

SECTION 3 GENERAL PROVISIONS

1. ZONING; APPLICATION THEREOF,

Except as hereinafter provided, no building, structure or land shall be used and no building or part thereof or other structure shall be erected, raised, moved, reconstructed, extended, enlarged or altered except in conformity with these regulations.

2. CONTINUING EXISTING USES

Any building, structure or use lawfully existing upon the effective date of this Ordinance may be continued.

3. RESTORING UNSAFE BUILDINGS

When any building or part thereof is declared unsafe by the Building Inspector, nothing in this Ordinance shall prevent compliance with lawful requirements, or the strengthening or restoring to a safe condition.

4. REAR DWELLINGS PROHIBITED

No building in the rear of a principle and on the same lot therewith shall be used for residential purposes, except for domestic employees of the occupants of the principal building, provided that both buildings shall otherwise conform to the requirements of this Ordinance.

5. ACCESSIBILITY OF RESIDENTIAL LOT

Any lot used for residential purposes shall have a width equal to the minimum lot width requirement of the district they are located in facing on a street, or in the event that a lot does not face a street, there shall be a private easement of access at least 60 feet wide, with the set back of the residence off the easement equal to the front yard setback in that district; and the width of the lot along the easement shall be equal to the required yard width requirements of the district.

6. ACCESSORY BUILDINGS

- a. **IN ANY DISTRICT** - Any part of a detached accessory building shall be at least sixty (60) feet from a front lot line when the adjoining lot is located in a residential district. Accessory buildings may be erected subordinate to the principal building provided all yard requirements for a principal building are complied with: minimum of 150 sq./ft. (flat floor), maximum of 1,000 sq./ft. (flat floor), made of 4 solid sides and a door, must have permit (see Section 8) includes open air structures
- b. **IN RESIDENTIAL DISTRICT** - Accessory buildings, shall be within the required rear yard, shall not be more than fourteen feet six inches (14'6") in height, with a maximum door height of twelve (12) feet, not less than six (6) feet from any existing building, three (3) feet from any property line, except a side street lot line in which case the minimum distance shall be that of the principle building.

7. REQUIRED YARD CANNOT BE REDUCED OR USED BY ANOTHER BUILDING

No lot shall be divided or reduced so as to make the required area or dimensions less than the minimum (see section 14 – Attachment A) required by this Ordinance, nor shall any yard required for a principal building be included as a part of a yard required under this Ordinance for any other building.

8. YARD REQUIREMENTS ALONG ZONING BOUNDARY LINE

A lot having a side yard line along any zoning boundary line of a less restricted district shall have a side yard not less than the minimum width (see section 14 – Attachment A) required for the adjoining side yard for the more restricted district.

9. FENCES OR WALLS

Fences or walls with a height not to exceed six (6) feet may be constructed in all yards except a required front yard or side yard, on the street side of a corner lot. In residential districts fences or walls may not be constructed beyond required front yard of the house, except ornamental fences not exceeding 30 inches in height. Park fences and baseball backstops are exempt from the six foot height limitation when part of an approved site plan.

10. VISION CLEARANCE ON CORNER LOTS

On any corner lot in any residential district, no fence, sign, other structure or plantings higher than three and one-half (3 ½) feet above established curb grade, except trees with a minimum clearance of eight (8) feet from the ground to the lowest branch, shall be erected or maintained within a line connecting points on the street lot lines twenty (20) feet distant from the corner.

11. LOW IMPACT DEVELOPMENT

All land development for which a Zoning Permit is required shall attempt to incorporate Low Impact Development solutions for storm water management before employing more aggressive engineering solutions.

12. LAND DIVISIONS AND ACCESS REQUIREMENTS

- a. All divisions/split of land shall comply with the provisions of P.A. 288 of 1967 as amended by P.A. 591 of 1996 and P.A. 87 of 1997, being the Land Division Act, State of Michigan. Where land does not abut an existing public or private road or private easement, and a new access route is proposed, standards for the new access route (s) are noted below:
 1. The legal description of the access route shall be recorded with the description of the new parcel(s): and,
 2. Where new access roads cross a watercourse, drainage way, channel, or stream, bridge (s) or other structures providing access over such watercourse(s) shall be designed and constructed so as to permit use and provide access to emergency vehicles, i.e. fire trucks, ambulances, tow trucks, road maintenance equipment, etc.
- b. All land divisions/splits of land will be reviewed to ensure that all new parcels and lots that are proposed to be created, meet the requirements of the Land Division Act, and minimum Zoning Ordinance requirements not only for lot frontage, depth and area, but also have enough buildable area for erection of a structure outside of a floodplain, wetland, and/or sensitive groundwater recharge area, where such lot is to be used for building purposes.
- c. There is adequate buildable area for erection of a structure of the land is within a State regulated floodplain, wetland, high risk erosion area, designated environmental area; unless the parcel is being split for purposes other than building development, in which case the same shall be indicated on a notice filed with the deed also indicating the parcel did not have adequate area for a building under applicable regulations at the time it was approved.

13. SETBACKS FROM SIGNIFICANT NATURAL FEATURES

- a. A building setback of at least 25 feet, with the setback area planted with sod forming vegetation or covered by retaining naturally occurring vegetation, including shrubs and trees, is encouraged to be maintained along all watercourses, drains, water bodies and wetlands.
- b. The building setback standard in subsection (a) above is required to be maintained by any land use receiving Site Plan approval per section 10. Vegetation within the buffer strip may not be clear cut, plowed or graded, except as part of an official drain cleaning project. This provision shall not apply to commercial districts.

14. GROUNDWATER PROTECTION

- a. The project and related improvements shall be designed to protect the natural environment, including lakes, ponds, streams, wetlands, floodplains, groundwater and steep slopes. For facilities which use, store or generate hazardous substances in quantities greater than 100 kilograms per month (equal to about 25 gallons or 220 pounds), the following additional site plan review information is required:
 1. Location and size of interior and exterior areas and structures to be used for storage, use, loading/unloading, recycling, or disposal of hazardous substances.
 2. Location of all underground and above ground storage tanks for such uses as fuel storage, waste oil holding tanks, chemical storage, hazardous waste storage, collection of contaminated storm water or wash water, and all similar uses.
 3. Location of exterior drains, dry wells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store or transport storm water or waste water. The point of discharge for all drains and pipes shall be specified on the site plan.
 4. Delineation of areas on the site which are known as suspected to be contaminated, together with a report on the status of site cleanup.
- b. Site Plan review standards for facilities which use, store, or generate hazardous substances:
 1. Sites at which hazardous substances are stored, used, or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, rivers, or wetlands.
 2. Secondary containment for above ground areas where hazardous substances are stored or used shall be provided. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
 3. General purpose floor drains shall only be allowed if they are approved by the responsible agency for connection to a public sewer system, an on-site closed holding tank (not a septic system), or regulated through a State of Michigan groundwater discharge permit.
 4. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges shall be allowed without required permits and approvals.