

## **ARTICLE 6**

### **SUPPLEMENTAL REGULATIONS**

#### **SECTION 6.01 PURPOSE**

There are certain conditions concerning land uses that warrant specific regulations and standards in addition to the requirement of the zoning districts in which they are located.

#### **SECTION 6.02 ACCESSORY BUILDING**

- A. No accessory building, other than a small accessory building (200 square feet or less), shall be located nearer a side or rear lot line than this ordinance permits for a principal structure in the zone.
- B. When an accessory building has been or is to be attached to a principal building, it shall be treated as part of the principal building for purposes of determining required yard dimensions.
- C. No accessory building shall project into any required front-yard set back.
- D. A small accessory building (200 square feet or less) may be placed no closer than eight feet to a side or rear lot line.

#### **SECTION 6.03 LOT – BUILDING RELATIONSHIP**

Hereafter, every building erected, altered, or moved shall be located on a lot of record as defined herein, and except in the case of an approved multiple dwelling development, there shall be no more than one (1) principal building and its permitted accessory structures located on each lot in a residential district.

#### **SECTION 6.04 ACCESSORY BUILDING AS A DWELLING**

No accessory building on the same lot as a principal building shall be used for dwelling purposes.

#### **SECTION 6.05 BASEMENT AS DWELLING**

No basement structure shall be used for occupancy unless a completed story is situated immediately above the basement structure and that the story is used as a dwelling.

**SECTION 6.06      REQUIRED WATER SUPPLY AND SANITARY  
SEWERAGE FACILITIES**

No structure for human occupancy or use shall be constructed, altered, moved, occupied or used except in conformity with all applicable laws and regulations of the State of Michigan and the Calhoun County Department of Public Health.

**SECTION 6.07      GREEN BELT BUFFER**

Prior to the commencement of construction of any structure or building in a commercial district or industrial district where such property abuts, adjoins, or is adjacent to a residential zone, a greenbelt or opaque wall or fence shall be established. If any opaque wall or fence is built in lieu of a greenbelt it shall be at least six (6) feet in height. A greenbelt shall have a minimum width of twenty (20) feet and shall thereafter be maintained, so as not to create a nuisance. A greenbelt may consist of a combination of the following plant material: grass, evergreens, deciduous trees, shrubs and bushes.

**SECTION 6.08      ACCESS TO A STREET/PRIVATE ROAD**

Any lot of record created prior to the effective date of this ordinance without any frontage on a public street or way shall not be occupied except where access to a public street or way is proved by a public or private easement or other right of way no less than twenty (20) feet in width. Public access to commercial, industrial or recreational uses shall not be designed so as to pass through the residential neighborhoods. A private road, which serves more than one separately held parcel, or more than one dwelling unit, or no more than one commercial or industrial activity, shall be constructed to Calhoun County Road Commission standards provided, while such road remains private, hard surfacing will not be required until such private road serves three (3) or more parcels, lots, dwelling units or two (2) or more commercial or industrial sites.

**SECTION 6.09      VISIBILITY AT INTERSECTIONS**

No fence, wall, hedge, screen, sign, structure, vegetation or planting shall be higher than three (3) feet above street grade or any corner lot or parcel within the triangular area formed by the intersecting street right of way line at points which are thirty (30) feet distant from the point of intersection, measured along the street right of way lines. This provision shall apply in all zoning districts.

**SECTION 6.10      STREET CLOSURES**

Whenever any street, alley, or other public way is vacated by official action, the zoning district adjoining each side of such public way shall automatically be extended to the center of such vacation, and all area included therein shall

henceforth be subject to all appropriate regulations of that district within which such area is located.

**SECTION 6.11 HEIGHT REGULATIONS**

The height requirements established in this ordinance shall apply uniformly in each zoning district to every building and structure except that the following structures and appurtenances shall be exempt from the height requirements of the ordinance: spires, belfries, penthouses, and domes not used for human occupancy; chimneys; ventilators; skylights; water tanks; bulkheads; utility poles; power lines; radio and television broadcasting and other receiving antennae that do not exceed fifty (50) feet in height; silos; parapets; and other necessary mechanical appurtenance provided their location shall conform where applicable to the requirements of the federal communications commission, the civil aeronautics administration and other public authorities having jurisdiction.

**SECTION 6.12 FENCES, WALLS AND SCREENS**

Within the limits of a front yard of a lot within a residential district, no fence, wall, other than necessary retaining wall, or other screening structure shall be higher than four (4) four feet and shall not be opaque in nature. Within the limits of a side or rear yard within a residential district, no such fence, wall or screen shall be higher than six (6) feet. Within a commercial or industrial district, no such fence or wall located within a front yard shall exceed six (6) feet in height and in a side or rear yard shall not exceed eight (8) feet in height.

**SECTION 6.13 SHORELINE EXCAVATION AND DREDGING**

No persons shall alter, change, transform or otherwise vary the edge, bank or shore of any lake, river or stream except in conformance with the inland lakes and streams act, Public Act 291 of 1965, as amended, and in accordance with the requirements of the State of Michigan.

**SECTION 6.14 ESSENTIAL SERVICES**

For purpose of this ordinance, the following provisions shall apply:

- A. The surface of land used for pipe line right of ways shall be restored and maintained as near as possible to its original condition as prior to the construction of the pipeline.
- B. Essential services shall be exempt from all area requirements in the agricultural, and industrial district.

**SECTION 6.15 SWIMMING POOLS**

All in-the-ground or aboveground swimming pools shall conform to the requirements of the county health department and the township building code.

**SECTION 6.16 CONTINUED CONFORMANCE WITH REGULATIONS**

The maintenance of yards, open spaces, lot areas, height and bulk limitations, fences, walls, clear vision areas, parking and loading spaces, and all other requirements for a building or use specified within this ordinance shall be a continuing obligation of the owner of such building or property on which such building or use is located.

**SECTION 6.17 RESTRICTIONS ON SUBDIVISIONS**

No platted lot shall be further subdivided. A conveyance between owners of adjoining platted lots that does not increase the number of parcels shall not be deemed a subdivision within the meaning of this provision. No platted or unplatted lot or parcel shall be divided or reconfigured in a way that creates a nonconformity under, or violation of, this ordinance including, without limitation, leaving or creating a set back less than required or a lot of less than the minimum size permitted in the district.

**SECTION 6.18 ALTERNATIVE USES OF TRAILERS, MOBILE HOMES AND VEHICLES PROHIBITED**

- A. No structure manufactured as a mobile home or house trailer, whether or not in its original configuration, shall be placed, installed, or used in any Zoning District for any purpose other than as a dwelling for human occupancy.
- B. No motor vehicle, railroad car, semi-trailer, farm vehicle or other vehicle structure, or article of equipment originally manufactured for transportation purposes shall be placed in any Zoning District, nor affixed to any premises to be used as a dwelling, shelter, storage facility, or for any other use other than its original intended purpose.

**SECTION 6.19 SITE PLAN REVIEW**

A site plan shall be submitted for any permitted use in the "MHP", "MF", "HS", or "LI" zoning districts. In addition, an application for a conditional use within any zoning district shall require the submission, review and approval of a site plan, or in some instances a sketch plan, before the conditional use permit is formally granted. Any application for development, or where a private road is to serve three (3) or more parcels, lots or dwelling units, shall require the submission of a site plan,

which may also require review and approval by other agencies at the county and state level, prior to final approval by the Township Planning Commission.

The Planning Commission shall review and approve all site plans, utilizing input from the Zoning Administrator and/or any professional assistance necessary to undertake a complete review of the submission. The Township Board or Planning Commission may require the applicant to submit a preliminary site plan, or possibly a sketch plan, with any application for a conditional use permit in any district. This preliminary site plan shall be reviewed by the Planning Commission as they review the request for conditional use. The Planning Commission shall then recommend approval without condition, approval subject to condition or denial of the use, with these recommendations forwarded to the Township Board with the preliminary site plan for their review and decision. Should the Township Board approve the conditional use, the applicant may be required to submit a formal site plan for final approval by the Planning Commission. This shall provide the Zoning Administrator and/or Building Inspector with the specific detail for approval of the necessary permits. The applicant is required to construct and develop the site in strict conformance with the approved site plan. Any requested deviation from this approved plan shall be submitted to the Zoning Administrator, with minor alterations approved administratively or substantial revisions requiring Planning Commission review and approval.

For permitted uses and approved conditional uses, eight (8) copies of a full site plan shall be submitted which meet all of the following requirements:

- A. The plan shall be to a scale of no less than one inch equals twenty feet (1" = 20') nor greater than one inch equals one hundred feet (1" = 100') and of sufficient accuracy in order to interpret the plan.
- B. The plan shall show an appropriate legend, scale, north arrow, etc.
- C. A small vicinity map (1" = 200') shall be included, showing the general location of the site within the Township (including north arrow and adjoining streets).
- D. The plan shall identify the site by lot lines corresponding to the legal description for the property.
- E. The plan shall identify the topography and proposed site drainage plan. Spot elevations may be sufficient to show how storm water will be retained onsite. If storm water is proposed for discharge offsite, the applicant must provide detail of the overall drainage plan and acceptance of the plan by any impacted properties. Soil types should also be identified in order to determine the potential for natural filtration.

- F. The plan shall identify existing natural features and include a proposed landscape plan for the site. This shall include open space areas and any screening, fencing or other improvements associated with minimizing the impact of development on adjacent properties.
- G. The plan shall show any existing man-made features both onsite as well as within one hundred feet (100') of the site boundary. These features may include buildings or other structures, utilities or easements.
- H. The plan should identify the proposed building grade and elevation and indicate the dimensions of the building (including height) and distance from property lines.
- I. The plan should identify both vehicular and pedestrian circulation, access points, drive lane widths, number of parking spaces and their size (including required handicapped), loading and unloading areas, sidewalks, etc.
- J. The plan should provide suitable information on both the applicant and his/her consultant, including name, address, telephone number, etc. Should the applicant not be the owner of the property, the name of the owner should be indicated and the applicant should verify the owner's consent through an option, lease, sales agreement or signed affidavit.
- K. Should the project be proposed in phases, a phasing plan should be submitted. This may include the required detail for the first phase under review and a concept plan for the remaining phases.
- L. Should the site include common open space or concepts of planned unit development, the site plan shall indicate any restrictive covenants or deed restrictions inconsistent with the Township ordinance requirements.
- M. The plan shall show the location of lighting, location for waste disposal, any outdoor storage or display areas or other site improvements.
- N. The seal or signature of the registered engineer, architect, landscape architect, surveyor or planner who prepared the plan.
- O. Any other information the applicant believes is necessary to provide sufficient detail for the review and approval by the Planning Commission.

The Township Board or Planning Commission may require the applicant to submit a preliminary site plan with a conditional use application, or a sketch plan where appropriate. Sketch plans are most suitable for conditional uses in the agricultural and residential zones. The applicant shall submit eight (8) copies of the sketch plan, which may be on 8 1/2" x 11" paper and to an appropriate scale (1" = 50'), in

order to provide sufficient clarity. The following information is required for submission of a sketch plan:

- A. Information on the applicant, including name, address, telephone number and intended use of the site.
- B. The address and parcel number of the site, dimensions of the property and dimensions of any proposed buildings, including setback distances.
- C. Relevant information concerning adjacent properties or adjoining roads. Points of access, location of easements and utilities, general parking areas and any natural or man-made features that define the site.
- D. The applicant may also submit related documentation (boundary or mortgage survey, photographs, etc.) to assist and support the application.

The Zoning Administrator, Township Clerk or official assigned to process the application and plans shall notify the applicant of the time and date of the next Planning Commission meeting at which the application will be reviewed. The required fee shall be paid prior to scheduling the application and/or site plan for review. The Township may also request a review of the site plan by a professional engineering, planning, surveying or architectural firm, with that cost to be borne by the applicant as part of this fee.

The Planning Commission may approve submitted site plans or sketch plans lacking some of the required information. Should the applicant not meet the ordinance requirements and the Planning Commission not take action on the plan, the applicant may be required to reimburse any additional costs to the Township for such extended review. The Township may also require a compliance bond or withhold an occupancy permit until all improvements shown on the site plan have been met.

When the applicant receives site plan review approval, the development of the subject property must be in complete conformity with the approved plan. If a building permit has not been obtained and development begun within one (1) year of the date of approval, such approval shall become void and the applicant must submit a new application and proceed as if prior approval had not been granted.

In the process of reviewing the site plan, the Planning Commission shall consider the following:

- A. The location and design of driveways providing vehicular ingress and egress from the site, in relation to streets giving access to the site and in relation to pedestrian traffic. The Planning Commission may require a traffic impact analysis for any use or development projected to generate more than fifty (50) vehicle trips per day.

- B. The location and design of internal drives and parking areas and the relationship of these to adjoining properties.
- C. The Planning Commission may require landscaping, fencing or other screening improvements in order to minimize the impact on adjoining properties and to enhance the appearance of the property.

**SECTION 6.20      ALTERNATIVE HEAT/FUEL FURNACES**

The use of any free-standing furnace structure that is designed to provide heat or hot water to any residence or accessory building, not located within the residence or accessory building, shall be subject to the following requirements:

- A. The building housing the furnace structure shall be located within the rear yard and shall be setback no less than 150 feet from any adjoining residence and no less than 100 feet from any adjoining property line.
- B. The furnace shall not emit dense smoke for more than twenty minutes within any hour of a 24-hour period, when the fire is being kindled, or such emission shall be a violation of this ordinance. The emission of “dense smoke” shall be defined as: Smoke of a density equal to or greater than the density described as number two (#2) on the Ringelmann Smoke Chart, hereby adopted by reference, as published by the Department of the Interior, Bureau of Mines, as amended or revised.
- C. The chimney of an outdoor free standing wood or coal burning furnace installed shall be no less than two (2) feet above the roof peak of the furnace structure. If the furnace should be installed within a garage or other similar building, the chimney height shall be no less than six (6) feet above the height of the roof peak on that portion of the building where it has been installed.