

Article 3

General and Special Requirements

Section 3.01 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 be 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 3.02 Lot Area, Width, and Setback Requirements

a. Lot Area, Frontage, and Width

No lot or parcel of land shall be divided, subdivided, or reduced in area, frontage, or width in any way that results in existing or newly created lots or parcels having area, frontage, or width that is less than is permitted in the zoning district in which the lot or parcel is located.

b. Setbacks

Existing uses, buildings, and structures may not be extended, expanded or added to in any way that results in a reduction of existing or required setbacks to a distance less than that permitted in the zoning district in which the use, building or structure is located.

Section 3.03 General Exceptions to Area, Height, and Use Regulations

The regulations of this Ordinance shall be subject to the following general exceptions:

- a. Essential Services. Essential services shall be permitted as authorized and regulated by law and other Township ordinances, it being the intent to exempt such essential services from the application of this Ordinance.
- b. Voting Place. The provisions of this Ordinance shall not be construed so as to interfere with the temporary use of any property as a voting place in connection with a Township or other public election.
- c. Height Limit. The height limitations of this Ordinance shall not apply to farm buildings, chimneys, church spires, flag poles, public monuments, or water towers. However, height limitations imposed by this Ordinance shall under no

circumstances be less restrictive than those specified by an established Airport Zoning Ordinance.

Section 3.04 Uses Not Listed

If a proposed use of land or use of a building or buildings is not specifically listed in this Ordinance either by right or by special use permit, then the Zoning Administrator shall request an interpretation by the Zoning Board of Appeals as to the appropriateness of locating the use in the zoning district in which it is proposed.

Section 3.05 No More than One Principal Use Permitted Per Lot

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Unless specified by other provisions of this Ordinance, no more than one (1) principal use may be established on any lot in any zoning district.

Section 3.06 Accessory Buildings

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Accessory buildings shall be subject to the following regulations:

- a. Where an accessory building is attached to a main building, it shall be subject to and must conform to all requirements of this Ordinance applicable to the main building
- b. Detached accessory buildings are permitted in side and rear yards only.
- c. Detached accessory buildings in all zoning districts except A-1 Agricultural, shall be located no closer than ten (10) feet to any principal building.
- d. Detached accessory buildings in any Residential Zoning District shall not exceed fourteen (16) feet in height.
- e. Detached accessory buildings may occupy no more than twenty-five (25) percent of a required rear yard.
- f. Barns are permitted of any size in the Agricultural (A-1) Zoning District if they are located at least the minimum setback from any property line and not closer than one hundred (100) feet from any dwelling other than your own.
- g. If an accessory building is located on a corner lot where the side lot line is a continuation of the front lot line of the lot to its rear, then the accessory building shall not project beyond the front yard setback on the lot in the rear of such a corner lot.

- h. A building lot in any zoning district may have only one (1) detached accessory building of two hundred (200) square feet that does not require a building permit to be erected.

| Section 3.07, Home Occupations

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Home occupations are permitted, subject to the following standards:

- a. The home occupation must be conducted within the principal dwelling or within a normally associated, attached accessory building.
- b. The home occupation must be clearly incidental and subordinate to the use of the dwelling for dwelling purposes.
- c. The home occupation must be limited to 25% of the dwelling space.
- d. 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 3.08, Road Frontage Required

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All lots shall have required frontage on, and direct access to, a section line public road.

| Section 3.09, Approval of Subdivisions and Site Condominiums

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All subdivisions and site condominium projects must be reviewed and approved in accordance with the Arbela Township Subdivision and Site Condominium Ordinance. All subdivisions and site condominium projects must also comply with all requirements of this Zoning Ordinance.

| Section 3.10, Use of Structures as Temporary Living Quarters During Construction of a Permanent Residence

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This section establishes regulations which are intended to permit the temporary placement and occupancy of structures in all zoning districts when located on the same lot on which a lot owner's permanent dwelling is being constructed, or repaired following an event that temporarily renders the dwelling unfit for occupancy. Structures may be placed and occupied as temporary living quarters, subject to the following conditions:

- a. No structure shall be placed or occupied under the provisions of this section unless authorized by the Zoning Administrator/Building Inspector by the issuance of a Temporary Dwelling Permit.
- b. Temporary permits as required by this section shall not be issued unless and until a land use permit authorizing construction of the permanent dwelling, or repair or reconstruction of a damaged, dangerous, and unsafe existing dwelling has been secured by the lot owner or his/her authorized representative.
- c. Temporary permits issued under the provisions of this section shall be valid for a period of twelve (12) months from the date of issue by the Zoning Administrator/Building Inspector.
- d. Temporary permits issued under the provisions of this section may be renewed once by the Zoning Administrator/Building Inspector for a six (6) month period, if substantial progress is being made on the permanent dwelling.

Section 3.11, Swimming Pools, Spas, and Hot Tubs

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Swimming pools, spas, and hot tubs are permitted as an accessory use in all zoning districts subject to applicable setback regulations established for accessory uses, buildings, and structures. Swimming pools, spas, and hot tubs located outdoors, whether constructed in, on or above the ground, shall be provided with a fence or other barrier that complies with all provisions of the State of Michigan Building Code applicable to swimming pools. Fences and other barriers must be approved by the Building Inspector before a swimming pool, spa, or hot tub will be approved for use or occupancy,

Section 3.12, Buildings to be Moved

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No building shall be moved into or within the Township until a Permit has been secured for the building to be moved.

The following standards and regulations shall apply to all dwellings that are erected in or moved into or within the Township, except those dwellings located within licensed mobile home parks:

- a. All dwellings shall comply with the dimensional requirements, including minimum floor area, of the zoning district in which they are located.
- b. All dwellings shall have a minimum width across all front, side, or rear elevations of fourteen (14) feet.
- c. All dwellings shall have a gable roof with a 3-12 minimum pitch.
- d. All dwellings shall be constructed or placed upon and anchored to a foundation that complies with the applicable provisions of the Arbelá Township Building Code.
- e. In the event a dwelling is a mobile home, it shall be installed and anchored with its wheels removed, and its towing mechanism removed or boxed in. None of the undercarriage shall be visible from outside the mobile home.
- f. In the event a dwelling is a mobile home, it shall be fully skirted with vinyl, aluminum or a comparable material, and ventilators shall be installed.
- e. All dwellings shall comply with all Tuscola County and Arbelá Township building, fire, and safety codes. Mobile homes 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.
- f. Permanent steps or porches are required where there is a difference in elevation between a doorway and grade level.
- g. Additions to existing dwellings shall meet all requirements of this ordinance.
- h. All dwellings shall contain 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 dwelling. The storage area shall be equal to either ten (10) percent of the total area (square footage) of the dwelling, or one hundred (100) square feet, whichever is less.
- i. All dwellings shall be connected to a public sewer system and water supply system, or a well and septic system approved by the local Health Department.

Section 3.14 Restoring Unsafe Buildings

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Nothing in this Ordinance shall prevent the strengthening or restoration to a safe condition of any part of any building or structure declared unsafe by the Building Official, or required to comply with his or her lawful order.

Section 3.15 Construction Begun Prior to Adoption of Ordinance

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Nothing in this Ordinance shall be deemed to require any change in the plans, construction, or designed use of any building for which construction was lawfully begun prior to the effective date of this Ordinance and upon which building actual construction has been diligently carried on, and provided further that such building shall be completed within two (2) years from the effective date of this Ordinance.

Section 3.16 Approval of Land Divisions

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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) or the local zoning ordinance, whichever is more restrictive. 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 3.17 Fences

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All fences, walls, and similar enclosures shall conform to the following regulations:

- a. Unless prohibited by zoning district regulations, fences, walls, and similar enclosures are not subject to the setback provisions established by those regulations, except that fences may not be constructed within any public right-of-way.
- b. Fences located in front yards in the [residential] Zoning Districts shall not exceed three (3) feet in height.
- c. Fences located in side and rear yards in the [residential] Zoning Districts shall not exceed six (6) feet in height.
- d. Barbed or electric wire fences are permitted in the Agricultural Zoning Districts only. Barbed wire cradles may be placed on top of fences enclosing public utility buildings or wherever deemed necessary by the Zoning Administrator in the interest of public safety.

- e. It shall be unlawful to erect a fence consisting or constructed of tires, vehicle parts, rotting lumber, pallets, trash, or any materials capable of providing habitat for pests or vermin.
- f. Horizontal support member must face the property owner who is constructing the fence.

| Section 3.18 Clear Vision Area on Corner Lots

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No sign, fence, wall, planting or other visual obstruction, more than thirty (30) inches in height shall be established or maintained in any zoning district, within an area formed by the intersection of any street center lines at a distance along each such line of sixty(60) feet from their point of intersection. See Figure 7.

| Section 3.19 Home Sales

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Sales of personal property from a residential dwelling may occur not more than three (3) times per year for a period not to exceed four (4) days for each occurrence. All items displayed for sale shall be set back a minimum of 20 feet from all road rights-of-way to prevent traffic hazards. All signs advertising a sale shall be removed within 24 hours after the end of the sale.

| Section 3.20 Roadside Stands

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Roadside stands are permitted in all Agricultural and Residential Zoning Districts, subject to the following requirements:

- a. One parking space off the road right-of-way shall be provided for each one hundred (100) square feet of space in the stand.
- b. The stand may have no more than two (2) signs which are not over sixteen (16) square feet per sign.

| Section 3.21 Outdoor Storage and Waste Disposal

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All uses established or placed in operation in any zoning district after the effective date of this Ordinance shall comply with the following requirements:

- a. No materials or wastes shall be placed on the premises in such a form or manner that the materials may be carried off the property by natural causes or forces, such as by wind or water.
- b. All materials or equipment shall not be allowed to accumulate on any property in such a manner as to be unsightly, constitute a fire hazard, or contribute to unsanitary conditions.

Section 3.22 Site Rehabilitation

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All excavated overburden or other materials extending above the natural grade shall be leveled or removed, and the surface of the entire tract shall be restored to usable condition for development or agriculture. The excavated area shall be graded so that no gradient of the disturbed area has a slope greater than 1:3 (one (1) foot rise in three (3) feet of horizontal distance). The graded area shall be seeded with an appropriate grass type and a vegetative cover shall be established to minimize soil erosion.

Section 3.23 Inoperative or Dismantled Vehicles

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The storage of more than one inoperative, dismantled, or wrecked vehicle in any district is prohibited unless the vehicles are enclosed within a building, or provided the storage does not exceed thirty (30) days.

Section 3.24 Outhouses, Privies and Outside Toilets Prohibited

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Outhouses, privies, and pit toilets are prohibited in all zoning districts except within a campground licensed under the Michigan Public Health Code (P.A. 368 of 1978, as amended), or except those used for decorative purposes only.

Section 3.25 Ponds

Section 3.25.1 Minimum Lot Area and Other Dimensional Requirements

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- a. Minimum lot area and setbacks are the same as district in which the use is located.
- b. Pond banks shall have a maximum slope of one-foot vertical rise in four feet of horizontal distance extending below the water's surface to a depth of at least eight feet.
- c. Designed water depth of pond shall be at least 10 feet to ensure proper aeration and circulation of the water.

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d. Other Requirements:

- i. Use shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this section are less than those in the applicable State statutes, the State requirements shall prevail.
- ii. Applicant must obtain permit from the Michigan Department of Environmental Quality or provide documentation that permit is not required.
- iii. Pond should be located to minimize chance of pollution from sources such as feedlots, corrals, or septic systems.
- iv. Pond excavation should not alter surface drainage or underwater aquifers in a manner that would adversely impact neighboring uses.
- v. These requirements are for ponds only. The extraction of Natural Resources, i.e., sand, gravel, topsoil, etc. shall be regulated under a special land use.

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Section 3.26 On-Site Wind Energy Systems & Anemometer Towers

Purpose: This ordinance is to accommodate on site wind energy systems in appropriate locations in order to balance the need for clean and renewable energy sources while protecting the public's health, safety and welfare. In addition, the ordinance provides a permitting process for on site wind energy systems to ensure compliance with the provisions of the requirements and standards subject to the conditions described below:

Section 3.26.1 Standards:

1. On-site wind energy systems, anemometer towers, and related wind assessment devices are primarily intended to serve the needs of the on-site consumer. Unless otherwise provided, on-site wind turbine energy systems and anemometer towers shall comply with the following standards:
2. Zoning Districts: On-site wind energy systems and anemometer towers may be located in any district, provided the Wind Energy System or anemometer tower is setback from the property line a distance at least equal to the total height.
3. Maximum Height: Any proposed on-site wind energy system with a rotor tip height of 45 meters (150 feet) or less shall be considered an on site wind energy system.
4. Minimum Site Area: The minimum site area for on-site wind energy system or anemometer tower shall be three (3) acres.

5. Location: On-site wind energy systems and anemometer towers shall be located in the side or rear yard.
6. Property Setbacks: On-site wind energy systems and anemometer towers including anemometer towers used to conduct a wind site assessment for possible installation of an on-site wind energy system must conform to a height vs. setback requirement of one times the height of the tower from the property lines. No part of the on site wind energy system or anemometer, including guy wire anchors, may extend closer than (10) feet to the owner's property line.
7. Maximum Noise Levels: On site wind energy systems shall not exceed 65 dB(A) at the property line closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or during severe windstorms. If the ambient sound pressure level exceeds 65 dB(A), that standard shall be ambient sound level plus 5 dB(A)
8. Construction Codes, Towers & Interconnections Standards: On-site wind energy systems including towers shall comply with state construction and electrical codes and local building permit requirements. On site wind energy systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act, The Michigan Tall Structures Act, and local jurisdiction airport overlay zoning regulations. An interconnected on-site wind energy system shall comply with Michigan Public Service Commission and utility interconnection requirement. Off-grid systems may be exempt from this requirement.
9. Safety:
 - a. An on site wind energy system shall have a governing, or a feathering system to prevent uncontrolled rotation or over speeding.
 - b. All wind energy towers shall have lightning protection
 - c. If a tower is supported by guy wires, the wires shall be clearly visible to a height o at least six (6) feet above the guy wire anchors and property identified.
 - d. The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor.

Section 3.26.2 Site Permit Application: Prior to the installation of an on-site wind energy system or anemometer tower an application for a site permit must be filed and subsequently approved by the zoning administrator and shall include the following:

1. Applicant information: Name, address and contact information.

2. Project description: A general description of the proposed project including a legal description (property identification number) of the property on which the project would be located.

3. Site Plan: The site plan shall include maps or drawings showing the physical features and land uses of the project area.

The site plan shall include:

- a. The project area boundaries.
- b. The location, height, and dimensions of all existing and proposed structures and fencing.
- c. The location, grades and dimensions of all temporary and permanent on-site and access roads from the nearest county or state maintained road.
- d. Existing topography.
- e. Water bodies, waterways, wetlands, and drainage ditches (county drains).
- f. All new infrastructures above ground related to the project.
- g. Certification that applicant has complied or will comply with all applicable state and federal laws and regulations.