

ORDINANCE NO. 75 Z-2
ORDINANCE TO ADOPT FOURTH AMENDMENT TO THE MISSAUKEE COUNTY
INTERIM ZONING ORDINANCE

STATE OF MICHIGAN
COUNTY OF MISSAUKEE COUNTY
BOARD OF COMMISSIONERS

July 8, 1975

Com. Gillow moved, supported by Com. Harris to adopt Ordinance No 75 Z-2 as an amendment 4 to the Missaukee County Interim Zoning Ordinance of August 20, 1973, as follows:

ORDINANCE 75 Z-2

An Ordinance to amend parts to the Missaukee County Interim Zoning Ordinance adopted August 20, 1973 and as amended to be known as Amendment Number 4 of the Missaukee County Interim Zoning Ordinance adopted August 20, 1973.

THE COUNTY OF MISSAUKEE ORDAINS:

ITEM 1 Section 2.01 of the Missaukee County Interim zoning Ordinance adopted August 20, 1973, as amended is hereby amended by:

- A. Changing Residential Districts R-1 to Residential Districts R-1-A.
- B. Adding a new District: Residential districts R-1-B

ITEM 2 Article Three of the Missaukee County Interim Zoning Ordinance of August 20, 1973, as amended, is hereby amended as follows:

- A. Change Residential districts R-1 to residential Districts R-1-A.

ITEM 3 Sections 3.02C, 4.02C, 5.02C, 7.02C, 8.02C, 8.1.02C and 9.02B, of the Missaukee County Interim zoning Ordinance adopted August 20, 1973, and as amended, are hereby amended each to be as follows:

- A. 3.02 C Uses subject to special approval (as provided in Section 12.05): Uses that compatible with the primary uses allowed in Residential Districts R-1-A, such as:
NOTE: Paragraphs 1 and 2 to be unchanged.
Paragraph 3 to be changed as covered by Item #6.
- B. 4.02C Uses subject to special approval (as provided in section 12.05): Uses that are compatible with the primary uses allowed in Residential Districts R-2, such as;
NOTE: Paragraphs 1 to 9 both inclusive to be unchanged.

- C. 5.02C Uses subject to special approval (as provided in Section 12.05): Uses that are compatible with the primary uses allowed in Residential R-3, such as:
NOTE: Paragraphs 1 to 13 both inclusive to be unchanged.
- D. 7.02C Uses subject to special approval (as provided in Section 12.05): Uses that are compatible with the primary uses allowed in Agriculture Districts AG, such as:
NOTE: Paragraphs 1 to 13 both inclusive to be unchanged.
- E. 8.02C Uses subject to special approval in Section 12.05): Uses that are compatible with the primary uses allowed in forest Recreational Districts FR, such as:
NOTE: Paragraphs 1 to 11 both inclusive to be unchanged.
- F. 8.0102C User subject to special approval (as provided in Section 12.05) Uses that are compatible with the primary uses allowed in Forest Agricultural Districts FA, such as:
NOTE: Paragraphs 1 to 13 both inclusive to be unchanged.
- G. 9.02B Uses subject to special approval (as provided in Section 12.95): Uses that are compatible with the primary uses allowed in commercial Districts C, such as:
NOTE: Paragraphs 1 to 5 both inclusive, and 7 to 16, both inclusive to be unchanged.
Paragraph 6 to be changed as covered by Item 8-B.

ITEM 4 The Missaukee County Interim zoning Ordinance adopted August 20, 1973, as amended, is hereby amended by adding ARTICLE THREE POINT ONE, RESIDENTIAL DISTRICTS R-1-B, as follows:

ARTICLE 3.1 RESIDENTIAL DISTRICTS R-1-B.

The following provisions shall apply to all Residential Districts, R-1-B is to establish areas in the unincorporated villages of the county, and the suburban, and rural sections of the county primarily dedicated to single family residential uses in which each dwelling hereafter erected is located on an individual lot or premises adequate in size and shape to provide safe water and sewage disposal facilities, minimize spread of fire, and set back from the public thoroughfare to facilitate safe exit from and entrance to the premises.

Since certain other uses of land, buildings and structures are generally accepted as compatible with residential uses, if properly integrated, the inclusion of various such uses are hereafter provided by Special Approval, subject to special conditions.

SECTION 3.1.02 PROPERTY USES

Except as provided by Section 1.03 the use of all lands and premises, and the erection and use of all buildings and structures shall hereafter be limited to the following:

Section 3.01.02A Primary Uses (not subject to Special Approval).

1. One-family dwelling which provide no less than 864 square feet of usable floor area, exclusive of basement, usable attic space, attached garage, car-port, breezeway or porches. Usable floor areas in a "half story" or the "second story" of a two (2) story house may be used to determine the total usable floor area. The first floor shall have no less than 672 square feet of usable floor area. Maximum building height is to be thirty-five (35) feet.
2. Libraries.
3. Parks and Playgrounds
4. Schools, primary and secondary

3.01.02B Uses Permitted Under Special Conditions:

1. Churches and related buildings and structures customarily incidental thereto, but not including tents or other temporary structures. Lot area shall provide side yards not less than one hundred and fifty feet (150) on each side.
2. Recreational Vehicle or mobile homes during the course of construction of a dwelling on a lot, subject to the provisions of section 12.14F.
3. Leasing of rooms by a resident family to non-transient roomers, not exceeding two (2) roomers in any one (1) dwelling provided no sign is displayed.

3.1.02C Uses subject to special Approval (as provided in Section 12.05):

Uses that are compatible with the primary uses allowed in Residential District R-1-B, such as:

1. Convalescent homes and institutions of an eleemosynary nature, but not including penal or correctional institutions.
2. Hospitals and clinics for human care, including nursing homes.
3. Premises used for home occupations and home professional offices as defined herein. When a sign is used, it shall not exceed 3 square feet in size and shall be mounted flat against the buildings. Indirect, non-flashing lights shall be used, when the sign is lighted.

3.1.02D Accessory Use, Buildings and Structures:

A detached accessory building provided it is not more than one (1) story and/or sixteen (16) feet in height. Said accessory building shall not be located any closer to the lot line than allowed for the principal building.

3.1.02E Incidental Uses:

Uses customarily incidental to any of the above uses, where located on the same lot or parcel, may be so conducted so as not to interfere with the residential character of the district as intended by the Ordinance.

Uses of yards and open spaces as provided in Section 11.03D.

Section 3.1.03 Minimum Lot area and Yard Character:

Minimum lot area, lot widths and set backs are provided in ARTICLE ELEVEN 11).

ITEM 5 The Missaukee County Interim Zoning Ordinance adopted August 20, 1973, is hereby amended as follows:

A. Change all nomenclatures of Residential Districts R-1 to Residential Districts R-1-A and Residential Districts R-1-B; except, the complete text of ARTICLE THREE to apply to Residential Districts 3-1-A only, and except the complete text of ARTICLE THREE POINT ONE to apply to Residential Districts R-1- B only.

ITEM 6 Section 3.02C Paragraph 3 of the Missaukee County Interim Zoning Ordinance adopted August 20, 1973, as amended, is hereby amended as follows:

3. Premises used for home occupations and home professional offices as defined herein. When a sign is used, it shall not exceed 3 square feet in size and shall be mounted flat against the building. Indirect, non-flashing lights shall be used, when the sign is lighted.

ITEM 7 The Missaukee County Interim Zoning Ordinance adopted August 20, 1973, as amended, is hereby amended as follows:

A. Section 4.02A Paragraph 2
Section 5.02A Paragraph 2
Section 7.92A Paragraph 9
Section 8.1.02A Paragraph 4
Delete these paragraphs completely.

B. Section 4.02B Add Paragraph 3
Section 5.02B Add Paragraph 3
Section 7.02B Add Paragraph 5
Section 8.02B Add Paragraph 2
Section 8.1.02B Add Paragraph 5

Each Paragraph to be as follows:

Premises used for home occupations and home professional offices as defined herein. When a sign is used, it shall not exceed 3 square feet in size and shall be mounted flat against the building. Indirect, non-flashing lights shall be used, when the sign is lighted.

ITEM 8 The Missaukee County Interim zoning Ordinance adopted August 20, 1973, as amended, is hereby amended as follows:

A. Section 9.02A -- add paragraph 21 as follows:

21. New Mobile Home and New Recreational Vehicle sales and service.

B. Section 9.023 – change paragraph 6 to be as follows:

6. Storage of mobile homes and recreational vehicles, also the sales and service of used mobile homes and used recreational vehicles.

ITEM 9 Section 11.01 of the Missaukee County Interim Zoning Ordinance adopted August 20, 1973, as amended, is hereby amended as follows:

A. Change the lot width in residential Districts R-1-A and R-1-B as follows:

1. Primary services areas from 100 feet to 90 feet.
2. Secondary services areas from 120 feet to 90 feet
3. Secondary services areas from 200 feet to 180 feet

B. Paragraph 8 to be as follows:

8. Traditional lotting techniques may be modified in a “Planned Unit Development” , in the Residential Districts R-1-A, R-1-B, R-2 and R-3, in which yard areas requirements and lot widths may be reduced providing such reductions result in concentrations of usable open space within the site for the common use of the land owners, or residents, or the general public. The summation of reduced lot size areas plus the total land dedicated to the open space shall be not less than the total summation of area determined from the schedule of lot areas from Section 11.01. The Planning Commission shall review and approve, subject to modification deemed appropriate, such variations in analysis of preliminary plots or cite plans.

ITEM 10 Section 11.03D of the Missaukee County Interim zoning Ordinance adopted August 20, 1973, as amended, is hereby amended by adding paragraph 5 as follows:

5. COMMERCIAL ENTERPRISE YARD PROVISIONS

All commercial enterprises, professional and other services, shall provide yards, accessory building and storage areas that are compatible with the general character of the primary use of the zoning District in which they are located. On demand by petition by affected property owners, or by their own initiative, the Zoning Commission may order the owner or owners of the property to provide reasonable fencing or screening or other correction measures deemed necessary to be added to the property, at the property owner’s expense, to correct the complaint or problem. On application for a building permit for a commercial enterprise, professional or other service, the applicant shall submit a plan of their proposed yard, accessory building and storage area layout and use, indicating the fencing or screening to be provided and receive approval as provided for in Section 12.05 before a building permit is issued.

ITEM 11 Section 12.01 of the Missaukee county Interim zoning Ordinance adopted August 20, 1973, as amended, is hereby amended to be as follows:

The Missaukee County Zoning Board of appeals shall have the power on written request to classify a use not listed with a compatible listed use, giving due consideration to the purpose of the Ordinance as expressed in Section 1.02. If a property under consideration for such use is not in a district which allows the use as a permitted use, it may only be allowed after the usual rezoning or amending process.

ITEM 12 Section 12.02C of the Missaukee County Interim zoning Ordinance adopted August 20, 1973, as amended, is hereby amended to be as follows:

12.02C Non-Conforming Use of a Recreational Vehicle and Mobile Home: Any non-conforming use of a recreational vehicle, mobile home, a bus body, converted house car, or truck, modified for occupancy which is discontinued through vacancy, for a period of one year and/or permitted to deteriorate to the point that they are no longer conducive to health, safety or the general character of the District, the recreational vehicle, mobile home, bus body, converted house car, truck modified for occupancy shall be removed within 90 days upon request of the Zoning Administrator.

ITEM 13 Section 12.03 of the Missaukee county Interim Zoning Ordinance adopted August 20, 1973, as amended, is hereby amended as follows:

A. Change the title from "NON-CONFORMING BUILDINGS AND STRUCTURES" to "NON-CONFORMING BUILDINGS, STRUCTURES, and MOBILE HOMES AND RECREATIONAL VEHICLES."

B. Add Section 12.03G and Section 12.03H as follows:

1. 12.03G Non-Conforming Mobile Homes and Recreational Vehicles in Residential Districts R-1-A and Residential Districts R-1-B:

All Mobile Homes and Recreational Vehicles located in Residential Districts R-1-A and Residential Districts R-1-B shall be considered non-conforming dwellings or structures. When a mobile home or a recreational vehicle is removed from a lot or a parcel in Residential Districts R-1-A or Residential Districts R-1-B, the mobile home or recreational vehicle shall not be replaced by another mobile home or recreational vehicle. The replacing structure, or building or dwelling and its use shall conform to the provisions of the zoning District wherein located.

2. 12.03H Use of Mobile Homes and Recreational Vehicles in Residential Districts R-2 and R-3, Forest Recreational Districts FR, and Forest Agriculture District FA, Agricultural Districts AG: A mobile home or a recreational vehicle, currently in use at the date of this amendment, as a dwelling and located on a lot or parcel in Residential Districts R-2, Residential Districts R-3, Forest Recreational Districts FR, Agriculture Districts AG, or Forest Agriculture

Districts FA, may be replaced by a mobile home of a size equal to or larger than the minimum size dwelling permitted in the District wherein located, providing that the replacement is completed within 60 days of the date that the mobile home or the recreational vehicle is removed. The replacing mobile home construction and erection shall conform to the requirements of the Michigan State Construction Code.

ITEM 14 Section 12.05D of the Missaukee County Interim Zoning Ordinance adopted August 20, 1973, as amended, is hereby amended as follows:

The Zoning Commission may impose such additional conditions and safe-guards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objective of this Ordinance will be observed, including the requirements of an adequate performance bond. The breach of any condition, safe-guard or requirement shall automatically invalidate the permit granted.

ITEM 15 Section 12.08 of the Missaukee County Interim Zoning Ordinance adopted August 20, 1973, as amended, is hereby amended as follows:

A. Add Section 12.08E as follows:

12.08E Maximum parking spaces for residential uses and associated home occupational and home professional offices; Parking spaces for each dwelling unit shall be a maximum of four.

ITEM 16 Section 12.11 Paragraph 2 of the Missaukee County Interim Zoning Ordinance adopted August 20, 1973, as amended, is hereby amended as follows:

2. Plots of over two (2) acres are excluded from these regulations, providing the fence does not exceed 4 feet in height measured from the natural surface of the ground. Further, that the fence be an open type and will not obstruct vision to an extent greater than 25% of the total area of the fence.

ITEM 17 Section 12.14B Paragraph 9 of the Missaukee County Interim Zoning Ordinance adopted August 20, 1973, as amended, is hereby amended as follows:

9. All mobile homes shall be fully skirted with rodent proof materials, preferably steel, aluminum or concrete. All construction, foundations, erections and anchoring to conform to the Michigan State Construction Code.

ITEM 18 Section 12.14B of the Missaukee County Interim Zoning Ordinance adopted August 20, 1973, as amended, is hereby amended by adding paragraph 12 as follows:

12. All permits issued for temporary use of mobile homes for dwellings in all Districts shall include a condition limiting construction additions permitted to a maximum of

eighty (80) square feet covering over the entry only. No other addition shall be permitted use is on a temporary basis.

ITEM 19 Section 17.02 definition of Home Occupation or Profession of the Missaukee County Interim Zoning Ordinance adopted August 20, 1973, as amended is hereby amended to be as follows:

Home Occupation or Profession: An occupation or profession carried on by a member or members of the family residing in the residence and requiring no changes or alterations which would diminish the residential character of the dwelling and/or premises.

ITEM 20 Section 17.02 of the Missaukee County Interim Zoning Ordinance adopted August 20, 1973, as amended, is to be amended by the addition of a new paragraph to the MOBILE HOME definition as follows:

Also, those prefabricated factory built double wide dwelling units that are transported on the highway in two (2) main sections, and dwelling site erected, built in accordance with the Mobile Home specifications of the Michigan State Construction Code, bearing a factory serial number, having a prefix of "M" (mobile home), are to be considered a MOBILE HOME for the purpose of this Ordinance.

ITEM 21 Section 17.02 of the Missaukee County Interim Zoning Ordinance adopted August 20, 1973, as amended, is to be amended by adding the definition of the term "Prior Intent" as follows:

Prior Intent For the purpose of this Ordinance "Prior Intent" is to have the following meaning:

1. Prior Intent, pertaining to Construction:

No STRUCTURE shall be exempt from the requirements of this Ordinance or Amendments thereto unless actual construction or the structure has been started prior to the enactment date of this Ordinance or if effected by an Amendment to this Ordinance, the enactment date of the respective Amendment to this Ordinance.

2. Prior Intent, pertaining to divisions of land: No parcel of land or lot shall be exempt from the requirements of the Ordinance or Amendments thereto unless a recorded survey is legally recorded at the Missaukee County Register of Deeds office, or a complete description of the property in metes and bound, or by Geographic description, is recorded at the Missaukee County Register of Deeds office, prior to the enactment date of the Ordinance, or if effected by an Amendment to the Ordinance the enactment date of the respective Amendment to this Ordinance.

Approved on July 14, 1975 with signature of Howard A Tanner, Director of Michigan Department of Natural Resources.

ORDINANCE NO. 75 Z-2

Supplement to Amendment No. 4 (dated July 8, 1975.)

Item 18 Change this item to be as follows:

Section 12.14B of the Missaukee County Interim Zoning Ordinance adopted August 20, 1973, as amended, is hereby amended by adding paragraph 12 as follows:

12. All permits issued for temporary use of mobile homes for dwellings in all Districts, where permitted, shall include a provision limiting construction additions permitted to a maximum of 80 (80) square feet covering over the entry only. No other addition shall be permitted attached to mobile homes where the permitted use is on a temporary basis.

Add item 22 as follows:

Item 22 WHEREAS The official map of the Missaukee County Interim Zoning Ordinance of August 20, 1973, as amended, is a part of this Ordinance as provided by Section 2.02.

WHEREAS The official map of the Missaukee County Zoning Ordinance dated August 20, 1973, as amended, is hereby amended to show changes made in Districts as follows:

A. Pioneer Township – SW1/4 of the SW1/4 of Section 19 excluding the N 20 rods of the W 16 rods and excluding S 20 rods of the W 16 rods thereof; from Forest Recreational FR to Forest Agricultural FA.

Approved on July 29, 1975, with signature of Howard A Tanner, Director of Michigan Department of Natural Resources.

THIS ORDINANCE SHALL BE GIVEN IMMEDIATE EFFECT.

Enacted by the Missaukee County Board of Commissioners on the 11th day of August, 1975.

VOTE ON THE ORDINANCE Yeas 6 Nay 1 (Hesel) Carried.

Approved by the Department of Natural Resources on the 14th day of July, 1975, and 29th day of July, 1975.

Signed by:

Don Molitor, Clerk

Alfred Diemer, Chairman

STATE OF MICHIGAN
COUNTY OF MISSAUKEE

Don Molitor - Officer
Ph. 616-839-4967

County Clerk & Register of Deeds

Court House - Lake City, Michigan 49651

RECEIVED

JUL 9 1975

NATURAL RESOURCES
OFFICE OF LAND USE

75-2-2

July 7, 1975

Mr. David Jenkins, Office of Land Use
Michigan Department of Natural Resources
Steven T. Mason Building
Lansing, Michigan 48926

Subject: Amendment 4 to the Missaukee County Interim Zoning Ordinance

Dear Mr. Jenkins:

In accordance with the procedure for amending the Missaukee County Interim Zoning Ordinance, I herewith forward to you the attached text amendment, and commentary for your consideration and approval. The Missaukee County Planning Commission has given final approval to this amendment at their June 30, 1975, meeting. A copy of these minutes is attached. After your approval, the Board of Commissioners for Missaukee County will be asked to ordain this amendment for immediate effect.

If you have any questions, please contact Mr. Peter VanderPol,
Chairman of Missaukee County Planning Commission. (616-825-2680)

Sincerely,



Don Molitor
Missaukee County Clerk

DM/amr

CC: Mr. Alfred Deimer, Chairman, Missaukee County Commissioners

Encl: Text of Amendment #4 (3 copies)
Commentary of July 7, 1975 (3 copies)
Minutes of Planning Commission Meeting of June 30, 1975 (3 copies)

ORDINANCE NO. 75 Z 2

An ordinance to amend parts of the Missaukee County Interim Zoning Ordinance adopted August 20, 1973, as amended, to be known as Amendment Number 4 of the Missaukee County Interim Zoning Ordinance adopted August 20, 1973, and as amended.

The County of Missaukee Ordains:

Item 1 Section 2.01 of the Missaukee County Interim Zoning Ordinance adopted August 20, 1973, as amended is hereby amended by:

- A. Changing Residential Districts R-1 to Residential Districts R-1-A.
- B. Adding a new District; Residential Districts R-1-B.

Item 2 Article Three of the Missaukee County Interim Zoning Ordinance of August 20, 1973, as amended, is hereby amended as follows:

- A. Change Residential Districts R-1 to Residential Districts R-1-A.

Item 3 Sections 3.02C, 4.02C, 5.02C, 7.02C, 8.02C, 8.1.02C, and 9.02B, of the Missaukee County Interim Zoning Ordinance adopted August 20, 1973, and as amended, are hereby amended each to be as follows:

- A. 3.02C Uses subject to special approval (as provided in Section 12.05): Uses that are compatible with the primary uses allowed in Residential Districts R-1-A, such as:
NOTE: Paragraphs 1 and 2 to be unchanged.
Paragraph 3 to be changed as covered by Item #6.
- B. 4.02C Uses subject to special approval (as provided in Section 12.05): Uses that are compatible with the primary uses allowed in Residential Districts R-2, such as:
NOTE: Paragraphs 1 to 9 both inclusive to be unchanged.
- C. 5.02C Uses subject to special approval (as provided in Section 12.05): Uses that are compatible with the primary uses allowed in Residential Districts R-3, such as:
NOTE: Paragraphs 1 to 13 both inclusive to be unchanged.
- D. 7.02C Uses subject to special approval (as provided in Section 12.05): Uses that are compatible with the primary uses allowed in Agriculture Districts AG, such as:
NOTE: Paragraphs 1 to 13 both inclusive to be unchanged.

- E. 8.02C Uses subject to special approval (as provided in Section 12.05): Uses that are compatible with the primary uses allowed in Forest Recreational Districts FR, such as:
NOTE: Paragraphs 1 to 11 both inclusive to be unchanged.
- F. 8.1.02C Uses subject to special approval (as provided in Section 12.05): Uses that are compatible with the primary uses allowed in Forest Agricultural Districts FA, such as:
NOTE: Paragraphs 1 to 13 both inclusive to be unchanged.
- G. 9.02B Uses subject to special approval (as provided in Section 12.05): Uses that are compatible with the primary uses allowed in Commercial Districts C, such as:
NOTE: Paragraphs 1 to 5 both inclusive, and 7 to 16 both inclusive to be unchanged.
Paragraph 6 to be changed as covered by Item 8-B.

Item 4 The Missaukee County Interim Zoning Ordinance adopted August 20, 1973, as amended, is hereby amended by adding ARTICLE THREE POINT ONE, RESIDENTIAL DISTRICTS R-1-B, as follows:

ARTICLE THREE-POINT-ONE RESIDENTIAL DISTRICTS R-1-B

The following provisions shall apply to all Residential Districts R-1-B.

SECTION 3.1.01 PURPOSE

The purpose of providing Residential Districts, R-1-B is to establish areas in the unincorporated villages of the County, and the suburban, and rural sections of the County primarily dedicated to single family residential uses in which each dwelling hereafter erected is located on an individual lot or premises adequate in size and shape to provide safe water and sewage disposal facilities, minimize spread of fire, and set back from the public thoroughfare to facilitate safe exit from and entrance to the premise.

Since certain other uses of land, buildings and structures are generally accepted as compatible with residential uses, if properly integrated, the inclusion of various such uses are hereafter provided by Special Approval, subject to special conditions.

SECTION 3.1.02 PROPERTY USES

Except as provided by Section 1.03 the use of all lands and premises, and the erection and use of all buildings and structures shall hereafter be limited to the following:

Section 3.1.02A Primary Uses (not subject to Special Approval)

1. One-family dwelling which provide not less than 864 square feet of usable floor area, exclusive of basement, usable attic spaces, attached garage, car-port, breezeway or porches. Usable floor areas in a "half story" or the "second story" of a two (2) story house may be used to determine the total usable floor area. The first floor shall have no less than 672 square feet of usable floor area. Maximum building height to be thirty-five (35) feet.
2. Libraries
3. Parks and Playgrounds
4. Schools, primary and secondary

3.1.02B Uses Permitted Under Special Conditions:

1. Churches and related buildings and structures customarily incidental thereto, but not including tents or other temporary structures. Lot area shall provide sideyards not less than one hundred and fifty feet (150) on each side.
2. Recreational Vehicle or mobile homes during the course of construction of a dwelling on a lot, subject to the provisions of Section 12.14F.
3. Leasing of rooms by a resident family to non-transient roomers, not exceeding two (2) roomers in any one (1) dwelling, provided no sign is displayed.

3.1.02C Uses Subject to Special Approval (as provided in Section 12.05):

Uses that are compatible with the primary uses allowed in Residential Districts R-1-B, such as:

1. Convalescent homes and institutions of an eleemosynary nature, but not including penal or correctional institutions.
2. Hospitals and clinics for human care, including nursing homes.
3. Premises used for home occupations and home professional offices as defined herein. When a sign is used, it shall not exceed 3 square feet in size and shall be mounted flat against the building. Indirect, non-flashing lights shall be used, when the sign is lighted.

3.1.02D Accessory Use, Buildings and Structures:

A detached accessory building, provided it is not more than one (1) story and/or sixteen (16) feet in height. Said accessory building shall not be located any closer to the lot line than that allowed for the principal building.

3.1.02E Incidental Uses:

Uses customarily incidental to any of the above uses, where located on the same lot or parcel, may be so conducted so as not to interfere with the residential character of this district as intended by this Ordinance.

Uses of yards and open spaces as provided in Section 11.03D.

Section 3.1.03 Minimum Lot Area and Yard Character:

Minimum lot area, lot widths and set backs are provided in ARTICLE ELEVEN (11).

Item 5 The Missaukee County Interim Zoning Ordinance adopted August 20, 1973, is hereby amended as follows:

- A. Change all nomenclatures of Residential Districts R-1 to Residential Districts R-1-A, and Residential Districts R-1-B; except, the complete text of ARTICLE THREE to apply to Residential Districts R-1-A only, and except the complete text of ARTICLE THREE POINT ONE to apply to Residential Districts R-1-B only.

Item 6 Section 3.02C Paragraph 3 of the Missaukee County Interim Zoning Ordinance adopted August 20, 1973, as amended, is hereby amended as follows:

3. Premises used for home occupations and home professional offices as defined herein. When a sign is used, it shall not exceed 3 square feet in size and shall be mounted flat against the building. Indirect, non-flashing lights shall be used, when the sign is lighted.

Item 7 The Missaukee County Interim Zoning Ordinance adopted August 20, 1973, as amended, is hereby amended as follows:

- A. Section 4.02A Paragraph 2
Section 5.02A Paragraph 2
Section 7.02A Paragraph 9
Section 8.1.02A Paragraph 4
Delete these paragraphs completely.

- B. Section 4.02B Add Paragraph 3
- Section 5.02B Add Paragraph 3
- Section 7.02B Add Paragraph 5
- Section 8.02B Add Paragraph 2
- Section 8.1.02B Add Paragraph 5

Each Paragraph to be as follows:

Premises used for home occupations and home professional offices as defined herein. When a sign is used, it shall not exceed 3 square feet in size and shall be mounted flat against the building. Indirect, non-flashing lights shall be used, when the sign is lighted.

Item 8 The Missaukee County Interim Zoning Ordinance adopted August 20, 1973, as amended, is hereby amended as follows:

- A. Section 9.02A -- add paragraph 21 as follows:
 - 21. New Mobile Home and New Recreational Vehicle sales and service
- B. Section 9.02B -- change paragraph 6 to be as follows:
 - 6. Storage of mobile homes and recreational vehicles, also the sales and service of used mobile homes and used recreational vehicles.

Item 9 Section 11.01 of the Missaukee County Interim Zoning Ordinance adopted August 20, 1973, as amended, is hereby amended as follows:

- A. Change the lot width in Residential Districts R-1-A and R-1-B as follows:
 - 1. Primary services areas from 100 feet to 90 feet
 - 2. Secondary services areas from 120 feet to 90 feet
 - 3. Secondary services areas from 200 feet to 180 feet
- B. Paragraph 8 to be as follows:
 - 8. Traditional lotting techniques may be modified in a "Planned Unit Development", in the Residential Districts R-1-A, R-1-B, R-2 and R-3, in which yard area requirements and lot widths may be reduced providing such reductions result in concentrations of usable open space within the site for the common use of the land owners, or residents, or the general public. The summation of reduced lot size areas plus the total land dedicated to the open space shall be not less than the total summation of area determined from the schedule of lot areas from Section 11.01.

The Planning Commission shall review and approve, subject to modification deemed appropriate, such variations in analysis of preliminary plats or site plans.

Item 10 Section 11.03D of the Missaukee County Interim Zoning Ordinance adopted August 20, 1973, as amended, is hereby amended by adding paragraph 5 as follows:

5. COMMERCIAL ENTERPRISE YARD PROVISIONS

All commercial enterprises, professional and other services, shall provide yards, accessory building and storage areas that are compatible with the general character of the primary use of the Zoning District in which they are located. On demand by petition by affected property owners, or by their own initiative, the Zoning Commission may order the owner or owners of the property to provide reasonable fencing or screening or other correction measures deemed necessary to be added to the property, at the property owner's expense, to correct the complaint or problem.

On application for a building permit for a commercial enterprise, professional or other service, the applicant shall submit a plan of their proposed yard, accessory building and storage area layout and use, indicating the fencing or screening to be provided and receive approval as provided for in Section 12.05 before a building permit is issued.

Item 11 Section 12.01 of the Missaukee County Interim Zoning Ordinance adopted August 20, 1973, as amended, is hereby amended to be as follows:

The Missaukee County Zoning Board of Appeals shall have the power on written request to classify a use not listed with a comparable listed use, giving due consideration to the purpose of the Ordinance as expressed in Section 1.02. If a property under consideration for such use is not in a district which allows the use as a permitted use, it may only be allowed after the usual rezoning or amending processes.

Item 12 Section 12.02C of the Missaukee County Interim Zoning Ordinance adopted August 20, 1973, as amended, is hereby amended to be as follows:

12.02C Non-Conforming Use of a Recreational Vehicle and Mobile Home:

Any non-conforming use of a recreational vehicle, mobile home, a bus body, converted house car, or truck, modified for occupancy which is

discontinued through vacancy, for a period of one year and/or permitted to deteriorate to the point that they are no longer conducive to health, safety or the general character of the District, the recreational vehicle mobile home, bus body, converted house car, truck modified for occupancy shall be removed within 90 days upon request of the Zoning Administrator.

Item 13

Section 12.03 of the Missaukee County Interim Zoning Ordinance adopted August 20, 1973, as amended, is hereby amended as follows:

A. Change the title from "NON-CONFORMING BUILDINGS AND STRUCTURES" to "NON-CONFORMING BUILDINGS, STRUCTURES, MOBILE HOMES AND RECREATIONAL VEHICLES."

B. Add Section 12.03G and Section 12.03H as follows:

1. 12.03G Non-Conforming Mobile Homes and Recreational Vehicles in Residential Districts R-1-A and Residential Districts R-1-B:
All Mobile Homes and Recreational Vehicles located in Residential Districts R-1-A and Residential Districts R-1-B shall be considered non-conforming dwellings or structures. When a mobile home or a recreational vehicle is removed from a lot or parcel in Residential Districts R-1-A or Residential Districts R-1-B, the mobile home or recreational vehicle shall not be replaced by another mobile home or recreational vehicle. The replacing structure, or building or dwelling and its use shall conform to the provisions of the Zoning District wherein located.
- 2.. 12.03H Use of Mobile Homes and Recreational Vehicles in Residential Districts R-2 and R-3, Forest Recreational District FR, and Forest Agriculture District FA, Agricultural Districts AG: A mobile home or a recreational vehicle, currently in use at the date of this amendment, as a dwelling and located on a lot or parcel in Residential Districts R-2, Residential Districts R-3, Forest Recreational Districts FR, Agriculture Districts AG, or Forest Agriculture Districts FA, may be replaced by a mobile home of a size equal to or larger than the minimum size dwelling permitted in the District wherein located, providing that the replacement is completed within 60 days of the date that the mobile home or the recreational vehicle is removed. The replacing mobile home construction and erection shall conform to the requirements of the Michigan State Construction Code.

- Item 14 Section 12.05D of the Missaukee County Interim Zoning Ordinance adopted August 20, 1973, as amended, is hereby amended as follows:
The Zoning Commission may impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objectives of this Ordinance will be observed, including the requirements of an adequate performance bond. The breach of any condition, safeguard or requirement shall automatically invalidate the permit granted.
- Item 15 Section 12.08 of the Missaukee County Interim Zoning Ordinance adopted August 20, 1973, as amended, is hereby amended as follows:
A. Add Section 12.08E as follows:
12.08E Maximum parking spaces for residential uses and associated home occupational and home professional offices: Parking spaces for each dwelling unit shall be a maximum of four.
- Item 16 Section 12.11 Paragraph 2 of the Missaukee County Interim Zoning Ordinance adopted August 20, 1973, as amended, is hereby amended as follows:
2. Plots of over two (2) acres are excluded from these regulations providing the fence does not exceed 4 feet in height measured from the natural surface of the ground. Further, that the fence be an open type and will not obstruct vision to an extent greater than 25% of the total area of the fence.
- Item 17 Section 12.14B Paragraph 9 of the Missaukee County Interim Zoning Ordinance adopted August 20, 1973, as amended, is hereby amended as follows:
9. All mobile homes shall be fully skirted with rodent proof materials, preferrably steel, aluminum or concrete. All construction, foundations, erections and anchoring to conform to the Michigan State Construction Code.
- Item 18 Section 12.14B of the Missaukee County Interim Zoning Ordinance adopted August 20, 1973, as amended, is hereby amended by adding paragraph 12 as follows:

12. All permits issued for temporary use of mobile homes for dwellings in all Districts shall include a condition limiting construction additions permitted to a maximum of eighty (80) square feet covering over the entry only. No other addition shall be permitted use is on a temporary basis.

Item 19 Section 17.02 definition of Home Occupation or Profession of the Missaukee County Interim Zoning Ordinance adopted August 20, 1973, as amended is hereby amended to be as follows:

Home Occupation or Profession: An occupation or profession carried on by a member or members of the family residing in the residence and requiring no changes or alterations which would diminish the residential character of the dwelling and/or premises.

Item 20 Section 17.02 of the Missaukee County Interim Zoning Ordinance adopted August 20, 1973, as amended, is to be amended by the addition of a new paragraph to the MOBILE HOME definition as follows:

Also, those prefabricated factory built double wide dwelling units that are transported on the highway in two (2) main sections, and dwelling site erected, built in accordance with the Mobile Home specifications of the Michigan Construction Code, bearing a factory serial number, having a prefix of "M" (mobile home), are to considered a MOBILE HOME for the purpose of this Ordinance.

Item 21 Section 17.02 of the Missaukee County Interim Zoning Ordinance adopted August 20, 1973, as amended, is to be amended by adding the definition of the term "Prior Intent" as follows:

Prior Intent For the purpose of this Ordinance "Prior Intent" is to have the following meaning:

1. Prior Intent, pertaining to Construction:

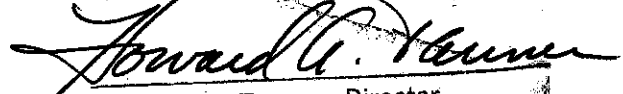
No STRUCTURE shall be exempt from the requirements of this Ordinance or Amendments thereto unless actual construction or the structure has been started prior to the enactment date of this Ordinance or if effected by an Amendment to this Ordinance, the enactment date of the respective Amendment to this Ordinance.

2. Prior Intent, pertaining to divisions of land:

No parcel of land or lot shall be exempt from the requirements of this Ordinance or Amendments thereto unless a recorded survey is legally recorded at the Missaukee County Register of Deeds office, or a complete description of the property in metes and bounds, or by Geographic description, is recorded at the Missaukee County Register of Deeds office, prior to the enactment date of the Ordinance, or if effected by an Amendment to the Ordinance the enactment date of the respective Amendment to this Ordinance.

Approved on

~~JUL 14 1975~~



Howard A. Tanner, Director
Michigan Department of Natural Resources

To: Department of Natural Resources - Lansing, Michigan
From: Missaukee County Planning Commission
Subject: Commentary - Missaukee County Interim Zoning Ordinance
75Z2 Amendment 4
Date: July 8, 1975

Items # 1-2-4-5

Residential Districts R-1 as established by the original ordinance is too restrictive as to dwelling sizes. This amendment is being requested to provide a better balance in building sizes to meet present and future economic feasibilities.

Item #3

These sections proved to be too indeterminate to administer and maintain the purpose of the ordinance. Amendment 4 is being offered to correct this problem.

Items #6-7-15-19

These changes are being made to better identify home occupation usage of dwellings.

Item #8

This change corrects an error made in the original ordinance.

Item #9

Reduction in lot widths is required to make it more economical and feasible to create needed sub-divisions.

Item #10

This change is required to protect the development in Commercial areas.

Item #11

The functions described in Section 12.01 are better served by the Board of Appeals rather than the Zoning Commission as it comes within the perimeters of the Board of Appeals responsibilities.

Items #12-13-17-18-20

These changes required to better regulate mobile homes in various Districts.

Item # 14

Bonding requirements added to provide better assurance of compliance with the ordinance.

Item #16

This change in fence regulations to clarify original text.

Item #21

Prior intent as it pertains to this ordinance was not clear in interpretation. This definition is being requested to clarify and cause consistency in the administration of the ordinance.

