

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 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.** A building permit must be obtained prior to the construction of any structure that is greater than 200 square feet in area.
- (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 the same period.
- (4) **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.
- (5) **Accessory Uses.** Nothing in this Ordinance shall be construed to prohibit the following accessory uses.
 - (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) Retaining walls.
 - (e) Public playgrounds.
 - (f) Off-street parking for licensed motor vehicles as specified in Chapter 7.
 - (g) Accessory Occupations, permitted by Special Use Permit.
 - (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.
- (6) **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 forty-eight (48) hours. The storage period may be extended with written permission of the Zoning Administrator.
- (7) **Garbage, Rubbish and Junk.** All parcels must be kept free of all garbage, rubbish and junk, as defined in this Ordinance. Garbage, rubbish and junk in containers specifically designed for storage of these materials may be stored on a parcel until the next available collection date.
- (8) **Parking of Recreational Vehicles and Equipment.** The parking of recreational vehicles and equipment, including travel trailers, campers, snowmobiles, boats, and similar recreational equipment in any Residential Zoning District must conform to the required setbacks for accessory structures and to overall limitations for lot coverage.
- (9) **Heavy Vehicles.** Overnight parking or storage of commercial vehicles in excess of one 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.

- (10) **Agricultural Equipment.** Agricultural equipment, motorized or non-motorized, must be housed in an enclosed building in any Residential Zoning District.
- (11) **Fences, Walls, and Screens.**
 - (a) No fence, wall, or structural screen, other than those in front yards, shall exceed six (6) feet in height in any Residential Zoning District.
 - (b) 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.
 - (c) In any Residential Zoning District, fences, walls and structural screens shall not exceed three (3) feet in height in any front yard and must be of such construction that the fence can be seen through for its entire length.
 - (d) If fencing is located on or less than two (2) feet from a lot line, it shall be installed with the finished (“good”) side facing toward adjacent properties.

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) **Roof.** All single-family and two-family dwellings, other than mobile homes located in mobile home parks, must have a pitched roof where the principal portion has a slope of no less than one (1) vertical unit to four (4) horizontal units. The eaves of this roof must project not less than six (6) inches beyond the walls.
- (6) **Steps.** All dwellings must contain steps that are connected to exterior door areas where a difference in elevation requires them.
- (7) **Maintenance.** All dwellings 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.
- (8) **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.

- (9) **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.
- (10) **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.
- (11) **Dimensions.** All single family dwellings must have a minimum width across all front, side, and rear elevations of sixteen (16) feet and must comply in all respects with the Michigan Building Code, including minimum heights for habitable rooms.
- (12) **Exterior Doors.** 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.

- (13) **Garage and Yard Sales.** Sales of used material from a single-family dwelling may occur twice a year for a period not to exceed seven (7) days for each occurrence.
- (14) **Accessory Building Not for Dwelling Use.** No portion of an accessory building in any Zoning District may be used as a dwelling.
- (15) **State Licensed Residential Facility.** No State Licensed Residential Facility for six (6) persons or less shall be located within fifteen hundred (1500) feet of another State Licensed Residential Facility.
- (15) **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.

Section 304. Supplementary Parcel Regulations

- (1) **Minimum Lot Frontage.** The front lot lines of all parcels, except flag lots, shall abut a public street and shall have a continuous permanent frontage at the front lot line for the required lot width. “Flag lots” are not permitted.
- (2) **Access to a Street.** Any parcel created after the effective date of this ordinance shall have access to a public street.
- (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 3, 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.
 - (ii) If a porch is roofed, the porch must be unenclosed and the roof shall be no higher than one (1) story.
 - (iii) If paved areas or porches are unroofed, they may have non-continuous windbreaks or walls that are not over six (6) feet high and that do not enclose more than one-half (1/2) the perimeter of the paved area or porch.
- (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.
- (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.

- (a) Special structures such as chimneys, smoke stacks, water towers, and standpipes shall be permitted to a maximum height of one hundred seventy-five (175) feet in the A-1 Zoning District or any Industrial Zoning District.
 - (c) Tower structures such as radio or transmitting towers, microwave relay towers, or cellular phone towers are subject to the Special Use Permit requirements specified in Chapter 6.
 - (d) Residential television antennas or flagpoles shall be permitted to a maximum height of forty-five (45) feet in any Agricultural or Residential Zoning District. However, in no case shall the height of such an antenna or flagpole exceed the height of the roof peak by more than fifteen (15) feet.
 - (e) Structures for agricultural operations are permitted up to eighty-five (85) feet.
 - (f) Flagpoles in any Business or Industrial Zoning District are permitted to a maximum height of sixty (60) feet.
- (3) **Screening Requirements.** Screening shall be constructed and maintained whenever a non-residential use is established on land sharing a boundary with any Residential Zoning District, and whenever multi-family housing is established adjacent to a single family or two-family residential use. Screening shall be provided by one of the following:
- (a) **Wall or Fence.** A solid wall or fence at least six (6) feet in height with a finished surface fronting on the residential district or use. Open spaces within such walls or fences shall not exceed a one (1) foot square in area.
 - (b) **Berm.** A mound of earth at least six (6) feet in height and graded to a slope no greater than one (1) foot of rise in three (3) feet of horizontal distance. The berm shall be landscaped by planting with grasses and/or shrubs and trees.

Section 306. Accessory Structure Regulations

(1) Required Yards.

- (a) **Front yard:** No accessory building, attached or detached, shall project into a required front yard.

- (b) Rear yard: No accessory building shall be closer than five (5) feet to the rear lot line.
 - (c) Side yard: No accessory building in any non-residential district, attached or detached, shall be erected closer to any side lot line than the required side yard setback within that district for the principal building. In a residential district where an accessory building is detached and located a minimum of ten (10) feet to the rear of the principal building, an accessory building shall be no closer than eight (8) feet to a side lot line.
 - (d) Corner lot: No accessory building shall be closer to the side street lot line than the side yard setbacks that are required for the principal building on the lot. Where the rear lot line of a corner lot coincides with the side lot line of an adjoining lot in a residential district, an accessory building shall not be closer than eight (8) feet to the common lot line.
- (2) **Garage Entrances.** The entrance to a garage shall be no less than twenty-five (25) feet from a street right-of-way line.
- (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 307. 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 following zoning districts where residences are permitted by right at a density of two (2) dwellings units per acre or less: A-1, A-2, R-1 and R-2 (without water and sewer) 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.

Section 308. Farm Animals.

On parcels less than ten (10) acres in size in the A-1 and A-2 districts, farm animals may be kept subject to the following restrictions:

- (1) Raising and keeping horses and similar large farm animals weighing over five hundred (500) pounds shall be allowed, provided that the minimum area upon which one horse or similar animal may be kept is two and one-half (2-1/2) acres. One additional horse or similar animal may be kept on each additional two (2) acres, up to a maximum of four (4) such animals for each ten (10) acres of land.
- (2) Raising and keeping large farm animals weighing five hundred (500) pounds or less (such as sheep and goats) shall be allowed, provided that the minimum area upon which one animal may be kept is two (2) acres. One additional such animal may be kept on each additional two (2) acres, up to a maximum of five (5) such animals for each ten (10) acres of land.
- (3) No storage or use of manure or odor or dust-producing materials shall be permitted within one hundred (100') of any adjacent property line.

Section 309. Ponds

Artificially created ponds are permitted as accessory uses in the A-1 and A-2 districts, subject to the following requirements:

- (1) A permit must be obtained from the Zoning Administrator prior to the construction of a pond.
- (2) A minimum parcel size of five (5) acres is required for the construction of a pond.
- (3) An applicant shall obtain all necessary state permits, or provide verification to the Township that state permits are not required.
- (4) An applicant must obtain a Soil Erosion and Sedimentation Control Act permit from Saginaw County if a project will disturb more than one acre or is located within five hundred (500) feet of a lake or stream.
- (5) Excavated areas shall be a minimum of fifty (50) feet from all adjacent property lines.
- (6) The excavation of a pond shall not change surface or subsurface aquifers in a manner that adversely affects adjacent properties and land uses.
- (7) The pond banks shall have a slope that does not exceed one (1) foot vertical rise in three (3) feet of horizontal run, extending to a depth of at least eight (8) feet.

- (8) Excavated material that is not removed from the site shall be spread to a depth that does not exceed three (3) feet above the original surface with the top of the fill graded to a continuous slope that does not exceed one (1) foot vertical to three (3) feet horizontal, and slopes away from any water body.
- (9) As an alternative to #8, the material may be shaped into berms that assume a natural angle of repose and that blend visually with the landscape. The toe of the slope of such berms shall be no closer than twelve (12) feet to the edge of the water of a pond formed by the excavation.
- (10) At the end of construction, the completed portion of any excavated areas shall be landscaped and seeded with appropriate grass types. The landscaping shall not interfere with natural waterways or have an adverse effect on drainage of surrounding properties.
- (11) No machinery or equipment should operate, and no trucks, trailers or other conveyances should arrive at any excavation site before 7:00 a.m. or after 8:00 p.m.
- (12) Appropriate measures shall be taken to minimize levels of noise, dust, and flying rock while excavation takes place.

310. Dangerous Buildings

- (1) It shall be unlawful for any owner or agent to keep or maintain any building or part thereof which is a dangerous building as defined in this Ordinance.
- (2) When the whole or any part of any building or structure is found to be in a dangerous condition, the Township shall request that the Building Inspector inspect the structure and issue a notice of the dangerous condition.
- (3) Such notice shall be directed to each owner or party in interest in the building in whose name the property appears on the last local tax assessment records of the Township.
- (4) The notice shall specify the time and place of a hearing to be conducted by the Township Board on the condition of the building or structure. The notice shall indicate that the person(s) to whom the notice is directed shall have the opportunity to show cause why the building or structure should not be ordered to be demolished or otherwise made safe.
- (5) All notices required by this section shall be in writing and shall be served upon the person(s) to whom they are directed either personally or by Certified Mail, Return Receipt Requested, addressed to the owner or party in interest at the address shown on the tax records, at least ten (10) days before the date of the hearing described in the notice. If any person to whom a notice is directed is not personally served, a copy of the notice shall be conspicuously posted on the building or structure, in addition to mailing the notice.

- (6) At any hearing held, the Township Board shall take the testimony of the Building Inspector, the owner of the property, and any other interested party or witness. The owner or party in interest shall be given the opportunity to show cause why the building should not be demolished or otherwise made safe. After taking all relevant testimony and closing the hearing, the Township Board shall either approve or disapprove an order for the demolition or making safe of the building or structure, including a timetable for compliance.
- (7) If the owner or party in interest fails or refuses to comply with the decision of the Township Board, the Board may, in its discretion, contract for the demolition or making safe of the dangerous building or structure. The cost of demolishing or making the building safe and all other pertinent charges shall be a lien against the real property and shall be reported to the Township Assessor, who shall assess the cost against the property on which the building or structure is located. The owner or party in interest in whose name the property appears upon the last local tax assessment records of the Township shall be notified of the cost by first class mail at the address shown on the tax records. If the owner or party in interest fails to pay the cost, the assessor shall add the cost to the next Township tax roll. The amount shall be collected in the same manner as provided by law for the collection of taxes by the Township.
- (8) An owner or party in interest aggrieved by a decision of the Township Board may appeal the decision to the Circuit Court for Saginaw County within twenty-one (21) days of the decision.