

CHAPTER 3

General Requirements

SECTION 301. NONCONFORMING USES.

It is the intent of this Ordinance to permit the continuance of a lawful use of any building or land existing at the effective date of this Ordinance; however, except as herein provided, no building, structure or use or part thereof shall be used, altered, constructed or reconstructed except in conformity with the provisions of this Ordinance, and further it is hereby declared that the existence of non-conforming uses is contrary to the best interests of the Township and further, it is hereby declared to be the policy of the Township Board as expressed in this Ordinance to discontinue nonconforming uses in the course of time as circumstances permit, having full regard for the rights of all parties concerned.

- (1) ELIMINATION OF NON CONFORMING USES.
 - (a) In accordance with applicable state and local permissive legislation, the legislative body, through its agents may acquire properties on which nonconforming buildings or uses are located by condemnation or other means, and may remove such uses or structures. The resultant property may be leased or sold for a conforming use or may be used by the Township for a public use. The net cost of such acquisition may be assessed against a benefit district, or may be paid from other sources of revenue.
 - (b) When ever a nonconforming use has been discontinued for six (6) consecutive months, or for eighteen (18) months during any three (3) year period, such discontinuance shall be considered conclusive evidence of an intention to abandon legally the nonconforming use. At the end of this period of abandonment the nonconforming use shall not be reestablished, and any future use shall be in conformity with the provision of this Ordinance.
- (2) NONCONFORMING USES OF LAND. The nonconforming uses of land existing at the effective date of this Ordinance where no building is located may be continued, PROVIDED dimensional requirements are complied with, and further, PROVIDED that no building are to be constructed after the effective date of this Ordinance, except that will conform to district requirements within which use is located, and further, PROVIDED all other pertinent requirements of Section 301 are complied with.
- (3) NONCONFORMING SIGNS. Signs existing at the time of enactment of this Ordinance and not conforming to its provisions but which were constructed in compliance with previous regulations shall be regarded as nonconforming signs which may be continued if properly repaired and maintained as provided in this code and continue to be in conformance with other ordinances of this municipality. Nonconforming signs which are structurally altered, relocated, or replaced, shall comply immediately with the provisions of this code.

- (4) RECONSTRUCTION AND RESTORATION. Any lawful nonconforming use Damaged by fire, explosion, an act of God, or by other causes May be restored, rebuilt, or repaired, PROVIDED that such restoration does not exceed its State Equalized assessed value as determined by the assessing officer, exclusive of foundations. Provided that said use be the same or more nearly conforming with the provisions of the district in which it is located.
- (5) REPAIR OF NONCONFORMING BUILDINGS. Nothing in this Ordinance shall prohibit the repair, improvement, or modernizing of a lawful nonconforming building to correct deterioration, obsolescence, depreciation, and wear, provided that such repair does not exceed an aggregate cost thereby increasing the assessed value by more than thirty (30) percent as determined by the assessing officer unless the subject building is changed by such repair to a conforming use.
- (6) CHANGING USES. If no structural alterations are made, the Board of Appeals may authorize a change from one nonconforming use to another nonconforming use, PROVIDED the proposed use would be more suitable to the zoning district in which it is located than the nonconforming use which is being replaced. Whenever a nonconforming use has been changed to a more nearly conforming use or to a conforming use, such use shall not revert or be changed to a nonconforming or less conforming use.
- (7) PRIOR CONSTRUCTION APPROVAL. Nothing in this Ordinance shall prohibit the completion of construction and use of a nonconforming building for which a building permit has been issued prior to the effective date of this Ordinance, PROVIDED that construction is commenced within ninety (90) days after the date of issuance of the permit and that the entire building shall have been completed according to plans filed with the permit application within one (1) year after the issuance of the building permit.
- (8) DISTRICT CHANGES. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of another classification, the provisions of this Section shall also apply to any existing uses that become nonconforming as a result of the boundary changes.

SECTION 302. SUPPLEMENTARY USE REGULATIONS.

- (1) 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 of permit issuance and that the entire building shall be completed according to the plans filed with the permit application within one (1) year after the issuance of the building permit.
- (2) MINIMUM LOT FRONTAGE. The front lot lines of all lots shall abut a public or private street and shall have a contiguous permanent frontage at the front lot line for the required width.

- (3) ACCESS TO A STREET. Any lot of record created after the effective date of this Ordinance shall have access to a public street, except as may be approved as a planned unit development or approved plat in accordance with the provisions of this Ordinance or the Plat Act of 1967.
- (4) REAR DWELLING PROHIBITED. No building in the rear of or on the same lot with a principal building shall be used for residential purposes except for the elderly or disabled members of the immediate family, PROVIDED that all requirements of this ordinance are satisfied. Reference Chapter 16 - Special Use Permit Requirement, Section 1610(20).
- (5) USE OF STRUCTURE FOR TEMPORARY DWELLING. No structure shall be used for dwelling purposes that does not meet the minimum standards as defined in this Ordinance and the Township Building Code. No temporary structure whether of a fixed or portable construction shall be erected or moved onto a lot and used for dwelling purposes for any length of time unless authorized by the Zoning Board by the issuance of a temporary permit as provided for by this Ordinance.
- (6) REQUIRED WATER SUPPLY AND SANITARY SEWERAGE FACILITIES. After The effective date of this Ordinance, no structure shall be erected, altered, or moved upon a lot premise and used in whole or in part for a dwelling. Business, industrial or recreational purpose unless it shall be provided with a safe and effective means of collection, treatment, and disposal of human, domestic, commercial, and industrial waste. All such installations and facilities shall conform with the minimum requirements of the Saginaw County Health Department and applicable State requirements.
 - (a) In areas of the Township where public water lines have been extended, all new structures shall be required to hook up with the public water system within ninety (90) days.
 - (b) When public sewer is available or becomes available in a street, connection to the public sewer system shall be made within ninety (90) days.
- (7) SPACE USED ONCE. Any yard or other open space provided about 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 existing or intended to exist at the same time as such building or structures.
- (8) USE EXCEPTIONS. Nothing in this Ordinance shall be construed to Prohibit the following accessory or incidental uses:
 - (a) The renting of rooms to not more than two (2) non-transient persons in a dwelling unit which is otherwise occupied in a manner permitted in the district in which it is located.
 - (b) Customary refreshment and service uses and buildings in any public park or recreational area incidental to the recreational use of such area.

- (c) Essential services as defined in Chapter 2, Section 202. See Service-Essential.
 - (d) Garden, garden ornaments and usual landscape features Within required yard spaces.
 - (e) Fences within required yard space provided the standards cited In Chapter 9, Section 904 are met.
 - (f) Retaining walls and public playgrounds.
 - (g) Off-street parking for motor vehicles as specified in Chapter 4.
 - (h) Home Occupations as specified in R District regulations and Chapter 2, Section 202.
 - (i) Use of premises as a voting place in connection with local, state, or national elections.
- (9) MINIMUM PARCEL SIZE FOR LARGE FARM ANIMALS CONTAINMENT.
Any property that is five (5) acres in area may have one (1) large animal contained on it. Any Additional large animal will require one (1) additional acre per large farm animal.

The keeping of livestock weighing less than five hundred (500) pounds, such as llamas, alpacas, swine, sheep, goats and miniature horses shall be two (2) animals on a minimum of five (5) acres provided that such animals are adequately housed and fenced. Two small animals shall be allowed for each additional acre.

A combination of one (1) large or two(2) small animals will be allowed for each acre.

SECTION 303. SUPPLEMENTARY DWELLING REGULATIONS.

All dwellings must satisfy standards designed to assure that the dwelling will compare favorably with other housing existing in the Township. To insure that all dwellings will compare favorably with other dwellings, all dwellings containing not more than one dwelling unit designed for residential use must comply with the following standards:

- (1) It complies with the minimum square footage and all other dimensional requirements of this ordinance for the zone in which it is located.
- (2) It has a minimum width across any front, side or rear elevation of sixteen (16) feet and complies in all respects with the Township Building Code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different from those imposed by the Township Building Code, such federal or state standard or regulation shall apply.
- (3) The dwelling is connected to a public sewer and water supply or to such private facilities approved by the County Health Department. If public water or sanitary sewerage disposal facilities are available to said premise, said dwelling shall be connected thereto.

- (4) The dwelling contains a storage area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to ten (10) percent of the square footage of the dwelling or one hundred (100) square feet, whichever shall be less.
- (5) It is firmly attached to a permanent foundation constructed on the site in accordance with the Township Building Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premise by an anchoring system or device approved by the Township Building Code and complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall or skirting as required above.
- (6) In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis. Mobile homes located outside of a mobile home park must have a pitch of no less than 1:3. The eaves of the roof must project no less than six (6) inches beyond the wall.
- (7) The dwelling shall have at least two (2) exterior doors with the second one being in either the rear or side of the dwelling; and shall contain steps connected to said door areas where a difference in elevation requires the same.
- (8) The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Administrator upon review of the plans submitted for a particular dwelling, subject to appeal by an aggrieved party to an Appeals Board. The membership of the Appeals Board shall be the same membership as the Zoning Board of Appeals under the Township Zoning Ordinance. The appeal, if taken, must be taken within fifteen (15) days from the receipt of notice of Township Zoning Administrator's decision. Any determination of compatibility shall be based upon the standards set forth herein, as well as the character, design, and appearance of one or more residential dwellings located outside of mobile home parks within two thousand (2,000) feet of the subject dwelling where such area is developed with dwellings to the extent of not less than twenty (20) percent of the lots situated within said area; or, where said area is not so developed, by the character, design, and appearance of one or more residential dwellings located outside of mobile home parks through the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard design home.
- (9) The dwelling shall contain no additions or rooms or other areas which are not constructed with similar quality workmanship and materials as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein. In addition, no roof shall be constructed over an existing roof.

- (10) The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow loads and strength requirements.
- (11) The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in the ordinances of the Township pertaining to such parks.
- (12) All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable Township Building Code provisions and requirements.

SECTION 304. SUPPLEMENTARY YARD REGULATIONS.

(1) PERMITTED YARD ENCROACHMENTS

- (a) Paved terraces, patios, and uncovered porches shall not be subject to yard requirements, PROVIDED:
 - (1) The paved area is unroofed and without walls or other forms of solid continuous enclosure that links the paved area to the principal building.
 - (2) The highest finished elevation of the paved area is not over (3) feet above the average surrounding finished grade area. No portion of any paved area is closer than five (5) feet to any lot line or projects into any front yard setback area.
 - (3) Such paved areas may have non-continuous wind breaks or walls not over six and one half (6 ½) feet high and not enclosing more than one half (1/2) the perimeter of the paved area.
- (b) Unenclosed porches, roofed or unroofed, may project into a required side or rear yard area, PROVIDED:
 - (1) The porch is unenclosed and no higher than one (1) story and is erected on supporting pier. The porch shall not be closer than fifteen (15) feet to any side or rear lot line.
- (c) Enclosed porches shall be considered an integral part of the building and shall be subject to all yard and area dimensional requirements established for principal buildings.
- (d) Special structural elements such as cornices, sills, chimneys, gutters, and similar structural features may project into any yard up to a maximum of two and one-half (2 ½) feet.

- (e) Fire escapes, outside stairways, and balconies, if of open construction, may project into yard areas up to a maximum of five (5) feet.
- (f) Signs may encroach into yard areas but no sign, or portion thereof, shall be closer to any lot line or street right-of-way than ten (10) feet.

(2) YARD EXCEPTIONS

- (a) In cases where less than the full required future right-of-way width of a street has been deeded or dedicated, the building setback on any properties abutting thereon which have not provided for sufficient street area, by deed or dedication, shall be measured from the future required right-of-way line. The street width shall meet County Road Commission requirements.

(3) CONFORMANCE TO ESTABLISHED SETBACKS.

- (a) Required front yard setbacks shall conform to existing Setbacks as established by existing uses in any district.

SECTION 305. SUPPLEMENTARY HEIGHT REGULATIONS.

(1) PERMITTED EXCEPTIONS FOR STRUCTURAL APPURTENANCES:

The following kinds of structural appurtenances shall be permitted to exceed the height limitations for authorized uses:

- (a) Ornamental in purpose, such as church steeples, belfries, cupolas, domes, ornamental elements do not exceed twenty (20) percent of the gross roof area.
- (b) Appurtenances to mechanical or structural functions, such as chimneys and smoke stacks, water tanks, elevator and stairwell penthouse, ventilators, radio or television towers, aerials and fire and base towers, PROVIDED the total height of the structure or the building and appurtenance be one hundred seventy-five (175) feet or less from the ground. The occupancy or dwelling.

(2) PERMITTED EXCEPTIONS, AGRICULTURAL DISTRICTS.

- (a) No exceptions are permitted for residential structures.
- (b) Structures for agricultural operations are permitted up to eighty-five (85) feet.
- (c) Other nonresidential permitted structures may be erected to a height in excess of that specified provided each front, side and rear yard minimum is increased one (1) foot for each one (1) foot of additional height above the district requirement.

(3) PERMITTED EXCEPTIONS, RESIDENTIAL DISTRICTS.

- (a) No exceptions are permitted for residential structures.

- (b) Principal hospital and church structures may be permitted to exceed height limitations with a maximum height limit of seventy-five (75) feet provide each front, side and rear yard requirement is increased by one (1) foot for each one (1) foot of additional height above the district requirement.
- (4) PERMITTED EXCEPTIONS, BUSINESS DISTRICTS.
 - (a) In any business district, any principal building may be erected to a height in excess of that specified for the district. PROVIDED each front, side and rear yard minimum is increased one (1) foot for each one (1) foot of additional height above the district maximum.
- (5) HEIGHT RESTRICTIONS. Height limitations shall under no circumstances be less restrictive than those specified by the Tri-City Area Joint Airport Zoning Ordinance.

SECTION 306. DISTRICT BOUNDRY EXCEPTIONS.

When a district boundary line, as established by this Ordinance is adopted or subsequently amended and divides a lot (with single ownership), the use permitted in the less restricted portion of said lot may be extended to the entire lot, subject to the following conditions:

- (1) That one-half (1/2) or more of the area of said lot shall be in the less restrictive district.
- (2) That any part of a less restricted use extended beyond a district boundary under the terms of this section shall be housed entirely within an enclosed building and such building shall conform to any applicable yard and area requirements in the more restrictive district.

SECTION 307. APPROVAL OF PLATS.

No proposed plat of a new or redesigned subdivision shall hereafter be Approved by either the local governing body or its agents unless the lots within the equal or exceed the minimum size and width requirements of this Ordinance and all other applicable codes or Ordinances.

SECTION 308. ZONING OF PLATS.

All plats shall be subject to the use provisions of the district within which they are located. Any zoning district changes which may be necessary to accommodate a proposed plat use or uses shall be made according to amendment procedure prescribed by this Ordinance.

SECTION 309. ISSUANCE OF "BUILDING PERMIT" OR "CERTIFICATE OF OCCUPANCY" PER APPROVED SITE PLAN.

Uses allowed within all districts, except uses allowed by "right" in "A" or "R-!A" districts must have a site plan approved by the Building Inspector in accordance with established statutory standards and requirements, and the issuance of a "Building Permit" or "Certificate of Occupancy" shall be only for uses as specified per the approved site plan on file.

Site plans submitted for approval shall be in accord with the requirements of Section 1602 (2). In authorizing any site plan, the Building Inspector may require that a bond of ample sum be furnished To insure compliance with requirements and/or specifications imposed by the approved site plan.