



CHAPTER 3

GENERAL PROVISIONS

SECTION 3.01 REQUIRED AREA, SPACE, AND USE CONDITIONS AND EXCEPTIONS

- A. No lots or lots in common ownership and no yard, parking area or other space shall be so created, divided, altered or reduced as to make such area or dimension less than the minimum required under this Ordinance. If already less than the minimum required under this Ordinance, said area or dimension shall not be further divided or reduced.
- B. A lot which is platted, or otherwise lawfully of record as of the effective date of this Ordinance, may be used as specified in the District in which it is located, provided the lot conforms to the requirements of the Mid Michigan Health Department. The main building on such lot shall be located so that it meets at least eighty percent (80%) of the yard requirements of the District in which it is located.
- C. If two (2) or more lots of record or combination of lots and portions of lots of record, in existence at the time of the passage of this Ordinance, or an amendment thereto, are:
 - 1. in common ownership; and
 - 2. adjacent to each other or have continuous frontage, and;
 - 3. individually do not meet the lot width or lot area requirements of this Ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance. Such parcels shall be combined into such lot or lots meeting the lot width and lot size requirements of this Ordinance. No portion of such parcel shall be used or divided in a manner which diminishes compliance with lot width and area requirements of this Ordinance.

SECTION 3.02 HEIGHT EXCEPTIONS

- A. The following buildings and structures shall be exempt from height regulations in all Districts: parapet walls not exceeding four (4) feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, silos, stacks, elevated water towers, stage towers, scenery lofts, monuments, cupolas, domes, spires, penthouses housing necessary mechanical appurtenances, wind-powered electrical generator, and television and radio reception and

transmission antennas and towers which do not exceed one hundred (100) feet in height.

- B. Additions to existing buildings and structures which now exceed the height limitations of their District may be constructed to the height of the existing to which the addition is attached if the lot is large enough to encompass a circular area with a radius at least equal to the height of the tallest structure or building.

SECTION 3.03 PRINCIPAL USE

- A. No lot or parcel of land shall contain more than (1) main building or one (1) principal use.
- B. Land and buildings may be considered a principal use collectively if the following conditions are met.
 - 1. The land and buildings are planned and designed as a single integral development, including joint parking, compatible architecture, shared driveways, shared signs, and other similar features.
 - 2. All uses, if not the same, shall be similar in function and/or operation.

SECTION 3.04 STREET ACCESS

Any lot of record created after the effective date of this Ordinance shall front upon a public street or approved private street meeting the requirements of Section 3.26 and the minimum lot width required by this Ordinance.

**SECTION 3.05 BASIS OF DETERMINING
FRONT YARD
REQUIREMENTS**

- A. The front yard setback line shall be measured from the right-of-way line or property line, to an imaginary line across the width of the lot drawn at the minimum required front setback distance for that district, and maintained across the entire length of the lot, excepted as noted in Section 3.05, B.
- B. Where an average setback line which is less than that required by this



Ordinance has been established by existing buildings located within two hundred (200) feet of the proposed building, such average setback shall apply.

- C. On corner and through lots, the front yard requirements shall apply on both streets.
- D. On waterfront lots, the front yard requirements shall apply on the waterfront side of the lot. The street side, or lot line opposite the front lot line shall be considered the rear lot line. Waterfront lots are also subject to the requirements of Chapters 7 and 11.

SECTION 3.06 MINIMUM LOT WIDTH FOR IRREGULAR SHAPED LOTS

The minimum lot width for a lot on a cul-de-sac or other irregularly shaped lot shall be measured at the front yard setback line and shall not be diminished throughout the rest of the lot. Such lots shall have a minimum lot width of forty (40) feet at the front property line.

SECTION 3.07 PROJECTIONS INTO YARDS

- A. Certain architectural features, such as cornices, bay windows (or windows without foundations), gutters, chimneys, pilasters and similar features:
 - 1. may project a maximum of four (4) feet into a front or rear yard setback area; and
 - 2. shall not project into the side yard setback.
- B. Porches, terraces, decks, balconies, window awnings, and similar structures which are open on all sides, unenclosed, and uncovered.
 - 1. On non-waterfront lots such structures:
 - a. may project a maximum of ten (10) feet into a front yard setback area;
 - b. may project a maximum of fifteen (15) feet into a rear yard setback area;



all sides. The colors and design of the canopy shall be compatible with the main building. Lighting on or within the canopy shall be flush mounted. Signs shall comply with the wall sign provisions of Chapter 15 of this Ordinance.

- C. On corner lots, where the side lot line is a continuation of the front lot line of the lot to its rear, accessory buildings or uses shall be located no nearer than the front yard setback line of the lot behind the corner lots.
- D. An accessory building may be permitted on lot which does not contain a principal use or main building, however, the accessory building shall satisfy all district regulations for a principal use or main building in the district in which it is located.
- E. No part of an accessory building shall be used as a dwelling for residential purposes.
- F. Detached accessory buildings shall be located:
 - 1. a minimum of ten (10) feet from any main building;
 - 2. no less than one-half the distance between the main building and the property line where the main building is set back a minimum of two hundred (200) feet from the front property line; in no case shall the accessory building be located within the required front yard setback. Where the main building is less than two hundred (200) feet from the front property line, accessory buildings shall not be permitted in the front yard;
 - 3. for buildings of less than one thousand two hundred (1,200) square feet GFA: a minimum of ten (10) feet to any side or rear lot line;
 - 4. for buildings equal to or greater than one thousand two hundred (1,200) square feet GFA: a minimum of thirty (30) feet to any side or rear lot line. Side yard setbacks shall be measured to the eaves of the building.
- G. Detached accessory buildings - Maximum floor areas:
 - 1. For single and two family dwellings, including a garage, the total number of square feet for any accessory building(s) located upon a parcel shall not exceed:
 - a. on lots of less than two (2) acres: one thousand six hundred (1,600) square feet;
 - b. on lots of two (2) to five (5) acres: two thousand five hundred (2,500) square feet; and
 - c. on lots of more than five (5) acres: three thousand five

hundred (3,500) square feet.

2. Other uses, the total number of square feet for any accessory building(s) located upon a parcel shall not exceed:
 - a. Multiple family developments: one thousand two hundred (1,200) square feet, excluding garages for the use of the residents, specifically, one (1) garage per dwelling unit.
 - b. Manufactured home parks: as required by Chapter 13.
 - c. Uses in Nonresidential Districts and nonresidential uses in Residential Districts: not to exceed twenty-five percent (25%) of the floor area of the main building(s).

H. No detached accessory building in a Residential District shall exceed eighteen (18) feet in height, or have a door opening greater than fourteen (14) feet in height.

SECTION 3.09 REGULATIONS APPLICABLE TO ALL SINGLE-FAMILY DWELLINGS

It is the intent of this Section to establish minimum standards of appearance and construction for all single-family dwellings placed in the Township, whether constructed on a lot or a manufactured home. Construction and/or placement of a single-family dwelling on any lot or parcel shall be permitted only if the dwelling complies with all of the following standards:

- A. If the dwelling unit is a manufactured home, the manufactured home must either be:
 1. new and certified by the manufacturer and/or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development of 1976, as amended, or any similar successor or replacement standards which may be promulgated; or,
 2. used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced in subsection (1) above, and found, on inspection by the Building Inspector or his designee, to be in excellent condition and safe and fit for residential occupancy.
- B. The dwelling unit shall comply with all applicable building, electrical, plumbing, fire, energy and other similar codes which are or may be adopted by the Township, and with applicable federal or state standards or regulations for construction. Appropriate evidence of



compliance with such standards or regulations shall be provided to the Building Inspector.

- C. The dwelling unit shall comply with all restrictions and requirements of this Ordinance, including, without limitation, the lot area, lot width, residential floor area, yard, and building height requirements of the District in which it is located.
- D. The dwelling unit shall be firmly attached to a permanent continuous foundation which complies with applicable provisions of the building code adopted by the Township.
- E. If the dwelling unit is a manufactured home, the manufactured home shall be installed with the wheels and towing mechanism removed.
- F. The dwelling unit shall have a minimum horizontal dimension across any front, side or rear elevation of fourteen (14) feet at time of manufacture, placement or construction.
- G. The dwelling unit shall be connected to public sewer and water supply systems, or to private facilities for potable water and disposal of sewage approved by the Mid Michigan Health Department.
- H. The foregoing standards shall not apply to a manufactured home located in a manufactured home park licensed by the Michigan Mobile Home Commission and approved by the Township according to the provisions contained in Chapter 13 of this Ordinance except to the extent required by state or federal law.

SECTION 3.10 TEMPORARY USES OR BUILDINGS REQUIRING ZONING ADMINISTRATOR AUTHORIZATION

- A. Upon application, the Zoning Administrator may issue a permit for the following temporary buildings or uses. Each permit shall specify a location for such building or use and shall be valid for a period of not more than twelve (12) calendar months. Permits may be renewed by the Zoning Administrator for one (1) additional successive period of six (6) calendar months or less at the same location and for the same purpose.
 - 1. Temporary office building or construction yard incidental and necessary to construction at the site where located.
 - 2. Temporary sales office or model home incidental and necessary for the sale or rental of real property in a new subdivision or

housing project. In any case, such temporary office or model home shall be removed when fifty percent (50%) or more of the lots or units have been sold or leased.

- B. The Zoning Administrator may issue a permit to an individual to park and occupy a temporary manufactured home in any Residential District.
1. Prior to issuing such permit the Zoning Administrator shall make the following determinations:
 - a. The manufactured home will be used only as a temporary use on the same lot while the individual is constructing a permanent residence.
 - b. A building permit has been issued for the construction of a permanent residence to the individual applying for the temporary manufactured home permit.
 - c. The manufactured home dwelling meets the requirements of the Mid-Michigan Health Department and all applicable Township ordinances.
 2. Upon applying for a temporary manufactured home permit, the applicant shall pay a fee to the Township Treasurer as determined by the Township Board. The fee shall also be collected for any extensions granted by the Zoning Administrator.
- C. In considering authorization for all temporary uses or buildings, the Zoning Administrator shall consider the following standards and may attach reasonable conditions to temporary uses or structures to ensure that the standards of this Section are met. The Zoning Administrator shall determine that:
1. the use or structure will not have an unreasonable detrimental effect upon adjacent properties;
 2. the use or structure is reasonably necessary for the convenience and safety of the construction proposed;
 3. the use or structure does not adversely impact the character of the surrounding neighborhood;
 4. access to the use area or structure is located at a safe location.

SECTION 3.11 FENCES

Fences shall not be constructed in any public right-of-way.

- A. Unless specifically provided for elsewhere in this Ordinance, a fence



may not exceed a height of four (4) feet within any front yard setback area, or a maximum height of eight (8) feet in any other area, except as noted in Section 3.11, C, D and E.

- B. .Densely landscaped areas, such as hedges and closely spaced bushes or other plant materials, may be considered as a fence when they have the effect or accomplish the purposes normally associated with fences.
- C. Unless specifically provided for elsewhere in this Ordinance, a fence may not be located within any front setback or in the rear setback of a waterfront lot unless such fence is a height of three (3) feet or less and of a type which is not more than twenty five percent (25%) solid, so as not to obscure vision at the right-of-way or property line of the lot or parcel on which it is placed.
- D. No fence shall contain any barbed wire or electrification unless necessary for agricultural purposes or for security in a Nonresidential District, or for the protection of public utility buildings or improvements. The barbed portion of the fence shall be at least eight (8) feet from the ground, in which case the height of a fence may extend to a maximum of ten (10) feet.
- E. Fences used to enclose vacant land or land used for agricultural purposes may be erected within any yard up to a height of eight (8) feet. Fences used in association with specialty farms which require the containment of wildlife, such as grouse and deer as approved by the Zoning Administrator, shall have a maximum height of sixteen (16) feet. Such fences shall be of an open type so as to not obstruct vision.
- F. An open style fence, less than twenty five percent (25%) solid may be constructed up to seven (7) feet in height in any yard.

SECTION 3.12 GREENBELTS AND LANDSCAPING

- A. In order to provide protective screening for Residential Districts or uses adjacent to or near Nonresidential Districts or uses, a landscaped greenbelt shall be required on any parcel proposed for development which borders a different zone district, as indicated in 3.12, E. Where the adjacent zone district is more intensive, e.g., NC bordering AP, the required buffer shall be installed only on the property which is in the more intensive district.
- B. The specified buffer shall be required on the subject parcel even if the

adjacent parcel is unimproved land. A performance bond may be submitted in lieu of the required buffer where adjacent land is unimproved. The buffer shall be installed when the adjacent property begins development and completed prior to any occupancy of the adjoining use.

- C. When any developed parcel existing as of the date of this Ordinance, or amendment thereto, is changed to a less restrictive zone district, for example, AP to LDR, any required buffer shall be installed in compliance with this Section within six (6) months of the effective date of the rezoning. This provision shall not apply to rezonings initiated by the Township.
- D. If two (2) zoning districts requiring a buffer zone are separated by a street, the design of the required buffer zone shall be reduced by one (1) level; for example, a required Major Buffer shall be reduced to a Moderate Buffer. Notwithstanding the foregoing, the minimum buffer installed shall be a Minor Buffer.
- E. The following chart defines the required buffers between adjacent zone districts.

BUFFER ZONE	ADJACENT DISTRICT					
	AP	LDR, LF, RF	PUD, MHP	NC	AGC	LI
AP				Moderate		Major
LDR, LF, RF	NR		Minor	Moderate		Major
PUD, MHP	Minor		NR	Moderate		Major
NC	Moderate			NR	Minor	
AGC	Moderate			Minor	NR	Minor
LI	Major			Minor		NR

NR = None Required

- F. Buffer Zone Development Standards
 - 1. Required buffer zones shall comply with and be maintained to the following standards:

Buffer Requirements	Major	Moderate	Minor
Minimum width	40 feet	20 feet	10 feet
Equivalent of two (2) rows of approved canopy trees staggered at a maximum of:	twenty (20) foot intervals	twenty (20) foot intervals	thirty (30) foot intervals

Six (6) foot high continuous obscuring	Required	Required	Not Required
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2. The required six (6) foot high continuous obscuring screen may be comprised of plant material, berming, screen walls or fences, or any combination of these elements in addition to the required plant materials.
 3. If berming is used for all or part of the obscuring screen, all required plant materials shall be placed on the top and both sides of the slope. Where necessary the minimum buffer width shall be increased to accommodate side slopes of a maximum of three (3) feet in width to one (1) foot in height.
 4. If a screen wall or fence is used for all or part of the obscuring screen the equivalent of four (4) shrubs is required per twenty (20) linear feet on each side of the wall or fence.
 5. The balance of the required buffer shall be covered with grass or approved ground cover in accordance with this Section.
 6. Any plant material, berm, obscuring screen or other landscape feature shall be installed in such a manner so as not to alter drainage patterns on the site or on adjacent properties; obstruct vision for reasons of safety, ingress or egress; or cause damage to utility lines (above and below ground) and public roadways.
- G. Plant materials shall include evergreens, such as spruce, pines, or firs at least five (5) feet in height, or a hedge of evergreens at least four (4) feet in height, at time of planting, and situated so as to provide an effective sound and visual permanent buffer. The portion of the landscaped area not covered by plantings and trees and plants required as part of the greenbelt shall be kept in a healthy growing condition, neat and orderly in appearance. Dead or diseased plant materials shall be promptly replaced.
- H. Any shrubs, bushes or other growing plants which project into or across adjacent land may be trimmed back to the property line by the adjacent property owner.

SECTION 3.13 CLEAR VISION

- A. No plantings shall be established or maintained on any corner lot which will obstruct the view of a vehicle driver approaching the intersection. Such unobstructed corner shall mean a triangular area formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the street lines or in the case of a rounded property corner from the intersection of the street property lines extended. This shall not prohibit the planting of shrubbery which will not achieve a height at maturity of more than thirty (30) inches.

- B. No vegetation shall be maintained in any setback area which, in the opinion of the Zoning Administrator, will obstruct the view from vehicles entering or leaving the site from driveways or adjacent roadways.

SECTION 3.14 ESSENTIAL SERVICES

The erection, construction, alteration or maintenance of essential services, shall be permitted as authorized or regulated by law and other ordinances in any District. The intent of this is to exempt such actions regarding essential services from the application of this Ordinance.

SECTION 3.15 TEMPORARY STORAGE OF USED MATERIALS

The storage, collection, or placing of used or discarded material, such as lumber, scrap iron, ashes, slag or other commercial or industrial by-products or waste is prohibited without a Temporary Permit obtained from the Zoning Administrator, which shall be accompanied by a performance guarantee. In reviewing such request, the Zoning Administrator shall consider the length of time requested, the visibility of such storage area from surrounding properties, potential safety concerns, the ability to provide adequate security fencing and aesthetic screening, and other factors relevant to the specific location.

SECTION 3.16 ILLEGAL DWELLINGS

The use of any basement for dwelling purposes is forbidden in any Zoning District unless said basement meets the appropriate building codes for the Township. Buildings erected as garages or accessory buildings shall not be occupied for dwelling purposes.

SECTION 3.17 EXCAVATIONS, HOLES, OR PONDS



- A. The construction, maintenance, or existence within the Township of any unprotected, unbarricaded, open, or dangerous excavations, holes, pits, or wells, which constitute or are likely to constitute a danger or menace to the public health, safety, or welfare, are hereby prohibited; provided, however, this Section shall not prevent any excavation under a permit issued by the Building Inspector where such excavations are properly protected and warning signs posted in such manner as approved by the Building Inspector; and provided further, that this Section shall not apply to streams, natural bodies of water, or to ditches, reservoirs, and other such bodies of water created or existing by authority of governmental units or agencies.
- B. This Section shall not include excavations related to approved operations for the removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
- C. Ponds created by excavations shall be setback a minimum of fifteen (15) feet to any property line. The edge of the pond shall be considered the point at which excavations begin. Ponds shall have a side slope of not less than three (3) feet horizontal to one (1) foot vertical run.

SECTION 3.18 OUTDOOR STORAGE IN RESIDENTIAL DISTRICTS

The outdoor storage or parking of recreational vehicles shall be prohibited in all Residential Districts, unless the following minimum conditions are met:

- A. All such vehicles, if parked outside, shall not be located in any front yard, with the exception of those properties found within the WF or RF Districts.
- B. The parking of such vehicles shall be permitted within the side yard setback, but in no case shall the vehicle be located less than three (3) feet from the side property line.
- C. The commercial lease of space for storage or parking of recreational vehicles for compensation shall not be permitted in a Residential District.
- D. Travel trailers, tents, camper trailers, and other similar vehicles or equipment intended or adaptable for sleeping purposes shall require a temporary use permit, issued by the Zoning Administrator, to be placed on a lot within any Residential District, except that federal and state properties shall be exempt from the provisions of this

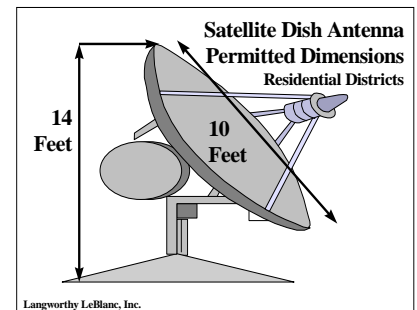
subparagraph. Prior to issuing such permit the Zoning Administrator shall ensure that the following conditions are met.

1. Temporary permits may only be issued for the period between and including May 1 through December 1 of the current calendar year.
2. Vehicles granted a permit must be removed at the end of the permit period.
3. No more than one (1) such vehicle may be permitted on any lot.
4. Such vehicles must be provided with proper and approved safety and sanitary facilities.

SECTION 3.19 SATELLITE DISH ANTENNAS

A. In any Nonresidential District, the following restrictions shall apply:

1. The dish antenna shall be permitted in the side and rear yard or mounted on top of a building, and securely anchored.
2. The nearest part of the antenna shall be at least five (5) feet from any property line.
3. The height shall not exceed the height restrictions in the district in which the proposed device is to be located.
4. No portion of the dish antenna shall contain any name, message, symbol, or other graphic representation intended for the purpose of advertising.
5. A site plan shall be prepared and submitted to the Building Inspector for approval prior to issuance of a building permit. The site plan shall include the proposed location and an elevation drawing showing the proposed height and foundation details.



B. In any Residential District, the following restrictions shall apply:

1. The dish antenna shall be permitted in the rear yard only.
2. The nearest part of the antenna shall be at least (5) feet from any property line.
3. The unit shall be securely anchored as determined by the Building Inspector.
4. The maximum height measured from the ground to the top edge of the dish shall be fourteen (14) feet.
5. The antenna shall be an unobtrusive color, as approved by the Building Inspector. Nor shall any portion of the dish antenna contain any name, message, symbol, or other graphic representation intended for the purpose of advertising.
6. A site plan shall be submitted to the Building Inspector for

approval prior to the issuance of a building permit. The site plan shall include the proposed location of the antenna and an elevation drawing showing the proposed height, color, and foundation details.

- C. These regulations shall not apply to dish antennas that are one (1) meter (39.37 inches) or less in diameter in Residential Districts or two (2) meters or less in diameter in Nonresidential Districts.
- D. The Zoning Administrator shall permit waiver or modification of these restrictions to the minimum extent necessary to permit full reception and use of the dish antenna, if existing buildings, vegetation, topography, or other factors cause interference with reception.

SECTION 3.20 EXTERIOR LIGHTING

- A. All lighting of a high intensity nature, intended to illuminate broad areas, shall be directed away from, and if necessary shall be shielded to prevent the shedding of light onto adjacent properties or roadways.
- B. Light poles for parking lots in Nonresidential Districts or multiple family and nonresidential uses in Residential Districts shall be limited to fifteen (15) feet in height.

SECTION 3.21 HOME OCCUPATIONS

- A. No person other than the resident occupants and one (1) employee who need not be a resident shall be engaged in the home occupation.
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. The home occupation shall be operated in its entirety within the principal dwelling or attached accessory building, but shall not, in any case, exceed a total floor area equal to not more than one-third (33.3%) of the floor area of the dwelling unit.
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) non-illuminated sign, not exceeding six (6) square feet in area.
- D. Any traffic generated by such home occupation shall not be so great as to cause serious adverse effects within or upon the surrounding neighborhood. Parking areas for such home occupation shall be located off the street and other than in a front yard setback area.

- E. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises, if the occupation is conducted in a single-family dwelling, or outside the dwelling unit if conducted in other than a single-family dwelling. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or cause fluctuation in line voltage off the premises.

SECTION 3.22 SEASONAL USES

- A. The Zoning Administrator may issue a permit for the temporary sale of merchandise in any district, related to a seasonal or periodic event. Such seasonal uses shall include the sale of Christmas trees, fireworks, and similar activities, but shall not include roadside stands.
- B. In considering a request for a temporary permit, the Zoning Administrator must determine that the operation of such a use is seasonal in nature and will not be established as a permanent use. The Zoning Administrator will also determine:
 - 1. that the use does not have an unreasonable detrimental effect upon adjacent properties;
 - 2. that the use does not impact the nature of the surrounding neighborhood;
 - 3. that access to the area will not constitute a traffic hazard due to ingress or egress; and
 - 4. that adequate off-street parking is available to accommodate the use.
- C. Each permit shall be valid for a period of not more than two (2) calendar months and may be renewed by the Zoning Administrator for up to one (1) additional successive month, provided the season or event to which the use relates is continued.

SECTION 3.23 NON-CONFORMING USES AND BUILDINGS

- A. General Conditions



1. Except where specifically provided to the contrary, and subject to the provisions of this Section, the lawful use of any building or structure or of any land or premises which is existing and lawful on the effective date of this Ordinance, or in the case of an amendment of this Ordinance, then on the effective date of such amendment, may be continued even though such use does not conform with the provisions of this Ordinance or any amendment thereto.
2. Except where specifically provided to the contrary and subject to the provisions of this Section, a building or structure which is existing and lawful on the effective date of this Ordinance, or, in the case of an amendment of this Ordinance, then on the effective date of such amendment, may be maintained and continued even though such building or structure does not conform with the provisions of this Ordinance or any amendment thereto.
3. Any building or structure shall be considered existing and lawful and for purposes of Section 3.24, A, to have been in use for the purpose for which constructed if on the effective date of this Ordinance, a building permit has been obtained therefore, if required, or, if no building permit is required, a substantial start has been made toward construction and construction is thereafter pursued diligently to conclusion.
4. Any structures or uses which fail to conform to the previous Pine Township Zoning Ordinance, were not permissible, nonconforming uses or structures thereunder, and which violate the Zoning Ordinance shall not be considered permissible nonconforming uses under this Ordinance but shall be considered impermissible nonconforming uses and subject to the enforcement provisions of this Ordinance.

B. Nonconforming building or structures

1. May be extended, enlarged, altered, remodeled or modernized when the Planning Commission determines that the following conditions are met:
 - a. The building or structure shall comply with all height, area, and/or parking and loading provisions with respect to such extension, enlargement, alteration, remodeling or modernization.
 - b. Such alteration, remodeling, or modernization will not substantially extend the life of any nonconforming building or structure.
 - c. The enlargement or extension is limited to the same



- parcel the nonconforming building or structure was located on at the time of the adoption of the Ordinance.
- d. The enlargement or extension will not interfere with the use of other properties in the vicinity.
 - e. The enlargement or extension shall not exceed fifty percent (50%) of the GFA of the original building or structure when it became nonconforming.
2. Any building or structure which is nonconforming by reason of parking or loading provisions and which thereafter provides additional parking and/or loading spaces shall not thereafter be permitted to use such additional spaces to meet requirements for any extension, enlargement, or change of use which requires additional parking and/or loading spaces.
3. Restoration and Repair
- a. Subject to the provisions of this Section, nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure which is unsafe.
 - b. All repairs and maintenance work required to keep a nonconforming building or structure in sound condition may be made but it shall not be structurally altered to permit the use of such building or structure beyond its natural life except for repairs necessary to maintain public safety.
 - c. Nonconforming buildings or structures damaged by fire, wind, Act of God or public enemy:
 - (1) Such buildings or structures may be rebuilt or restored if the cost thereof does not exceed sixty percent (60%) of the true cash value of the nonconforming building or structure prior to its damage or destruction.
 - (2) If the cost of restoration or repair would exceed sixty percent (60%) of the true cash value of the nonconforming building or structure prior to its damage or destruction, a substantial improvement or rebuilding shall only be permitted if first authorized by the Planning Commission. In considering such authorization, the Planning Commission shall consider the following standards:
 - (a) Whether such substantial improvement will



significantly extend the probable duration of the nonconforming use.

- (b) Whether or not the land previously occupied by the nonconforming use can be reasonably used for a use permitted in the applicable District.

- (3) Reconstruction of such buildings shall begin within one (1) year of the date on which the structure was damaged. If such construction is not commenced and proceeding diligently at the end of one (1) year, the dwelling may be rebuilt or restored provided that all yard and requirements of the District in which it is located are met, or the necessary variances obtained from the Zoning Board of Appeals.

C. Nonconforming Uses

1. Change or Discontinuance

a. Except as noted in Section G.2., below, the nonconforming use of a building, structure, land or premises shall not be:

- (1) Re-established after it has been changed to a conforming use.
- (2) Re-established after abandoned or discontinued for a continuous period of twelve (12) months. A nonconforming use shall be determined to be abandoned if one (1) or more of the following conditions exists, and which shall be deemed to constitute an intent on the part of the property owner to abandon the nonconforming use:
 - (a) Utilities, such as water, gas and electricity to the property, have been disconnected;
 - (b) The property, buildings, and grounds, have fallen into disrepair;
 - (c) Signs or other indications of the existence of the nonconforming use have been removed;
 - (d) Removal of equipment or fixtures which are necessary for the operation of the nonconforming use;
 - (e) Other actions, which in the opinion of the

Zoning Administrator, constitute an intention of the part of the property owner or lessee to abandon the nonconforming use.

2. A building, structure, land or premises used for a nonconforming use may be converted to a more conforming use which is less intensive or objectionable use, determined as follows:
 - a. The building or premises may be changed to a use permitted by right in the same district in which the existing nonconforming use would be permitted, if the new use is required by the Zoning Ordinance to have the same, or less, parking and if the new use will be totally enclosed within a building.
 - b. The use of the building or premises may be changed to another nonresidential use which would be permitted by right in a more restricted zoning district.

SECTION 3.24 DEMOLITION PERMITS

No buildings shall be razed until a permit has been obtained from the Zoning Administrator who shall be authorized to require a performance bond in such amount according to a schedule as determined by the Township Board. Such bond shall be conditioned on the applicant completing the razing within a reasonable period as prescribed in the permit and complying with such requirements as to health and safety as the Zoning Administrator may prescribe, including, but not limited to, filling excavations and proper termination of utility connections.

SECTION 3.25 PRIVATE STREETS

A. Purpose

The Township determines that it is in the best interest of the public health, safety, and welfare to regulate the construction, improvement, extension, relocation, and use of private streets. These provisions have been enacted to assure that private streets:

1. will not be detrimental to the public health, safety, or general welfare;
2. will not adversely affect the long term development policies of Pine Township;
3. will be designed and constructed with width, surface, and grade to assure safe passage and maneuverability of private vehicles, police, fire, ambulance, and other safety vehicles.



4. will be constructed so as to protect against or minimize soil erosion and prevent damage to the lakes, streams, wetlands, and natural environment of the Township.

B. Definitions

1. "Driveway" means an undedicated, privately controlled and maintained right-of-way or other interest in land that provides the means of access to fewer than three (3) lots or parcels.
2. "Frontage" means the continuous linear distance of that portion of a lot or parcel abutting upon a public or private street right-of-way. Frontage is to be measured at the minimum required front yard setback of the District in which the lot or parcel is located.
3. "Parcel" means a tract of land which can be legally described with certainty and is capable of being located by survey.
4. "Private street" means an undedicated, privately controlled and maintained right-of-way or other interest in land that provides the means of access to three (3) or more lots or parcels. The term "street" shall be synonymous with the terms road, avenue, place, way, drive, lane, boulevard, highway or other thoroughfare.
5. "Road Commission" means the Montcalm County Road Commission.
6. "Safe and unimpeded route of travel" shall mean a roadway of adequate width to accommodate the safe, two-way passage of vehicles, and of sufficient construction to accommodate any fire, police, rescue, or other emergency vehicle which may be utilized by the Township.

C. Frontage and Access

1. Any three (3) or more contiguous lots not having frontage on a public street shall have frontage upon a private street.
2. All parcels utilizing a private street shall have frontage on the private street for a distance equal to or greater than the minimum lot width required for the District in which the parcel is located.
3. All private streets shall have direct access to a public street.
4. Any two (2) contiguous lots not having frontage on a public street shall be served by a driveway constructed within a minimum lot frontage of sixty-six (66) feet upon a public street.

D. Permits

1. No individual, association, corporation, or entity, either public or private, shall construct or extend a private street without first



having obtained a private street permit from the Township Board.

2. The Building Inspector shall not issue building permits for construction of any building or structure on lots served by a private street until construction of a private street meeting the requirements of this Section has been completed.
3. A driveway permit for access to any public street shall be obtained from the Road Commission.
4. A Soil Erosion and Sedimentation Control permit shall be obtained from the Montcalm County Drain Commissioner, as may be required by the Soil Erosion and Sedimentation Control Act of 1972, as amended.
5. All other required State of Michigan permits shall be obtained.
6. The Township Board may elect to have all design and construction plans reviewed by the Township's attorney, engineer, or planner prior to consideration of the application for the private street permit.

E. Application

An application for a private street permit shall contain the following:

1. A completed private street permit application, provided by the Township.
2. A detailed written description of the development to be served by the private street.
3. Seven (7) copies of a site plan, drawn to scale, prepared by a registered engineer, or other individual determined by the Township Board to be qualified, showing the precise location, grade, route, elevation, dimensions, and design of the private street and any proposed extensions thereto, existing and proposed curb cuts, and the location and distance to any public streets which the private street is to intersect. Proposed street names shall also be provided, including a letter from the Montcalm County Road Commission approving such name(s).
4. A survey of the right-of-way by a registered land surveyor, together with lot dimensions and required setback lines for each parcel to be served by the private street.
5. The location of all public utility easements, including, but not limited to, water, sewer, telephone, gas, electricity, and television cable to be located within the private street right-of-way or within twenty (20) feet of either side thereof. Copies of the instruments describing and granting such easements shall be submitted with the application.
6. The location of any lakes, streams, wetlands, and drains within the proposed right-of-way or within one-hundred (100) feet

thereof.

7. The location of any other buildings and structures located, or to be located, within one-hundred (100) feet of the private street right-of-way.

F. Design Requirements

1. Construction specifications and materials for newly established or reconstructed private streets.
 - a. The specifications for surface and base materials, longitudinal grade, method of construction, and signs shall conform to the Road Commission standards for local paved or gravel roads, as applicable.
 - b. Private streets shall have a minimum width of twenty (20) feet of traveled surface.
 - c. Private streets serving ten (10) or fewer parcels may be constructed as a gravel road.
 - d. Private streets serving more than ten (10) parcels shall be constructed as a paved road.
2. Length of private streets.
 - a. No private street shall extend for a distance of more than four thousand (4,000) feet in length from the nearest public street right-of-way from which access is gained, as measured along the centerline of the private street to the furthest point of any private street, except as otherwise noted, without a private street access complying with this Section being provided to another public street.
 - b. The maximum length of a proposed private street may be exceeded if the Township Board, after recommendation of the Planning Commission, finds that at least one (1) of the following conditions exists:
 - (1) That topography or other significant natural features preclude access to any other public street or adjoining property on which a public street may be constructed. Such significant natural features shall be clearly identified and marked on the proposed private street plans.
 - (2) That not allowing a longer private street would result in inefficient use of land. Alternate development plans demonstrating that no other development is feasible shall be submitted by the applicant and reviewed by the Township Board



- prior to confirming this finding.
- (3) That other methods of access are available such that emergency vehicles are assured a safe and unimpeded route of travel to the properties served by the private street. Such access shall be reviewed by the Fire Chief and the recommendation forwarded to the Planning Commission.
- c. The Township Board, upon a finding that at least one (1) of the above conditions exists, shall establish the maximum length of the proposed private street.
3. Right-of-way/easement width.
 - a. All private streets constructed after the effective date of this amendment shall have a recorded permanent right-of-way and easement with a minimum width of at least sixty-six (66) feet. The right-of-way shall also expressly permit public or private utilities to be installed within the right-of-way.
 - b. Private streets in existence as of the effective date of this amendment whose right-of-way or easement width is less than sixty-six (66) feet need not provide additional right-of-way or easement width, but such width shall not be subsequently reduced so as to increase its noncompliance with these requirements.
 - c. All setbacks required by this Ordinance shall be measured from the easement right-of-way. Minimum lot area and lot width requirements shall exclude any private street easements.
 4. The layout of the private street and the intersections of the private street with either a public or private street shall be such that clear vision, safe turning and travel in all directions at the posted speed limit is assured, as determined by the Township engineer. The minimum distance between intersections of public and/or private street rights-of-way shall not be less than one-hundred and fifty (150) feet, as measured along the right-

of-way line thereof.

5. Existing private streets

A private street existing on the effective date of this Section may continue in existence and be maintained and used, though it may not comply with the provisions of this Section. Such private streets shall be continuously maintained so as to provide a safe and unimpeded route of travel for motor vehicle traffic, pedestrians, and emergency vehicles in all weather conditions.

6. Addition of lots or parcels of land to existing private streets.

- a. Any private street existing on the effective date of this Section equal to or exceeding two thousand (2,000) feet in length to which one (1) or more additional lots or parcels are created or otherwise permitted access, the entire length of the existing private street shall be upgraded to comply with the applicable requirements of Section 3.26, subsection F, Design Requirements.
- b. Any private street existing on the effective date of this Section which is less than two thousand (2,000) feet in length and to which one (1) or more additional lots or parcels are created or otherwise permitted access to the private street, then the entire length of the existing private street shall be constructed and maintained so as to provide a safe and unimpeded route of travel for motor vehicle traffic, pedestrians, emergency vehicles in all weather conditions.

7. Existing portion of extended private streets.

- a. If a private street existing on the effective date of this Section is extended by the construction and use of an additional length of private street equaling or exceeding five-hundred (500) feet, the entire private street, including the existing portion and the additional portion, shall comply with the applicable requirements of subsection F.
- b. Private streets in existence at the time of the adoption of this amendment that are subsequently extended for a

distance of less than five hundred (500) feet shall be constructed in the same manner as the existing portion of the private street, provided that the entire private street shall be maintained so as to provide a safe and unimpeded route of travel for motor vehicle traffic, pedestrians, and emergency vehicles in all weather conditions.

- G. Review standards; modification of certain requirements.
1. Prior to approving a private street permit application, the Township Board shall determine the following:
 - a. The proposed private street will not be detrimental to the public health, safety, or general welfare.
 - b. The proposed private street will not adversely affect the use of land.
 - c. That the private street is constructed to assure a safe and unimpeded route of travel for motor vehicle traffic, pedestrians, and emergency vehicles in all weather conditions.
 - d. That the private street is constructed so as to protect against or minimize soil erosion and prevent damage to the lakes, streams, wetlands, and natural environment of the Township.
 - e. The construction of the private street will conform to the requirements of this Section.
 2. The Township Board may require that the applicant comply with reasonable conditions relative to the design and construction of the private street.
 3. Upon application the Township Board may modify any of the private street requirements of this Section after finding that all of the following conditions exist:
 - a. Topography, soils, and/or other significant natural features physically preclude or prevent compliance with the requirements of this Section without substantial alteration of such natural features. Such natural features shall be clearly identified and described in the application of any such modification.
 - b. The justification of any modification is not due solely to financial considerations which, upon approval of the requested modification would provide a financial benefit.



- c. That no other reasonable private street design alternatives are available that would comply with the requirements of this Section.
- d. That the request for modification was reviewed by the Fire Chief or Township Planner, or any other person or official designated by the Township Board.

H. Maintenance and Repairs

- 1. Private streets shall be maintained in a manner that complies with the provisions of this Section.
- 2. All driveways and private streets shall be continuously maintained in such a way that they will not constitute a danger to the health, safety, and welfare of the inhabitants of the Township. All driveways and private streets shall be continuously maintained in such a way that they assure a safe and unimpeded route of travel for motor vehicle traffic, pedestrians, and emergency vehicles in all weather conditions.
- 3. All costs for maintenance and repair of the private street shall be the responsibility of the property owners or any property owners association served by the private street.
- 4. Private street maintenance or restrictive covenant agreements.
 - a. The applicant(s)/owner(s) of the proposed private street right-of-way or private street shall provide the Township Board with a recordable private street maintenance or restrictive covenant agreement between the owner(s) of the private street right-of-way and any other parties having any interest therein, or other documentation satisfactory to the Township Board which shall provide for and assure that the private street shall be regularly maintained, repaired, and snow plowed so as to assure that the private street is safe for travel at all times and the cost thereof paid.
 - b. The applicant(s) agree, by filing an application for and receiving a permit under this Ordinance, that they will assure that any building(s) or parcels thereafter created or constructed on the private street shall also be subject to the street maintenance or restrictive covenant agreement and that said agreement shall be recorded and shall run with the land. A copy of said agreement shall be furnished to the Township Board prior to the issuance of the private street permit.

I. Performance Guarantee

The Township Board may, as a condition of the private street construction permit, require that the applicant provide a performance guarantee, in accordance with the provisions of the Zoning Act and Section 17.05 of this Ordinance.

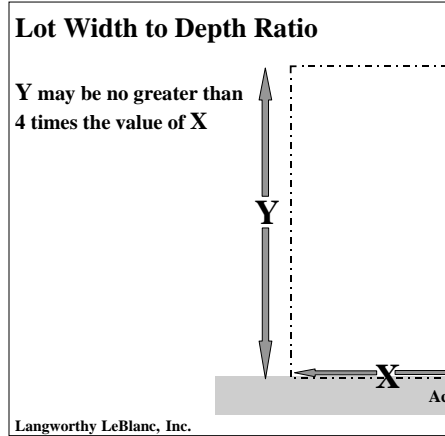
- J. Inspections/Certificate of Compliance
1. Upon completion of construction of the private street, the Township Engineer shall inspect the completed construction to determine whether it complies with the approved plans, specifications, permit, and this Ordinance.
 2. The applicant(s), at the applicant(s)'s expense, shall provide the Township with a set of "as built" drawings bearing a certificate and statement from a registered engineer certifying that the private street has been completed in accordance with the requirements of the permit and the Road Commission.
 3. If the completed private street does not satisfy the requirements of the permit or this Ordinance, the applicant(s) shall be notified of the noncompliance in writing and shall be given a reasonable period of time within which to correct the deficiencies. Failure to correct the deficiencies within the time provided shall subject the applicant(s) to the penalties provided for in Section 17.03.
- K. Fees for the permits required hereunder shall be set by the Township Board from time to time by resolution. Additionally, the Township Board may require that the applicant(s) put sufficient funds in escrow to cover the costs of having the Township attorney, engineer, planner, or other professional review the private street plans, specifications, and maintenance agreements, and to do the necessary inspections.
- L. The applicant(s)/owner(s) of the private street agree that by applying for or securing a permit to construct the private street that they shall indemnify and will hold the Township harmless from any and all claims for personal injury and/or property damage arising out of the use of the private street or of the failure to properly construct, maintain, use, repair, and replace the private street.

SECTION 3.26 MAXIMUM WIDTH TO DEPTH RATIO

- A. In all Residential Districts, no lot shall be created whose lot depth exceeds four (4) times its width, except for residentially zoned lots or parcels that have more than one half (½) of their street frontage on a cul-de-sac. For purposes of this Section, the beginning points of a cul-de-sac shall be deemed to be the intersections of the radius of the cul-de-sac with the right-of-way lines of the street connected to the

cul-de-sac.

- B. In the case of an unimproved corner lot or corner parcel, the depth of a lot or parcel shall be measured midway between the side lot lines and from the front lot line to the rear lot line along the dimension of the lot comprising the greatest distance.
- C. The Planning Commission may permit the creation of a lot or parcel to be used for the construction of a building which does not comply with this Section. In determining whether to grant such approval, the Planning Commission shall first find that the greater depth is necessitated by conditions of the land in question, such as topography, road access, soils, wetlands, or floodplain, and that creation or use of such lot will not conflict with other Township ordinances and regulations, unless an appropriate variance is received from such other Ordinances or regulations.



SECTION 3.27 SITE CONDOMINIUMS

- A. A site condominium unit shall be a unit created by the division of land on the basis of condominium ownership which is not subject to the provisions of the Land Division Act, Public Act 591 of 1996, as amended.
- B. A site condominium unit shall be treated as a separate lot or parcel and may have such buildings constructed thereon and such uses conducted thereon as allowed in such zoning district provided such unit meets the District Regulations for the zoning district in which it is located.
- C. A site plan, including all the condominium documents required for the establishment of a condominium, shall be reviewed and approved by the Planning Commission in accordance with Chapter 14.

SECTION 3.28 KEEPING OF ANIMALS

- A. The keeping of domestic or farm animals shall be considered customary to, and commonly associated with, the operation of the Permitted Uses or Special Land Uses, subject to the requirements of this Section.
- B. The keeping of farm animals shall not be permitted within the LDR, Low Density Residential, District.

- C. No more than a total of three (3) adult (six (6) months of age or older) cats, dogs or other similar household pets shall be kept or housed for each dwelling unit.

- D. Any other provision of this Ordinance notwithstanding, the keeping, housing, raising, or use of medical care for fowl or animals other than house pets of an occupant of the premises, is subject to the following provisions:
 - 1. Any pen or building or structure housing these animals shall be a minimum of fifty (50) feet from any property line.
 - 2. On lots of one-half (½) acre or less: raising and keeping fowl and/or rabbits and/or other small animals for pets, not to exceed three (3) per family;
 - 3. On lots of greater than one-half (½) acre, but less than two (2) acres: raising and keeping fowl and/or rabbits and/or other small animals commonly not exceeding a total of twenty-four (24) such animals in any combination;
 - 4. On lots of two (2) acres, but less than five (5) within the AP District, the uses permitted by paragraph 2, above, except that up to one hundred (100) fowl and other small animals are permitted; and one (1) horse, or one (1) cow, or one (1) pig for each acre, or part thereof, up to a maximum of five (5) such animals, in any combination,.
 - 5. For lots greater than five (5) acres within the AP District, no limit.
 - 6. A minimum of three (3) acres shall be required for any commercial kennel or riding stable, and further provided that animal hospitals or veterinary clinics need not provide more area than required in the District in which it is permitted.

- E. Where animals other than house pets of the owner or occupant of the premises are kept or allowed outside, a fence of such construction as to keep said animals from leaving the premises at will shall be provided and regularly maintained.

SECTION 3.29 SWIMMING POOLS

- A. Pools used for swimming or bathing shall be in conformity with the requirements of this Section; provided, however, these regulations shall not be applicable to any such pool less than twenty-four (24) inches deep or having a surface area less than two hundred and fifty (250) square feet, except where such pools are permanently equipped with a water recirculating system or involve structural materials.



- B. A swimming pool or appurtenances thereto shall not be constructed, installed, enlarged or altered until a building permit has been obtained.
- C. The outside edge of the pool wall shall not be located closer than ten (10) feet from any rear or side property line. Swimming pools shall not be located in the front yard.
- D. Each pool shall be enclosed by a fence or wall with a height of at least five (5) feet, sufficient to make such body of water inaccessible to small children. Such enclosure, including gates therein, must be not less than four (4) feet above the underlying ground; all gates must be self-latching with latches placed four (4) feet above the underlying ground or otherwise made inaccessible from the outside to small children.
- E. All swimming pool installations shall comply with the State Construction Code and all standard codes referred to therein.

SECTION 3.30 RIPARIAN ACCESS

The following restrictions are intended to limit the number of users of lake or stream frontage in order to preserve the quality of the waters, to promote safety, and to preserve the quality of recreational use of all waters within the township.

- A. In all Districts there shall be at least one hundred (100) feet of lake frontage, except where a lesser amount is permitted by Section 7.04, C, and at least one hundred (100) feet of river or stream frontage, as measured along the ordinary high water mark of the lake, river, or stream, for each single family dwelling, two-family dwelling unit, or multiple-family dwelling unit utilizing or accessing the lake, river, or stream frontage. For example, a multiple family building with four (4) dwelling units would require four hundred (400) feet of lake frontage to gain access to the lake for all of the units.
- B. The restrictions of this Section shall apply to all lots and parcels on or

abutting any lake, river, or stream in all Districts, regardless of whether access to the lake, river, or stream waters shall be by easement, park, common-fee ownership, single-fee ownership, condominium arrangement, license, or lease.

SECTION 3.31 STORAGE AND REPAIR OF VEHICLES

The carrying out of repair, restoration and maintenance procedures or projects on vehicles in any Residential District, when such work is not conducted entirely within the interior of a building, shall be subject to the following limitations:

- A. Procedures or projects which require the vehicle to be immobile or inoperable in excess of sixty (60) days within any twelve (12) month period shall be carried out within an enclosed building.
- B. Inoperable vehicles and vehicle parts shall be stored inside a building, except for one (1) such vehicle which may be stored in the rear yard in a location not plainly visible from the street or adjoining properties.



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