

## **Chapter 3**

### **General Requirements**

#### **Section 301. Scope of Regulations**

The standards and regulations contained in this Ordinance shall apply to all land, buildings, structures, land uses, and land development projects that are established or commenced after the effective date of this Ordinance. Accordingly, no lots or parcels may be created or altered, nor any land use be established or commenced, nor any building or structure constructed, altered, or extended, except in a manner that complies with the provisions of this Ordinance.

#### **Section 302. Supplementary Use Regulations**

- (1) **Building Permits Required.** Any construction related to any type of zoning approval shall be commenced only after a building permit has been issued.
- (2) **Prior Building Permits.** Any building permit issued prior to the effective date of this Ordinance shall be valid, even though not conforming to the provisions of this Ordinance, *provided* that construction is commenced within ninety (90) days after the date the permit was issued and that the building is completed according to the plans filed with the permit application within one (1) year of the date of issuance.
- (3) **Buildings to be Moved.** No building shall be moved into or within the Township until a permit has been secured for the building to be moved.
- (4) **Temporary Occupancy Permit.** A temporary occupancy permit may be issued for a period of up to six (6) months, and may be renewed once for up to an additional six (6) months.
- (5) **Health Department Approval Required.** Permits shall not be issued for the construction or establishment of buildings or uses requiring water or wastewater systems unless and until an applicant provides copies of the appropriate well and septic permits issued by the Saginaw County Health Department.
- (6) **Accessory Uses.** Nothing in this Ordinance shall be construed to prohibit the following accessory uses. Accessory buildings shall meet the requirements of Section 306.
  - (a) Customary refreshment and service uses and buildings that are incidental to the recreational use of any park or recreation area.
  - (b) Buildings or structures necessary for provision of essential services.

- (c) Gardens, garden ornaments, and usual landscape features within a required yard space.
  - (d) Fences within a required yard space, provided that they comply with the requirements of Section 302(11).
  - (e) Retaining walls.
  - (f) Public playgrounds.
  - (g) Off-street parking for licensed motor vehicles as specified in Chapter 7.
  - (h) Home Occupations.
  - (i) Use of premises as a voting place.
  - (j) The renting of rooms to not more than two (2) non-transient persons in a dwelling unit that is otherwise occupied in a manner permitted in the district in which it is located.
- (7) **Garbage, Rubbish and Junk.** All parcels must be kept free of all garbage, rubbish and junk. Garbage, rubbish and junk placed in containers specifically designed for storage of these materials may be stored on a parcel until the next available collection date.
- (8) **Inoperative or Dismantled Vehicles.** The storage of dismantled, wrecked and/or unlicensed vehicles, including recreational vehicles and equipment, within any Zoning District is expressly prohibited *unless* (a) the vehicles are contained within a licensed junkyard or an enclosed structure; or (b) provided that the storage period does not exceed one week. The storage period may be extended with written permission of the Zoning Administrator.
- (9) **Parking of Recreational Vehicles and Placement of Miscellaneous Equipment.** The parking of recreational vehicles and equipment, including travel trailers, campers, snowmobiles, boats, similar recreational equipment, and outdoor mechanical heating devices (“outdoor furnaces”) in any Agricultural or Residential Zoning District must conform to the required setbacks for accessory structures and to overall limitations for lot coverage.
- (10) **Heavy Vehicles.** Overnight parking of commercial vehicles in excess of one (1) ton rated capacity, including all semi-truck tractors and trailers, is prohibited within any Residential Zoning District. This section shall not prohibit the temporary parking of commercial vehicles associated with any lawful use permitted in the zoning district, such as delivery and service vehicles, nor shall it prohibit the parking of contractors’ vehicles and trailers that are associated with construction activities carried out under a building permit.

- (11) **Fences, Walls, and Screens.**
  - (a) No fence, wall, or structural screen, other than plant materials, shall exceed six (6) feet in height in any Residential Zoning District.
  - (b) In any Zoning District, fences, walls, or structural screens shall not exceed four (4) feet in height in any front yard and must be chain link or constructed in such a way that the fence can be seen through for its entire length.
  - (c) No fence, wall or hedge plantings shall exceed a height of three (3) feet within twenty (20) feet of any street right-of-way line.
  - (d) If fencing is located less than two (2) feet from a lot line, it shall be installed with the finished (“good”) side facing toward adjacent properties.
- (12) **Garage and Yard Sales.** Sales of used material from a single family dwelling may occur twice a year for a period not to exceed three (3) days for each occurrence.
- (13) **Land Clearing.** The clearing of any parcel over two acres shall require a special use permit issued by the Township Planning Commission.
- (14) **Stumps, Branches, and Debris.** The storage or burial of stumps, branches, wood, and other debris shall not be permitted on any parcel.

### **Section 303. Supplementary Dwelling Regulations**

- (1) **Must Comply With Code Requirements.** Every dwelling must comply with all pertinent housing, fire, and construction codes in addition to the requirements of this Ordinance. This includes meeting or exceeding all applicable roof snow loads and strength requirements. If a dwelling is a mobile home, all construction, insulation, plumbing, and electrical apparatus shall conform to the “Mobile Home Construction and Safety Standards” of the U.S. Department of Housing and Urban Development.
- (2) **Mobile Home Installation.** In the event that a dwelling is a mobile home located in a mobile home park, it must be installed pursuant to the manufacturer’s setup instructions with the wheels removed. It also must be secured to the ground by an anchoring system or device that complies with the Michigan Building Code and the rules and regulations of the Michigan Mobile Home Commission. Each mobile home must have a perimeter wall or skirting that has the same dimensions as the dwelling. No mobile home shall have any towing mechanism, undercarriage, or chassis exposed.
- (3) **One Single Family Dwelling Per Parcel.** No building in the rear of or on the same lot with a principal building shall be used for residential purposes, except for elderly or handicapped family members, or farm laborers as permitted by special use permit in Chapter 6 of this Ordinance.

- (4) **Structures to be of Uniform Quality.** Any additions, rooms, or other areas of a dwelling must be constructed using workmanship and materials similar in quality to the original structure. Such additions, rooms, or other areas must be permanently attached to the principal structure, and they must be supported by a foundation as required herein.
- (5) **Maintenance.** All structures must be properly maintained and protected against deterioration and damage from the elements or the passage of time by prompt and appropriate repairs, resurfacing, coating, and any other necessary protective measures.
- (6) **Use of Mobile Home for Temporary Dwelling.** A temporary use may be authorized to house family members as provided in Section 303 (3), to house the owner and immediate family during construction of a single family home, and to house the owner and immediate family during the repair of a single family home that has been damaged to an extent that it cannot be occupied.

Any mobile home intended for use as a temporary dwelling must meet the standards of this Ordinance and the Michigan Building Code. No structure, fixed or portable, shall be erected or moved onto a parcel and used for dwelling purposes unless a temporary permit is authorized by the Planning Commission and issued in accordance with Section 302. A temporary dwelling may not be occupied by more than one family.

- (7) **Storage Area.** Every dwelling unit must contain a storage area equal to ten percent (10%) of the square footage of the dwelling or one hundred (100) square feet, whichever is less. The storage area shall be located in a basement under the dwelling, an attic area, closet areas, or in a separate structure that meets all requirements of the Michigan Building Code.
- (8) **Foundation.** All single family dwellings, except mobile homes located in licensed mobile home parks, must be firmly attached to a permanent foundation that meets the Michigan Building Code requirements for such dwellings. The foundation walls shall have the same perimeter dimensions as the dwelling.
- (9) **Dimensions.** All single family dwellings must have a minimum width across all front, side, and rear elevations of twenty (20) feet, must have a minimum of 1,000 square feet of living area, and must comply in all respects with the Michigan Building Code, including minimum heights for habitable rooms.
- (10) **Roof.** Each single-family or two-family dwelling, other than mobile homes located within a mobile home park, must have a pitched roof of which the main portion has *either* a minimum slope of one (1) vertical unit to four (4) horizontal units for site-built dwellings, or a minimum slope of one (1) vertical unit to three

- (3) horizontal units for manufactured dwellings. The eaves of the roof must project at least six (6) inches beyond the exterior walls.
- (11) **Exterior Doors, Steps, and Porches.** Every single family dwelling must have exterior doors on not less than two sides with steps or porches connected to the doors where required due to a difference in elevation.
- (12) **Garage and Yard Sales.** Sales of used material from a single family dwelling may occur twice a year for a period not to exceed three (3) days for each occurrence.
- (13) **Accessory Building Not for Dwelling Use.** No portion of an accessory building in any Zoning District may be used as a dwelling.
- (14) **State Licensed Residential Facility.** No State Licensed Residential Facility for six (6) persons or less shall be located within fifteen hundred (1,500) feet of another State Licensed Residential Facility.
- (15) **Auto Repair.** Repair of vehicles not owned by a resident of the parcel where the activity is occurring is prohibited in any Residential Zoning District.
- (16) **Home Occupations.** Home occupations are permitted, subject to the following standards:
- a. The home occupation must be conducted within the principal dwelling.
  - b. The home occupation must be clearly incidental and subordinate to the use of the dwelling for dwelling purposes.
  - c. The dwelling containing the home occupation shall have no exterior evidence that it is being used for any purpose other than as a dwelling, except for signs as permitted by this Ordinance.
  - e. Home occupations shall not involve any activity or process that would constitute a nuisance or annoyance to adjoining properties by reason of noise, smoke, odor, electrical disturbance, exterior lighting, or the creation of vehicular traffic not normally associated with a residential use.
  - f. There may be not more than one (1) employee not living at the dwelling.
  - g. There may be one non-lighted, wall-mounted sign not to exceed six (6) square feet in area.

#### **Section 304. Supplementary Parcel Regulations**

- (1) **Minimum Lot Frontage.** The front lot lines of all parcels shall abut a public street and shall have a continuous permanent frontage at the front lot line for the required lot width.
- (2) **Access to a Street.** Any parcel created after the effective date of this ordinance shall have access to a public street as defined in this Ordinance.
- (3) **Space Used Once.** Any yard or other open space that is provided with any building or structure for the purpose of complying with the provisions of this Ordinance shall not again be used as a yard or other required open space for another building or structure, except where one is to be demolished upon completion of the other.
- (4) **Approval of Land Divisions.** All land divisions created after the effective date of this Ordinance shall comply with all requirements of the Michigan Land Division Act (Act 591 P.A. 1996, as amended). All land divisions created after the effective date of this Ordinance shall also comply with the lot area, width, setback, and all other dimensional requirements of the zoning district in which such land divisions are located.

### **Section 305. Supplementary Structure Regulations**

- (1) **Permitted Yard Encroachments.** The following items shall be considered to be accessory structures, even though they may be attached to a principal building, and may project into *side* and *rear* yards that are required for the principal building. Setbacks for accessory structures, as defined in **Chapter 5, District Regulations**, must be adhered to, as well as any requirements listed in this section.
  - (a) Open porches, paved terraces, and patios, with the following restrictions. Enclosed porches are considered to be part of the principal building and subject to all yard, setback, and area requirements.
    - (i) The highest finished elevation of the paved area or porch is not over three (3) feet above the average surrounding finished grade.
  - (b) Structural elements such as cornices, sills, chimneys, gutters, and similar features that project a maximum of two and one-half (2.5) feet.
  - (c) Fire escapes, outside stairways and balconies that are of open construction and that project a maximum of five (5) feet.
  - (d) Signs, subject to the provisions of **Chapter 8, Sign Regulations**.
- (2) **Permitted Height Exceptions.** The following exceptions shall be permitted to the height limitations specified in **Chapter 5, District Regulations**. These

permitted exceptions shall not be used for human occupancy or dwelling purposes. For each one (1) foot that a structure exceeds the zoning district height limit, the front, side, and rear setbacks shall each be increased by one (1) foot. No exceptions are permitted to exceed the height limitations imposed by the Tri-City Area Joint Airport Zoning Ordinance.

- (a) Appurtenances to mechanical or structural elements such as elevator and stairway penthouses, ventilators, heating or air conditioning equipment, water storage tanks, and safety equipment shall be permitted to a maximum height of fifty-five (55) feet in any Business Zoning District and sixty (60) feet in any Manufacturing Zoning District.
- (b) Special structures such as chimneys, smoke stacks, water towers, *and* tower structures such as radio or transmitting towers, microwave relay towers, or cellular phone towers are subject to the Special Use Permit requirements and height limitations specified in Chapter 6.
- (b) Residential television antennas or flagpoles shall be permitted to a maximum height of forty-five (45) feet in any Agricultural or Residential Zoning District.
- (c) Structures for agricultural operations are permitted up to eighty-five (85) feet.
- (d) Flagpoles in any Business or Manufacturing Zoning District are permitted to a maximum height of sixty (60) feet.
- (3) **Detached Carports, Canopies, and Similar Structures.** Detached carports, canopies, awnings and similar structures that are intended to serve as shelters for vehicles are considered accessory structures and must comply with the minimum setbacks and all other requirements of this ordinance that pertain to accessory structures. This provision shall apply regardless of whether such a structure is erected on a temporary or permanent basis.

### **Section 306. Open Space Preservation Provisions**

- (1) **Purpose.** The purpose of these provisions is as follows:
  - (a) To provide optional open space preservation provisions for residential development, as required by Act 177 (P.A. 2001).
  - (b) To encourage greater flexibility and efficiency in the design of single-family residential developments.
  - (c) To conserve open space and other important elements of the Township's rural character. Examples of these elements include important farmlands,

woodlots, wildlife areas, historic sites and structures, unique landforms, and scenic areas.

- (2) **Applicability.** These provisions shall apply to the following situations:
  - (a) All lots created after the effective date of this ordinance in the Agriculture (A) and Residential (R) zoning districts.
- (3) **Submission Requirements.** An applicant who wishes to utilize the open space development option shall submit two (2) concept plans for review by the Zoning Administrator and the Planning Commission. These concept plans shall be prepared in accordance with the site plan requirements in Chapter 9, Section 907, and the following additional requirements:
  - (a) **Density Concept.** One concept plan shall portray the development of the dwelling units on the site according to the requirements for the zoning district in which the site is located with respect to lot area, width, setbacks, and all other dimensional requirements. The proposed density must be realistic in terms of the project area that would actually be buildable. Wetlands, floodplains, areas that are reserved for roads or utility easements, and other areas that are unbuildable shall be excluded from the project density calculations.
  - (b) **Open Space Concept.** The other concept plan shall portray the development of the dwelling units in a manner so that at least fifty percent (50%) of the land area of the site will perpetually remain in an undeveloped state. The Open Space Concept Plan shall contain the same number of dwelling units as the Density Concept Plan. “Undeveloped state” shall have the same meaning as specified in Act 177 (PA 2001); that is, a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children’s play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.
  - (c) **Project Narrative.** The applicant shall provide a written narrative that explains the project and its benefits. The narrative should specifically address all elements of the project that would not comply with the zoning district regulations that would apply to the Density Concept Plan. The narrative shall clearly indicate the proposed project densities and how they were calculated.
- (4) **Approval Standards.** Prior to approving an Open Space Development, the Zoning Administrator must find, with the concurrence of a majority of the Planning Commission, that the proposed development complies with the following requirements:



- (a) The proposed development will comply with all requirements of the Saginaw County Department of Public Health for residential water supply and wastewater disposal.
- (b) The proposed development will comply with all requirements of the Land Division Act.
- (c) At least fifty percent (50%) of the project land area will remain perpetually in an undeveloped state, as previously defined in this section, by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land and that is acceptable to the Township.