

## ARTICLE THREE (3)

### GENERAL PROVISIONS

#### **Sec. 3.01     Application of Regulations:**

Except as specified in this Ordinance, no building, structure, or premises shall hereafter be used or occupied, and no building, structure, or part thereof shall be erected, moved, reconstructed, extended, enlarged or altered except in conformity with the regulations herein specified. Furthermore, no lot shall be divided, no yard or setback reduced, or building height, density, or lot coverage increased so as to be in violation of this Ordinance, except where such reduction or increase has been brought about by the expansion or acquisition of a public right-of-way and/or a variance has been approved by Board of Zoning Appeals.

#### **Sec. 3.02     Unsafe Buildings:**

Nothing in this Ordinance shall prevent compliance with an order by the Zoning Administrator or other appropriate authority to correct, improve, strengthen, or restore to a safe condition any building or any part of a building declared to be unsafe.

#### **Sec. 3.03     One Principal Building Per Lot:**

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

#### **Sec. 3.04     Access to a Street (Lot of Record):**

Any one lot of record created before the effective date of this Ordinance without any frontage on a street shall not be occupied without access to a street provided by an easement or other right-of-way no less than twenty (20) feet wide. Under this provision, no more than one lot may be served by such an access route. Additional lots however, may be served by a single access upon application for and receipt of a Special Use Permit.

#### **Sec. 3.05     Building Grades:**

The finished surface of the ground areas outside the walls of any building constructed or altered shall be designed so that surface waters shall flow away from the building walls in a direction and collection that inconvenience or damage to adjacent properties does not occur.

#### **Sec. 3.06     Required Water Supply and Sanitary Sewerage Facilities:**

Every building hereafter erected, altered or moved upon any premises and used in whole or in part for dwellings (year-round or seasonal), recreational, business, commercial or industrial purposes, including churches, schools, and other buildings in which persons customarily congregate, shall be

provided with a safe and sanitary water supply system and with means for collecting and disposing of all human excreta and of all water-carried domestic, commercial, industrial, and other wastes that may adversely affect the public health. All buildings shall comply with the requirements of the District Health Department.

**Sec. 3.07 Moving Buildings:**

The moving of a building to a different location, even if on the same lot, shall be considered the same as the erection of a new building and all provisions, regulations, or requirements relative to the erection of a new building shall be applicable.

**Sec. 3.08 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 of permit issuance and carried on diligently without interruption for a continuous period in excess of ninety (90) days. In the event construction is not so commenced within this period, the building, structure, or use for which the permit was issued shall be required to conform to all of the provisions of this Ordinance.

**Sec. 3.09 Fences, Walls and Screens:**

The following regulations shall apply to all fences, walls, screens, or similar devices.

- a. No fence, wall, sign, or screen or any planting shall be erected or maintained in such a way as to obstruct vision or interfere with traffic visibility on a curve, or within thirty (30) feet of the point of intersection of two streets.
- b. No fence, wall, sign, screen or planting shall be erected or maintained in such a way as to obstruct vision, between a height of three (3) and ten (10) feet, within twenty (20) feet of the point of intersection of a street and a driveway.

**Sec. 3.10 Accessory Buildings:**

Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations.

- a. Any accessory building, including carports, attached to the principal building shall be considered structurally a part of the structure, and shall comply with the requirements of this Ordinance applicable to the principal building. Breezeways, as an attachment between the garage or carport and the main building, shall be considered part of the main building, but shall not be considered livable floor area.
- b. An accessory building, unless attached and made structurally a part of the principal building, shall not be closer than ten (10) feet to any other structure on the lot.

- c. No accessory building shall be closer than ten (10) feet to any interior side or rear lot line.
- d. Accessory buildings are subject to all setback requirements from the street applicable to the principal building.
- e. An accessory building shall not occupy more than thirty (30) percent of the area of any rear or front yard.

**Sec. 3.11 Yard Encroachments Permitted:**

The following elements of structures may extend or project into a required yard area.

- a. Certain architectural features such as cornices, eaves, gutters, chimneys, bay windows, balconies and similar features.
- b. Unenclosed porches, patios, paved terraces, and decks.
- c. Fire escapes or open stairways.

**Sec. 3.12 Requirements for Lake Frontage Lots:**

Lots having water frontage shall maintain the required rear yard setback requirement along the lakeside portion of the lot and shall conform to all the regulations of this ordinance. An uncovered boat well shall be permitted provided it does not exceed twenty five (25) feet in shoreline length and conforms with all pertinent State regulations.

**Sec. 3.13 Requirements for Double Frontage Lots:**

In the case of double frontage lots (lots having frontages on two or more streets) all sides of the lot that are adjacent to a street shall be considered the front and the front setback requirements shall apply.

**Sec. 3.14 Access Through Yards:**

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

**Sec. 3.15 Use of Temporary Buildings and Structures:**

Temporary buildings and structures may be placed on a lot or parcel and occupied only under the following conditions.

- a. During renovation of a permanent building damaged by fire. The temporary building or structure shall be removed when repair of fire damage is complete, but in no case shall it be located on the lot or parcel for more than ninety (90) days.

- b. Temporary buildings and structures incidental to construction work, except single-family residences. Said temporary buildings shall be removed within fifteen (15) days after construction is complete, but in no case shall the building or structure be allowed for more than twelve (12) months, unless expressly authorized after petition to the Board of Zoning Appeals.
- c. Temporary buildings incidental to a church or school, provided that all wiring, plumbing, fire protection and exits are approved by the Fire Chief and Building Inspector, and by relevant state agencies.

**Sec. 3.16      Solar Access:**

No landowner shall use his or her land in any manner that will unduly impede solar access to any adjacent property.

**Sec. 3.17      Earth Sheltered Homes:**

No provision of this Ordinance shall unduly apply to earth sheltered homes where any conventional single-family dwelling would be permitted.

**Sec. 3.18      Use of Flag Lots:**

A flag lot may be used for residential purposes without the minimum required frontage on a street, in the following instances and with the following stipulations:

- a. The flag lot makes it possible to better utilize irregularly shaped properties or areas with resource limitations.
- b. Where flag lots are utilized to eliminate direct access to major arterial roadways.
- c. Stipulations:
  - 1. Access shall be provided by a right-of-way, no less than twenty (20) feet wide.
  - 2. No more than one lot may be served by such an access route. Additional lot(s) however, may be served by a singular access upon application for and receipt of a special use permit.
  - 3. All site development standards of the applicable zoning district shall be met.
  - 4. No more than ten (10) percent of the lots in a subdivision may be flag lots.
  - 5. Flag lots shall not be permitted in a subdivision when their intent would be to avoid the developmental costs of constructing an access road.

### **Sec. 3.19     Lighting:**

The outdoor lighting of yards, parking areas, buildings, grounds, signs, private roads, and waters shall be designed and constructed to insure that direct or directly reflected light is confined to the site on which the light is located and lamps and luminaries are hooded to insure that there will be no direct light spillage beyond the boundaries of the site or road right-of-way.

### **Sec. 3.20     Antennas/Satellite Dishes:**

Antennas may be attached to existing structures, including light standards, power poles, water towers, telecommunication towers, or buildings. Antennas shall extend no higher than ten (10) feet above the structure to which they are attached. Antennas shall be grounded for protection against a direct strike by lightning and shall comply as to electrical connections and wiring and as to structural integrity with all applicable state and local building codes and the applicable standards for towers published by the Electronics Industries Association, as amended from time to time.

A satellite dish that is one meter or less (3 feet 3 inches) in diameter, is or is not attached to a building or structure, and conforms to the setback requirements of the district within which located, shall not require the issuance of a Certificate of Zoning Compliance. Larger satellite dishes, whether located on the ground or on a structure, shall conform to the setback requirements of the district within which located and shall not be erected until the Zoning Administrator has issues a Certificate of Zoning Compliance.

### **Sec. 3.21     Solid Waste Enclosures:**

Any solid waste container large enough to require a mechanical device to empty shall be located in an enclosure that is screened on three (3) sides by a solid wood fence or masonry wall at least as high as the container. The fourth side of the enclosure may be left open if the container has a lid that is kept locked except when waste is being deposited or removed.

The solid waste container and enclosure shall be located, at a minimum, 50 feet from any adjacent property line. The solid waste container and enclosure shall be so situated that trucks collecting waste from the container shall not conflict with the orderly flow of traffic onto or through the parcel.

### **Sec. 3.22     Collection or Storage of Rubbish:**

It shall be unlawful to store, collect, dispose of, or place building materials, refuse, junk, garbage, inoperable and/or unlicensed automobiles, vehicle parts, animal waste, or any such materials or substances anywhere in the Township except where specifically permitted by this Ordinance or if it is part of an active composting operation.

**Sec. 3.23      Access Management Overlay Regulations – U.S. 2:**

- a. Purposes. The purposes of access management overlay regulations are to coordinate access on to the U.S. 2 in the interests of:
- enhancing traffic safety;
  - reducing traffic congestion;
  - maintaining traffic capacity;
  - minimizing highway expansion;
  - protecting public investment in the street system;
    - implementing provisions of the Moran Township Master Plan;
    - while providing continuing opportunities for growth and development within the highway corridor.

It is the intent of this Ordinance that land uses share access wherever possible or provide alternative access as means to accomplish these purposes.

- b. Site Plan Review Required. In addition to the Site Plan requirements, all site plans for development with frontage on U.S. 2 shall show how the proposed development complies with the access management overlay regulations.
- c. Regulations. The following regulations shall be applicable to all lots abutting U.S.2 in Moran Township. No building, shall be erected or enlarged, no use shall be changed and no access shall be constructed or altered except in conformance with the following access management regulations, however, the enlargement of an existing one-family dwelling shall not require conformance with these regulations.
1. Access Spacing. The minimum horizontal distance between the centerline of any two accesses on the same side of the U.S.2 , whether streets or driveways, as measured from their centerlines, shall be 300 feet. This spacing requirement shall apply to all uses and may be accomplished by any of the following means:
- (a) By owning sufficient frontage on the highway to meet the spacing requirement;  
or
  - (b) By assembling sufficient frontage to meet the spacing requirement; or
  - (c) By sharing access via shared driveways, easements and/or cross access agreements, or
  - (d) In the event the access spacing standards cannot be satisfied on an individual parcel due to frontage deficiencies, one temporary private driveway may be approved, provided an access management plan is submitted by the applicant, and approved by the Planning Commission, that incorporates the principles of shared driveways, cross easements, or alternative access and, further provided, said access design is approved by the Michigan Department of Transportation and/or County. Individual one and two-family dwellings shall not be required to have an access management plan.

2. Corner Clearance. Where a lot abuts both U.S. 2 and a crossroad, access to U.S. 2 shall conform to the access spacing requirements. The first private driveway or street access to the crossroad, as measured from the edge of the pavement of U.S. 2, shall be no less than 330 feet.
3. Residential Access. No new private residential driveway access shall be permitted directly to the U.S. 2 unless no other alternative is available. Wherever two or more residential lots are created which have no alternative access, a single shared driveway or road access shall be required.
4. Existing Individual Driveways. If a lot or use has one or more existing individual driveway accesses to U.S. 2, said accesses shall be allowed to remain in use provided they are not relocated or altered. In the event such accesses are altered, they shall be made to more fully comply with the access requirements of this Section.
5. Access Design and Approval. The design of any direct access to U.S. 2 shall be as required and approved by the Michigan Department of Transportation. The requirements of this Section shall supercede the issuance of a driveway permit by the Michigan Department of Transportation.
6. Flexibility Allowed. As part of the site plan review process, the actual location of an access may be varied by the Planning Commission if it can be demonstrated that the intent of this Section to minimize the number of individual driveways and coordinate accesses is fulfilled in the interests of maintaining highway capacity, reducing congestion, and improving traffic safety.

### **Sec. 3.24      Outdoor Furnace:**

An outdoor furnace is a device located outside of a dwelling and is used to burn combustible materials, such as wood, for the purpose of generating heat inside the dwelling.

- a. Outdoor furnaces shall be considered accessory structures and are subject to the setback requirements.
- b. Outdoor furnaces are not permitted in the front yard.
- c. No outdoor furnace shall be within fifty (50) feet of another outdoor furnace.
- d. The chimney for an outdoor furnace shall be a maximum height of fifteen (15) feet.
- e. Only one (1) outdoor furnace per a lot.
- f. The outdoor furnace shall comply with all applicable building and fire codes.

**Sec. 3.25 Keeping of Animals**

- a. The keeping of household pets, including dogs, cats, rabbits, fish, birds, hamsters and other animals generally regarded as household pets is permitted as an accessory use to any residential zoning district. The quantity of these pets is not to exceed the number discussed in the Mackinac County Animal Control Ordinance.
- b. The keeping of animals other than domesticated pets is only permitted as provided for in the following table. The keeping of equine and livestock is prohibited in all other zoning districts. On lots greater than 10 acres in the permitted zoning districts the provisions of this table do not apply provided all other applicable state and county requirements are met.

<b>Animal</b>	<b>Zoning Districts Allowed</b>	<b>Minimum Lot Area for First Animal</b>	<b>Lot Area for Each Additional Animal</b>
Chickens, turkeys or rabbits	PIG, SCG, OZARK, POS,SOS, RL	1 acre	.1 acre
Horses, ponies, other equine mules, burros, llamas and alpaca	PIG, SCG, OZARK, POS,SOS, RL	2.5 acres	1 acre
Sheep, goats	PIG, SCG, OZARK, POS,SOS, RL	2.5	.5
Swine	PIG, SCG, OZARK, POS,SOS, RL	5	.5
Cattle, bison, ostriches or elk, deer,	PIG, SCG, OZARK, POS,SOS, RL	5	.5

- c. The keeping of dogs (other than described in a. above) is permitted as an allowable use in all residential zoning areas with the approval of a special use permit as outlined below:
  - 1. All commercial kennels shall be operated in conformance with all applicable county, state, and federal regulations.
  - 2. Keeping of dogs for personal enjoyment without remuneration (noncommercial kennels) shall be limited to three dogs for the first acre and one additional acre shall be required for each dog after the first three (dogs). A maximum of 9 dogs shall be permitted. The keeping of said dogs shall not become a nuisance or a public health hazard and must be in conformance with all applicable county, state and federal regulations.
- d. All grazing areas shall be fenced. An accessory structure shall be provided to house such animals. Any barn, or stable structure and any outdoor feed (non-grazing) area, training or exercising corrals shall be setback at least one hundred (100) feet from any occupied



(residential) dwelling.

- e. Veterinary hospitals and clinics- Veterinary hospitals and clinics shall be located on not less than one acre and may provide pet grooming and pet boarding services. These activities when offered, however, must occur or be offered from within the confines of the primary veterinary hospital or clinic structure and shall not be permitted to be offered from a separate ancillary structure on the same property. In addition, the area in square footage devoted to these services cannot exceed the area in square footage that is devoted to the primary use of a hospital or clinic. Veterinary hospitals or clinics may also have a small outdoor confinement area for supervised airing of pets provided the same is not closer than thirty (30) feet to a property line, however, outdoor runs shall not be permitted. Veterinary hospitals or clinics *with* outdoor runs and/or exercise areas shall be located on not less than two (2) acres and shall be limited to the POS, SOS, and Ozark and RL districts.
- f. Public Riding Stables- a public riding stable, for the keeping of horses for remuneration, hire, or sale subject to the following:
  - 1. Stables are allowed in the following zoning area with a special use permit:  
RL,POS,SOS, and Ozark
  - 2. Public riding stables shall be a minimum of ten (10) acres.
  - 3. All buildings in which animals are kept shall be located no closer than seventy-five (75) feet to any property line.
  - 4. Persons renting horses shall be adequately supervised so as to avoid conflict with nearby property owners.
  - 5. The area on which the concentrated storage or stockpiling of manure shall be a minimum of one hundred (100) feet from any property line.

### **Sec. 3.26      Cross Parcel Zoning**

When a parcel of land contains two (2) or more zoning districts within its boundaries then the entirety of that parcel shall be classified as the same as the zoning district incorporating the majority of land within its boundaries.

However, if one of the zoning districts is VCRC, Visual Corridor and Recreation Coastal District, then the entirety of that parcel shall be zoned VCRC.

### **Sec. 3.27      Tent Structures**

Structures that are made of a fabric or canvas-like material and that are used to store a vehicle, boat, or other items and are located at a site for more than three (3) days shall comply with all of the required setbacks.

**Sec. 3.28      Wind Energy Conversion System-Small**

One Small Wind Energy Conversion System will be permitted in all zoning districts with the following conditions:

- (1) Tower height is one hundred (100) feet or less
- (2) Property setbacks-the distance between the on-site energy system and the owner's property lines shall be least 1½ times the total height of the wind energy system. No part of the wind energy system structure including the guy wire anchors may extend closer than ten (10) feet to the owner's property lines.
- (3) System shall comply with all applicable local, state, and/or federal construction and electrical codes and aviation regulations.