as an area where residential and compatible commercial uses can co-exist. Conversion of dwelling units to commercial uses and establishment of new commercial enterprises is allowed to the extent that they are compatible with existing and new residential uses.
2. Permitted Principal Uses:
- a. Single-family dwelling
 - b. Adult foster care small group home
 - c. Day care facility, family
 - d. Church
 - e. Two-family dwelling
3. Special Uses Authorized by Permit:
- a. Adult foster care large group home
 - b. Bed and breakfast establishment
 - c. Day care facility, group
 - d. Financial institution
 - e. Home occupation
 - f. Medical office
 - g. Multiple-family dwelling
 - h. Personal service establishment, such as barber or beauty shop, health and fitness facility
 - i. Parks and recreational facilities for day use
 - j. Planned unit development (PUD)
 - k. Professional office building
 - l. Retail store
 - m. Service business, such as photo studio, shoe repair, etc.
4. Accessory Uses Permitted: Accessory uses and structures normally associated with permitted uses, such as a garage, shed for yard tools, playhouse, facilities for household pets, boathouse, swimming pools, enclosed woodshed or sauna are permitted. Boathouses and other shoreline uses may be regulated or prohibited by

other agencies, including but not limited to, the Michigan Department of Environmental Quality.

3.17 I-1 Industrial One District

1. Intent: The I-1 Industrial One District is established and maintained for wholesale, warehousing, manufacturing and assembly and similar light industrial uses within completely enclosed buildings in areas which are served by municipal water and sewer, or where such service could be easily extended. Uses in the I-1 District generally do not produce noise, odors, light, smoke or other impacts which extend beyond the boundary of the district.
2. Permitted Principal Uses:
 - a. Automobile repair garage
 - b. Automobile parts and tire sales
 - c. Bottling works
 - d. Building materials sales and storage
 - e. Commercial printing and publishing
 - f. Drop forging, punching and plating operation
 - g. Freight handling facility
 - h. Jobbing and machine shop
 - i. Manufacturing and assembly
 - j. Public utility building
 - k. Research and development establishment
 - l. Retail warehouse outlet
 - m. Warehouse, self storage
 - n. Wholesale and warehousing
3. Special Uses Authorized by Permit:
 - a. Painting, varnishing and undercoating shop
 - b. Planned unit development
 - c. Storage of flammable liquids
 - d. Trade and technical school
 - e. Truck stop
 - f. Truck terminal
 - g. Utility substation
 - h. Wireless communication facility
4. Accessory Uses Permitted: Accessory uses and structures normally associated with permitted uses, such as any structural or mechanical building or use customarily incidental to the permitted principal use, and signs subject to the regulations established in Section 6 Signs are permitted.

3.18 I-2 Industrial Two District

1. Intent: The I-2 Industrial Two District is established and maintained for manufacturing and other light or heavy industrial uses, including those which may involve outdoor storage of materials or equipment in areas which are served by municipal water and sewer, or where such service could be easily extended. Uses in the I-2 District may produce noise, odors, light, smoke or other impacts which extend beyond the boundary of the district.
2. Permitted Principal Uses:
 - a. Bottling works
 - b. Building materials sales and storage
 - c. Commercial printing and publishing
 - d. Drop forging, punching and plating operation
 - e. Freight handling facility
 - f. Jobbing and machine shop
 - g. Manufacturing and assembly
 - h. Research and development establishment
 - i. Wholesale and warehousing
3. Special Uses Authorized by Permit:
 - a. Asphalt plant
 - b. Contractor yard
 - c. Food processing establishment
 - d. Gravel or rock crusher
 - e. Junkyards or salvage yard
 - f. Painting, varnishing and undercoating shop
 - g. Planned unit development
 - h. Recycling collection center
 - i. Sawmill
 - j. Storage of flammable liquids
 - k. Trade and technical school
 - l. Truck stop
 - m. Truck terminal
 - n. Utility substation
 - o. Wireless communication facility
4. Accessory Uses Permitted: Accessory uses and structures normally associated with permitted uses, such as any structural or mechanical building or use customarily incidental to the permitted principal use, and signs subject to the regulations established in Section 6 Signs are permitted.

Section 4 – Schedule of Regulations

4.1 Height, Bulk and Placement Regulations: Except as otherwise provided in this Ordinance, no lot or parcel shall be created and no structure shall be erected or maintained except in compliance with the Schedule of Regulations specified below. Any sale of land in violation of this Section shall be voidable at the option of the purchaser and shall subject the seller to the forfeiture of any and all consideration received or pledged for the land. The purchaser may take additional action to recover any damages sustained. These remedies shall not preclude enforcement by the Zoning Administrator.

District	Minimum Lot Size (Sq. Feet)	Minimum Lot Width (feet) (A)	Minimum Setback (feet) (B)			Maximum Height (feet) (E)	Lot Coverage Ratio
			Front (C) (D)	Side	Rear		
R-1	5,000	50	20	5	15	35	50%
R-2	10,000	75	20	5	20	35	40%
R-3	10,000	75	20	5	20	35	40%
R-4	20,000	100	40	10	25	35	30%
B-1	None	30	0	0	0	50	100%
B-2	5,000	50	20	5	20	35	60%
M-1	7,000	50	20	5	30	35	40%
I-1	35,000	100	(F)	(G)	(G)	50	40%
I-2	1 acre	150	(F)	(G)	(G)	50	40%

Footnotes to the Table:

- (A) Lot width shall be measured at front setback line and shall not include any encumbrances, such as easements or other such restrictions.
- (B) Cornices, eaves, and gutters, may project two feet into the required yard. Attached or unattached decks, and porches shall comply with required front, side and rear setbacks.
- (C) The setback shall be measured from the road right-of-way, except where a parcel abuts a water body. In that case the setback shall be measured from the ordinary high water mark.
- (D) If more than 50% of the structures in the same block on the same side of the street are at different front setback line, then other structures may be built at the average setback line of the majority of structures in the block.
- (E) The maximum height of an accessory building in the R-1, R-2, R-3, R-4 or M-1 Districts shall be 14 feet.
- (F) Setback equal to or greater than the building height at its highest point.
- (G) Setback equal to or greater than 50 percent of the building height at its highest point.

4.2 Variance of the Size and Width of Lots of Record

1. Minimum lot size and lot width regulations as specified in Section 4.1 do not apply to any parcel of land shown as a lot in a recorded plat, described in a deed, lease agreement, or land contract recorded with the County Register of Deeds prior to the effective date of this Ordinance, or described in a deed, land contract, or lease agreement which has been perpetual, executed together with an affidavit or acknowledgment of a notary public, prior to the effective date of this Ordinance. However, all other dimensional requirements shall apply to such nonconforming lots.
2. To reduce or eliminate nonconforming lot sizes or lot width, where two lots are held in common ownership and one or both of these lots are non-conforming, they shall each be considered combined as a single lot and subject to the provisions of this

ordinance. No portion of such parcel shall be occupied or used in a manner inconsistent with the minimum lot area and width requirements of this Ordinance

3. Where three or more abutting lots of record are held in common ownership, and where one or more of these lots are non-conforming, the provisions of this Ordinance relating to lot area and lot width shall not be avoided by the sale or conveyance of a portion of such lots of record.

4.3 Allocation and Reduction of Lot Area

1. No portion of a lot shall be used more than once in complying with the provisions for lot area and yard dimensions for construction or alteration of buildings.
2. No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions to an area below the stated minimum requirements. Yards or lots created after the effective date of this Ordinance shall meet at least the established minimum requirements.

4.4 Height Requirement Exceptions and Restrictions

1. The following are exempted from height limit requirements, provided that no portion of the excepted structure may be used for human occupancy:
 - a. Those purely ornamental in purpose such as church spires, belfries, domes, ornamental towers, flagpoles and monuments;
 - b. Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, and cooling towers; and amateur radio antennas.
2. Radio antennas and towers, television antennas, satellite dishes, microwave towers, flag poles, public monuments, church spires, wind turbines, and the like shall be properly secured and not placed in locations where the collapse of such a structure will occur on adjoining property. Placement of such facilities shall not be less than the horizontal distance from such structure to the property line.

4.5 Minimum Building Floor Area

1. The minimum principal floor area, exclusive of basements, garages, porches and breezeways for structures used for residential use shall be:

Dwelling Type	Minimum Principal Floor Area per Dwelling Unit (sq. ft.)
Single-family Dwelling	750
Two-family Dwelling	750
Multiple-family Dwelling	500
Upper Floor Commercial	350

4.6 Minimum Standards for Dwelling Units

1. Every dwelling unit in the R-1, R-2, R-3, R-4 and M-1 districts shall comply with the following standards:
 - a. A structure used for residential use shall have a minimum width across any front, side or rear elevation of 20 feet and shall comply in all respects with applicable building codes. Where a dwelling is lawfully required to comply with any federal or state standards or regulations for construction and where such standards or regulations are different than those locally-adopted codes, then such federal or state standards or regulations shall apply.
 - b. The dwelling unit shall be firmly attached to a permanent foundation constructed on the site in accordance with the applicable building code, which shall have a wall of the same perimeter dimensions of the dwelling, and the dwelling shall be constructed of such material and type as required in the applicable building code.
 - c. The dwelling shall be connected to a public sewer and water supply or to an onsite septic system or water supply approved by the Dickinson-Iron District Health Department.
 - d. The dwelling shall contain a storage area in a basement located under the structure, in an attic area, in closet areas or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever is less.
 - e. The dwelling shall be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six inches on all sides or alternatively with window sills and roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; have not less than two functioning exterior doors with one being in either the rear or side of the dwelling; and contain permanently attached steps connected to the exterior door areas or to porches connected to door areas where a difference in elevation requires same. The compatibility of design and appearance shall be determined by the Zoning Administrator upon review of the plans submitted for a particular dwelling. Any determination of compatibility shall take into account the standards set forth in this definition of dwelling as well as the character, design and appearance of one or more residential dwellings located outside of mobile home parks within 2,000 feet of the subject dwelling. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
 - f. The dwelling shall not contain any addition, room or other area which is not constructed with similar or higher quality workmanship as the original structure,

including permanent attachment to the principal structure and construction of a foundation as required.

- g. The dwelling shall comply with all pertinent building and fire codes. In the case of a mobile home, all construction and plumbing, electrical apparatus and insulation within and connected to the mobile home shall be of a type and quality conforming to the “Mobile Home Construction and Safety Standards” as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, as amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
 - h. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
 - i. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in the Ordinance of the City of Crystal Falls pertaining to such parks.
 - j. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable Michigan State Construction Code provisions and requirements.
2. Mobile homes shall be installed at a minimum in compliance with rules established by the Mobile Home Commission.
- 4.7 One Principal Structure or Use per Lot: No more than one principal structure or use may be permitted on a lot, unless specifically provided for elsewhere in this Ordinance.
- 4.8 Temporary Dwelling for Home Under Construction
- 1. A recreational vehicle, mobile home, or the basement of a home under construction may be used as a temporary dwelling until the owner or occupant completes the construction or erection of a house for which a building permit has been issued.
 - 2. The applicant may obtain a Temporary Dwelling Permit for an initial period up to one year from the date of the building permit. Upon reasonable progress, the applicant may renew the permit for not more than two additional one-year periods. The unit must be connected to municipal sewer or an on-site sewage system, health department approved water source, and electric service.
 - 3. The mobile home may not be placed on a permanent foundation and must meet the required setback requirements of the district. Upon completion of the structure, the mobile home must be removed from the lot.

4.9 Recreational Vehicle as a Temporary Dwelling Unit

1. A recreational vehicle having a valid state license/registration may be used on a lot without a principal building for dwelling purposes for a period not exceeding 120 consecutive calendar days.
2. One recreational vehicle shall be allowed per lot.
3. Persons using a recreational vehicle for such use must register with the Zoning Administrator. Vehicles remaining unattended must have the owner's name, address and telephone number visibly placed on the vehicle.

4.10 Recreational Vehicle Storage

1. The parking and/or storage of recreational vehicles, snowmobile, motorcycles, scooters, All-Terrain Vehicles (ATVs), boats, and other similar vehicles (whether on trailer or not) is permitted:
 - a. In the side and rear yards provided the setbacks are met as they pertain to an accessory building.
 - b. In the front yard provided vehicles other than travel trailers, campers and motor homes are in a driveway and on a trailer.
2. Snowmobiles, motorcycles, scooters, ATVs, boats, and other similar vehicles situated in the required front yard setback area must be placed on a trailer. Only one trailer shall be located within the required front yard setback area; no more than a total of three (3) trailers and/or other vehicles as described in Section 4.10.1 shall be permitted in the yard areas of a lot, including the one trailer permitted in the front yard.
3. The storage of the above items is only permitted on lots with a principal building.
4. Travel trailers, campers and motor homes may be stored in any yard provided setbacks are met as they pertain to structures, and provided that such vehicles are not occupied for a period of more than 14 days in any 12-month period.

4.11 Accessory Buildings and Uses

1. Where a lot is devoted to a permitted principal use, customary accessory uses and buildings are authorized except as prohibited specifically or by necessary implication in this or any other ordinance. The following special rules are applicable:
 - a. An accessory building, including carports, attached to the principal building shall be made structurally a part thereof, and shall comply in all respects with the requirements of this Ordinance applicable to the principal building. Breezeways, as an attachment between the garage or carport and the main building, shall be

considered a part of the main building, but shall not be considered livable floor space.

- b. An accessory building, unless attached to and made structurally a part of the principal building, shall not be closer than 10 feet to any other structure on the lot.
- c. The following structures shall not be used as an accessory building in the R-1, R-2, R-3, R-4 and M-1 Districts: Mobile homes, containerized boxes, trailer units, and the like.
- d. All accessory buildings shall be sided with material designed to serve as a permanent exterior covering. Tarps, tarpaper, TyVek and similar materials are not permitted to be visible on the exterior of accessory buildings.
- e. The maximum height of an accessory building in the R-1, R-2, R-3, R-4 and M-1 Districts shall be 14 feet.

4.12 Wireless Communication Facilities

1. The City of Crystal Falls desires to encourage and facilitate communication services within the City, in a manner that protects the health, safety and welfare of local residents, protects historic values, and minimizes environmental and visual impacts.
2. The installation of a new antenna or other facilities on an existing, permitted tower shall be considered a permitted use, providing that the antenna(s) or other facilities are consistent with the design and construction of the permitted tower, do not change the character or visual impact of the tower, and providing that such installation shall not have the effect of increasing the tower height.
3. Wireless communication towers may be allowed with the issuance of a special use permit in the B-2, I-1 and I-2 Districts. Concealed or stealth antennas may be allowed with the issuance of a special use permit in the R-1, R-2, R-3, B-1 and M-1 Districts.
4. The Planning Commission shall use the following standards in reviewing the Special Use Permit:
 - a. Towers shall be designed and constructed in such a manner as to accommodate at least three antennas or other facilities, thus encouraging co-location. Towers must also be designed to allow for future rearrangement of antennas and to accept antennas mounted at different heights.
 - b. An applicant for a new wireless communication tower must demonstrate that existing communication towers will not provide adequate coverage or capacity, thus encouraging co-location and minimizing the total number of towers.
 - c. Wireless communication towers shall not exceed 250 feet in height.

- d. Towers shall be set back from any lot line a distance at least equal to the tower height.
- e. All towers and alternate support structures must be certified by a professional structural engineer licensed in Michigan. All support structures must comply with all applicable federal, state and local standards.
- f. All wireless communication facilities shall be camouflaged to the extent possible, using compatible building materials and colors, screening, camouflage techniques, landscaping and/or placement within trees. Existing native vegetation and natural landforms shall be preserved to the extent possible.
- g. Wireless communication towers and antennas shall not be lighted, except as specifically required by the Federal Aviation Administration, and/or any other state or federal agency having jurisdiction in such cases. When flashing lights are required on a tower, red lights shall be used during night time hours unless white strobe lights or other lights are required by regulatory agencies. Lighting of equipment structures or other accessory structures is discouraged and shall not project beyond the property line.
- h. No advertising message shall be attached to any wireless communication facility. Signage shall be limited to that required by the Federal Communications Commission or other regulatory agencies.
- i. All metal towers shall be constructed of or treated with corrosion-resistant material.
- j. Security fencing shall be constructed to prevent access by unauthorized personnel.
- k. All wireless communication facilities shall have legal documented access to a public road or street.
- l. Wireless communication facilities proposed for location in the City shall not interfere with existing local telecommunications, including but not limited to police, fire, and emergency medical communications; cable and broadcast television signals; Internet access; etc.
- m. Where an equipment enclosure is proposed as a roof appliance or penthouse on an existing building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building.
- n. Evidence that appropriate federal and/or state permits have been obtained shall be required prior to tower construction. The City may, at its discretion, require that a copy of all permit application materials be submitted.

- o. If a tower is proposed for construction on leased property, written acknowledgment of the landowner that he/she will abide by the terms and conditions of the permit in the event that the lessee is unable to do so is required.
- p. Wireless communication facilities shall be removed within 120 days of discontinuance or abandonment. A facility shall be considered abandoned when it has not been used for a period of one year. If an antenna on a tower is abandoned, removal shall consist of removing the abandoned antenna from the tower or alternate structure on which it is mounted and transporting it off the site. If a tower is abandoned, the tower and all antennas, equipment, accessory structures, fences, etc. shall be removed. The site must be returned to its original contours, and shall be covered with at least six inches of topsoil, seeded, and mulched. The site shall be free of litter, debris and/or abandoned equipment. To assure that such removal takes place, the City shall require a performance bond in an amount equal to the estimated cost of removal. The bond shall be issued by an acceptable bonding company authorized to do business in the State of Michigan. Any funds remaining after removal shall be returned to the owner upon the completion of removal of the facilities. If the cost of removal exceeds the amount of the bond, the owners shall be responsible for all additional costs. In the event that the owner fails to remove the facilities and/or restore the site, the City shall use the bond to pay for such removal and restoration no less than 60 days following written notification by certified mail to the owner of the facilities.
- q. In order that the City may provide due notice of the requirements of this Ordinance to any subsequent owner, the owner of any wireless communication facility in the City shall notify the City within 30 days of transfer of ownership, identifying the name, address, and phone number of an appropriate contact person for the new owner.

4.13 Home Occupation

1. Home occupations shall be permitted in all districts where residential uses are permitted by application in accordance with Section 10, Special Use Permits.
2. The following uses shall not be permitted as a home occupation: animal boarding establishments, commercial garages, bump and paint shops, light manufacturing and commercial production.
3. Uses that are engaged in the direct selling of goods and merchandise to the general public for personal or household consumption shall not be conducted as a home occupation. Home occupations that involve sales representatives who conduct parties or sales in other residences but do not store inventory or conduct sales in the dwelling are allowed.
4. Home occupation in a single-family residence for instruction in craft or fine arts is allowed in all districts.

5. Home occupations must be clearly incidental and subordinate to use of a dwelling for residential purposes by its occupants.
 6. Home occupations shall not permit equipment or processes to be used which creates noise, vibration, glare, fumes, odors, or electrical interferences which create an unreasonable interference with the enjoyment and use of adjoining properties and which are detectable by normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates unreasonable visual or audible interference in radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
 7. A home occupation shall:
 - a. Employ only those members of the family residing on the premises and not more than one non-occupant employee,
 - b. Be conducted within the principal dwelling or an enclosed accessory building and utilize not more than 25% of the usable floor space,
 - c. Permit no outdoor storage or exterior evidence of the conduct of home occupations, other than a sign in accordance with the provisions of Section 6, Signs,
 - d. Permit no exterior display of merchandise produced by such home occupations,
 - e. Not generate traffic in greater volumes than would normally be expected in that residential neighborhood,
 - f. Provide that parking required for the conduct of such home occupation meets the requirements of Section 5.4.
 - g. Utilize only stock vehicles such as passenger cars and light utility vehicles such as pickups and vans. These vehicles may be parked outside. Enclosed trailers of a size that can be pulled by such stock vehicles may also be utilized and parked outside. A logo or sign on a vehicle and/or trailers shall not constitute a sign, and shall be permitted.
- 4.14 Garage Sales: Garage sales at residences are allowed a maximum of three occurrences per calendar year in all zoning districts; each occurrence shall not exceed four consecutive days. Garage sales are not considered to be a Home Occupation.
- 4.15 Temporary Sales Products Stand: A temporary sales products stand is permitted in any district subject to the following regulations: one stand per parcel, written permission from the property owner is clearly posted on the stand, operated from sunrise to 9:00 p.m., maximum total floor area is 320 square feet, off-street parking to be provided for a minimum of four vehicles, and are located a minimum of five feet from the road right-of-

way. Temporary sales stands are permitted on the parcel for a maximum of 90 days. The stand must be removed within 14 days of ceasing operations.

Section 5 – Parking, Loading, Traffic, Access

5.1 Parking

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

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

5.2 Additional Regulations, Parking:

1. Except as otherwise indicated, required accessory off-street parking facilities provided for uses listed hereinafter shall be solely for the parking of passenger automobiles of patrons, occupants (or their guests), or employees of such uses.
2. Collective Provision: Off-street parking facilities for separate uses may be provided collectively, if the total number of spaces so provided collectively is not less than the sum of the separate requirements for each such use and provided that all regulations governing location of accessory parking spaces in relation to the use served are adhered to. Further, no parking space for more than one use unless otherwise authorized by the Board of zoning Appeals.
3. Size: Size of each parking space shall not be less than one hundred eighty (180) square feet exclusive of the space required for ingress and egress.
4. Access: Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements.
5. Lighting: Any lighting used to illuminate off-street parking areas shall be directed away from residential properties in such a way as to not to create a nuisance.
6. Mixed uses: When two or more uses are located on the same zoning lot or within the same building, parking spaces equal in number to the sum of the separate requirements for each such use shall be provided. No parking space or portion thereof shall serve as a required space for more than one unless otherwise authorized by the Board of Zoning Appeals.
7. Other Uses: For uses not listed in the following schedule of parking requirements, parking spaces shall be provided on the same basis as required for the most similar listed use, as required by this Ordinance, or as varied due to the unique circumstances by the Board of Zoning Appeals.

5.3 Additional Regulations: Off-Street Loading:

1. Location: All required loading berths shall be located on the same zoning lot as the use served. No loading berth for vehicles over two tons capacity shall be closer than fifty (50) feet to any residential property unless completely enclosed by a building wall, or uniformly painted solid fence or wall or evergreen hedge or any combination thereof, not less than six (6) feet in height.
2. Access: Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least

interfere with traffic movements, and is subject to approval by the City, County or State agency with jurisdiction over the roadway.

3. Surfacing: All open off-street loading berths shall have an improved base not less than five (5) inches thick, surfaced with an all-weather dustless material.
4. Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.

5.4 Schedule of Off-Street Parking, Loading and Unloading Requirements.

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

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

5.5 Traffic Visibility:

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

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

5.6 Driveways:

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

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

Section 6 – Signs

6.1 Purpose of Signs:

It is the general intent of this Ordinance to prohibit signs of commercial nature from districts in which commercial activities are barred; to limit subject matter on signs in business or commercial districts to products, accommodations, services, or activities on the premises and to control the number type and area of all signs in business areas and certain other districts. Governmental signs shall conform to this Ordinance; however, those signs used for traffic control shall be exempt.

6.2 Intent:

1. It is the intent and purpose of this Section to eliminate nonconforming signs except as otherwise specifically set forth in this Section as rapidly as the police power of the City permits. Section 9.5 shall not be applicable to signs.
2. No nonconforming sign:
 - a. Shall be structurally altered so as to prolong the life of the sign, nor shall the size, shape, type or design of the sign structure be altered;
 - b. Shall be continued after the activity, business or usage to which it relates has been discontinued for twelve (12) months; or
 - c. Shall be re-established after damage or destruction of the estimated expense of reconstruction exceeds 50 percent of the estimated value of the sign structure.
3. A nonconforming sign shall not be changed to a conforming sign.
4. Nonconforming signs may have their face or message updated, but shall not be structurally altered.

6.3 Residential Districts (Single and Multi-Family):

Signs in residential districts shall not be illuminated, except as provided for in Section 6.3.3, or have moving parts. Sign must be attractive and compatible with a neighborhood setting and designed not to detract from the visual appearance of the neighborhood.

Signs shall be permitted in these districts only as follows:

1. One non-illuminated name plate not exceeding six (6) square feet in area for each dwelling unit indicating only name, address and occupation.
2. One identification sign for multi-family dwellings and offices not exceeding fifteen (15) square feet in area, indicating only name, address, management name, and management address.

3. One identification sign at each entrance to subdivisions not exceeding forty (40) square feet. Subdivision entrance signs may be illuminated provided that such illumination serves only to illuminate the face of the sign, and does not create a traffic hazard or adversely affect neighboring land uses.
4. One non-illuminated "For Sale" or "For Rent" sign per lot not exceeding five (5) square feet in area, not closer than ten (10) feet from the side lot line.
5. One non-illuminated sign designating each entrance to or exit from a parking area, not exceeding five (5) square feet in area and indicating conditions of use.
6. One non-flashing school or church bulletin board sign, area not exceeding twenty (20) square feet.

The preceding signs shall be permitted providing they do not project into the public right-of-way.

6.4 Commercial Districts:

The gross area of all signs of a business shall not exceed thirty-two (32) square feet. Such signs shall restrict subject matter to products, accommodations, services or activities on the premises. The top of the signs shall not be higher than twenty (20) feet above curb level or ground level where no curb exists. Such signs shall be non-flashing. No business shall have more than one (1) sign. No sign shall be within fifty (50) feet of the boundary of a residential district nor less than twenty (20) feet from the side lot lines, except in the Central Business District. Signs in the Central Business District shall not project beyond the outside edge of the sidewalk, and the maximum allowable size of a projecting sign in the Central Business District shall be 25 square feet, further, the bottom of such signs must be at least eight (8) feet above curb level or ground level where no curb exists. The maximum allowable size of a sign mounted flush on the face of a building in the Central Business District is 40 square feet.

6.5 Billboards:

Billboards shall be permitted in Commercial Districts only. The maximum sign area for any one face of a billboard shall not exceed 180 square feet; back-to-back or V-type signs shall be considered a single structure for purposes of this ordinance. The maximum height of any billboard shall not exceed twenty (20) feet above curb level or ground level where no curb exists, and the bottom of the billboard shall be no less than eight (8) feet above curb level or ground level where no curb exists. No billboard may be erected or maintained within five hundred (500) feet of any other billboard, measured along either side of the street or highway to which the sign is oriented. Billboards shall also be located at least three hundred (300) feet from any intersection of two public roads, and no billboard shall be within one hundred (100) feet of the boundary of a residential district.

6.6 Readerboard signs

Portable signs with removable lettering, also known as mobile readerboard signs, shall not be permitted in any district except under the following conditions:

1. Mobile readerboard signs may be used to advertise special events, promotions, and the like for a period of no more than 2 weeks prior to the first day of such event or promotion.
2. Mobile readerboard signs shall not be illuminated in any fashion.
3. Mobile readerboard signs shall not be used more than three times in a 12-month period on any lot or parcel.
4. Mobile readerboard signs must be located on the same premises upon which the special event or promotion is to take place.

Permanently-affixed, internally-illuminated readerboard signs shall be permitted in the B-1, B-2 and M-1 districts.

6.7 Lighting of Signs:

No strobe, blinking or other pulsating lights shall be permitted in any district. No sign shall be lighted in such a manner as to create a traffic hazard or to adversely affect neighboring land uses. No sign shall be lighted to such an intensity or in such a manner that it creates a public nuisance or adversely affects the public health, safety or general welfare.

Section 7 – Planned Unit Development

- 7.1 Intent: To permit greater flexibility in the use and design of structures and land in situations where modifications of specific provisions of this Ordinance will not be contrary to its intent and purpose or significantly inconsistent with the planning on which it is based and will not be harmful to the neighborhood in which they occur. A Planned Unit Development (PUD) should result in development which maximizes the provision of open space, preserves natural features, and provides a harmonious arrangement of structures and uses. More than one principal use and/or structure per lot may be permitted.
- 7.2 Eligibility: In order to receive consideration by the Planning Commission, a proposed Planned Unit Development shall:
1. Be located on a parcel at least two acres in size.
 2. Provide for open space and preservation of natural features; clustered development and similar design methods are encouraged.
 3. Minimize the amount of impervious surface created.
 4. Provide a harmonious and efficient arrangement of all structures and uses in relation to topography, the size and type of plot, the character of adjoining property, and the type and size of buildings. Arrangements of buildings shall be done in such a way to utilize natural topography, existing vegetation and views within and beyond the site.
- 7.3 Application and Modification Powers
1. The applicant shall submit an application to the Planning Commission in accordance with the procedures in Section 7.5 through Section 7.6.
 2. In acting upon the application, the Planning Commission may alter setback requirements, building size limits, off-street parking regulations, landscaping rules, and density and intensity limits. It may also authorize uses not permitted in the district.
 3. The provisions of this Section shall be applied to the existing zoning district, as defined on the zoning map where the PUD is to be located.
- 7.4 Preliminary Conference: Prior to preparing a formal application, the applicant shall meet with the Planning Commission to discuss the proposed development and application procedures. No decision regarding any proposed PUD is to be reached at this conference.
- 7.5 Preliminary Application: Following the preliminary conference, the applicant shall prepare and submit 10 copies of the preliminary application which consists of the

following written and graphic documents, together with any fee(s) which have been imposed by the City Council:

1. A written description of the proposed PUD, including:
 - a. How the proposed PUD is consistent with the intent of Section 7.1, and with the eligibility criteria in Section 7.2.
 - b. A statement identifying all intended uses, including future sales or leasing arrangements of all or portions of the proposed PUD.
 - c. A legal description of the proposed PUD parcel.
 - d. A listing of all owners, holders of easements, and other interested parties.
 - e. A projected assessment of demands upon the public services and utilities, including, but not limited to, water, sewer, electrical service, streets and roads, sidewalks, refuse disposal, and emergency services.
2. A preliminary site plan shall illustrate the proposed activity, and shall include the following information. If the preliminary site plan has been prepared in digital format (.dwg, .dxf, etc.), a copy shall be provided to the City.
 - a. The legal description and street address of the lot(s).
 - b. The name, address and telephone number of the owner, developer, and/or designer.
 - c. The date the site plan was prepared.
 - d. North arrow and scale.
 - e. The actual dimensions of the lot(s) as shown by a licensed surveyor, engineer, architect, or registered landscape architect, with survey stakes visible. The requirement for a survey may be waived if existing building dimensions will not change as a result of the proposed activity.
 - f. The relationship of the subject lot(s) to abutting properties.
 - g. Depiction of all existing structures, including signs, on the subjects lot(s) shown to scale.
 - h. The dimensions of all proposed structures on the subject lot(s), including height of the proposed buildings.
 - i. Distances between existing structures and proposed structures on the subject lot(s) and distance between lot lines and proposed structures.

- j. Use of all existing or proposed structures on the subject lot(s).
 - k. The location of all proposed fences and planting screens or other buffers.
 - l. The location and road right-of-way widths of all streets, alleys, private road easements and/or railroads located within or abutting the subject lot(s). Named streets should be labeled.
 - m. The location of all existing and proposed ingress/egress points, sidewalks, driveways and parking areas on the subject lot(s).
 - n. The locations of existing ingress/egress points, driveways, streets, alleys and/or railroads within 300 feet of the boundaries of the subject lot(s).
 - o. The size and location of all existing and proposed public and private utilities.
 - p. The location of natural features affecting development, such as rock outcrops, water, wetlands, etc.
 - q. The location of existing and proposed surface water impoundments and surface water drainage pattern.
 - r. The location and extent of all planned earth movement. Indicate status of any necessary permits, such as sedimentation and soil erosion permit, wetlands permit, etc.
 - s. Any other information necessary, in the opinion of the Zoning Administrator, to establish compliance with this Ordinance or any other applicable ordinances.
3. A development schedule for development, proposed covenants or deed restrictions, proposed maintenance agreements for open space or common ownership areas; and a description of the type of financial guarantees to be utilized to insure PUD development.
 4. Any other information the Planning Commission may reasonably require to show the applicant's intent for the development and viability of the proposal.
 5. The applicant may request that the requirement for a final application be waived, and include all of the information required for a final application be submitted as the preliminary application. If, upon submittal, the Zoning Administrator finds that all items required by Sections 7.5.1 through 7.5.4 above, and Section 7.6, are included, the requirement for a final application and final public hearing may be waived. If the final application is waived, the public hearing notice and all other materials pertaining to the preliminary application should clearly state that the final application

requirement has been waived, and that no further public hearings on this application are anticipated.

6. All application materials must be received in the office of the Zoning Administrator before a public hearing notice can be submitted for publication.

The Planning Commission shall hold a public hearing in accordance with Section 13.2 of this Ordinance to review the preliminary application. In making its review of any portion of the PUD preliminary application, the Planning Commission shall find that the proposed PUD is consistent with the standards outlined in Section 7.8 and Section 10.2.2 and other relevant provisions of this Ordinance. Following the review, the Planning Commission shall approve, approve with conditions or subject to modifications, or deny the preliminary application. Action taken on the preliminary application shall be specified in writing, including the reasons for approval or denial of the application, and any conditions imposed as part of approval with conditions.

Approval of the preliminary application does not constitute recording of the plan or plot nor authorize the issuance of building permits.

Within a maximum of 12 months following preliminary approval, the applicant shall file for final application as outlined below. For good cause, the Planning Commission may extend this time period for six months. If the applicant fails to apply for the final application for any reason, approval or conditional approval shall be revoked.

- 7.6 Final Application: Following approval or approval with conditions of the preliminary application, the applicant shall prepare and submit 10 copies of a final application which shall include:
 1. All information required by the Planning Commission for preliminary approval or conditional approval of the preliminary application, including any modifications required to meet conditions imposed on the preliminary application.
 2. Signed copies of any preliminary plat, in accordance with the Land Division Act (Act 288 of 1967, as amended).
 3. A detailed development time schedule.
 4. Deed restrictions or covenants of the parcel.
 5. Any other plans, documentation or specifications, as the Planning Commission may require, to insure final engineering review and approval, which may include building plans, elevation and perspective drawings, drainage, road or other facility designs, and letters of commitment or intent insuring adequate financing for public utilities and/or services.

All the application materials must be received in the office of the Zoning Administrator before a public hearing notice can be submitted for publication.

The Planning Commission shall hold a public hearing in accordance with Section 13.2 of this Ordinance to determine whether or not the final plans conform to the approved preliminary development plan and are in proper form for final recording. Action taken on the final application shall be specified in writing, including the reasons for approval or denial of the application, and any conditions imposed as part of approval with conditions.

7.7 Authorization and Issuance of Special Use Permit

1. When the Planning Commission determines that the final application is consistent with this Section and other requirements and is in proper form for recording, it shall authorize a PUD Special Use Permit for development and use in accordance with the final accepted development plan. Authorizing the PUD Special Use Permit shall not obligate the Planning Commission or the City Council to enforce any deed restrictions or covenants of the development parcel.
2. The PUD Special Use Permit shall be issued following evidence of recording of the PUD final development plan with the Iron County Register of Deeds.

7.8 Planned Unit Development Standards

1. All preliminary and final applications shall be evaluated with respect to the following standards:
 - a. Dimensional requirements: Yard, setback, lot size, type of dwelling unit, height, and frontage requirements and restrictions may be waived for the PUD, provided, however, that the spirit and intent of this Section as defined in the intent statement, are incorporated within the total development plan. The Planning Commission may determine that certain setbacks be established within all or a portion of the perimeter of the site, and shall determine the suitability of the total development plan in accordance with the intent of this Section.
 - b. Access: Every structure or dwelling unit shall have access to a public street, or to a private roadway built to City specifications and dedicated to common use. A maintenance agreement shall be required for private roadways.
 - c. Sidewalks: In areas of residential development and significant pedestrian use, streets and roadways shall have a sidewalk at least four feet in width on at least one side of the street or roadway. A planting strip of at least two feet shall separate the sidewalk from the roadway. This standard may be modified by the Planning Commission based on site specifics.
 - d. Pathway/walkway: As an alternative to sidewalks, a pathway/walkway may be constructed to accommodate pedestrian/ non-motorized use. The

pathway/walkway shall be at least four feet in width and located to convenient for pedestrian use. Depending on the expected traffic volume, the pathway/walkway could be the side of the road, striped to separate vehicle traffic from the pedestrian.

- e. Land usage: Structures and uses shown on the development plan shall be arranged so as not to be detrimental to existing or proposed structures within the development or surrounding neighborhood.
- f. Privacy: Each development shall provide reasonable visual and acoustical privacy or provide for reasonable spatial separation for dwelling units. Fences, walks, barriers, and landscaping or open space shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views or uses and reduction of noise.
- g. Off-street parking: Parking convenient to all dwelling units and other uses shall be provided pursuant to the requirements of Sections 5.1, 5.5, and 5.4. Common driveways, parking areas, walks, or steps may be required together with appropriate lighting, in order to insure the safety of the occupants and the general public. Screening of parking and service areas may be required through use of trees, shrubs, hedges or screening walls.
- h. Utilities: PUD's shall, where feasible, provide for underground installation of utilities (including electricity and telephone) in both public ways and private extensions thereof. In no instance shall the PUD place demands in excess of the capabilities of the affected public facilities and services.
- i. Planting: The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; additional new landscaping shall be added where feasible for privacy, shade, beauty of buildings and grounds, and to screen out objectionable features.
- j. Review standards: The PUD shall be consistent with the standards outlined in Section 10.2.2 and other relevant provisions of this Ordinance.

7.9 Changes in Approved PUD

1. Changes in the location site or character of the building and structures may be authorized by the Planning Commission, if required by engineering or other circumstances not foreseen at the time the final development plan was approved.
2. Changes which cause a change in the use, character, or intent of the development, an increase in the intensity of use, changes in the overall coverage of the structures, or problems of traffic circulation, utility services, or similar services, or a reduction in the approved open space, off-street parking and loading space, or pavement width

requirements may be authorized by the Planning Commission following a public hearing in accordance with Section 13.2 of this Ordinance.

3. Changes which are approved must be made and recorded in accordance with the procedures established for the recording of the initial final development plan.

Section 8 – Open Space Preservation

- 8.1 Intent: It is the intent of this Section to offer an open space preservation option to developers as authorized by the Michigan Zoning Enabling Act, PA 100 of 2006, as amended, for the purpose of:
1. Assuring the permanent preservation of open space, agricultural lands, and other natural resources;
 2. Allowing innovation and greater flexibility in the design of residential developments;
 3. Encouraging a less sprawling form of development, thus preserving open space and providing municipal services in a more cost-effective manner.
- 8.2 Definition: For the purpose of this Section the term “open space” shall refer to a natural state preserving natural resources, natural features, or scenic or wooded conditions or a similar use or condition.
- 8.3 Form of Development: Development in accordance with the Open Space Preservation provisions of this Ordinance can be in the form of a platted subdivision, a site condominium development or other legal means.
- 8.4 Eligibility Criteria: To be eligible for open space preservation consideration, the applicant must present a proposal for residential development that meets each of the following:
1. Minimum Project Size: The minimum size of an open space preservation development shall be ten acres of contiguous land.
 2. Unified Control: The proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.
 3. Guarantee of Open Space: The applicant shall guarantee to the satisfaction of the Planning Commission that all open space portions of the development will be maintained in the manner approved. Documentation shall be presented that binds all successors and future owners in fee title to commitments set forth in the applicant’s proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the City and the land uses continue as approved in the open space preservation site plan.
- 8.5 Project Design Standards: A proposed open space preservation project shall comply with the following project design standards:

1. The open space preservation option is applicable to R-1, R-2, R-3 and R-4 Districts.
2. Unless specifically waived or modified by the Planning Commission, and excepting the minimum lot area and lot width, all Zoning Ordinance dimensional requirements for the underlying zoning district and other City regulations shall remain in full force.
3. The developer shall maintain a minimum of 20% of the gross area of the site as dedicated open space. Land dedicated for open space does not include a golf course, street rights-of-way, unbuildable land areas, or submerged land areas but may include a recreational trail, picnic area, children's play area, greenway or linear park. The dedicated open space may be, but is not required to be, dedicated to the use of the public.
4. The number of dwelling units allowable within an open space preservation project shall be determined in the following manner: The applicant shall prepare and present to the Planning Commission a design of the area that is consistent with the existing City zoning requirements. The Planning Commission shall review the design and determine the number of lots that could be feasibly constructed on the property. This number, as determined by the Planning Commission, shall be the maximum number of dwelling units allowable for the open space preservation project.
5. To encourage flexibility and creativity consistent with the open space preservation concept, the Planning Commission may grant specific departures from the requirements of the Zoning Ordinance for yard, lot, and bulk standards as a part of the approval process. Any regulatory modification approved by the Planning Commission shall result in a higher quality of development than would be possible using conventional zoning standards. The regulatory modifications are not subject to variance approval of the Zoning Board of Appeals. No part of an open space preservation site plan may be appealed to the Zoning Board of Appeals.
6. The dedicated open space shall be set aside by the developer through an irrevocable conveyance that is found acceptable to the Planning Commission, such as:
 - a. Recorded deed restrictions in perpetuity, or
 - b. Covenants that run perpetually with the land, or
 - c. A conservation easement established per the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended (M.C.L. 399.251), or
 - d. Deeded property to the City, or
 - e. Common ownership of all the property owners within the development.

7. Such conveyance shall assure that the open space will be protected from all forms of development and shall never be changed to another use. Such conveyance shall:
 - a. Indicate the proposed allowable use(s) of the dedicated open space.
 - b. Require that the dedicated open space be maintained by parties who have an ownership interest in the open space.
 - c. Provide standards for scheduled maintenance of the open space.
 - d. Provide for maintenance to be undertaken by the City of Crystal Falls in the event that the dedicated open space is inadequately maintained, or is determined by the City to be a public nuisance, with the assessment of costs upon the property owners of the development.
 8. The dedicated open space shall forever remain open space, subject only to uses set forth on the approved site plan. Further subdivision of open space land or its use for other than recreation or conservation shall be strictly prohibited.
 9. Accessory structures related to a recreation, or conservation use may be erected within the dedicated open space, subject to the approved open space preservation site plan. These accessory structures shall not exceed, in the aggregate, 1percent of the total required open space area.
 10. Direct access onto a public road shall be required for all developments receiving approval under the open space preservation option.
 11. The developer shall be responsible for construction of roads providing access into and circulation within the new development.
 12. The development shall be designed to promote the preservation of natural features. If animal or plant habitats of significant value exist on the site, the Planning Commission, as a condition of approval, may require that the open space preservation site plan preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas.
- 8.6 Project Standards: In considering any application for approval of an open space preservation site plan, the Planning Commission shall make the determinations on the basis of the standards for site plan approval set forth in Section 11 Site Plan Review as well as the following standards and requirements:
1. Compliance with the project design standards in Section 8.5.
 2. The open space preservation project shall be designed to minimize the impact of traffic generated by the proposed development on surrounding uses.

3. The proposed open space preservation project shall be protective of the natural environment.
4. Compliance with all applicable federal, state, and local regulations.

8.7 Application and Approval Process

1. The application for approval of an open space preservation proposal shall be in accordance with procedures for consideration of a special use permit. The required materials and fees shall be submitted to the Zoning Administrator.
2. Approval of an open space preservation proposal shall be upon issuance of a special use permit following a public hearing in accordance with Section 13.2 of this Ordinance. All improvements and uses of the site shall conform with the approved open space preservation site plan and comply fully with any conditions imposed by the Planning Commission.
3. The applicant shall record an affidavit with the register of deeds containing the full legal description of the project site specifying the date of final City approval, and declaring that all improvements will be carried out in accordance with the approved open space preservation site plan unless an amendment is adopted by the Planning Commission. In addition, all deed restrictions and easements shall be duly filed with the Iron County Register of Deeds with copies of recorded documents presented to the City.
4. Following final approval of the open space preservation site plan by the Planning Commission, a zoning compliance permit may be obtained. It shall be the responsibility of the applicant to obtain all other applicable township, city, county, state or federal permits.
5. If construction has not commenced within 24 months of final approval, all City approvals become null and void. The applicant may make written application to the Planning Commission for an extension, not to exceed 12 months. A maximum of two extensions may be allowed.
6. The Planning Commission may require that a performance guarantee in the amount of 25 percent of the estimated cost of proposed improvements as described on the site plan and agreed to by the Planning Commission and the applicant be deposited with the City Clerk/Treasurer to insure completion of improvements. Upon completion of the improvements, the performance guarantee shall be refunded to the applicant.

8.8 Revision of Approved Plans

1. Minor changes to an approved open space preservation site plan may be permitted by the Planning Commission following normal site plan review procedures outlined in Section 11, subject to the finding of all of the following:

- a. Such changes will not adversely affect the initial basis for granting approval;
- b. Such minor changes will not adversely affect the overall open space in light of the intent and purpose of such development as set forth in this Section; and
- c. Such changes shall not result in the reduction of open space area as required herein.
- d. Changes which are a substantial departure from the approved site plan or alter the character or intent of the development will require the resubmission of the proposal to the Planning Commission for a public hearing in accordance with Section 13.2 of this Ordinance.

Section 9 – Nonconforming Structures or Uses

9.1 Nonconforming Structures:

1. Maintenance Permitted: A nonconforming structure lawfully existing upon the effective date of this Ordinance or an amendment thereto may be maintained, except as otherwise provided in this section.
2. Repairs: A nonconforming structure may be repaired or altered provided no major structural change shall be made.
3. Additions, Enlargements or Moving:
 - a. A structure nonconforming as to use, height, yard requirements or lot area shall not be added to or enlarged in any manner unless such structure including such addition or enlargement is made to conform to the use, height, yard and area requirements of the district in which it is located, unless the use has been designated a Class A nonconforming use, and specific approval for the proposed expansion, extension or change has been granted by the Planning Commission.
 - b. No nonconforming structure shall be moved in whole or in part to any other location on the lot on which it is located unless every portion of such structure is made to conform to all the requirements of the district in which it is located.

9.2 Nonconforming Uses:

1. Continuation and Change of Use: Except as otherwise provided in this Ordinance, a nonconforming use lawfully existing upon the effective date of this Ordinance or amendments thereto may be continued. Those alleged nonconforming uses which cannot be proved conclusively to have been legally in existence prior to the effective date of this Ordinance shall be declared to be zoning violations and shall be discontinued following the effective date of this Ordinance.
2. Expansion Prohibited:
 - a. A nonconforming use in a structure designed for a nonconforming use shall not be expanded or extended into any other portion of such conforming structure nor changed except to a conforming use unless the use has been designated a Class A nonconforming use, and specific approval for the proposed expansion, extension or change in use has been granted by the Planning Commission.
 - b. A nonconforming use on a part of a lot shall not be expanded or extended into any other portion of such lot unless the use has been designated a Class A nonconforming use, and specific approval for the proposed expansion or

extension has been granted by the Planning Commission.

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

9.3 Amortization of Nonconforming Uses or Buildings:

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

9.4 Substandard Lot:

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

Lots of Record that are nonconforming because of insufficient lot size shall be allowed to be built on, and variances shall be allowed for required set back and yard sizes, provided adequate potable water supply and proper and safe sewerage disposal facilities can be provided. Every effort shall be made by the Planning Commission to allow nonconforming lots of record to be used.

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

9.5 Provision for Designation of a Class A Nonconforming Structure

It is recognized that there exists within the City structures which were lawfully established prior to passage of this Ordinance, but which no longer are in conformance with this Ordinance.

1. Intent: It is the intent of this Section to permit such legal nonconforming structure to be reconstructed as a result of damage by fire or other casualty, without the approval of the Planning Commission
2. Application Procedure: The Planning Commission shall, upon receipt of an application, schedule a public hearing in accordance with Section 13.2 of this Ordinance. A written application shall be filed with the Planning Commission which shall include:
 - a. Name and address of property owner;
 - b. A legal description of the property or lot;
 - c. A site plan pursuant to Section 11.4.1 or 11.4.2; and
 - d. An explanation describing the present nonconforming structure or use.
3. Upon hearing the facts and information, the Planning Commission shall make its decision in writing as to whether the structure shall be granted a Class A Nonconforming designation. The findings and reasons shall be based, pursuant to the standards identified in Section 9.6.
4. The conferring of a Class A Nonconforming designation on a structure only allows the structure to be rebuilt or reconstructed in the event it is damaged by casualty or fire without obtaining the approval of the Planning Commission.
5. Should the nonconforming structure or use become a conforming structure or use, the Class A Nonconforming designation becomes null and void.
6. Any Class A nonconforming use or structure maintained or used in violation of this Ordinance is a nuisance per se. Violations not corrected shall be reported to the Planning Commission. The Planning Commission shall, upon receipt of said violation, schedule a public hearing in accordance with Section 13.2 of this Ordinance. Upon hearing the facts and information, the Planning Commission shall make its decision to consider revocation of the Class A nonconforming designation in writing and set forth the findings and reasons on which it is based.

9.6 Standards for Review and Approval

In granting its approval, the Planning Commission shall review the particular facts and circumstances of each request in terms of the following standards and shall find adequate evidence showing that:

1. The continuance of the use or structure would not be contrary to the public health, safety and welfare or the spirit of this Ordinance;

2. The use or structure does not, and is not likely to significantly decrease the value of nearby properties;
3. No useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structure does not conform;
4. The use or structure will be harmonious with and in accordance with the general policies or specific objectives of development plans adopted by the City of Crystal Falls;
5. The use or structure will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area;
6. The use or structure will not be hazardous or disturbing to existing or foreseeable neighboring uses;
7. The use or structure will not diminish the value of land, buildings, or structures in the district;
8. The use or structure will be served adequately by essential public facilities and services; and,
9. The use or structure will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

Section 10 – Special Uses and Permits

10.1 Special Uses:

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

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

10.2 Special Use Procedure:

1. **Procedure: In applying for a special use, the applicant shall follow all procedures set forth on zoning permits. The Zoning Administrator shall refer that application to the Planning Commission. The Planning Commission shall, after careful review of the application for special use, approve, modify, or disapprove the application. In the case of approval, or approval with modification, the Planning Commission shall issue written authorization to the Zoning Administrator to issue a Special Use permit in full conformance with Section 10.2. This authorization shall remain on permanent file with the application. The Planning Commission may attach special conditions to insure conformance with the intent of all comprehensive plan elements. The City Council may establish a schedule of reasonable fees to be charged for Special Use permits.**

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

2. **Standards for Decisions of the Planning Commission: No Special Use permit shall be approved by the Planning Commission unless there is a concurring vote of the majority of all members present based on findings of fact that the proposed use:**
 - a. **Will be harmonious with and in accordance with the general and specific objective of the City Land Use Plan.**
 - b. **Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended**

character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed to be located.

- c. Will not be hazardous or disturbing to existing or future nearby uses.
- d. Will be equal to or an improvement in relation to the property in the immediate vicinity and to the City as a whole.
- e. Will be served adequately by essential public services and facilities or that the persons responsible for the establishment or the proposed use will provide adequately any such service or facility.
- f. Will not create excessive additional public costs and will not be detrimental to the economic welfare of the City.
- g. Will be consistent with the intent and purpose of this Ordinance.

10.3 Conditions of Permit

The Planning Commission may attach appropriate conditions to permits respecting hours of operation, fires, sanitation, supervision, fences, and other matters in its discretion.

Section 11 – Site Plan Review

11.1 Intent

The intent of this Section is to provide for consultation and cooperation between the land developer and the City in order that the developer may accomplish his objectives in the utilization of his land within the regulations of this zoning ordinance and with minimum adverse effect on natural resources, traffic patterns, adjacent parcels and the character of future development. The regulations contained herein are intended to provide and promote the orderly development of the City; safe and convenient traffic movement, both within a site and in relation to access streets; the stability of land values and investments by preventing the impairment or depreciation of land values and development, by the erection of structures or additions or alterations thereto, without proper attention to setting or to unsightly or undesirable appearances; harmonious relationship to buildings, other structures and uses, both within a site and/or adjacent sites; and the conservation of natural amenities and resources.

11.2 Scope

A site plan is required for and shall accompany the applications for:

1. Zoning Compliance Permits for:
 - a. Any proposed construction
 - b. Any commencement of a new use
 - c. Any proposed change in use
2. Special Use Permit
3. Variances
4. Class A Nonconforming Use
5. Any other request for zoning status where the Zoning Administrator determines a site plan is necessary for accurate review or documentation of the existing development.

11.3 Optional Sketch Plan Review:

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

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

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

11.4 Application Procedure

Requests for final site plan review shall be made by filing with the City Clerk the following:

1. For single and two-family dwellings under separate ownership and on individual and separate lots, and for residential accessory uses and structures, the site plan may be drawn on the application form or on a separate sheet of paper. The site plan shall include the following information:
 - a. A legal description of the site.
 - b. All lot lines and dimensions of the lot.
 - c. All roads and easements.
 - d. All existing and proposed buildings shall be shown and labeled.
 - e. Proposed use of each building.
 - f. Distances between buildings and all lot lines.
 - g. Building dimensions.
 - h. Natural features affecting development (rock, water, etc.).
 - i. Well and septic locations (if applicable).
 - j. A north arrow and scale.
2. For commercial and industrial uses, multiple-family residential developments, parking lots, and all other developments, the site plan shall be drawn on a separate sheet or sheets of paper, at a scale adequate to illustrate the proposed activity and all information required by this Section. The site plan shall be prepared by a licensed surveyor, engineer, architect, or registered landscape architect, and shall be certified or sealed by the preparer. Seven copies of the proposed site plan shall be submitted, which shall include as a minimum the following:
 - a. A legal description and street address of the property; the name, address and telephone number of the owner, developer and/or designer.
 - b. North arrow and date the site plan was prepared.
 - c. The actual dimensions of the proposed developed area (as shown by a licensed surveyor, engineer, architect, or registered landscape architect, with the survey

stakes visible) showing the relationship of the subject property to abutting properties.

- d. The topography of the subject property.
- e. The location of all existing and proposed structures, including signs, on the subject property and all existing structures on land immediately adjacent to the site within 100 feet of the site's parcel lines.
- f. The dimensions of all existing and proposed structures, including height.
- g. Distances between all existing and proposed structures and all lot lines.
- h. Use(s) of all existing or proposed structures on the property.
- i. The location and dimensions of all existing and proposed ingress/egress points, sidewalks, driveways and parking areas on the subject property.
- j. The location and widths of all abutting roads, streets, and alleys, including rights-of-way, and private easements located within or abutting the property. Named streets and roads should be labeled.
- k. The location of existing ingress/egress points, driveways, streets, roads and/or alleys within 500 feet of the boundary of the property.
- l. The location of the proposed planting and screening, fencing, signs and advertising features, if any.
- m. The size and location of all existing and proposed public and private utilities.
- n. The location of natural features affecting development, such as rock outcrops, water, wetlands, etc.
- o. Location of all existing and proposed surface water impoundments, if any, and surface water drainage structures, such as storm drains or catch basins, if any.
- p. The location and extent of any planned earth movement. Indicate status of any necessary permits, such as soil erosion and sedimentation permits, wetlands permit, etc.
- q. Provisions for the maintenance and responsibility of common areas, of any.
- r. Any other information necessary, in the opinion of the Zoning Administrator, to establish compliance with this Ordinance or any other applicable ordinance.

11.5 Action on Application and Plans

1. Upon receipt of the application and plans as required by Section 8.4.2, the City Clerk shall record the date of receipt thereof and transmit five copies thereof to the appropriate zoning body; one copy to the Iron County building inspector and one copy to the zoning administrator.
2. If a public hearing is required by this Ordinance, this hearing shall be scheduled by the chairman of the appropriate zoning body and will be held in accordance with the requirements of Section 13.2 of this Ordinance. Members of the zoning body shall be delivered copies of the application and site plan prior to the hearing for their preliminary information and study. The hearing shall be scheduled within not more than 45 days following the date of the receipt of the plans and application by the City Clerk.
3. Following the hearing, the zoning body shall have the authority to approve, disapprove, add conditions, modify or alter the proposed plans in accordance with the purpose of the site plan review provisions of the city zoning ordinance and criteria therein contained. Any required modification or alteration shall be stated in writing, together with the reasons therefor, and delivered to the applicant. The zoning body may either approve the plans contingent upon the required alterations or modifications, if any, or may require a further review after the same have been included in the proposed plans for the applicant. The decision of the zoning body shall be made within 100 days of the receipt of the application by the City Clerk.
4. Two copies of the approved final site plan with any required modifications thereon shall be maintained as part of the city records for future review and enforcement. One copy shall be returned to the applicant. Each copy shall be signed and dated with the date of approval by the chairman of the zoning body for identification of the finally approved plans.

11.6 Criteria for Review:

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

1. That there is a proper relationship between the existing streets and highways within the vicinity and proposed deceleration lanes, service drives, entrance and exit driveways and parking areas to assure the safety and convenience of pedestrian and vehicular traffic.
2. That the buildings, structures and entryway thereto proposed to be located upon the premises are so situated and designed as to minimize adverse effects therefrom upon owners and occupants of adjacent properties and the neighborhood.

3. That as many natural features of the landscape shall be retained as possible where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood or help control erosion or the discharge of storm waters.
4. That any adverse effects of the proposed development and activities emanating therefrom upon adjoining residents or owners shall be minimized by appropriate screening, fencing or landscaping.
5. That all provisions of the city zoning ordinance are complied with unless an appropriate variance therefrom has been granted by the Planning Commission.
6. That all buildings and structures are accessible to emergency vehicles.
7. That the plan, as approved, is consistent with the intent and purpose of zoning to promote public health, safety, morals and general welfare; to encourage the use of lands in accordance with their character and adaptability; to avoid the overcrowding of population; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate adequate provisions for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties; to conserve property values and natural resources; and to give reasonable consideration to the character of a particular area; its peculiar suitability for particular uses and the general and appropriate trend and character of land, building and population development.

11.7 Conformity to Approved Site Plan

Property which is the subject of a site plan approval must be developed in strict compliance with the approved site plan and any amendments thereto which have received approval of the appropriate zoning body. If construction and development does not conform with such approved plan, the approval thereof shall be forthwith revoked by the zoning administrator by written notice of such revocation posted upon the premises involved and mailed to the developer at his last known address. Upon revocation of such approval, all further construction activities shall cease upon the site, other than for the purpose of correcting the violation. However, the appropriate zoning body may, upon proposed application of the developer and after a hearing, approve a modification in the site plan to coincide with the developer's construction provided such construction complies with the criteria contained in the site plan approval provisions and with the spirit, purpose and intent of this ordinance.

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

before any construction or earth change is commenced upon the site. Prior to the end of the initial one-year period, the approval of the site plan exactly as initially approved may be extended for no more than one additional year based on mutual agreement of the zoning administrator and the applicant.

11.8 Amendment of Site Plan

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

Section 12 – Zoning Board of Appeals

12.1 Zoning Board of Appeals

1. Intent: It is the intent of this Section to insure that the objectives of this Ordinance may be fully and equitably achieved, that a means shall be provided for competent interpretation of this Ordinance; that adequate but controlled flexibility be provided in the application of this Ordinance; that health, safety, and welfare of the public be secured; and that substantial justice be done.
2. Creation and Membership: The City Council of the City of Crystal Falls is established as the Zoning Board of Appeals, and shall perform the duties and exercise the powers as provided in Public Act 110 of 2006, the Michigan Zoning Enabling Act, as amended, and in such a way that the objectives of this Section shall be observed.

12.2 Organization and Procedures

1. Rules and Procedure: The Zoning Board of Appeals shall adopt its own rules of procedure to insure proper conduct of its meetings and performance of its powers and duties. The procedures shall be in accord with the provisions of this Section and applicable state law. The board shall annually elect a chairperson a vice chairperson and a secretary.
2. Meetings: Meetings shall be open to the public and shall be held at the call of the Chairman and at such other times as the Zoning Board of Appeals shall specify in its rules of procedure. The applicable provisions of Public Act No. 267 of 1976 (MCL 15.21 et seq., MSA 4.1800(11) et seq.) (Open Meetings Act) as amended, shall apply.
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 the Zoning Administrator, or to decide in favor of the applicant any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance.
4. Records: Minutes shall be recorded of all proceedings which shall include all findings, conditions, facts, and other relevant factors, including the vote of each member on each appeal case and the final disposition of each case. The grounds of every determination shall be stated and such determination from which the appeal is taken. Such minutes shall accompany and can be attached to the standard forms required of persons appealing as part of the Zoning Board of Appeals' permanent records. Such minutes shall become a public record and as such be filed in the office of the City Clerk. A copy of the decision shall be sent promptly to the applicant or appellant and to the Zoning Administrator.
5. Secretary and Counsel: The City Clerk shall be responsible for acting as secretary, or of providing secretarial services for the Zoning Board of Appeals and all records of

the Board's action shall be taken and recorded under his/her direction. The Attorney for the City shall act as legal counsel for the Board and shall, upon request by the Board, be present at designated meetings.

6. Quorum: The Zoning Board of Appeals shall not conduct business unless a majority of the total membership of the Board is present.
7. Decisions: The Zoning Board of Appeals shall make and enter a decision upon each case within ten (10) days following the hearing. The decision of the Board shall not become final until the expiration of five (5) days from the date of entry of such order unless the Board shall find the immediate effect of such order is necessary for the preservation of property or personal rights and shall certify on the record.

12.3 Appeals: How Taken

1. Appeals: Appeals may be filed by any person aggrieved, or by an officer or department of the City.
2. Time Limit: Any appeal of a ruling of the Zoning Administrator concerning the enforcement of the provisions of this Ordinance shall be made to the Zoning Board of Appeals through the Zoning Administrator with ten (10) days after the date of the Zoning Administrator's decision, which is the basis of the appeal. The person making the appeal must file with the Zoning Administrator a signed notice of appeal specifying the grounds for the appeal. The Zoning Administrator shall immediately transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed from was taken.
3. Stay: An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Zoning Board of Appeals after the notice of the appeal shall have been filed with him that, for reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Board of Appeals, or, on application, by the Circuit Court, on notice to the officer for whom the appeal is taken and on due cause shown.
4. Representation: Any party may appear in person or by agent or by attorney at a hearing considering his request for appeal.

12.4 Duties and Powers of the Zoning Board of Appeals

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

the administration of this Ordinance.

- b. Interpretation: Shall have the power to:
 - 1. Hear and decide upon appeals for the interpretation of the provisions of this Ordinance.
 - 2. Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision between said subject made by the Zoning Administrator.
 - 3. Classify a use which is not specifically mentioned along with a comparable permitted or prohibited use for the purpose of the use regulations in any zoning district.
- c. Variances: The Zoning Board of Appeals shall have the power to authorize upon appeal specific variances from such dimensional requirements as lot area and width regulations, building height and bulk regulations, yard width and depth regulations and such requirements as off-street parking and loading space as specified in this Ordinance when all the basic conditions listed below are satisfied.

Basic Conditions: That any variance granted:

- 1. Will not be contrary to the public interest and will not be contrary to the spirit and intent of this Ordinance.
- 2. Shall not permit the establishment within a Zoning District of any use which is not permitted by right within that District.
- 3. Will not cause any adverse effect to property in the vicinity or in the Zoning District or the City.
- 4. Is not where the specific conditions pertaining to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions practicable.
- 5. Relates only to property that is under the control of the applicant.
- 6. Affects only property subject to exceptional or extraordinary circumstances or conditions that do not generally apply to other property or uses in the vicinity, and have not resulted from any act of the applicant.
- 7. Must be granted in order to avoid practical difficulties or unnecessary hardship which would result from enforcement of the strict letter of

this Ordinance.

- d. Rules: In addition to the foregoing conditions, the following rules shall be applied in the granting of variances:
 1. In granting a variance, the Zoning Board of Appeals may specify in writing to the applicant, such conditions in connection with the granting that will, in its judgment, secure substantially the objectives of the regulations or provisions to which such variance applies. The breach of any such condition shall automatically invalidate the permit granted.
 2. No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be submitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Board to be valid.
 3. Each variance granted under the provisions of this chapter shall automatically expire one (1) year from the date granted unless:
 - a. The construction authorized by such variance or permit has been commenced within one (1) year after the granting of the variance and is being carried progressively to completion.
 - b. The occupancy of land, premises or buildings authorized by the variance has taken place within one (1) year after the variance was granted.

Section 13 – Administration and Permit Procedure

13.1 Administration and Administrator:

1. The provisions of this Ordinance shall be administered by the City Planning Commission and the City Council in accordance with the State of Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.
2. The City Council shall designate a Zoning Administrator to act as the City Officer to insure and effect the proper administration of this Ordinance. The Zoning Administrator may designate or appoint another person or persons to assist with the proper administration of this Ordinance including appropriate individuals or representatives of Iron County. Any individual or individuals so selected, their terms of employment, the limits to the extent of their authority to enforce this Ordinance and the rate of compensation that they shall be paid, shall be established by the City Council. The City Council shall have no such authority in regard to any officials of Iron County, however. There shall be a form of zoning permit used in the City of Crystal Falls requiring the approval and signature of the City Zoning Administrator or his authorized representative before any individual will be allowed to proceed with any building or alternation or similar construction as described in this Ordinance.

3. Duties:

The Zoning Administrator shall:

- a. Review all applications for zoning permits and certificates of occupancy and approve or disapprove such applications based on compliance or noncompliance with the provisions of this Ordinance and issue certificates when there is compliance with this Ordinance.
- b. Receive all applications for special use permits; conduct field inspections, investigations, prepare maps, charts, and other pictorial materials when necessary or desirable and otherwise process applications so as to formulate recommendations; report to the Planning commission with recommendations; and notify the applicant in writing of any decision of the Planning Commission.
- c. Receive all applications for appeals, variances, or other matters which the Zoning Board of Appeals is required to decide under this Ordinance; conduct field inspections, investigations, prepare maps, charts and other pictorial materials and otherwise process applications so as to formulate recommendations; refer such applications with recommendations to the Zoning Board of Appeals for determination.

- d. Receive all applications for amendments to this Ordinance; conduct field inspections, surveys and investigations, prepare maps, charts, and other pictorial materials and otherwise process applications so as to formulate recommendations;
 - e. Maintain a map or maps showing the current zoning classifications for all land in the City.
 - f. Maintain written records of all actions taken by the Zoning Administrator.
 - g. Be responsible for providing forms necessary for the various applications to the Zoning Administrator, Planning Commission, City Council, or Zoning Board of Appeals, as required by this Ordinance, and shall be responsible for what information is necessary on such forms for the effective administration of this Ordinance subject to the general policies of the City Council, Planning Commission and Zoning Board of Appeals.
4. Fees: The City Council shall establish by resolution a schedule of fees for administering this Ordinance. No activity shall commence nor shall any permit be issued unless the fee has been paid. Fees are waived for actions initiated by the City Council or the Planning Commission.

13.2 Public Notification

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

- 1. Responsibility: When the provisions of this ordinance or the Michigan Zoning Enabling Act require that notice be published, the City Clerk/Treasurer shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in the City of Crystal Falls, and having it mailed or delivered as provided in this Section.
- 2. Content: All mail, personal and newspaper notices for public hearings shall:
 - a. Describe the 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.
 - b. 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. Street addresses need not 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.

- c. When and where the request will be considered: Indicate the time, date and place of the public hearing(s).
- d. 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 hearing in person or by counsel.

3. Personal and Mailed Notice

- a. General: When the provisions of this Ordinance or State law require that personal or mailed notice be provided, notice shall be provided to:
 - 1. The owners of the property for which approval is being considered, and the applicant, if different from the owner of the property.
 - 2. To all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether or not the property or occupant is located within the corporate limits of the City of Crystal Falls, except in the case of rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property. 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 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 area 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.
 - 3. All neighborhood organizations, public utility companies, railroads and other persons who have requested to receive notice pursuant to Section 13.2.4, Registration to Receive Notice by Mail.
 - 4. Other governmental units or infrastructure agencies within one-half (1/2) mile of the property involved in the application.
- b. Notice by Mail/Affidavit: Notice shall be deemed mailed by its deposit in the United States Mail, first class, properly addressed, postage paid. The City

Clerk/Treasurer 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.

- c. **Timing of Notice:** Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, or this Ordinance where applicable, notice of a public hearing on an application for a rezoning, text amendment, special use, planned unit development, variance, appeal, or ordinance interpretation shall be provided as follows: A notice shall be published in a newspaper of general circulation in the City of Crystal Falls not less than fifteen (15) days before the date the application will be considered for approval.

4. **Registration to Receive Notice by Mail**

- a. Any neighborhood organization, public utility company, railroad or any other person may register with the City Clerk/Treasurer to receive written notice of all applications for development approval pursuant to Section 13.2.3, Personal and Mailed Notice, or written notice of all applications for development approval within the zoning district in which they are located. The City Clerk/Treasurer shall be responsible for providing this notification. Fees may be assessed for the provision of this notice, as established by the legislative body.
- b. **Requirements:** The requesting party must provide the City Clerk/Treasurer information on an official form to ensure notification can be made. All registered persons must re-register bi-annually to continue to receive notice pursuant to this Section.

13.3 **Zoning Permits**

1. **Requirements for Permits:** Excavation for any building or structure shall not be commenced; the erection of, addition to, alteration of, repair of, or moving of any building or structure shall not be undertaken, and no land use shall be commenced until a zoning permit has been secured from the Zoning Administrator. Except upon a written order of the Zoning Board of Appeals, no such zoning permit or certificate of occupancy shall be issued for any building where the construction, addition, alteration or use thereof would be in violation of any of the provisions of this Ordinance.
2. **Permit Applications:** Applications for a permit shall be made to the Zoning Administrator on forms furnished by the Zoning Administrator, and shall include the following, where applicable:
 - a. Names and addresses of the applicant, owner of the site, architect, professional engineer and contractor.

- b. Description of the subject site by lot, block and recorded subdivision; address of the subject site, type of structure, existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
- c. A site plan in accordance with the requirements of Section 11 of this Ordinance.
- d. Proposed sewage disposal plan, if municipal sewerage service is not available. This plan shall be approved by the County Engineer or Sanitarian who shall certify in writing that satisfactory, adequate, and safe sewage disposal is possible on the site as proposed by the plan, in accordance with applicable local, county and state Board of Health restrictions.
- e. Proposed water supply plan, if municipal water service is not available. This plan shall be approved by the County Engineer or Sanitarian who shall certify in writing that an adequate and safe supply of water shall be provided.
- f. Concrete, stone, wood, masonry, or other fences in a yard, of any district shall require permits. The Zoning Administrator shall also require permits for any fences or other structures within the sight triangle establishment at intersections. See Section 5.5, Traffic Visibility.
- g. Each permit issued for a main building also shall cover any necessary structures or buildings constructed at the same time, on the same premises, and such permit for which it is issued until completion of construction or occupancy.
- h. All applications and a copy of all permits issued shall be systematically filed and kept by the Zoning Administrator in his office for ready reference.
- i. No permit shall be required for:
 1. Routine maintenance or repair of buildings, structures, or equipment such as repainting or re-roofing a building, or siding a building.
 2. Alterations of existing buildings having a replacement value of less than two thousand (\$2,000) dollars in any one twelve (12) month period.
 3. Construction of a service connection to a municipally owned and operated utility.
- j. Evidence of Ownership: All applications for zoning permits under the provisions of this Ordinance shall be accomplished by evidence of ownership

of all property affected by the coverage of the permit.

- k. Voiding of the Permit: Any zoning permit granted under this Section shall become null and void unless the development proposed shall have its first building inspector within one (1) year for the date of the granting of the permit. The Zoning Administrator shall make every effort to notify the holder of a permit that is liable for voiding action before voidance is actually declared. The Zoning Administrator may suspend or revoke a permit issued under the provisions of this Ordinance whenever the permit is issued in error, or on a basis of incorrect information supplied by the applicant or his agent of in violation of any of the provisions of this Ordinance or of any other ordinances or regulations of the City.
3. Inspection: The construction or usage affected by any zoning permit shall be subject to the following:
 - a. The building stakeouts and/or such other stakeouts as are necessary shall be inspected by the Administrator or his agent to determine if the written permit form and the ordinance requirements are in agreement and have been complied with. Subsequent inspections shall be made as are required by the extent and the complexity of the proposed construction or usage.
 - b. Upon completion of the work authorized by the permit, final inspection shall be promptly made by the Administrator or his agent and the use and occupancy permit issued if the requirements of this Ordinance and other lawful pertinent ordinances are met.
 - c. It shall be the duty of the holder of every permit to notify the Zoning Administrator when the construction is ready for any inspection. Upon receipt of such notification, the Zoning Administrator shall first satisfy himself that the corners and boundaries of the lot are accurately designated and forthwith proceed to make an inspection of the progress of the construction, and if the same shall meet with the requirements of the Ordinance, at the stage of such inspection, he shall issue his written approval thereof and the applicant shall be authorized to proceed in accordance with the permit. Should the Zoning Administrator determine that the construction is not proceeding according to the site and construction plans filed, or is in violation of any provision of this Ordinance, or any other applicable law, he shall so notify the holder of the permit or his agent, and further construction shall be stayed until correction of the defects set forth has been accomplished and approved by the Zoning Administrator upon notice and request for re-inspection duly made.
 - d. Should a zoning permit holder fail to comply with the requirements of the Zoning Administrator at any inspection stage, the latter shall make a report in writing of such failure to the City Clerk whose duty it shall be to forthwith cancel the permit issued, and the Clerk shall cause notice of such permit

cancellation to be securely posted upon or affixed to the construction not conforming to the Zoning Ordinance interpreted to be the Zoning Administrator's requirements, such posting shall be considered as service upon and notice to the permit holder of cancellation thereof; and no further work upon said construction shall be undertaken or permitted until a valid permit shall thereafter have been issued.

- e. Failure to make proper notification of the time inspection shall automatically cancel the permit, requiring issuance of a new permit before construction may proceed or occupancy may be permitted.

13.4 Violation and Penalties

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

6. Scope of Remedies: The rights and remedies provided in this Ordinance are cumulative and are in addition to all other remedies provided by law. All fines collected shall belong to the City and shall be deposited in the General Fund.

Section 14 – Severability Repeals, Effective Date

- 14.1 Severability: Should any action or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any portion thereof other than the portion so declared to be invalid.
- 14.2 Repeals of Prior Ordinances: All prior Zoning Ordinances of the City of Crystal Falls and amendments thereto, are hereby repealed. Parts of other ordinances in conflict with this Ordinance to the extent of such conflict, and no further, are hereby repealed.
- 14.3 When Effective:

Approved and ordained by the City of Crystal Falls Council this 10th day of July, 2007.

Janet A. Hendrickson, Mayor
City of Crystal Falls

Dorothea M. Olson, CMC
City Clerk/Treasurer

Adopted: July 10, 2007
Published: July 18, 2007
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Amended: June 8, 2009 (Section 6 – Signs, 6.4, Commercial Districts)