

# ARTICLE III: GENERAL REGULATIONS

## SECTION 3.01: HEIGHT, BULK AND PLACEMENT REGULATIONS

Except as otherwise specifically provided for in this Ordinance, no lot or parcel shall be created and no structure shall be erected or maintained except in compliance with the requirements as set forth in the following Schedule of Regulations.

### MINIMUM SETBACKS

DISTRICT	MINIMUM LOT SIZE SQUARE FEET		MINIMUM LOT WIDTH FEET		FRONT	MAIN STRUCTURE			ACCESSORY BUILDINGS			HEIGHT
	PERMITTED USE	CONDITIONAL USE	PERMITTED USE	CONDITIONAL USE		FRONT	SIDE	REAR	FRONT	SIDE	REAR	
RR-1	40,000 A	20,000	125	100	30	15	25	30	30	6	10	14
RR-2	2 ACRES	2 B & F	170	170	30	30	30	30	30	6	10	14
RR-5	5 ACRES	5 ACRES	270	270	30	30	30	30	30	6	10	D
RR-10	10 ACRES	20 ACRES	330	660	30	30	30	30	30	6	10	D
TD	20,000	40,000 B	100	125B	30	10	35	30	30	6	15	14
LS&R	20,000	20,000	100	100	30	10	30 C	30	30	6	20 C	14
RS	1 ACRE	1 ACRE	120	120	30	10	30 C	30	30	6	20 C	14
PA	NONE	NONE	NONE	NONE	30	15	25	30	30	10	20	14
RP-20	20 ACRES	20 ACRES/G	540	380	30	30	30	D	30			
AP	20 ACRES	5 ACRES	660	330	30	10	30	D	30	6	10	14
I	25,000	1 ACRE	100	150	40	E	20	D	40	6	20	14

The maximum lot depth to width ratio shall be no greater than 4:1:1.

A. Two family dwellings.

B. Multiple family dwellings, subject to density requirements in Article ii, Sec. 2.02.

C. Waterside minimum setback shall be 50 feet for main structures and 30 feet for accessory buildings/structures.

D. Not to exceed the horizontal distance to any lot line.

E. No minimum side yard required, however, a minimum thirty (30) foot wide clear and unobstructed access way and/or easement shall be provided to the rear yard of each lot or parcel. Setbacks from existing residential parcels shall be, 50 feet for all buildings, 25 feet for driveways, entrances or exits, and 10 feet for parking areas.

F. Light agricultural uses - 5 acre minimum lot size.

G. Single family dwellings, 10 acres and gun clubs, rifle, trap and pistol ranges on tracts of 40 a or more.

### **SECTION 3.02: MINIMUM BUILDING FLOOR AREA**

Every single/two-family dwelling, excluding recreational structures, shall have a floor area of not less than 720 square feet, exclusive of basements, garages, unenclosed porches and breeze ways. Every unit in a multiple family dwelling shall have a minimum floor area of at least 350 square feet.

### **SECTION 3.03: ACCESSORY BUILDINGS AND USES**

Where a lot is devoted to a permitted principal use, customary accessory buildings and uses are authorized except as prohibited specifically or by necessary implication in this or any other ordinance. The following special rules are applicable:

- A. An accessory building, including carports, attached to the principal building shall be made structurally a part thereof, and shall comply in all respects with the requirements of this Ordinance applicable to the principal building. Breeze ways, as an attachment between the garage or carport and the main building, shall be considered a part of the main building, but shall not be considered livable floor space.
- B. Customary home occupations are authorized upon application for and issuance of a Conditional Use Permit as provided for in Article VI. In addition, home occupations shall meet the terms as identified below:
  - 1. Home occupations shall employ only those members of the family residing on the premises and not more than one outside employee.
  - 2. There shall be no outdoor storage or other exterior evidence of the conduct of home occupations, other than an approved sign.
  - 3. Specifically excluded is the storage, display and sale of merchandise not produced by such home occupations.
  - 4. If the home occupation is conducted in an accessory building, it shall not exceed fourteen (14) feet in height, and shall occupy not more than three hundred (320) square feet of said accessory building.
  - 5. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in that residential neighborhood, and any need of parking generated by the conduct of such home occupation shall meet the requirements of Section 3.07.
  - 6. The use of the dwelling unit for home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and if such home occupation is conducted in the principal dwelling, not more than twenty-five percent (25%) of the usable floor area of the dwelling shall be used in the conduct of the home occupation.
  - 7. No equipment or processes shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical

interference, no equipment or process shall be used which creates visual or aural interference in any radio or television receivers off the premises, or causes fluctuations in the line voltage off the premises.

8. A sign advertising the home occupation shall not exceed six (6) square feet and shall not be illuminated or have working parts.
9. Small and large kennels are authorized upon application for and issuance of a Conditional Use Permit as provided in Article VI. In addition, both small and large kennels shall be in accordance with the following requirements
  - a. In the RR-10 District, small kennels shall not be located within 300 feet of any lot line.
  - b. In the RP-20 and AP Districts, small or large kennels shall not be located within 140 feet of any lot line.
  - c. No small or large kennel shall be located within 350 feet of any adjacent residence.
  - d. Any kennel activity involving the housing, grooming, breeding, boarding, training, or selling of dogs shall require a kennel license issued by the Marquette County Treasurers office.

#### **SECTION 3.04: ONE PRINCIPAL STRUCTURE OR USE PER LOT**

No more than one principal structure or use may be permitted on a lot, unless specifically provided for elsewhere in this Ordinance.

EXCEPTION: In the Town Development District there can be both a residential dwelling and a separate building used for commercial purposes on the same lot.

#### **SECTION 3.05: VARIANCE OF REQUIREMENTS FOR LOTS OF RECORD**

Minimum lot size and lot width regulations do not apply to any nonconforming parcel of land as a lot in a map recorded with the County Register of Deeds, or described in a deed or land contract or lease agreement which has been perpetual, executed together with an affidavit or acknowledgment of a notary public, prior to the effective date of this Ordinance, and which lot actually exists as shown or described. No vested right shall arise to the property owner for any parcel created in violation of this Zoning Ordinance or prior ordinances.

##### **A. Allocation and Reduction of Lot Area**

No portion of a lot shall be used more than once in complying with the provisions for lot area and yard dimensions for construction or alteration of buildings.

No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards shall meet at least the minimum requirements established herein.

B. Height Requirement Exceptions

1. Those purely ornamental in purpose, such as church spires, belfries, domes, ornamental towers, flagpoles and monuments
2. Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, radio towers, television antennas and satellite dishes, wire transmission structures, and cooling towers. Any commercial radio, television or transmission tower shall be so located that the distance from the base of the tower to the nearest property line shall be fifty (50) feet greater than the height of the tower.
3. Public utility structures
4. Agriculture related structures such as barns, silos, elevators and the like.
5. Amateur radio towers, provided that the height does not exceed the horizontal distance from the base of the tower to property line

C. Access Through Yards

Access drives may be placed in the required front, side or rear yards so as to provide access to accessory or attached structures. Any walk or other pavement serving a like function shall not be considered a structure and shall be permitted in any required yard.

**SECTION 3.06: FRONTAGE REQUIREMENTS**

All lots except those in RP-20 and AP shall abut a public road or a private road approved by the Township Board.

Approved private roads shall have a minimum right-of-way of 66 feet in width and contain a road width of 18 feet and be paved with gravel or similar material. Any one lot record created prior to the adoption of this amendment without suitable access in accord with this ordinance can be occupied as a single lot of record providing that legal access to a public street is obtained.

**APPLICATION INFORMATION REQUIRED:**

1. The name and address of all current owners on the proposed private road.
2. The legal description of the property upon which the road is located and a site plan indicating the materials to be used in the road grade including drainage pattern.
3. A cross section of the road indicating the materials to be used in the road grade including drainage patterns.
4. A proposed road name.
5. A copy of the language to be included in the deeds for any lots along the road showing maintenance agreements, utility easements and a statement that the road is a private road to be maintained by the occupants or owners of the road.

## APPROVAL REQUIREMENTS

The approval of a private road shall be based upon a finding of conformity to the conditional use standards as contained in this ordinance. A public hearing shall be held by the Township Planning Commission and a recommendation of the Planning Commission shall be made to the Township Board.

### SECTION 3.07: OFF-STREET PARKING REQUIREMENTS

There shall be provided off-street parking for motor vehicles, and the minimum number of parking spaces to be provided is shown in the following list:

<u>USE</u>	<u>SPACES PROVIDED</u>
Single and two-family dwellings, recreational structures	2 per dwelling unit
Rooming houses, fraternities, sororities, dormitories convalescent homes, and housing for the elderly	4 times the maximum lawful number of occupants
Hotels and motels	1 2 per room in addition to spaces required for restaurant facilities
Apartments and townhouses	2 per dwelling unit
Churches, theaters, facilities for spectator sports, auditoriums, concert halls	.35 times the seating capacity
Golf courses	7 per hole
Barber shops and beauty parlors	2 plus 1.5 per chair
Bowling alleys	5 per lane plus spaces required for restaurant facilities
Child or Day care centers	2 per dwelling unit plus .3 per child
Family and Group Day Care Homes	1 per each employee or care giver plus 1 for each 3 children
Fast food take-out establishments and drive-in restaurants	1 per employee plus 1 per 50 sq. ft. of floor area provided for customer sales and service areas

Restaurants (except drive-ins)	1 2 per 100 sq ft of floor space
Furniture and appliance stores	3 per 100 sq ft of floor space
Household equipment, carpet and hardware stores, repair shops including shoe repair, contractor's showrooms and others, museums and galleries	1 2 per 100 sq ft of floor space
Funeral parlors	1 per 50 sq ft of floor space
Gas stations	1 per pump plus 2 per lift (in addition to stopping places adjacent to pumps)
Automotive service center	1 per employee plus 2 per service bay
Laundromats	5 per washing machine
Doctor's and dentist's offices	1 per 100 sq ft of waiting room area and 1 per doctor or dentist
Banks	1 per 150 sq ft of floor space
Warehouses	1 per 500 sq ft of floor space
Retail stores and service establishments and outdoor sales	1 per 150 sq ft of floor space
Offices	1 per 300 sq ft floor space
Other business and industrial use	.75 times maximum number of employees on premises at any one time

Where calculation in accordance with the foregoing lists results in requiring a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.

Required off-street parking shall be provided on the lot to which it pertains.

The use of any required parking space for the storage of any motor vehicle for sale, or for any other purpose other than the parking of motor vehicles is prohibited.

The following minimum design standard shall be observed in laying out off-street parking facilities

Parking Angle	Stall Width	Aisle Width	Parking Stall Length	Curb to Curb
0 to 15 degrees	9 ft	12 ft	23 ft	30 ft
16 to 37 degrees	10 ft	11 ft	19 ft	47 ft
38 to 57 degrees	10 ft	13 ft	19 ft	54 ft
58 to 74 degrees	10 ft	18 ft	19 ft	61 ft
75 to 90 degrees	10 ft	24 ft	19 ft	63 ft

### **SECTION 3.08: REQUIRED PLANTING SCREENS**

In Districts Town Development (TD) and Industrial (I), or wherever a multiple family use may locate or where any parking lot, trash collection, outdoor storage, merchandising, or service area lies within 50 feet of any Single-Family Residential (RR-1, RR-2), or Rural Residential (RR-5) District, or adjoins an existing residential dwelling within the TD or I District, a planting screen of sufficient length to interfere with the view thereof from the adjoining property shall be required except where the view is blocked by a change in grade or other natural or man-made features. Where, because of intense shade or soil conditions, the planting screen cannot be expected to thrive, a six (6) foot high fence, whether it be an opaque wooden fence, a chain link fence with interwoven slats, or a masonry wall, may be substituted.

### **SECTION 3.09: PLANTING SCREEN SPECIFICATIONS**

All planting screens required by this Ordinance shall consist of plants, at least 30 inches high when planted, maintained in a healthy condition and so pruned as to provide maximum opacity from the ground to a height of five feet. One of the plant materials in the following list shall be used and plants shall be located no farther apart than the distance indicated in each case.

<u>PLANT</u>	<u>DISTANCE APART</u>
Lilac	3 feet
Privet	1 ½ feet
Arbor Vitae	4 feet
Pfitzer	4 feet
Scotch Pine	5 feet
Jack Pine	5 feet
Spruce	5 feet

Substitution of other plant materials shall be permitted only upon certification of the Zoning Administrator that the proposed plants can be expected to thrive and provide equivalent screening and will create no nuisance or hazard.

### **SECTION 3.10: PARKING LOT PLANTING**

Where the provision of off-street parking for 50 or more vehicles is required, there shall be landscaped open space within the perimeter of the parking area, or areas, in the minimum amount of 18 sq. ft. for each parking space, which shall be so located that no parking space is more than 120 ft. from a position of the landscaped open space required by this Section. Landscaped open space required by this Section shall be kept continuously planted with living vegetation. The required landscaped open space need not be contiguous, but there shall be at least one tree in each separate area. Required trees shall be at least six (6) feet high when planted or when this Ordinance becomes applicable thereto, shall be maintained in a healthy condition, and shall not be pruned, except to remove dead wood, in such a manner as to prevent growth to a height of at least 15 feet or to reduce existing height below 15 feet. The following varieties of trees are prohibited in meeting the requirements of this Ordinance: Poplars, Willows, American Elm, seed-bearing Locusts, and Box Elders. All plant materials shall be kept pruned to maximize visibility through them between the heights of three and eight feet so as not to create a hazard to drivers or pedestrians.

### **SECTION 3.11: TIME OF COMPLETION**

All planting required by this Ordinance shall be installed prior to occupancy or commencement of use. Where compliance is not possible because of the season of the year, the Zoning Administrator shall grant an appropriate delay. Any Zoning Compliance Permit may be revoked, after 30 days written notice to the person assessed for taxes on the affected lot and to the occupant, whenever plants are not maintained as required in this Ordinance.

### **SECTION 3.12: WATERFRONT SETBACK**

All structures located on lots or parcels abutting any body of water shall be established in accordance with the requirements of the Inland Lakes and Streams Act No. 346, P.A. 1972, and the Goemaere-Anderson Wetland Protection Act No. 203, P.A. 1979. Said structures shall maintain a fifty (50) foot minimum setback as measured from the ordinary high water mark or from a legally established lake level elevation.

That part of the setback which lies within 15 feet of the water's edge shall be maintained in its natural condition. Trees and shrubs in a space 50 feet wide may be trimmed or pruned for a view of the fronting waters and for access thereto. No change shall be made in its natural grade. A lot shall be regarded in its natural condition when there is at least one tree or shrub having a height of at least 15 feet for each 100 square feet of area thereof in wooded areas or sufficient natural ground cover in open areas. All uses shall be subject to this setback except private bathing facilities, saunas, storage sheds, and associated facilities which shall maintain a minimum setback of 30 feet as measured from the riverbank or lake bluff line.

#### **A. Limitation of "Funnel Development"**

Any development in any zoning district which shares a common lakefront or stream area may not permit more than one (1) single-family home, cottage, condominium or apartment unit the use of each one hundred (100) feet of lake or stream frontage in such common lakefront or stream area as measured along the water's edge of normal high water mark of the lake or stream. This restriction is intended to limit the number of users of the lake or stream frontage to preserve the quality of the waters, avoid congestion, and to preserve the quality of recreational use of all waters and recreational lands within the Township. This restriction shall apply to any parcel

regardless of whether access to the water shall be gained by easement, common fee ownership, single fee ownership or lease  
EXCEPTION: This restriction shall not apply to an official public access site

### SECTION 3.13: MINERAL EXTRACTION

Mineral extraction is the extraction and processing of iron ore, copper, gravel, sand, stone, gypsum, peat, silver, gold, uranium and other minerals. It is the intent of these regulations to:

- A. Provide for the proper environmental management during the site planning, operational and reclamation states of the mineral extraction process.
- B. Provide the Township with information important to overall planning and orderly economic growth.
- C. Provide for the right to extract mineral deposits where located.

The following shall not require an application for a mineral extraction permit:

- 1. Any active mining operation at the date of enactment of this Ordinance to continue mineral extraction from existing holes or shafts, which may be enlarged on the land constituting the site on the effective date of this Ordinance. This exemption does not apply to new holes or shafts.
- 2. An extraction of less than five hundred (500) cubic yards of minerals from a parcel.
- 3. Site preparation authorized by Zoning Compliance Permit.

No mineral extraction shall be undertaken without first obtaining a Mineral Extraction Permit from the Planning Commission and upon payment of a reasonable fee established by the Township Board. The Zoning Administrator, upon receipt of the application for Mineral Extraction Permit and the designated fee, shall forward all necessary information within thirty (30) days to the Planning Commission for their review and action. The Planning Commission shall review the application for Mineral Extraction Permit at a public hearing, to be scheduled and in accordance with the provisions of Section 3.15 and 8.02 and they shall approve, approve with conditions, or reject the mineral extraction permit with explanation. If any of the application information is available in the form of an Environmental Impact Assessment or other appropriate documents which are required to be submitted to various County, State and/or Federal agencies, a copy of that information may be submitted in place of the following appropriate sections.

### **SECTION 3.14: APPLICATION FOR MINERAL EXTRACTION PERMIT**

An application for a Mineral Extraction Permit must contain a Site Plan, Operation Plan, and Reclamation Plan as described herein

The applicant shall submit the following documents, including a cover letter with the signature of the applicant or the applicant's authorized agent to the Zoning Administrator

#### **A. Site Plan Requirements**

A site plan consisting of twelve (12) identical copies on one or more sheets at a scale adequate to illustrate the proposed operation, must include the following.

1. A legal description of the property, the name, address and telephone number of the owner, developer and designer.
2. Date, north point, and scale.
3. The actual dimensions of the proposed developed area (as shown by a surveyor or engineer, with the survey stakes visible) showing the relationship of the subject property to the abutting properties.
4. The location of all existing and proposed structures on the subject property and all existing structures on land immediately adjacent to the site within 100 feet of the site's parcel lines.
5. The location of all existing and proposed drives and parking areas.
6. The location of right-of-way widths of all abutting streets, alleys, and private easements.
7. The location of proposed planting and screening , fencing, signs and advertising features.
8. The height and floor area of all proposed structures.
9. The size and location of all existing and proposed public and private utilities and required landscaping.
10. Proposed location, area extent, estimated depth of excavation.
11. Proposed location of waste dumps, tailing ponds, sediment basins, stockpiles, and other permanent or temporary facilities used in mining.
12. Describe the general groundwater conditions and the possible impact of mining operations upon adjacent groundwater levels and quality. The operator must identify plans to alleviate possible problems in the groundwater supply to adjacent landowners.

- 13 Additional information as noted and required in Section 5.06 of this Ordinance

B Operation Plan Requirements

1. A narrative description outlining the estimated time span which the operation will cover, the type of material to be extracted, the type of mining operation and processing equipment to be used, measures to control noise, vibration and pollution from the operation, effect on groundwater condition, proposed travel routes to be used to transport the mined material to processing plant of markets, and the proposed steps to be taken to relieve adverse effects.
2. A narrative description of the social and economic impact on West Branch Township including an estimate of the number of potential employees, proposed transportation routes for employees and any changes in the present road system that might be made necessary by the proposed operation.
3. Sight buffers as reasonable and practical along all boundaries of the mining operation which abut RR-1, RR-2, RR-5, LS&R, RS, or TD Zoning Districts. These buffers shall be so constructed as to screen the mining operation from view and protect individuals from injury.

The following techniques may be used, but are not limited to the following screening methods:

Buffer Zone: An area of sufficient depth as to screen the operation from view.

Earth Berms: Earth berms, constructed to a height of at least six feet above the mean elevation of the center line of the public highway adjacent to the mining property, or six feet above the general level of terrain along property lines. These berms shall have slopes not in excess of one foot vertical to four feet horizontal, and shall be planted with trees and shrubs.

Plantations: Plantations of coniferous or other suitable species in rows parallel to the boundaries of the property with the spacing of rows and the spacing of trees in the rows sufficient to provide effective screening.

Fencing: Solid fences or masonry walls constructed to a height of six feet and inconspicuous as compared to color.

4. A description of the measures to be taken to assure that any dangerous excavations, pits, pond areas, banks or slopes be adequately guarded or fenced and posted with signs to prevent injury to individuals.
5. Identify plans for utilities, access roads, drainage, traffic plans, and other site improvements showing appropriate measures that have been, are, or will be provided.

C. Reclamation Plan Requirements

A reclamation plan shall include a map and description showing

1. Final grading, anticipated final slope angles, wall reduction, benching and terracing of slopes, slope stabilization and regrowth, erosion control, and alternative future land uses.
2. Description of topsoil stripping and conservation during storage and replacement.
3. Plan and description of anticipated final topography, water impoundments, and artificial lakes on property.
4. Plans for disposition of surface structures, roads, and related facilities after cessation of mining.
5. A plan for disposal or treatment of any toxic materials found in any formation penetrated by the mining operations or produced during the processing of materials used during the mining or processing operations.
6. A timetable for completion of reclamation requirements.

**SECTION 3.15: GENERAL STANDARDS**

The Planning Commission shall review the particular facts and circumstances of each Application for a Mineral Extraction Permit in terms of the following standards and shall find adequate evidence showing that the proposed use:

1. Will be harmonious with and in accordance with the general policies or with any specific objectives of the Comprehensive Plan;
2. Will provide adequate site drainage so that waters will not adversely affect neighboring properties;
3. Will not be hazardous or cause serious consequences to existing neighboring uses, including, but not limited to, its affect from noise, traffic, smoke, fumes, glare, or odors;
4. Will be served adequately by existing public facilities and services;
5. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community; and
6. Will protect the public health, safety and welfare of the community.

**SECTION 3.16: STORAGE OF HAZARDOUS MATERIALS**

- A. Storage tanks and associated equipment shall be screened from adjoining residential areas with an opaque fence or screen.
- B. The storage, handling, dispensing and use of the hazardous materials shall be done in accordance with applicable Federal, State and local rules and regulations.
- C. Hazardous materials storage and handling areas shall be equipped with structures and/or systems designed to prevent direct or indirect discharge to ground water.
- D. Storage tanks and associated equipment shall meet all applicable yard requirements for principal buildings.
- E. Plans shall be reviewed and approved by the Fire Chief responsible for fire protection in the Township.

**SECTION 3.17: DISCHARGES TO GROUNDWATER**

No discharges to groundwater, whether direct or indirect, shall be permitted without evidence of required permits and approvals from all Federal, State and County agencies administering such permits or approval programs.