

CHAPTER 4 GENERAL PROVISIONS

Section 4.01 Effects of Zoning; Permissive Zoning Concept

- A. No building, structure or land within the jurisdiction of this Zoning Ordinance shall be used or occupied, and no building or structure or part thereof shall be erected, moved, placed, reconstructed, extended, enlarged or altered, except in conformity with this Ordinance.
- B. Land uses are allowed in a zoning district by express specific designation in this Ordinance. Where a use is not so designated it is prohibited, unless the use is determined by the Zoning Administrator to be substantially similar in character, nature, and intensity to a use designated in this Ordinance as an allowed use in that zoning district and compatible with the stated purpose of that district, or a land use variance is approved by the Zoning Board of Appeals pursuant to Section 15.08.

Section 4.02 Building/Occupancy Permits; Zoning Compliance Permits

- A. Building/occupancy permits. See the applicable construction codes for regulations applicable to building permits, occupancy permits, and otherwise applicable to the construction and occupancy of buildings and other structures.
- B. Zoning compliance permits. No building or structure shall be constructed or sited on any premises without prior zoning approval of the location of the building or structure and the intended use thereof either through the building permit application process, or by a zoning compliance permit issued by the Zoning Administrator where a building or structure is exempt from a building permit requirement pursuant to state law. This zoning compliance permit requirement is also specifically applicable to all signs and fences, even where such a structure is also subject to a building permit requirement. The purpose of this zoning approval requirement, in each instance, is to avoid violations of this Ordinance arising from the impermissible location of any building or structure, or the intended use thereof or of any premises.

Section 4.03 Required Lot, Yard, Area or Space

- A. All lots, yards, and other open spaces shall comply with the lot, yard and area requirements of the zoning district in which they are located and are also subject to the following:
 - 1. No lot, yard or other open space shall be divided, altered or reduced so as to make it less than the minimum required under this Ordinance, and if already less than the minimum required it shall not be further divided, altered or reduced.

2. No yard or other open space provided about any building for the purpose of complying with the requirements of this Ordinance shall be considered as a yard or open space for any other building.
3. Where two or more contiguous lots or portions of lots are in the same ownership, and such lots/portions of lots do not individually comply with the minimum requirements for the district in which they are located, such lots/portions of lots shall be grouped together for zoning purposes sufficient to create a single conforming buildable "zoning lot" (or, as applicable, a single less nonconforming zoning lot).
4. Where two or more contiguous lots or portions of lots are in the same ownership, but are not required by the preceding paragraph to be grouped together for zoning purposes, the owner of such lots/portions of lots may nevertheless choose to group such lots/portions of lots together to create a larger "zoning lot".

Section 4.04 Essential Services

- A. Essential Services are permitted in any zoning district, provided the governing body of the municipality with public utility jurisdiction has granted any applicable municipal consent/franchise.
- B. Notwithstanding subsection A, the following requirements shall apply to such facilities, as applicable:
 1. Electrical substations and/or gas regulator stations shall be enclosed with a fence or wall at least six feet high and otherwise adequate to obstruct passage of unauthorized persons or materials.
 2. Public utility facilities in any zoning district are required to be constructed and maintained in a neat and orderly manner. Any building which is constructed for such facilities shall be landscaped and shall conform with the general character of the architecture of the surrounding area or neighborhood.
 3. Site plan review shall be required for all such development and use of land that involves above ground facilities or parking areas or drives and is to be located outside a dedicated public right-of-way.

Section 4.05 Building/Structure Height Exceptions

The height limitations of all zoning districts may be exceeded by the following structures: flag poles, chimneys, farm structures, non-commercial television and radio antennas (not exceeding 50 feet in height), wireless communications support structures/wireless communications equipment (except as otherwise specifically regulated in this Ordinance), monuments, cupolas, belfries, steeples, spires or other ornamental projections, water towers, fire towers, and small wind energy conversion systems (except as otherwise specifically regulated in this Ordinance). In a zone where industrial uses are allowed, smokestacks, chimneys, cooling and fire towers, parapet walls, elevator buildings and bulkheads, roof storage tanks, and roof structures for other

necessary appurtenances for such uses are also permitted above the height limitations provided they are located at least the same distance as their height from any adjoining property lines.

Section 4.06 Control of Heat, Glare, Fumes, Dust, Noise, Vibration and Odors

Every use shall be conducted and operated so that it is not obnoxious or dangerous by reason of heat, glare, fumes, odors, dust, noise, vibration or vision obstruction beyond the lot or parcel on which the use is located.

Section 4.07 Principal Building on a Lot

On each lot the Zoning Administrator shall designate the primary or main building as the principal building, and other buildings incidental and subordinate to the principal building shall be designated as accessory buildings, for purposes of the requirements of this Ordinance.

Section 4.08 Double Frontage Lots

Buildings on lots having frontage on two intersecting or nonintersecting streets shall comply with front yard requirements on both such streets.

Section 4.09 Garages Occupied as Dwelling Units

Any building erected as a garage, or in which the main portion is a garage, shall not be occupied for dwelling purposes unless it is auxiliary to a residence already being occupied upon the premises and complies with all the provisions of this Ordinance relating to buildings for residence purposes.

Section 4.10 Trash, Litter or Junk in Yards

No trash, litter or junk shall be accumulated, placed, stored, or allowed on any premises, except in a lawful sanitary landfill, a lawful junkyard, or not to exceed eight days storage in watertight/covered storage receptacles designed for the temporary accumulation of trash.

Section 4.11 Classification of Moved Buildings

Any building moved within a district, or any building moved into a district from without, shall be considered a new building and be subject to all the limitations and requirements set forth herein relating to uses, construction, permits and certificates.

Section 4.12 Fill Regulations

- A. Statement of Purpose. The purpose of these regulations is to assure that filling activities on any property for building site preparation, or otherwise, comply with applicable state laws, utilize appropriate fill materials, and are undertaken and completed in such a manner as to reduce hazards to life and property, and generally protect the public health, safety and welfare. Nothing herein is intended to allow the establishment of a disposal area regulated by state law or otherwise affect the provisions of applicable law which

require certain waste materials to be disposed of in a solid waste disposal area constructed and licensed pursuant to same.

B. Regulations Applicable in all Zoning Districts. Only inert soil, sand, clay, gravel, stone, and other inert/non-organic material may be used as fill materials in any zoning district, subject to the following regulations:

1. State Wetland Permit Requirement. No filling activities shall take place in a wetland subject to regulation by the State without a permit first being obtained as required by applicable law.
2. State Soil Erosion and Sedimentation Permit Requirement. No filling activities which may result in or contribute to soil erosion or sedimentation of surface waters shall take place without a permit first being obtained from the appropriate state or county agency as required pursuant to applicable law.
3. Fill Material Content. Fill material shall have sufficient porous materials (such as soil, sand or gravel) to bed non-porous materials (such as rock, or pieces of concrete or brick).
4. Maximum Size of Non-porous Materials. Allowable non-porous materials (such as rock, or pieces of concrete or brick) shall be no greater in size than a standard concrete construction block. If larger pieces of material are encountered they shall be broken up to a conforming size or removed and disposed of lawfully.
5. Compaction of Fill Material. All fill material shall be compacted to at least a 90% density.
6. Leveling and Finishing of Filled Areas. Within 30 days or as soon thereafter as is practicable all filled areas shall be graded and leveled, completely covered with clean top soil at a depth of at least six inches, and seeded with a grass or other appropriate form of vegetation sufficient to control erosion.
7. Final Grade and Runoff Control. The final grade of all filled areas shall be such as to either contain precipitation run-off within the subject property, or restore a natural flow to abutting property or a public roadway or other public right-of-way.

C. When Fill Permit Required; Review of Application for Fill Permit by Zoning Administrator or Planning Commission.

1. No Fill Permit Required. No fill permit is required where the volume of fill associated with a particular filling activity or project will not exceed 500 cubic yards of material.
2. Fill Permit Required; Review by Zoning Administrator. Where the volume of fill associated with a particular filling activity or project will be more than 500 cubic yards of material but less than 1,000 cubic yards of material, no filling activity shall take place except upon approval of an application for a fill permit by the

Zoning Administrator pursuant to the application requirements and review criteria specified in subsections 3 and 4 below (administered by the Zoning Administrator as a zoning compliance permit, rather than by the Planning Commission as a special land use).

3. Where the volume of fill associated with a particular filling activity or project will exceed 1,000 cubic yards of material, or where the Zoning Administrator determines that by reason of the nature of the subject property, the location of that property, or other circumstances of the proposed fill activity, a particular filling activity or project is likely to cause a substantial impact on adjoining or nearby properties which may not be temporary in duration, no filling activities shall take place without Planning Commission approval of the filling activities, as an overlay special land use, in accordance with all applicable provisions of this Ordinance, including the following:
 - a. Application for Fill Permit. An application for a Fill Permit shall be filed with the Zoning Administrator in accordance with the requirements of Chapter 10 and shall in addition include the following information:
 - (1) Name and address of applicant.
 - (2) Common address and legal description of property to be filled.
 - (3) Owner of property to be filled.
 - (4) Type(s) of fill material to be deposited.
 - (5) Source(s) of fill material to be deposited.
 - (6) Route(s) of travel from source(s) of fill material to subject property.
 - (7) Volume of fill material requested to be permitted (in cubic yards).
 - (8) Location of portion of subject property where filling activities will take place.
 - (9) Final grade of filled area.
 - (10) The number and type of vehicles and equipment to be used in filling activities, including transporting, dumping and leveling fill materials.

The Planning Commission may require one or more of the above application items and other pertinent information to be supplied in the form of a site plan in accordance with Chapter 9.

- D. Fill Permit Review Criteria. The Planning Commission shall process and review a Fill Permit application in the same manner as a special land use request is processed and reviewed pursuant to law and applicable provisions of Chapter 10. The Planning Commission shall approve, approve with conditions, or disapprove the application based on the general special land use approval standards in Chapter 10, and upon a finding that:
1. The requested filling activities can be conducted in compliance with all applicable Ordinance requirements; and
 2. All applicable state and/or county permits have been obtained; and
 3. The requested fill activities will not have a harmful effect on abutting or nearby properties, except to the extent that any such affects are unavoidable inherent in the filling process, but will be temporary in duration, lasting only so long as the filling activities are taking place.

Section 4.13 Exotic Animals, and livestock

- A. Exotic animals are not permitted on any premises which are under the jurisdiction of the Joint Planning Commission without a determination by the Zoning Administrator that the subject animal(s) will pose no threat to the health, safety and welfare of persons or property, after submission of a site plan pursuant to Chapter 9 and pursuant to the standards for site plan approval in Section 9.04; provided that the Zoning Administrator may instead refer the site plan submission to the Planning Commission for review pursuant to the applicable provisions of Chapter 9 if the Zoning Administrator determines such review by the Planning Commission instead of the Zoning Administrator is in the public interest.
- B. Livestock. The keeping or raising of livestock is subject to the following:
1. Commercial Production Purposes. This Zoning Ordinance does not provide for commercial production livestock land uses in any zoning district, but certain premises may potentially be determined by the State of Michigan to be permissible for the siting of a new or expanding commercial livestock production facility pursuant to the Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Facilities issued by the Michigan Commission of Agriculture & Rural Development under authority of the Michigan Right To Farm Act.
 2. Non-Commercial Production Purposes. The keeping or raising of livestock for any non-commercial purpose is not allowed in any zoning district.
 3. For purposes of the provisions of this Zoning Ordinance pertaining to the keeping or raising of livestock for "commercial" purposes, or referring to a livestock "production" facility or similar term, these terms shall mean the act of producing an item intended to be sold at a profit.

Section 4.14 Applications for Zoning Approval

No application for a zoning approval or other action required or allowed by this Ordinance shall be processed for consideration unless the Zoning Administrator has determined the application submitted to be administratively complete, and any applicable application/review fee/deposit has been paid. See Section 16.03.