

To: Village of Calumet Planning Commission and Ordinance Committee
From: Colleen Kobe, Planning Commission Chair
Date: Wednesday, July 08, 2020
Subject: Ordinance 127 Comments by Attorney Pat Greeley

ORDINANCE 127 COMMENTS BY ATTORNEY PAT GREELEY

These are the comments written by Attorney Pat Greeley regarding the edits for the Calumet Zoning Ordinance (Ordinance 127).

Action Item: We need to decide whether to accept or reject each comment.

Colleen Kobe

Village of Calumet, Michigan
Ordinance No. 127
Zoning Ordinance

May, 1990
Revised May, 1997
Revised June, 2020

Pages with Edits

Edits for the June 04, 2020, Public Hearing version of this Ordinance appear on the following pages. The modified text is marked with a vertical change bar in the right-hand column.

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Village of Calumet Zoning Ordinance

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**Village of Calumet
Zoning Ordinance
Houghton County, Michigan**

SECTION 1. TITLE

An ORDINANCE enacted under Act 207, Public Acts of 1921, as amended governing the incorporated Village of Calumet, Houghton County, Michigan, to regulate and restrict the location and use of buildings, structures, and land for trade, industry, residence, and for public and semi-public or other specified uses; and to regulate and limit the height and bulk of buildings and other structures; to regulate and to determine the size of yards, courts, and open spaces; to regulate and limit the density of population; and for said purposes to divide the Village into Districts and establish the boundaries thereof; provide for changes in the regulations, restrictions, and boundaries of such District; to define certain terms used herein; to provide for enforcement; to establish a Board of Zoning Appeals; and to impose penalties for the violation of this Ordinance.

SECTION 2. PREAMBLE

Pursuant to the authority conferred by the Public Acts of the State of Michigan in such case, made and provided and for the purpose of promoting and protecting the public health, safety, peace, comfort, convenience and general welfare of the inhabitants of the Village of Calumet by protecting and conserving the character and social and economic stability of the residential, commercial, industrial, and other use areas, by securing the most appropriate use of land; preventing overcrowding the land and undue congestion of population; providing adequate light, air, and reasonable access; and facilitating adequate and economical provision of transportation, water, sewers, schools, recreation, and other public requirements, and by other means, all in accordance with a Comprehensive Plan, now therefore:

SECTION 3. SHORT TITLE

This Ordinance shall be known and may be cited and referred to as the “Village of Calumet Zoning Ordinance”; when referred to herein, it shall be known as “this Ordinance.”

SECTION 4. JURISDICTION, SCOPE, AND INTERPRETATION

Subdivision 1. Jurisdiction

The jurisdiction of this Ordinance shall apply to all the area of the Village of Calumet.

Subdivision 2. Scope

From and after the effective date of this Ordinance, no structure may be erected, constructed, enlarged, reconstructed or altered, and no structure or land may be used or occupied for any purpose nor in any manner which is not in conformity with this Ordinance.

Subdivision 3. Interpretation

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare. Where the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this Ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Ordinance, the provisions of such statute, other ordinance or regulation shall be controlling.

Subdivision 4. Relation to Land Use Plan

It is the policy of the Village Council that the enactment, amendment, and administration of this Ordinance be accomplished with due consideration of purposes and objectives of the Comprehensive Plan as adopted or approved and amended from time to time by the Village Council. The Village Council recognizes that the Plan is a guide for the future development of the Village and the basis for the enactment of this Ordinance.

SECTION 5. RULES AND DEFINITIONS**Subdivision 1. Rules**

1. **Word Usage:** For the purpose of this Ordinance, words used in the present tense shall include the future; words in the singular shall include the plural, and the plural the singular; the word “building” shall include the word “structure”; the word “lot” shall include the word “plot”; and the word “shall” is mandatory and not discretionary.
2. **Permitted Uses:** Permitted uses of land or buildings as hereinafter listed, shall be permitted in the districts indicated and under the conditions specified. No building or land shall be devoted to any use other than a use permitted hereinafter in the Zoning District in which such building, structure, or land shall be located, except for the following exceptions:
 - (a) Uses lawfully established prior to the effective date of the Ordinance;
 - (b) Conditional uses of land or buildings, as hereinafter listed, may be allowed in the districts indicated, subject to the issuance of Conditional Use Permits, in accordance with the provisions of Section 13. Whenever a conditional use is named as a major category, it shall be deemed to include all and only those itemized uses listed.
 - (c) Essential services erected, constructed, altered, or maintained by public and private utilities or by governmental departments or commissions, subject to permit requirements of this Ordinance.

Subdivision 2. Definitions

For the purpose of this Ordinance, the terms defined in this Section have the meanings given them.

Accessory Building: A secondary building which is located on the same lot as the main building and the use of which is clearly incidental to the use of the main building.

Building: Any support of enclosure or any structure for the shelter of persons, animals, chattel, or property of any kind.

Building Height: The vertical distance from the average of the highest and lowest point of that portion of the lot covered by the building to the highest point of the roof, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip, and gambrel roofs.

Building Setback Line: A line within a lot or other parcel of land parallel to a public road, street, or highway right-of-way line defining that minimum distance between the building and property line which buildings or structures may not be placed.

Bulk and Density Controls: Those regulations or controls which specify the setback lines, lot size, building height, maximum ground coverage, lot width, and lot depth.

County Recorder: The Houghton County Register of Deeds when referred to herein.

Depth of Rear Yard: The average horizontal distance between the rear line of the building and the center line of an alley, where an alley exists, otherwise a rear lot line.

District: A section of the Village for which the regulations governing the height area, and use of buildings and premises are the same as delineated on the zoning map.

Dwelling: A building or portion thereof, destined exclusively for residential occupancy. The term does not include hotels, motels, tents, ten trailers, travel trailers, or recreational vehicles.

Dwelling, Multiple: A dwelling designed exclusively for occupancy by two or more families living independently of each other. The term includes double bungalows and duplexes.

Dwelling, Single Family: a detached dwelling designed exclusively for occupancy by one family.

Essential Services: Overhead or underground electric, gas, communication, hydrocarbon, steam, or water transmission or distribution systems and structures, by public utilities or governmental departments or commissions or as are required for protection of the public health, safety, or general welfare, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, and accessories in connection therewith, but not including buildings.

Family: Any number of individuals related by blood, marriage, adoption or foster care, or not more than five persons not so related, maintaining a common household and using common cooking and kitchen facilities; as distinguished from a group occupying a boarding house, lodging house, hotel, or motel.

Family, Immediate: Persons related by blood, marriage, or certified legal instrument.

Floor Area, Gross: The sum of the gross horizontal areas of the several floors of a building measured from the exterior walls, from the exterior faces of exterior walls, or from the center line of party walls separating two buildings; the term does not include basements used for storage purposes or enclosed spaces used for off-street parking.

Garage, Private: An accessory building or accessory portion of a principal building designed and used for the storage of private passenger vehicles by the occupants of the principal building, and in which no business service or industry is conducted.

Garage, Public: Any structure except those described as a private garage, used for the storage or care of power-driven vehicles, or where any such vehicles are equipped for operation, repair, or are kept for enumeration, hire, or sale, and in which no business service or industry is conducted.

Home Occupation: Any occupation of a service character which is clearly secondary to the main use of the premises as a dwelling and does not change the character thereof or exhibit any exterior evidence of such secondary use.

Junk Yard: Land or buildings where waste, discarded, or salvaged materials are brought, sold, exchanged, stored, cleaned, packed, disassembled or handled, including but not limited to scrap metal, rags, paper, rubber products, glass products, lumber products, and products resulting from the wrecking of automobiles or other vehicles.

Kennel: A place where four or more dogs and four or more cats or a combination of both over four months of age are boarded, bred, or offered for sale.

Lot: A parcel of land occupied or to be occupied by a principal structure or group of structures and accessory structures together with such yards, open spaces, lot width, and lot area as are required by this Ordinance, and having the required frontage upon a street, either shown and identified by lot number on a plat of record, or considered as a unit of property and described by metes and bounds.

Lot Area: The area located within the lot lines and not including that portion of the platted lot which is presently being used as or dedicated for street or public right-of-way.

Lot Area Per Family: The lot area per family is the lot area required by this Ordinance to be provided for each family in a dwelling.

Lot, Corner: A lot situated at the junction of and abutting two or more intersecting streets.

Lot, Depth: The shortest horizontal distance between the front line and the rear lot line measured at a 90 degree angle from the street right-of-way and within the lot boundaries.

Lot, Frontage, Front: That portion of a lot boundary having the least width abutting on a street right-of-way.

Lot, Width: The shortest horizontal distance between the side lot lines measured at right angles to the lot depth.

Lot, Multiple Frontage: An interior lot having frontage on two streets.

Lot Lines: The line bounding a lot, as defined herein.

Lot, Zoning: A single tract of land, located within a single block, which at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit under single ownership or control. A zoning lot shall satisfy this Ordinance with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include one or more lots of record.

Mobile Home: A single-family dwelling (1) identified by manufacturer as a mobile home (2) designed to be moved by being built on a frame or chassis (3) specifically designed and constructed so that wheels are, or may be, attached for transportation on public streets or highways, or (4) designed without the need for a permanent foundation, arriving at the site for installation complete and ready for residential occupancy except for minor and incidental unpacking and assembly operations, such as location on wheels, jacks, blocks, or other foundations (excluding a basement or cellar), connection to utilities, and the like.

Motel, Hotel: A building or group of buildings used primarily for the temporary residence of motorists or travelers.

Mobile Home Park: A contiguous parcel of land which has been planned for the placement of two or more mobile homes or mobile home lots.

Non-Conforming Uses: A use lawfully in existence on the effective date of this Ordinance and not conforming to the regulations for the district in which it is situated.

Owner or Property Owner: The fee owner of land, or the beneficial owner of land, whose interest is primarily one of ownership or possession and enjoyment in contemplation of ultimate ownership. The term includes, but is not limited to, mortgages and vendees under a contract for deed.

Persons: Any individual, firm, partnership, corporation, company, association, joint stock association or body politic; includes any trustee, receiver, assignee, or other similar representative thereof.

“Planned Development” or “Planned Unit Development”: A large lot or tract of land developed as a unit rather than as individual development wherein two or more buildings may be located in relationship to each other rather than to lot lines or Zoning District boundaries.

Planning Agency: The organization of the Planning Commission or the Planning Department.

Planning Commission: The term Planning Commission shall mean the Village of Calumet Planning Commission.

Quasi-Public Uses: Those facilities which are partially public in nature, i.e. churches, schools, etc.

Road: A public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place, or however otherwise designated.

Setback: The minimum horizontal distance between a building and a lot line.

Screening: The use of plant material, fences, or earthen berms to partially conceal and separate a land use from the surrounding land uses.

Story: That portion of a building included between the surface of any floor and the surface of the next floor above it or, if there is no floor above it, the space between the floor and the ceiling next above it. If the finished floor level directly above a basement or cellar or unused under floor space is more than six feet above grade for more than 50 percent of its perimeter, or is more than 12 feet above grade at any point, such basement or cellar or unused under floor space is a story.

Structure: Anything constructed or erected, the use of which requires permanent location on the ground, or to something having permanent location on the ground, including advertising devices or other construction or erection with special function or form, except fences or walks, and for the purposes of this Ordinance, mobile homes which are otherwise herein defined and restricted.

Structural Alterations: Any change in the supporting member of a building, such as bearing walls, columns, beams, or girders.

Subdivision: A described tract of land which is to be or has been divided into two or more lots or parcels or the division of a lot, tract, or parcel of land into two or more lots, tracts, or parcels for the purpose of transferring ownership or building development. Or if a new street is involved, any division or development of a parcel of land. The term shall include resubdivision of land; provided, however, that the sale or exchange of small parcels of platted land to or between adjoining property owners shall not be considered as a subdivision.

Travel Trailer: A vehicular portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses, permanently identified as a “travel trailer” by the manufacturer of the trailer.

Use: The purpose for which land or premises or a building thereon is designated, arranged, or intended, or for which it is or may be occupied or maintained.

Use, Accessory: A use clearly incidental or accessory to the principal use of a lot or a building located on the same lot as the principal use.

Use, Conditional: Conditional use means a land use or development as defined by this Ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that (1) certain conditions as detailed in this Ordinance exist; (2) the use or development conforms to the Comprehensive Land Use Plan of the Village; and (3) is compatible with the existing neighborhood.

Use, Conditional Permit: A permit issued by the Village Council in accordance with procedures specified in this Ordinance which would enable the Council to assign dimensions to a proposed use of condition surrounding it.

Use, Permitted: A public or private use which of itself conforms with the purposes, objectives, requirements, regulations, and performance standards of a particular district.

Vacation: The act of relinquishing a recorded dedication or easement as in a street right-of-way, utility easement, etc.

Variance: The waiving by the Board of Zoning Appeals of the literal provisions of this Ordinance in cases where their strict enforcement would cause undue hardship because of physical circumstances unique to the individual property involved. Variances shall be limited to height, bulk, density, and yard requirements.

Yard, Front: The area extending across the front of the lot between the side yard lines and lying between the front yard line and the nearest line of the building.

Yard, Rear: A space unoccupied except for accessory building on the same lot with a building between the rear lines of the building and the rear line of the lot, for the full width of the lot.

Yard, Side: An open unoccupied space on a lot between the main building and the side line of the lot, extending from the front to the rear of the main building.

SECTION 6. CLASSIFICATION OF DISTRICTS**Subdivision 1. Districts**

For the purpose of this Ordinance, the Village of Calumet is hereby divided into classes of districts which shall be designated as follows:

1. Residential District
R-1 Residential District
2. Commercial Districts
C-1 General Commercial District
C-2 Downtown Commercial District
3. Industrial District
I-1 Light Industry District

Subdivision 2. Zoning Map

The location and boundaries of the districts established by this Ordinance are hereby set forth on the Zoning Map, and said Map is hereby made a part of this Ordinance; said Map shall be known as the "Village of Calumet Zoning Map." Said Map and all notations, references, and data shown thereon are hereby incorporated by reference into this Ordinance and shall be as much a part of it as if all were fully described herein. It shall be the responsibility of the Zoning Administrator to maintain said Map, and amendments thereto shall be recorded on said Zoning Map within 30 days after official publication of amendments. The official Zoning Map shall be kept on file with the Zoning Administrator.

Subdivision 3. District Boundaries

The boundaries between districts are, unless otherwise indicated, the center lines of highways, roads, streets, alleys, or railroad rights-of-way or such lines extended or lines parallel or perpendicular thereto, or section, half-section, quarter-section, quarter-quarter-section, or other fractional section lines of United States public land surveys as established by law. Where figures are shown on the Zoning Map between a road and a district boundary line, they indicate that the district therefrom equivalent to runs parallel to the road center line at a distance therefrom equivalent to the number of feet so indicated, unless otherwise indicated.

Subdivision 4. Future Attachment

Any land annexed from an adjoining township and placed under the jurisdiction of this Ordinance in the future, shall be placed in the R-1 District until placed in another district by action of the Village Council after recommendation of the Village Planning Commission.

Subdivision 5. Vacation of Roads

When any road, highway, street, or other public right-of-way is vacated, the zoning classification of land abutting the center line of the public right-of-way shall not be affected by such proceedings, nor shall the district boundary be affected thereby.

Subdivision 6. Uses Not Provided for in the Zoning District

Whenever in any zoning district a use is neither specifically permitted nor denied, the use shall be considered prohibited. In such case the Village council or the Planning Commission, on their own initiative or upon request of a property owner, may conduct a study to determine if the use is acceptable, and, if so, what Zoning District would be most appropriate and the determination as to conditions and standards relating to development of the use. The Village Council or Planning Commission, upon receipt of the study shall, if appropriate, initiate an amendment to the Zoning Ordinance to provide for the particular use under consideration or shall find that the use is not compatible for development within the Village.

Subdivision 7. Appeals as to District Boundaries

Appeals from the Village Council or any administrative offer's determination of the exact location of the district boundary lines shall be heard by the Board of Zoning Appeals.

SECTION 7. R-1 RESIDENTIAL DISTRICT**Subdivision 1. Purpose**

The R-1 Residential District is intended to provide a district which will allow urban density residential development where public utilities are available or may reasonably be extended.

Subdivision 2. Permitted Uses

The following uses shall be permitted within the R-1 Residential District:

1. One family detached dwellings
2. Two family dwellings and duplexes
3. Mobile homes, subject to the provisions of Section 12
4. Municipal and public utility administration and service buildings, and similar essential service buildings
5. Public schools or private schools having curriculum equivalent to a public elementary school or public high school provided that no building shall be located within fifty (50) feet of any lot line of an abutting lot in the Residential District.
6. Hospitals, convalescent, or nursing homes
7. Churches

Subdivision 3. Subdivision 3 • Conditional Uses

The following uses may be allowed in the R-1 Residential District, subject to the provisions of Section 13.

1. Multiple family dwellings, up to five (5) units, subject to the provisions of Section 14
2. Multiple family dwellings of more than five (5) units as a Planned Unit Development only, subject to the provisions of Section 12
3. Home Occupations as defined in Section 12
4. Neighborhood-oriented business in existing commercial buildings
5. Railroad rights-of-way, but not including railroad yards
6. Cemeteries, memorial gardens
7. Multiple family dwellings, clinics, motels, hotels, and/or office space of any type in existing or former quasi-public buildings such as churches or schools
8. Other uses deemed by the Planning Commission to be of the same general character as those listed in Subdivisions 2 and 3 of this Section

Subdivision 4. Permitted Accessory Uses

The following uses shall be Permitted Accessory Uses within the R-1 Residential District:

1. Private garage
2. Private swimming pool when completely enclosed with a fence five (5) feet high
3. The outdoor storage of not more than one (1) travel trailer or other trailer, including boats
4. Accessory uses customarily incidental to the uses permitted in Subdivisions 2 and 3 of this Section

Subdivision 5. Height, Yard, and Area Regulations

These regulations shall apply to all parcels of property in the R-1 Residential District.

1. Height Regulations: No building hereafter erected or altered shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height.
2. Front Yard Regulations: There shall be a front yard of not less than twenty-five (25) feet in depth.
3. Sideyard Regulations:
 - (a) There shall be sideyard having a width of not less than four (4) feet on each side of a building;
 - (b) In the case of a corner lot, the side yard nearest the street shall be not less than ten (10) feet in width; and where entry into an attached garage is to be gained across said side yard, the driveway shall be not less than twenty (20) feet in length.
4. Rear Yard Regulations: There shall be a rear yard of not less than twenty (20) feet in depth
5. Lot Area Regulations: Every lot on which a dwelling is erected shall contain an area of not less than five-thousand (5,000) square feet with a minimum of fifty (50) feet of frontage.

Subdivision 6. General Regulations

Additional requirements for parking and other regulations in the R-1 Residential District are set forth in Section 12.

SECTION 8. C-1 GENERAL COMMERCIAL DISTRICT

Subdivision 1. Purpose

The C-1 General Commercial District is designed and intended to promote the development of uses which may be incompatible with the predominantly retail uses permitted in the downtown commercial district; and whose service is not confined to any one neighborhood or community.

Subdivision 2. Permitted Uses

The following uses shall be permitted within the C-1 General Commercial District:

1. Auto sales & service
2. Marine sales & service
3. Building materials, lumber yards
4. Wholesaling
5. Warehousing
6. Landscape nursery
7. Frozen food lockers
8. Outdoor advertising devices are regulated in Section 21
9. Bowling alley
10. Motel, hotel
11. Sign contractor
12. Veterinarian, including observation kennels for household pets, provided, however, all such kennels are contained within completely enclosed structures.
13. Drive-in type restaurant
14. Service stations (automobile)
15. Mobile home or trailer sales
16. Community or convention center
17. Public or quasi-public development
18. Upholstery shop
19. Alcohol breweries, distilleries, and brew pubs
20. Coffee roasteries
21. Pet care
22. Storage facilities
23. Tattoo and body art shops
24. Therapeutic massage shops
25. Yoga and exercise shops

Subdivision 3. Conditional Uses

The following uses may be allowed in the C-1 General Commercial District, subject to the provisions of Section 13:

1. Adult-use Marihuana Retailer, as defined in the Village of Calumet Regulation of Adult-Use Marihuana Establishments Ordinance
2. **Section 9.** Adult-use Marihuana Microbusiness, as defined in the Village of Calumet Regulation of Adult-Use Marihuana Establishments Ordinance
3. Shopping centers as a Planned Unit Development only.
4. Other business activities of the same general character as listed in Subdivision 2 of this Section.

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Subdivision 4. Subdivision 4, Permitted Accessory Uses

The following uses shall be Permitted Accessory Uses within the C-1 General Commercial District.

1. Accessory uses customarily incidental to the uses permitted in Subdivision 2 and 3 of this Section.

Subdivision 5. Height, Yard, and Lot Coverage Regulations

1. Height Regulations: No building shall hereafter be erected or structurally altered to exceed four (4) stories or fifty (50) feet in height.
2. Front Yard Regulations: No front yard setback shall be required.
3. Side Yard Regulations: No side yard shall be required, except where a building abuts upon a lot in any of the Classes of Residence Districts, then a fifteen (15) foot side yard setback shall be required,
4. Rear Yard Regulations: No rear yard shall be required, except where a building abuts upon a lot in any of the Classes of Residence Districts, then a fifteen (15) foot rear yard setback shall be required.
5. Lot Width and Depth Regulations: Every lot or tract shall have a width of not less than fifty (50) feet in the building setback line and shall have a depth of not less than one hundred (100) feet.

Subdivision 6. General Regulations

Additional requirements for parking and other regulations in the C-1 General Commercial District are set forth in Section 12.

~~Section 10.~~ **SECTION 9. C-2 DOWNTOWN COMMERCIAL DISTRICT**

Subdivision 1. Purpose

The C-2 downtown Commercial District is intended to provide a district which will allow retail, service and general commercial uses in the historic downtown area of the Village.

Subdivision 2. Permitted Uses

The following uses shall be permitted within the C-2 Downtown Commercial District:

1. Antique store
2. Apparel and accessory store
3. Appliance store, sales and service
4. Art supply store
5. Art gallery
6. Artist studio or school
7. Bakery, retail
8. Bank, including drive-in bank
9. Bar, including lounges, nightclubs and liquor establishments
10. Barber and beauty shops
11. Outdoor advertising devices as regulated in Section 13
12. Bookstore
13. Business machine store
14. Camera and photographic supply store
15. Candy, ice cream, and confectionery store
16. Clinic, dental and medical
17. Dairy store
18. Delicatessen store
19. Department store
20. Dressmaking, seamstress
21. Drugstore
22. Floral sales
23. Furniture store and home furnishings
24. Garden supplies store
25. Gift, novelty or souvenir store
26. Government or Municipal buildings
27. Grocery store
28. Hardware store
29. Health equipment store
30. Hobby shop
31. Interior decorator
32. Jewelry store
33. Laboratory, dental or medical
34. Laundromat
35. Liquor store
36. Locksmith
37. Luggage store
38. Meat markets and frozen food lockers
39. Mortuary
40. Motel, hotel or boarding house
41. Music store, accessories and studio
42. Office of any type
43. Optician

44. Optical goods
45. Paint and wallpaper store
46. Photographic studio or picture processing
47. Repair, rental and servicing of any article, the sale of which is permitted in this District
48. Restaurant, cafe, or tavern
49. Shoe repair shop
50. Sporting goods store
51. Stationery store
52. Tailor
53. Telephone exchange
54. Theater, not including drive-in theater
55. Toy store
56. Travel bureau or agency
57. Variety store
58. Alcohol breweries, distilleries, and brew pubs
59. Coffee roasteries
60. Pet care
61. Storage facilities
62. Tattoo and body art shops
63. Therapeutic massage shops
64. Yoga and exercise shops
65. Consignment shops

Subdivision 3. Conditional Uses

The following uses may be allowed in the C-2 Business District, subject to the provisions of Section 13:

1. Apartments located above the ground floor
2. Ground floor apartments if they do not exceed 50% of the total ground floor space and are limited to the rear of the available ground floor space.
3. Gas Station or Garage
4. Building Supply Store
5. Adult-use Marihuana Retailer, [as defined in the Village of Calumet Regulation of Adult-Use Marihuana Establishments Ordinance](#)
6. ~~Section 11.~~ Adult-use Marihuana Microbusiness, [as defined in the Village of Calumet Regulation of Adult-Use Marihuana Establishments Ordinance](#)
7. Other business activities of the same general character as listed in Subdivision 2 of this Section

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Subdivision 4. Permitted Accessory Uses

The following uses shall be Permitted Accessory Uses within the C-2 Business District:

1. Accessory uses customarily incidental to the uses permitted in Subdivisions 2 and 3 of this Section.

Subdivision 5. Height and Yard Regulations

1. Height Regulations: No building shall hereafter be erected or structurally altered to exceed four (4) stories or fifty (50) feet in height.
2. Front Yard Regulations: No front yard setback shall be required.
3. Side Yard Regulations: No side yard shall be required, except where a building abuts upon a lot in any of the Classes of Residence Districts, then a fifteen (15) foot side yard setback shall be required.
4. Rear Yard Regulations: No rear yard shall be required, except where a building abuts upon a lot in any of the Classes of Residence Districts, then a fifteen (15) foot rear yard setback shall be required.
5. Lot width and Depth Regulations: Every lot shall have a minimum width of fifth (50) feet at the front property line and shall have a minimum depth of not less than 100 feet.

Subdivision 6. General Regulations

Additional requirements for parking and other regulations in the C-2 Downtown Commercial District are set forth in Section 12.

~~Section 12.~~ **SECTION 10: I-1 LIGHT INDUSTRY DISTRICT**

Subdivision 1. Purpose

The I-1 Light Industry District is intended to provide a limited area for light industrial development in the Village of Calumet. The uses are limited to wholesaling, light manufacturing, service and related uses which can be carried on in an unobtrusive manner and which would not be considered detrimental to an adjacent lower intensity district, and to the overall character of the community.

Subdivision 2. Permitted Uses

The following uses shall be permitted within the I-1 Light Industry District.

1. Auto Body Shop
2. Machine Shop
3. Welding Shop
4. Oil Distribution & Storage Facility
5. Food Processing
6. Alcohol breweries, distilleries, and brew pubs
7. Coffee roasteries
8. Construction
9. Storage facilities

Subdivision 3. Conditional Uses

The following uses may be allowed in the I-1 Light Industry District, subject to the provisions of Section 13.

1. Electrical substations
2. Planned industrial parks
3. Adult-use Marihuana Retailer, [as defined in the Village of Calumet Regulation of Adult-Use Marihuana Establishments Ordinance](#)
4. ~~Section 13.~~ Adult-use Marihuana Microbusiness, [as defined in the Village of Calumet Regulation of Adult-Use Marihuana Establishments Ordinance](#)
5. Any manufacturing, production, processing, cleaning, storage, servicing, repair, and testing of materials, goods, or products similar to those listed in Subdivision 2 of this Section which conform with the performance standards set forth for this District.

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Subdivision 4. Permitted Accessory Uses

The following uses shall be Permitted Accessory Uses within the I-1 Light Industry District:

1. All uses customarily incident to the uses permitted in Subdivisions 2 and 3 of this Section.

Subdivision 5. Height and Yard Regulations

1. Height Regulations: No building shall hereafter be erected or structurally altered to exceed four (4) stories or fifty (50) feet in height.

2. Front Yard Regulations:
 - A. There shall be a front yard of not less than fifteen (15) feet.
 - B. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback from each road or highway side of each corner lot. No accessory buildings shall be allowed within the required front yard.
3. Side Yard Regulations:
 - A. There shall be a side yard of not less than five (5) feet on each side of a building.
 - B. Except, no building shall be located within fifty (50) feet of any side lot in any of the classes of Residence Districts.
4. Rear Yard Regulations:
 - A. There shall be a rear yard having a depth of not less than ten (10) feet.
 - B. Except, no building shall be located within fifty (50) feet of any rear lot line abutting a lot in any of the classes of Residence Districts.
5. Lot width and Depth Regulations: Every lot shall have a minimum width of fifty (50) feet at the front property line and shall have a minimum depth of not less than one hundred (100) feet.

Subdivision 6. Subdivision 6, General Regulations

Additional requirements for parking and other regulations in I-1 Light Industry District are set forth in Section 11.

~~Section 14.~~**SECTION 11. GENERAL REGULATIONS**

Subdivision 1. Parking and Loading Regulations

All parking hereafter constructed or maintained shall conform with the provisions of this Subdivision and any other ordinances or regulations of The Village of Calumet.

1. **Minimum Size Regulations:** Each space shall contain a minimum area of not less than three hundred (300) square feet, including access drives; a width of not less than nine (9) feet; and a depth of not less than twenty (20) feet. Each space shall be adequately served by access drives. All loading spaces shall be sufficient to meet the requirements of each use and shall provide adequate space for storage and maneuvering of the vehicles they are designed to serve.
2. **Reduction and Use of Parking and Loading Space:** On-site parking facilities existing at the effective date of this Ordinance shall not subsequently be reduced to an amount less than that required under this Ordinance for a similar new building or use. On-site parking facilities provided to comply with the provisions of this Ordinance shall not subsequently be reduced below the requirements of this Ordinance. Such required parking or loading space shall not be used for storage of goods or for storage of vehicles that are inoperable or for sale or rent.
3. **Computing Requirements:** In computing the number of such parking spaces required, the following rules shall govern:
 - A. Floor space shall mean the gross floor area of the specific use.
 - B. Where fractional spaces result, the parking spaces required shall be construed to be the next whole number.
 - C. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature, as determined by the Village Council and the Village Planning Commission.
4. **Yards:** On-site parking and loading facilities shall be allowed in the front yard, side yard, and rear yards within five (5) feet of the property line, except that in any of the Commercial (C) Districts or the Industrial (I) District, no parking or loading space shall be located within ten (10) feet of any property line that abuts the Residential Districts.
5. **Screen and Landscaping:** All open automobile parking areas containing more than four (4) parking spaces shall be effectively screened on each side adjoining or fronting on any property situated in a residential district or any institutional premises by a wall, fence, or densely-planted compact hedge not less than four (4) feet in height. However, the Village Council may waive this requirement if the closest point of such parking area is at least 75 feet from the nearest residential or institutional property line. The screening and landscaping plan shall show plant materials, bed location, and other necessary information.

6. **Access:**
 - A. Parking and loading space shall have proper access from a public right-of-way.
 - B. The number and width of access drives shall be located as to minimize traffic congestion and abnormal traffic hazard.
 - C. Vehicular access to business or industrial uses across property in the Residential District shall be prohibited.
7. **Location of Parking Facilities:** Required off-street parking space shall be provided on the same lot as the principal building or use, except as follows in Paragraph 8. On-street parking spaces in the front of the property may be counted when computing the number of required parking spaces. In the case of a corner lot, the on-street parking spaces in the front and side of the property may be counted.
8. **Combined Facilities:** Combined or joint parking facilities may be provided for one (1) or more buildings or uses in Commercial Districts and in the I-1 Industry District, provided that the total number of spaces shall equal the sum of the requirements for each building or use.
9. **Construction and Maintenance:**
 - A. In C-1 and C-2 COMMERCIAL DISTRICTS and in the I-1 INDUSTRY DISTRICT, parking areas and access drives shall be covered with a dust-free, all-weather surface with proper surface drainage, as required by the Village Engineer.
 - B. The operator of the principal building or use shall maintain parking and loading areas, access drives and yard areas in a sightly and well-kept condition.
10. **Lighting:** Any lighting used to illuminate off-street parking areas shall be directed away from residential properties and public rights-of-way in such a way as not to create a nuisance.
11. **Site Plan:** All plans submitted for a building permit on certain residential developments as previously defined and all other developments requiring parking spaces or loading facilities shall include a site plan approved by the Planning Commission. Such site plan shall be a part of the building permit and no certificate of occupancy shall be issued until all items shown on the site plan for parking and loading facilities have been completed. The site plan should include at least the following:
 - A. Zoning, setbacks, and statement of use
 - B. North point and scale
 - C. All adjacent rights-of-way
 - D. Entire ownership of lot or parcel being developed
 - E. Completely dimensioned parking layouts
 - F. All parking spaces clearly marked
 - G. Owner's name and current address
 - H. Location and type of screening or landscaping when required
 - I. Other information required by the Planning Commission or by this Ordinance

12. **Application of Parking and Loading Regulations:** Parking and loading regulations shall apply to all buildings and uses of land established after the effective date of this Ordinance. However, parking and loading requirements may be reduced on a case by case basis by the Calumet Village Planning Commission. This flexibility recognizes the difficulty of providing off-street parking in the Village of Calumet. Off-street parking requirements shall not apply in the C-1 and C-2 Districts.
13. **Parking of Commercial Vehicles or Equipment:** No commercial vehicles or equipment exceeding 9,000 pounds gross weight, shall be parked, stored, or otherwise contained in a residential district unless in a completely enclosed structure or unless they are being used in conjunction with a legitimate service being rendered for the benefit of the residential premises.
14. **Parking and Storage of Certain Vehicles:** Automotive vehicles or trailers of any kind or type without current legal license plates or those inoperable shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.

15. **Required Number of On-Site Parking Spaces:** On-site parking areas of sufficient size to provide parking for patrons, customers, suppliers, visitors and employees shall be provided on the premises of each use. The minimum number of required on-site parking spaces are as follows:
- A. One family dwelling - One (1) parking space per dwelling unit. Garage spaces will count toward fulfilling this requirement. However, a building permit shall not be granted to convert a garage to a living space unless other acceptable provisions are made to provide the required parking space.
 - B. Multiple dwelling or mobile home park - One (1) parking space per dwelling unit, apartment unit or mobile home berth.
 - C. Convalescent or nursing home - One (1) parking space for each four (4) beds plus one (1) parking space for each three (3) employees on the major shift.
 - D. Hospitals - One (1) parking space for each four (4) hospital beds, plus one (1) parking space for each three (3) employees on the major shift.
 - E. Churches - One (1) parking space for each three (3) seats, based on the design capacity of the main seating area.
 - F. Public senior high school or private high school - One (1) parking space for each classroom plus one (1) parking space for each ten (10) students, based upon design capacity.
 - G. Public elementary, junior high school or similar private school - Two (2) parking spaces for each classroom.
 - H. Municipal administration buildings, community center, public library, museum, art galleries, post office and other public service buildings - Ten (10) parking spaces plus one (1) parking space for each five hundred (500) square feet of floor area in the principal structure.
 - I. Golf course, golf clubhouse, country club, swimming club, tennis club, public swimming pool - Fifty (50) parking spaces.
 - J. Professional offices, office buildings, medical and dental clinics and animal hospitals - One (1) parking space for each two hundred fifty (250) square feet of gross floor area.
 - K. Automobile service station - Three (3) for each service stall plus one (1) parking space for each attendant on the major shift.
 - L. Auto sales, trailer sales, marine and boat sales, implement sales, garden supply store, building materials sale, auto repair - Six (6) parking spaces for the first five hundred (500) square feet plus one (1) space for each additional one thousand (1,000) square feet of display area.
 - M. Bowling alley - Five (5) parking spaces for each bowling lane.
 - N. Drive-in restaurant - Twenty (20) parking spaces or one (1) space for each twenty (20) square feet of floor area, whichever is greater.
 - O. Motel or motor hotel - One (1) parking space for each rental room or suite.
 - P. Miniature golf courses, archery range or golf driving range - Ten (10) parking spaces.
 - Q. Assembly or exhibition hall, auditorium, theater or sports arena - One (1) parking space for each four (4) seats, based upon design capacity.

16. **Required Number of On-Site Loading Spaces:** The minimum number of off- street loading and unloading spaces are as follows:
- A. Retail stores, service establishments and office buildings - One (1) space for the first 10,000 square feet of gross floor area and one (1) space for each additional 50,000 square feet of gross floor area.
 - B. Hospitals, rest homes, nursing homes, etc. - One (1) space plus one (1) additional space for each 100,000 square feet of gross floor area.
 - C. Restaurants - One (1) space for each structure over 10,000 square feet of gross floor area.
 - D. Manufacturing, fabrication, warehousing, storing, etc. - One (1) space for each 30,000 square feet of gross floor area.

Subdivision 2. Performance Standards

It is the intent of the Subdivision to guide development so as to create a compatible relationship of land uses by maintaining certain standards. Within the various Districts, the Permitted Uses, Conditional Uses and Accessory Uses shall conform to these standards.

1. **Standards:**

- A. **Landscaping.** All required yards shall either be landscaped or be left in a natural state. If any yards are to be landscaped, they shall be landscaped attractively with lawn, trees, shrubs, etc. which are approved by the Planning Commission. Any areas left in a natural state shall be properly maintained in a sightly and well-kept condition. Commercial and industrial yards adjoining the Residential District shall be landscaped with buffer planting screens. Plans of such screens shall be submitted for approval as part of the site plan and installed prior to issuance of a Certificate of Occupancy for any tract in the District.
- B. **Noise.** Noise shall be measured on any property line of the tract on which the operation is located. Noise shall be muffled so as not to become objectionable due to intermittence, beat frequency, shrillness or intensity.
- C. **Odors.** Any use established, enlarged, or remodeled shall be so operated as to prevent the emission of odorous matter of such quantity as to be readily detectable at any point beyond the lot line of the site on which such use is located. Detailed plans for the prevention of odors crossing property lines may be required before the issuance of a building permit.
- D. **Glare.** Glare, whether direct or reflected, such as from floodlights or high temperature processes, and as differentiated from general illumination, shall not be directed at or illuminate adjacent properties.
- E. **Exterior Lighting.** Any lights used for exterior illumination shall direct light away from adjoining properties.
- F. **Vibration.** Any use creating periodic earth-shaking vibrations shall be prohibited if such vibrations are perceptible beyond the lot line of the site on which the use is located. The standard shall not apply to vibrations created during the process of construction.
- G. **Smoke and Particle Matter.** Any use established, enlarged or remodeled after the effective date of this Ordinance shall be so operated as to control the emission of smoke or particulate matter to the degree that it is not detrimental to nor shall endanger the public safety, health, comfort or general welfare of the public. For the purpose of grading the density of smoke, the Ringlemann Chart published and used by the United States Bureau of Mines shall be employed. The emission of smoke shall not be of a density greater than No. 2 on the Ringlemann Chart. These provisions, applicable to visible gray smoke, shall also apply to the visible smoke of different color but with an equivalent capacity.
- H. **Dust.** Solid or liquid particles shall not be emitted at any point in concentrations exceeding three-tenths (0.3) grain per cubic foot of the conveying gas or air. For measurement of the amount of particles in gases resulting from combustion, standard corrections shall be applied to a stack temperature of five hundred (500) degrees Fahrenheit and fifty (50) percent excess air.
- I. **Toxic or Noxious Matter.** Any use established shall be so operated as not to discharge across the boundaries of the lot or through percolation into the subsoil beyond the boundaries of the lot wherein such use is located, toxic or noxious matter in such concentration as to be detrimental to or endanger the public health, safety, comfort or welfare, or cause injury or damage to property or business.
- J. **Explosives - Propane.** Any use requiring the storage, utilization, or manufacturing of products which could decompose by detonation shall be located not less than four hundred (400) feet from the "R" District Line.

2. **Compliance:** In order to insure compliance with the performance standards set forth above, the Village may require the Owner or Operator of any Conditional Use to have made such investigations and tests as may be required to show adherence to the performance standards. Such investigations and tests as are required to be made shall be carried out by an independent testing organization as may be selected by the Village, at the applicant's expense.

Subdivision 3. Non-Conforming Uses

1. **Non-Conforming Use of Land:** Any use or occupancy which on the effective date of this Ordinance does not conform to the provisions of this Ordinance is a non-conforming use. A non-conforming use may not be enlarged, but may be continued, altered, or restored in accordance with this Subdivision. Any nonconforming use which is abandoned or which is discontinued for a period of one year may not be resumed, and any future use or occupancy of the land shall conform to this Ordinance.
2. **Non-Conforming Uses (Alterations, Moving):** A non-conforming use or occupancy may be altered, provided such alterations do not intensify or physically expand or extend the non-conforming use. A non-conforming building or structure moved to a different location on a single lot or otherwise, shall be brought into conformance with this Ordinance.
3. **Non-Conforming Use (Damage or Destruction):** When a non-conforming use or occupancy is destroyed by fire or other peril to the extent of fifty (50) percent of its market value, as determined by the Village Assessor, any subsequent use or occupancy of the land or premises shall conform to this Ordinance.
4. **Restoration and Repair:**

A non-conforming structure may be restored or repaired:
 - (A) to comply with State law and Village Ordinances;
 - (B) if damaged to an extent less than fifty (50) percent of its market value as determined by the Village Assessor;
 - (C) to restore the building to a safe condition when ordered by the Building Inspector, provided such repairs do not contribute more than fifty (50) percent of its market value as determined by the Assessor;
 - (D) to effect repairs and necessary maintenance which are nonstructural and incidental to the use or occupancy.
5. **Non-Conforming Automobile Junk Yards:**

Automobile junk yards not in conformance with the provisions of this Ordinance shall not continue beyond September 1, 1990.

Subdivision 4. Planned Unit Development

1. **Purpose:** The purpose of this Subdivision is to provide the means of designing building complexes containing an internal relationship between building and building, and between building and site that cannot be accomplished through the standard one building - one lot application of this Ordinance. This Subdivision provides a procedure for the development of more than one structure upon a single tract or lot, as well as the integrated development of one or more lots as a single tract in Residential, Commercial or Industrial Districts. The Planned Unit Development (hereinafter referred to as "PUD") is intended for use only where the usual application of bulk and density controls: 1) would not provide adequate environmental protection; 2) would allow design standards detrimental to the natural aesthetic and physical characteristics of the site; 3) would not provide an efficient and feasible use of the land.
2. **Administration Procedure:** An applicant for a PUD shall follow the procedure as outlined for a Conditional Use Permit in Section 15 of this Ordinance.

3. **General Regulations:**

- (A) All other development regulations of the appropriate Zoning District not specified in this Subdivision or specified as a condition to the Conditional Use Permit shall apply to a PUD.
- (B) It is the intent of this Subdivision that subdivision of the land involved (residential, commercial, or industrial) be carried out simultaneously with the review of a PUD.
- (C) The application for a Conditional Use Permit shall state precisely the reasons for requesting the consideration of the property for PUD.
- (D) The land which is to be set aside as open space or common area shall be clearly indicated on the plan. Provisions for recreational area and for continual maintenance of that area not dedicated and accepted by the Village shall be required.
- (E) No conveyance of property within the PUD shall take place until the property is platted in conformance with the provisions of this Subdivision. All by-laws, Property Owner's Association Articles of Incorporation, and Protective Covenants must be approved by the Village Attorney and filed with the record plat.
- (F) All buildings shall be used only for those purposes and the customary accessory uses of the Zoning District in which the PUD is located.
- (G) There is to be provided within the tract, or immediately adjacent thereto, parking spaces in private garages or off-street parking areas in accordance with the requirements of Section 12 of this Ordinance.
- (H) Drives, access ways and common parking areas must be developed to a standard equal to that required for public use by Section 12. Such drives and access ways must be protected by recorded deed covenants assuring their availability to all residents of the project.

4. **Site Design:**

- (A) The number of principal use structures which may be constructed within the PUD shall be determined by dividing the net acreage of the project area by the required lot area per unit which is required in the district in which the PUD is located. The net acreage shall be defined as the project area less the land area dedicated for public streets. The project area includes all the land within the PUD which is allocated for residential, commercial, or industrial uses, and for common open space as required by this Subdivision. Land to be dedicated for public streets is to be excluded from the project area.
- (B) The common open space, any other common properties, individual properties, and all other elements of the PUD shall be so planned that they will achieve a unified scheme of integrated planning and a harmonious selection and efficient distribution of uses.
- (C) The proposed PUD shall be of such size, composition, and arrangement that its construction, marketing and operation is feasible as a complete unit, without dependence on any subsequent unit or development.

5. **Bulk and Density Controls:**

Height, yard, and setbacks for Residential , Commercial and Industrial PUDs shall be regulated by the following schedule:

Minimum size of development	Two (2) acres
Height of main building	Forty-five (45) feet
Setback from any dedicated public right-of-way	Twenty-five (25) feet
Distance between main building and any adjoining side-yard property line	Fifteen (15) feet
Distance between any accessory building and any adjoining property line	Ten (10) feet
Distance between any main building and any adjoining rear yard property line	Twenty-five (25) feet

6. **Standards for Common or Public Open Space:** No open area may be accepted as common open space under the provisions of this Subdivision unless it meets the following standards:
- (A) The location, shape, size, and character of the common open space must be suitable for the PUD.
 - (B) Common open space must be used for amenity or recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the PUD, considering its size, density, expected population, topography, and the number and type of structures to be provided.
 - (C) Common open space must be suitably improved for its intended use, but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common open space and must conserve and enhance the amenities of the common open space, having regard to its topography and unimproved condition.
 - (D) The development plan must coordinate the improvements for the common open space and the construction of buildings, structures, and improvements in the common open space, with the construction of the permitted structures of the Zoning District in which the PUD is located.
 - (E) If the final development plan provides for buildings or structure improvements in the common open space, the developer must provide a bond or other adequate assurance that the buildings, structures and improvements will be completed. The Village shall release the bond or other assurance when the buildings, structures, or improvements have been completed according to the development plan.
 - (F) The construction and provision of all of the common open spaces and public and recreational facilities which are shown on the final development plan must proceed at the same rate as the construction of the principal structures of the PUD.

7. **Conveyance and Maintenance of Common Open Space:**

- (A) All land shown on the final development plan as common open space must be conveyed under one of the following options:
 - (1) It may be conveyed to a public agency (State, County or Village) to maintain the common open space and any buildings, structures, or improvements which have been placed on it.
 - (2) It may be conveyed to trustees provided in an indenture establishing an association or similar organization for the maintenance of the PUD. The common open space must be conveyed to the trustees; subject to covenants to be approved by the Planning Commission and the Village Attorney which restrict the common open space to the uses specified on the final development plan, and which provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purpose. Interest in the common open space shall be undivided and such interest shall not be transferable.
- (B) No common open space may be put to any use not specified in the final development plan unless the final development plan has been amended to permit that use. However, no change of use may be considered as a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce these covenants against any permitted use are expressly reserved.
- (C) If the common open space is not conveyed to a public agency, either one of the following methods of enforcement must be provided:
 - (1) The local right to develop the common open space for the uses not specified in the final development plan must be conveyed to a public agency.
 - (2) The restrictions governing the use, improvement, and maintenance of the common open space must be stated as conditions to the conveyance of the common open space, the fee title to the common open space to vest in a public agency in the event of a substantial default in the stated conditions.
- (D) If the common open space is not conveyed to a public agency, the covenants governing the use, improvement, and maintenance of the common open space may authorize a public agency to enforce their provisions.

8. **Required Covenants, Easements and Provisions in the Plan**

The development plan shall contain such proposed covenants, easements, and other provisions relating to the bulk, location, and density of permitted structures, accessory uses thereto, and public facilities as may be necessary for the welfare of the PUD and not inconsistent with the best interest of the entire Village,

The applicant may be required to dedicate land for street or park purposes and, by appropriate covenants, to restrict areas perpetually (or for the duration of the Planned Development) as open space for common use. The development when authorized under Section 15 shall be subject to all conditions of this Ordinance only to the extent specified in the authorization.

9. **Guarantee the Provision of Common Open Space:** The Village may require adequate assurance, in a form and manner which it approves, that the common open space shown in the final development plan will be provided. The following methods of assurance are intended as illustrative, and they may be used singly or in combination:
 - (A) The Village may accept a bond, corporate surety, or other acceptable financial guarantee, in a form which complies with the provisions of the Subdivision Control Ordinance, and in an amount sufficient to purchase the common open space shown in the final development plan or alternative acreage which is equivalent in size and character.
10. **Final Approval:** When the Village gives final approval, a Certificate of Occupancy shall be issued for the Planned Unit Development even though the size of lots, depth of yards, and the required distance between grouped buildings and the building height, may not conform in all respects to the regulations of the district in which the project is to be located.
11. **Final Action By Applicant:** The applicant shall then review his application and plan in its final approved form and sign a statement that the Planned Unit Development Plan in its final form shall be made binding on the applicant, and any successors in interest and assigns.
12. **Control of Planned Unit Development Following Acceptance:** All changes in use, or rearrangement of lots, blocks, and building tracts, any changes in the provision of common open spaces, and all other changes in the approved final plan must be made by the Village, under the procedures authorized for the amendment of this Ordinance. No amendments may be made in the approved final plan unless they are shown to be required by changes in conditions that have occurred since the final plan was approved or by changes in the development policy of the Village.
13. **Amendments to the Final Development Plan:** All changes in use, or rearrangement of lots, blocks and building tracts, any changes in the provision of common open spaces, and all other changes in the approved final plan must be approved by the Planning Commission. No amendments may be made in the approved final plan unless they are shown to be required by changes in conditions that have occurred since the final plan was approved or by changes in the development policy of the Village.
14. **Failure to Begin Planned Unit Development:** If no construction has begun or no use established in the PUD within one year from the final approval of the final development plan, the final development plan shall lapse and be of no further effect. In its discretion and for good cause, the Village may extend for one additional year the period for the beginning of construction.

Subdivision 5. Permits and Information Filing Requirements for Essential Services

1. Since essential services may have an effect upon urbanizing areas of the Village, land uses, highway locations, parks and recreation areas, the location of all such essential services in any Zoning District shall be filed with the Village Clerk prior to the commencement of any condemnation action or construction by the owner.

2. Applications for essential services not located within highway and street rights-of-way shall require a Conditional Use Permit as regulated in Section 15 and shall be governed by the following procedures:
 - (A) The applicant shall file with the Village Clerk, such maps indicating location, alignment, and type of service proposed as shall be requested, together with the status of any applications made or required to be made under State law to any State or Federal Agency.
 - (B) The maps and accompanying data shall be submitted to the Planning Commission for review, and recommendations regarding the relationship to urban growth, land uses, highways and recreation and park areas.
 - (C) Following such review, when deemed necessary, or when requested by the Village council, the Planning Commission shall make a report of its findings and recommendations on the proposed essential services and shall file such a report with the Village Council.
 - (D) Upon receipt of the report of the Planning Commission of the planned essential services, the Council shall consider the maps and accompanying data and shall indicate to the Owner its approval or recommend modifications considered desirable to carry out the policy of this Ordinance.

Subdivision 6. Additional Requirements, Exceptions and Modifications

1. **Height Regulations:**
 - (A) Where the average slope of a lot is greater than one (1) foot rise or fall in seven (7) feet of horizontal distance from the established street evaluation at the property line, one (1) story in addition to the number permitted in the District in which the lot is situated shall be permitted on the downhill side of any building.
 - (B) Height limitations set forth elsewhere in the Ordinance may be increased by one hundred (100) percent when applied to the following:
 - (1) Monuments
 - (2) Flag poles
 - (3) Cooling towers
 - (4) Elevator penthouses
 - (C) Height limitations set forth elsewhere in this Ordinance may be increased with no limitation when applied to the following, provided they are in compliance with Houghton County Airport zoning:
 - (1) Church spires, belfries or domes which do not contain usable space
 - (2) Water towers
 - (3) Chimneys or smokestacks
 - (4) Radio or television transmitting towers
 - (5) Essential service structures

2. **Yard Regulations:** Measurements shall be taken from the nearest point of the wall of a building to the lot line in question, subject to the following qualifications:
 - (A) Cornices, canopies or eaves may extend into the required front yard a distance not exceeding four (4) feet, six (6) inches.
 - (B) Fire escapes may extend into the required front yard a distance not exceeding four (4) feet, six (6) inches.
 - (C) A landing place or uncovered porch may extend into the required front yard to a distance not exceeding six (6) feet, if the landing place or porch has its floor no higher than the entrance floor of the building. An open railing no higher than three (3) feet, six (6) inches may be placed around such place.
 - (D) The above enumerated architectural features may also extend into any side or rear yard to the same extent, except that no porch, terrace or outside stairway shall project into the required side yard distance.
 - (E) A wall, fence, or hedge may occupy part of the required front, side or rear yard.
 - (F) On double frontage lots, the required front yard shall be provided on both streets.
 - (G) The required front yard of a corner lot shall not contain any wall, fence or structure, tree, shrub or other growth which may cause danger to traffic on a road or public road by obscuring the view.
 - (H) The required front yard of a corner lot shall be unobstructed above a height of three (3) feet in a triangular area, two sides of which are the lines running along the side toad between the road intersection and a point fifty (50) feet from the intersection, and the third side of which is the line between the latter two points.
3. **Area Regulations:** No lot shall be so reduced that the area of the lot or dimensions of the open spaces shall be smaller than herein prescribed.
4. **Accessory Uses:** The following accessory uses, in addition to those previously specified, shall be permitted in the Residential District, if the accessory uses do not alter the character of the premises, as determined by the Village, in respect to their use for the purposes permitted in the District.
 - (A) The operation of necessary facilities and equipment in connection with schools, colleges, universities, hospitals and other institutions permitted in the District.
 - (B) Recreation, refreshment and service buildings in public parks and playgrounds.

5. **Accessory Buildings:**

- (A) In case an accessory building is attached to the main building, it shall be made structurally a part of the main building and shall comply in all respects with requirements of this Ordinance applicable to the main building. An accessory building, unless attached to and made a part of the main building, shall not be closer than five (5) feet to the main building, except as otherwise provided in this Ordinance.
- (B) A detached accessory building shall not be located in any required front yard.
- (C) A detached accessory building not over one (1) story and not exceeding twelve (12) feet in height shall occupy not more than thirty (30) percent of the area of any rear yard, providing further that no detached accessory building shall be located within four (4) feet of any rear or side lot line.

6. **Buildings to be Moved:** Any building or structure which has been wholly or partially erected on any premises, located either within or outside of the Village, shall not be moved to and be placed upon any other premises in this Village until an authorization to use such building or structure shall have been secured and a building permit obtained from the Zoning Administrator. Any such building or structure shall conform to all the provisions of this Ordinance, in the same manner as a new building or structure.

7. **Traffic Visibility:** No fence, wall, structure, planting or obstruction shall be erected, established or maintained on any corner lot which will obstruct the view of a driver of a vehicle approaching the intersection. An object on the lot lines adjacent to the street within the required front yard and not exceeding forty-two inches (42") in height, as measured from the center line elevation of the street, shall not be considered as an obstruction to vision.

8. **Fences:**

- (A) All boundary line fences shall be entirely located upon the private property of the person, firm or corporation constructing, or causing the construction of such fence, unless the owner of the property adjoining agrees, in writing, that such fence may be erected on the division line of the respective properties. No setback requirements shall apply.
- (B) Fences in the Residential District shall not exceed six (6) feet in height in the side and rear yards and shall not exceed forty-two (42) inches in height in the front yard.
- (C) Fences in the Commercial and Industry Districts shall not exceed six feet (6') in height except security fences, which shall not exceed eight feet (8') in height including barbed wire toppings.
- (D) No fences shall be constructed within utility easements.

9. **Home Occupations:** In any Zoning District where home occupations are authorized, the following regulations governing said home occupations shall be complied with:
 - (A) Said use shall not occupy an area of more than twenty-five (25) percent of the gross floor area of the dwelling.
 - (B) No such home occupation shall require substantial interior or exterior alterations of the dwelling.
 - (C) Said use shall not create odor, dust, noise, electrical disturbances, glare or vibrations noticeable outside of the dwelling.
 - (D) There shall be no outside storage of material or equipment or display or merchandise.
 - (E) No sign other than one (1) non-illuminated name plate measuring not more than nine (9) square feet in area which shall be attached to the building entrance shall be allowed.
 - (F) Such occupation shall be conducted or carried on only by the persons residing on the premises.
10. **Limits on a Request for a Variance, Conditional Use Permit or Amendment:** A request for a variance, conditional use or amendment which has been denied may not be requested again until a period of six (6) months has passed unless the applicant can show to the satisfaction of the Planning Commission or Board of Zoning Appeals that the conditions which were present under the earlier request filed have changed or that the request is substantially different.

~~Section 15.~~**SECTION 12. SIGN REGULATIONS**

Subdivision 1. , Purpose

This Section is established to protect and promote health, safety, general welfare and order within the Village of Calumet through the establishment of comprehensive and uniform standards, regulations and procedures governing the type, numbers, size, structure, location height, lighting, erection, use of display of devices, signs, or symbols serving as a visual communications media to persons situated within or upon public rights-of-way or private properties. The provisions of this Section are intended to encourage opportunity for effective, aesthetically compatible, and orderly communications by reducing confusion and hazards resulting from unnecessary or indiscriminate use of communication facilities. Hereafter no sign shall be erected, constructed, altered or modified except as regulated by the provisions of this Section.

Subdivision 2. Definitions

The following terms, for purposes of this Section, shall have the meaning stated herein:

1. **Advertising (Off Premise) Sign:** A billboard, poster panel, painted bulletin board, or other communicative device which is used to advertise products, goods, or services which are not exclusively related to the premise on which the sign is located.
2. **Address Sign:** A sign communicating street address only, whether written or in numerical form.
3. **Alteration:** Refers to any major alteration to a sign but shall not include routine maintenance, painting or change of copy of an existing sign.
4. **Architectural Projection:** Any projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building, but shall not include signs.
5. **Area Identification Sign:** A freestanding sign which identifies a subdivision, a multiple residential complex consisting of three (3) or more structures, a shopping center consisting of three (3) or more separate business concerns, an industrial area, an office complex consisting of three (3) or more structures, or any combination of the above.
6. **Awning:** A hood or cover which projects from the wall of a building.
7. **Banner:** Attention getting devices which resemble flags and are of a paper, cloth or plastic-like consistency.
8. **Bench Sign:** A sign which is painted on or affixed to a bench, such as at a bus stop.
9. **Business Sign:** Any sign which identifies a business or group of businesses, either retail or wholesale, or any sign which identifies a profession or is used in the identification or promotion of any principal commodity or service, including entertainment, offered or sold upon the premise where such sign is located.
10. **Campaign Sign:** A temporary sign promoting the candidacy of a person running for a governmental office, or promoting an issue to be voted on at a governmental election.

11. **Canopy Sign:** Any message or identification which is affixed to a projection or extension of a building or structure; erected in such a manner as to provide a shelter or cover over the approach to any entrance of a store, building or place of assembly. Canopy signs are primarily intended to hold changeable copy.
12. **Construction Sign:** A sign placed at a construction site identifying the project or the name of the architect, engineer, contractor, financier, or other involved parties.
13. **Directional Sign:** A sign erected on public or private property, which bears the address and name of a business, institution, church, or other use or activity, plus directional arrows or information on location.
14. **Flashing Sign:** An illuminated sign upon which the artificial light is not kept constant in terms of intensity or color at all times which the sign is illuminated. Excluded are time and temperature signs.
15. **Freestanding Sign:** Any stationary or portable, self-supported sign not affixed to any other structure.
16. **Governmental Sign:** A sign which is erected by a governmental unit.
17. **Illuminated Sign:** Any sign which is lighted by an artificial light source either directed upon it or illuminated from an interior source.
18. **Information Sign:** Any sign giving information to employees, visitors, or delivery vehicles, but containing no advertising or identification.
19. **Institutional Sign:** A sign or bulletin board which identifies the name and other characteristics of a public or private institution on the site where the sign is located.
20. **Integral Sign:** A sign carrying the name of a building, its date of erection, monumental citations, commemorative tablets and the life carved into stone, concrete or similar material made of bronze, aluminum or other permanent type of construction and made an integral part of the structure.
21. **Marquee Sign:** (See Canopy Sign)
22. **Nameplate:** A sign indicating the name and address of a building or the name of an occupant thereof and the practice of a permitted occupation therein.
23. **Nonconforming Sign:** A sign which lawfully existed at the time of the passage of this Ordinance or amendment thereto but which does not conform with the regulations of this Ordinance.
24. **Parapet:** A low wall which is located on a roof of a building.
25. **Portable Sign:** A sign so designed as to be movable from one location to another and which is not permanently attached to the ground, sales display device, or structure.
26. **Projecting Sign:** A sign other than a wall sign, which is affixed to a building and which extends in a perpendicular manner from the building wall,

27. **Real Estate Sign:** A business sign placed upon a property, advertising that particular property for sale, or for rent Or lease,
28. **Roof Line:** The uppermost line of the roof of a building, or in the case of an extended facade, the uppermost height of said facade.
29. **Roof Sign:** Any sign which is erected, constructed or attached wholly, or in part, upon the roof of a building and which projects completely above the parapet wall.
30. **Rotating Sign:** A sign which revolves or rotates on its axis by mechanical means.
31. **Sign:** The use of any words, numerals, pictures, figures, devices or trademarks by which anything is made known, such as are used to show an individual, firm, profession or business, and are visible to the general public.
32. **Sign Area:** The area within the marginal lines of the surface which bears the advertisement, or in the case of messages, figures or symbols, attached directly to the part of a building that area which is included in the smallest connecting geometric figures which can be made to circumscribe the message, figure or symbol displayed thereon. Only changeable copy areas of marquee or canopies shall be considered in determining the total sign area.
33. **Sign, Maximum Height of:** The vertical distance measured from the base of the sign to the top of such a sign. An average grade will be taken on irregular terrain.
34. **Sign, Minimum Height of:** The vertical distance measured from the base of the sign to the lower limit of such sign. An average grade will be taken on irregular terrain.
35. **Sign, Privilege:** A sign which advertises a major product or brand name and which the name of the establishment is incidental or clearly subordinate to the product advertised.
36. **Sign Structure:** The supports, uprights, bracing and framework for a sign, including the sign area.
37. **Temporary Sign:** Any sign which is erected or displayed for a specified period of time.
38. **Wall Sign:** A sign which is affixed to the exterior wall or mansard roof of a building and which is parallel to the building.
39. **Wall Graphics:** A sign which is painted directly on an exterior wall surface.
40. **Window Sign:** A sign affixed to or inside of a window in view of the general public. This does not include merchandise on display.

Subdivision 3. Subdivision 3, General Sign Provisions

1. **Hazardous Sign:** No sign permitted by this subdivision shall, by reason of its location, lighting, size, color or intensity, create a hazard to the safe, efficient movement of vehicular or pedestrian traffic. No private sign shall contain words which might be construed as traffic controls, such as "stop", "caution", "warning", etc., unless such sign is intended to direct traffic within the premises.
2. **Sign Maintenance:** All signs and sign structures shall be properly maintained and kept in a safe, orderly condition. In addition, all parts and supports shall be properly painted. Any sign or sign structure which is rotted, unsafe, deteriorated, defaced, or otherwise altered, shall be repainted, repaired, or replaced by the licensee, owner, or agent of the owner of the property upon which the sign is located, upon written notice by the Village of Calumet.
3. **Interference:** No sign, nor any guy wire or support, stay or attachment thereto shall be erected, placed or maintained by any person on rocks, fences or trees; nor in such a manner as to interfere with the effective use of firefighting equipment or personnel, or any electric light, power, telephone, telegraph or TV cable wires or supports thereof.
4. **Signs within Right-of-Way:** No signs other than governmental signs shall be erected or temporarily placed within any public right-of-way except as may be specifically provided herein.
5. **Temporary Sign:** The temporary use of portable or movable signs, search lights, banners, pendants and similar devices shall be allowed in excess of and in addition to the sign limitations of this Section for continuous periods of thirty (30) consecutive days. No business proprietor shall be allowed more than three such periods in any twelve (12) month period. If any such temporary signage brings the total signage of the premises to more than 120% of permissible permanent signage otherwise allowed under this Ordinance on the premises in question, such temporary signage shall require a conditional use permit. This Section shall not apply to the use of temporary window signs, or sidewalk signs.
6. **Clearance:** All signs located over public right-of-way or any public or private access route (sidewalk, mall, etc.) shall be located a minimum of twelve (12) feet above grade level.
7. **Display of Information:** All signs shall display in a conspicuous manner the permit number and such information required by law. The permit number shall be placed in the lower right hand corner of the sign.
8. **Safe Ingress and Egress:** No sign or sign structure shall be erected or maintained so as to prevent or deter free ingress and egress from any door, window or fire escape. No sign or sign structure shall be attached to a standpipe or fire escape.
9. **Signs Required by Law:** All signs required by law shall be permitted in all districts.
10. **Back to Back Sign:** If a freestanding sign or sign structure is constructed so that the faces are not back to back, the angle shall not exceed 30 degrees. If the angle is greater than 30 degrees, the total area of both sides added together shall be the calculated area. Back to back signs (when less than 30 degrees) shall be considered as one sign when debited against the total number of signs permitted on a zoning lot.

11. **Roof Sign:** Roof signs shall not be permitted except for a business sign that is attached to the parapet wall and extending above the building height except where no alternative is available as determined by the Planning Commission.
12. **Obsolete Sign:** Obsolete signs or signs which advertise an activity, business product or service which is no longer produced or conducted on the premises shall be removed within ninety (90) days from date of vacancy. Owner shall have ninety (90) days from the date of vacancy to remove any such sign. Signs determined to be of historic value by the Calumet Village Planning Commission shall be exempt from this requirement.
13. **Projecting Sign:** No projecting sign may extend more than seven (7) feet from the face of the building over the public right-of-way. The face of the projecting sign is not to exceed eighteen (18) square feet. The supporting structure shall be in proportion to the size of the sign.
14. **Canopy or Marquee:** Canopies or marquees may extend to within two (2) feet of the curb. Canopy or marquee signs may not exceed eighteen (18) square feet.
15. **Illumination:** All externally illuminated signs shall be constructed so as to direct the source of light away from adjacent properties.
16. **Awnings:** Signs on awnings are subject to the requirements for permitted signs.
17. **Flashing or Intermittently Lighted Sign:** Notwithstanding paragraphs 14 and 17 of this Subdivision, all flashing, revolving and intermittently lighted signs are prohibited.
18. **Double Frontage:** Lots having frontage on two streets or on a street and an alley shall be permitted to provide the maximum number and square footage of signs on each of the opposite ends of said lot, provided however, that not more than the maximum number of square footage of signs per frontage may be viewed simultaneously.
19. **Permit Required:** No sign except permitted signs as identified herein shall be erected, altered, constructed or modified without first receiving a valid sign permit from the Village.
20. **Sign Permit Application:** The application for a sign permit shall contain such information as may be deemed necessary for the proper enforcement of this Section.
21. **Permit Fees:** The Village Council may from time to time set fees for sign permits.
22. **Privilege Sign:** Not more than one privilege sign per zoning lot is allowed in any district.
23. **Snow and Snowbank Signs:** On and off-premise signs may not be placed in or on fallen snow, snow piles or snowbanks, or designed to be wholly supported by snow or painted directly upon fallen snow, snow piles, snow banks or ice.
24. **Bench Signs:** Bench signs are not permitted.

Subdivision 4. Permitted Signs

The following signs are allowed without a permit but shall comply with all other applicable provisions of this Section.

1.	Government Signs: Signs of a public, non-commercial nature to include safety signs, danger signs, trespassing signs, traffic signs, signs indicating scenic or historical points of interest, memorial plaques and the like, when signs are erected by or on order of a public officer or employee in the performance of official duty.
2.	Directory Signs: A wall sign which identifies the business, owners, manager, or resident occupant and sets forth the occupation or other address information but contains no advertising. There may be one (1) directory sign per zoning lot not to exceed two (2) square feet per business or resident occupant.
3.	Directional and Parking Signs (on site): On-site directional and parking signs intended to facilitate the movement of vehicles and pedestrians upon which the sign is located. Signs shall not exceed six (6) square feet.
4.	Integral Signs: Names on buildings, date of construction, commemorative tablets and the like, which are of the building or structure.
5.	Campaign Signs: Signs or posters announcing the candidate seeking political office, advertising political issues or the date pertinent therein, not exceeding four (4) square feet in the Residential District or eighteen (18) square feet in the Commercial and Industrial District. Every campaign sign must contain the name and address of person responsible for such sign and that person is responsible for its removal. These signs shall remain for no longer than forty-five (45) days prior and ten (10) days after the election for which they were intended. All signs shall be confined to private property and shall not be attached to trees, utility poles or rocks.
6.	Construction Signs: A non-illuminated sign announcing the names of architects, engineers, contractors, future use, and other individuals or firms involved with the construction, alteration or repair of a building (but not including any advertisement of any product). Such signs shall be confined to the site of the construction, alteration or repair and shall be removed within two (2) years of the date of issuance of the first building permit or when the particular project is completed, whichever is sooner. One sign shall be permitted for each major street the project abuts. No sign may exceed twenty (20) square feet in the Residential District or fifty (50) square feet in all other districts.
7.	Real Estate Sign: Any on-premise sign announcing the owner, manager, realtor or other person directly involved in the sale or rental of the property. In the case of sale, signs shall be removed within ten (10) days after the sale. Signs shall not measure more than four (4) square feet in the residential districts nor more than twenty (20) square feet in the other districts. There may be only one (1) sign per frontage of the property.
8.	Sidewalk Signs: The use of sidewalk business signs is permitted during business hours in the C-1 and C-2 districts. No signs shall obstruct pedestrian movement. A sign shall not be more than twenty-four (24) inches wide nor more than fifty- six (56) inches high. Sidewalk signs shall be constructed to assure stability and safety in all kinds of wind and weather conditions.

Subdivision 5. Permitted Signs Exempted

Permitted signs as regulated herein shall not be debited against the total number of square footage of signs permitted on a zoning lot.

Subdivision 6. District Regulations

1.	<p>Signs in all Districts: The following sign types shall be regulated or prohibited in zoning districts pursuant to the size, height, number, and similar regulatory provisions contained in this Ordinance.</p> <p>(A) Wall signs.</p> <p>(B) Projecting signs.</p> <p>(C) Illuminated signs.</p> <p>(D) Freestanding signs.</p> <p>(E) Marquee or Canopy signs.</p>
2.	<p>Signs in the Residential District: No sign shall be erected or maintained in the Residential Zoning District except the following:</p> <p>(A) Permitted Signs: Permitted signs as regulated by Subdivision 4 of this Section.</p> <p>(B) Area Identification: One (1) freestanding sign of not more than ninety-six (96) square feet in area and not higher than twelve (12) feet above grade.</p> <p>(C) Temporary Signs: Temporary signs as regulated by Subdivision 3-5 of this Section.</p> <p>(D) Institutional Signs: Two (2) signs of which one (1) may be freestanding but not higher than twelve (12) feet and the single or combined surface area shall not exceed thirty (30) square feet.</p> <p>(E) Home Occupation Signs.</p>
3.	<p>Signs in C-1 (General Commercial District) and C-2 (Downtown Commercial District): No sign shall be erected or maintained in the C-1 (General Commercial District) and C-2 (Downtown Commercial District) except the following:</p> <p>(A) Permitted Signs: Signs as regulated in Subdivision 4 of this Section.</p> <p>(B) Business Signs: The gross area in square feet of all business signs on a zoning lot shall not exceed two (2) times the lineal feet of frontage of such zoning lot, except that no sign shall have a sign area in excess of two hundred (200) square feet per zoning lot. In the case of a zoning lot having more than one frontage, the frontage designated by the mailing address shall be used. The total number of business signs on the zoning lot shall not exceed four (4) in number, of which not more than two (2) shall be freestanding. No signs shall exceed thirty feet (30') in height in a C-2 zone.</p> <p>(C) Advertising (Off Premise) Signs: Advertising (off premise) signs as regulated by Subdivision 8 of this Section.</p>

4.	Signs in I-1 (Light Industrial District): No sign shall be erected or maintained in the I-1 (Light Industrial District) except the following: (A) Permitted Signs: Signs as regulated in Subdivision 4 of this Section. (B) Business Signs: The gross area in square feet of all business signs on a zoning lot shall not exceed two (2) times the lineal feet of frontage on such zoning lot. In the case of a zoning lot having more than one frontage, the frontage designated by the mailing address shall be used. The total number of business signs on the zoning lot shall not exceed three (3) in number, of which not more than two (2) shall be freestanding. No single business sign area shall exceed two hundred (200) square feet. The total business sign area on the zoning lot shall not exceed four hundred (400) square feet. No Signs shall exceed thirty (30) feet in height. (C) Advertising Signs: As regulated in Subdivision 8 of this Section.
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Subdivision 7. Signs—Shopping Centers

The total square footage of signs in a shopping center may not exceed the amount allowable for the zoning lot. Adjustments for each business may be made, provided that a sign plan for the entire shopping center is approved by the Village Council prior to initiation of construction.

Subdivision 8. Advertising (Off Premise) Signs

Off premise signs are prohibited in all Zoning Districts in the Village of Calumet.

Subdivision 9. Provisions Governing Non-Conforming Signs

A legal non-conforming sign may not be:

1. Changed to another non-conforming sign.
2. Structurally altered except to bring into compliance with the provisions of this Section.
3. Expanded.
4. Reestablished after its discontinuance for ninety (90) days. Signs determined to be of historic value by the Calumet Village Planning Commission shall be exempt from this provision.

Subdivision 10. Non-conforming Sign Maintenance and Repair

Nothing in this Ordinance shall be construed as relieving the owner or user of a legal nonconforming sign or owner of the property on which the legal non-conforming sign is located from the provisions of this Ordinance regarding safety, maintenance, and repair of signs. Provided, however, that any repainting, cleaning, and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure or copy in any way which makes it more non-conforming, or the sign shall lose its legal non-conforming status.

Subdivision 11. Change of Ownership

If any property of business changes ownership, all structural sign changes on that property shall be in conformance with the requirement of this Section.

Subdivision 12. Amortization

Non-conforming signs shall be removed or brought into conformity with this Section within five (5) years from the date of the enactment of this Ordinance.

Subdivision 13. Inspection

All signs for which a permit is required shall be subject to inspection by the Zoning Administrator or Building Inspector. The Zoning Administrator or the Building Inspector of the Village may enter upon any property or premises to ascertain whether the provisions of this Ordinance are being obeyed. Such entrance shall be made during business hours unless an emergency exists. The Village shall order the removal of any sign that is not maintained in accordance with the maintenance provisions of this Section. Notice shall be given to the Village of any change in sign user, sign owner, or owner of the property on which the sign is located.

~~Section 16.~~**SECTION 13. CONDITIONAL USE PERMITS**

Subdivision 1. Applications

Applications for Conditional Use Permits shall be made to the Village Clerk together with required fees. The application shall be accompanied by a site plan showing such information as is necessary to show compliance with this Ordinance, including but not limited to:

1. Description of site (legal description).
2. Site plan drawn to scale showing parcel and building dimensions.
3. Location of all buildings and their square footage.
4. Curb cuts, driveways, access roads, parking spaces, off-street loading areas and sidewalks.
5. Landscaping and screening plans.
6. Drainage plan.
7. Sanitary sewer and water plan with estimated use per day.
8. Soil type.
9. Any additional data reasonably required by the Village.

Subdivision 2. Public Hearing

Upon receipt in proper form of the application and other requested material, the Planning Commission shall hold at least one (1) public hearing in a location to be prescribed by the Planning Commission. At least fifteen (15) days in advance of each hearing, notice of the time and place of such hearing shall be published in the official newspaper of the Village.

All property owners of record within five hundred (500) feet of the affected property or to the ten (10) properties nearest to the affected property where the Conditional Use is proposed shall be notified by depositing a written notice in the U.S. mails, postage prepaid, as to the time and place of the public hearing. All municipalities within two (2) miles of the proposed Conditional Use shall be given proper notice.

Subdivision 3. Authorization

For each application for a Conditional Use Permit, the Planning commission shall report to the Village Council its findings and recommendations, including the stipulation of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. Upon receipt of the report of the Planning Commission, the Village Council shall hold whatever public hearings it deems advisable and shall make a decision upon the proposal for the Conditional Use Permit. Any approved Conditional Use Permit shall become invalid unless a building permit is issued within nine (9) months of final approval by the Village if a building permit is required, or unless the approved conditional use is put into effect within nine (9) months of final approval by the Calumet Village Council. If the Planning Commission so recommends in writing to the Calumet Village Council, an extension of the nine (9) month period may be granted on a case by case basis by the Calumet Village Council.

Subdivision 4. Standards

No Conditional Use shall be recommended by the Planning Commission unless said Commission shall find:

1. That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.
2. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.
3. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
4. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
5. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance; and to control lighted signs and other lights in such a manner that no disturbances to neighboring properties will result.
6. That soil conditions are adequate to accommodate the proposed use.
7. That proper facilities are provided which would eliminate any traffic congestion or traffic hazard which may result from the proposed use.
8. That the density of proposed residential development is not greater than the density of the surrounding neighborhood or not greater than the density indicated by the applicable Zoning District.
9. That the intensity of proposed commercial or industrial development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable Zoning District.
10. Relationship of proposed use to the Village Land Use Plan.
11. The demonstrated need for the proposed use.

Subdivision 5. Authority to Impose Conditions

The Village Council in order to achieve the standards stated in Subdivision 4 of this Section may require reasonable changes in building design, landscaping and screening, and may impose conditions requiring reasonable maintenance of the premises as a condition for approval.

The applicant for a Conditional Use Permit which in the opinion of the Planning Commission, may result in a material adverse effect on the environment may be requested by the Council to demonstrate the nature and extent of the effect.

Subdivision 6. Recording

A certified copy of any Conditional Use Permit shall be filed with the County Register of Deeds for record. The Conditional Use Permit shall include the legal description of the property involved. The Village Council by ordinance shall designate the official or employee responsible for the requirements of this Subdivision.

Subdivision 7. Fees

To defray administrative costs of processing requests for Conditional Use Permits, the applicant shall pay a fee as [determined by resolution of the Village Council and as](#) specified in the Village of Calumet Fee Schedule at the time the application is submitted.

Subdivision 8. Compliance

Any use permitted under the terms of any Conditional Use Permit shall be established and conducted in conformity to the terms of such permit and of any conditions designated in connection therewith.

~~Section 17~~**SECTION 14. BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY**

Subdivision 1. Definition

For purposes of this Section, the term "Building Official" means the Village of Calumet Zoning Administrator.

Subdivision 2. Building Permit

1. Hereafter, no person shall erect, alter, or move any building of part thereof without first securing a Building Permit.
2. Application for a Building Permit shall be made to the Building Official on forms to be furnished by the Village. Each application for a permit to construct a building shall be accompanied by a plan drawn to scale showing the dimensions of the lot to be built upon and the size and location of the building and accessory buildings to be erected. Applications for any kind of Building Permit shall contain such other information as may be deemed necessary for the proper enforcement of this Ordinance or any other. The Building Official shall issue the Building Permit only after determining that the building plans, together with the application, comply with the terms of this Ordinance.
3. Building Permit fees and other fees as may be established by resolution of the Village Council shall be collected by the Building Official for deposit with the Village and credited to the general revenue fund.

Subdivision 3. Certificate of Occupancy

1. A Certificate of Occupancy shall be obtained before any commercial or industrial building hereafter erected or structurally altered is occupied or used or the use of any such building is altered.
2. Application for a Certificate of Occupancy for a new building or for an existing building which has been altered shall be made to the Building Official as part of the application for a Building Permit as required in Subdivision 2. Building Permit.
3. Every Certificate of Occupancy shall state that the building or proposed use of a building or land complies with all provisions of law and this Ordinance. A record of all Certificates of Occupancy shall be kept on file in the office of the Building Official, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or land affected.

~~Section 18~~**SECTION 15. ADMINISTRATION AND ENFORCEMENT**

Subdivision 1. Building

1. The office of the Zoning Administrator is hereby established, for which the Village Council may appoint such employee or employees of the Village as it may deem proper. The term of office of the Zoning Administrator shall be indefinite and shall terminate at the pleasure of the Village Council.

2. The duties of the Zoning Administrator shall include the following:
 - (A) Enforcement and administration of this Ordinance.
 - (B) Receive and forward to the Village Council and the Planning Commission all applications for Conditional Use Permits.
 - (C) Receive and forward all applications and petitions for matters to come before the Zoning Board of Appeals.
 - (D) Receive and forward to the Village Council and the Planning Commission all applications for amendments to this Ordinance.
 - (E) Inspect all construction and development to ensure that the standards of this Ordinance are being complied with.
 - (F) Provide and maintain a public information bureau relative to matters arising out of this Ordinance.
 - (G) Maintain the Village Zoning Map as required in Section 5.

Subdivision 2. Enforcement

1. It shall be the duty of the Zoning Administrator to enforce this Ordinance through the proper legal channels.
2. When any work shall have been stopped by the Zoning Administrator for any reason whatsoever, it shall not again be resumed until the reason for the work stoppage has been completely removed.
3. It shall be the duty of the Village Police, when called upon by the Village Council, to perform such duties as may be necessary to enforce the provisions of this Ordinance.

SECTIONS 16 – 21 (RESERVED)

~~Section 25.~~**SECTION 22. ZONING BOARD OF APPEALS**

Subdivision 1. Creation and Membership

1. A Zoning Board of Appeals is hereby established and vested with such authority as is hereinafter provided and as provided by Michigan P.A. 207 of 1921, as amended.
2. The Zoning Board of Appeals shall elect a chairman and vice chairman from among its members. It shall adopt rules for the transaction of its business and shall keep a public record of its transactions, findings and determinations.
3. The meetings of the Zoning Board of Appeals shall be held at the call of the chairman and at such other times as the Board in its rules of procedure may specify.

Subdivision 2. Powers

1. The Zoning Board of Appeals shall have power to grant a variance adjustment in and exception to any of the provisions of this Ordinance to the extent of the following and no further:
 - (A) To vary or modify the strict application of any of the regulations or provisions contained in this Ordinance in cases in which there are practical difficulties or unnecessary hardships in the way of such strict applications; no variance or modification of the uses permitted within a District shall be allowed, except as otherwise provided in this Ordinance.
 - (B) To hear and determine appeals as to the exact boundaries of Zoning Districts.
 - (C) To permit the extension of a District where the boundary line thereof divides a lot in one ownership at the time for the passage of this Ordinance, but such extension of any District shall not exceed one hundred feet (100').
2. The Zoning Board of Appeals shall act upon all questions as they may arise in the administration of any ordinance or official control, and it shall hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with enforcing this Ordinance.

Subdivision 3. Appeals

1. Any aggrieved person, firm, or corporation objecting to the ruling of any administrative official on the administering of the provisions of this Ordinance shall have the right to appeal to the Zoning Board of Appeals.
2. Such appeal may be taken by any person aggrieved or by any officer, department, board or bureau of a town, municipality, county or state.
3. The decision of the Board shall not be final, and any person having an interest affected by such Ordinance shall have the right to appeal to the District Court.

Subdivision 4. Findings

The Zoning Board of Appeals shall not grant an appeal unless they find the following facts at the hearing where the applicant shall present a statement and evidence in such form as the Zoning Board of Appeals may require:

1. That there are special circumstances or conditions affecting the land, building or use referred to in the appeal that do not apply generally to other property in the same vicinity.
2. That the granting of the application will not materially adversely affect the health or safety or persons residing or working in the area adjacent to the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in the area adjacent to the property of the applicant.

Subdivision 5. Procedure

1. Applicants for any appeal permissible under the provisions of this Section shall be made to the Zoning Board of Appeals in the form of a written application for a Building Permit or for permit to use the property or premises as set forth in the application.

Upon receipt of any application, the Zoning Board of Appeals shall set a time and place for a public hearing before the Board on such application. At least fifteen (15) days before the date of the hearing, a notice of the hearing shall be published once in the official newspaper of the Village.

All property owners of record within five hundred (500) feet of the affected property of where the variance is requested shall be notified by depositing a written notice in the U.S. mails, postage prepaid, as to the time and place of the public hearing. All municipalities within two (2) miles of the request shall be given proper notice.

2. The Zoning Board of Appeals shall thereupon make its decision upon the application within fifteen (15) days of the public hearing. In recommending any adjustment or variance under the provisions of this Section, the Zoning Board of Appeals shall designate such conditions in connection therewith and will, in its opinion, secure substantially the objectives of the Ordinance, regulation or provision to which the adjustment or variance is granted.
3. The applicant for a variance which, in the opinion of the Zoning Board of Appeals, may result in a material adverse effect on the environment, may be required to demonstrate the nature and extent of the effect.

Subdivision 6. Recording

A certified copy of any order issued by the Zoning Board of Appeals acting upon an appeal from an order, requirement, decision or determination by an administrative official, or a request for a variance, shall be filed with the County Register of Deeds for record. The order issued by the Zoning Board of Appeals shall include the legal description of the property involved.

Subdivision 7. Fees

To defray administrative costs of processing requests for Variances, the applicant shall pay a fee as [determined by resolution of the Village Council and as](#) specified in the Village of Calumet Fee Schedule at the time the application is submitted.

~~Section 26.~~SECTION 23. AMENDMENT

Subdivision 1. Application

1. This Ordinance may be amended whenever the public necessity and the general welfare require such amendment by following the procedure specified in this Section.
2. Proceedings for amendment of this Ordinance shall be initiated by:
 - (A) An application of the affected property owners. For purposes of this Subdivision, affected property owners shall refer to owners of the property specified on the application.
 - (B) A recommendation of the Calumet Village Planning Commission.
 - (C) Or by action of the Calumet Village Council.
3. An application for an amendment shall be filed with the Zoning Administrator.

Subdivision 2. Public Hearing

Upon receipt of the application in proper form, the Calumet Village Planning Commission shall hold at least one (1) public hearing in the Village hall or at another location determined by the Calumet Village Planning Commission. At least fifteen (15) days in advance of each hearing, notice of the time and place of such hearing shall be published in a newspaper of general circulation in the Village. No further notice of any hearing shall be required, except that written notice sent by first class mail, postage prepaid, as to the time and place of the public hearing shall be provided in the following instances:

1. To all affected property owners specified in the application if the hearing is held in response to an application of affected property owners;
2. To each public utility company and to each railroad company owning or operating any public utility or railroad within the districts or zones affected that registers its name and mailing address with the Village clerk for the purpose of receiving the notice.
3. If the proposed amendment is not to be of general application but will apply only to specific premises consisting of a single parcel of real estate not more than 40,000 square feet in area, then to all property owners of record (as determined by a search of the tax rolls of the Village) within five hundred (500) feet of such parcel.
4. If an individual property or several adjacent properties are proposed for rezoning, notice of the proposed rezoning and hearing shall be given to the owners of the property in question.

Subdivision 3. Authorization

1. Following the public hearing, the Planning Commission shall make a report of its findings and recommendations on the proposed amendment and shall file a copy with the Village Council within sixty (60) days after the hearing. If no report or recommendation is transmitted by the Planning Commission within sixty (60) days after the hearing, the Village Council may take action without awaiting such recommendation. Provided, however, that the Village Council shall not in the first instance determine the boundaries of districts nor impose regulations until after the final report of the Calumet Village Planning Commission, nor shall the ordinance or maps be amended after they are adopted in the first instance until the proposed amendment has been submitted to the Planning Commission and it has held at least one hearing and made a report thereon. In either case, the Village Council may adopt the ordinance and maps, with or without amendments, after receipt of the Commission's report, or refer the ordinance or maps again to the Planning Commission for a further report.
2. Upon the filing of such report or recommendation, the Village Council may hold such public hearings upon the amendment as it deems advisable. After the conclusion of the hearings, if any, the Village Council may adopt the amendment or any part thereof in such form as it deems advisable. The amendment shall be effective only if a majority of all members of the Council concur in its passage.

Subdivision 4. Recording

Upon the adoption of any amendment to this Ordinance including any maps or charts supplemented to or as a part thereof, the Village shall file a certified copy thereof with the Register of Deeds for record. Ordinances, resolutions, maps or regulations filed with the Register of Deeds pursuant to this Ordinance do not constitute encumbrances on real property. In addition, one notice of adoption of an amendment to this Ordinance shall be published in a newspaper of general circulation in the Village within fifteen (15) days after adoption. The notice of such amendment shall include either a summary of this regulatory effect of the amendment (including the geographic area affected) or the text of the amendment; the effective date of the ordinance; and the place and time where a copy of the ordinance may be purchased or inspected.

Subdivision 5. Fees

To defray administrative costs of processing a request for an amendment to this Ordinance, the petitioner shall pay a fee as [determined by resolution of the Village Council and as](#) specified in the Village of Calumet Fee Schedule at the time the application is submitted.

Subdivision 6. Compliance with Statutory Law

In any event, amendments to this Ordinance shall be adopted only after compliance with Section 125.584 of the Michigan Compiled Laws, as this section may be amended from time to time, or with successor legislation and state law shall have precedence in the event of any conflict between state law and this Ordinance.

~~Section 27.~~**SECTION 24. VIOLATIONS AND PENALTIES – ENFORCEMENT**

Subdivision 1. Violations and Penalties

Any person, firm or corporation who shall violate any of the provisions hereof or who shall fail to comply with any of the provisions hereof or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by

a fine not to exceed three hundred dollars (\$300.00) or by imprisonment not to exceed ninety (90) days, or both. Each day that a violation continues shall constitute a separate offense.

Subdivision 2. Enforcement

1. This Ordinance shall be administered and enforced by the Zoning Administrator, who is hereby designated the enforcing officer.
2. In the event of a violation or a threatened violation of this Ordinance, the Village Council or any member thereof, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations, and it shall be the duty of the Village Attorney to institute such action.
3. Any taxpayer or taxpayers of the Village Council may institute mandamus proceedings in District Court to compel specific performance by the proper official or officials of any duty required by this Ordinance.

~~Section 28.~~ SECTION 25. VALIDITY

Subdivision 1. Validity

Should any Section 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 part thereof other than the part so declared to be invalid.

~~Section 29.~~ SECTION 26. DATE OF EFFECT

Subdivision 2. Date of Effect

This Ordinance shall be in full force and effect thirty (30) days from and after the passage, approval and publication, as provided by law. ~~This Ordinance shall be in full force and effect from and after the passage, approval and publication, as provided by law.~~

PASSED AND APPROVED this _____ day of _____, 20_____.

Village President

ATTEST:

Village Clerk

Recommended by:
The Village of Calumet Planning Commission

Date

Chair

~~Section 30.~~SECTION 27. VILLAGE OF CALUMET ZONING DISTRICT MAP 1

Caleb, I don't know where to get these. ☹

Colleen Kobe

February 23, 2020