

Article IV SUPPLEMENTAL REGULATIONS

- Sec. 4.01. Scope of ordinance.
- Sec. 4.02. Nonconforming uses and buildings.
- Sec. 4.03. General lot and yard limitations.
- Sec. 4.04. Water supply and sewage disposal facilities.
- Sec. 4.05. Grading.
- Sec. 4.06. Public and utility buildings and structures.
- Sec. 4.07. Farm buildings and structures.
- Sec. 4.08. Uses by Special Permit.
- Sec. 4.09. Recreational vehicle sites.
- Sec. 4.10. Single-family dwellings.
- Sec. 4.11. Unlicensed buses.
- Sec. 4.12. Sanitary landfills.
- Sec. 4.13. Junk, trash, rubbish, abandoned, wrecked, dismantled, and unusable vehicles.
- Sec. 4.14. Noise.
- Sec. 4.15. Keeping animals.
- Sec. 4.16. Detached accessory structures.
- Sec. 4.17. Easement for access.
- Sec. 4.18. State-licensed residential facilities.
- Sec. 4.19. Day care homes.
- Sec. 4.20. Roads.
- Sec. 4.21. Burned-out and deteriorating buildings.
- Sec. 4.22. Natural rivers.
- Sec. 4.23. Communication towers

Section 4.01. Scope of ordinance.

Except as otherwise provided, no land or existing building and no new building or structure or part thereof shall hereafter be located, erected, used or altered other than in conformity with the provisions of this Ordinance.

Section 4.02. Nonconforming uses and buildings.

A. *Extension of uses.* Extension of any nonconforming use throughout a building or additions to any aforesaid building for the purpose of extending a nonconforming use, or the extension of any nonconforming use into or throughout a parcel of land not fully occupied by such nonconforming use may be granted by Zoning Board of Appeals of Clayton Township on written application filed with the Zoning Secretary. Said Board may hold a public hearing upon such application. If it shall appear that the proposed extension will not be in accord with any provision of Section 1.02 then such application shall be denied.

B. *Discontinuance of nonconforming uses.* If the nonconforming use of any parcel of land, building or structure is discontinued or abandoned through vacancy, lack of operations or otherwise for a continuous period of twelve (12) or more months, then any further use thereof shall conform to the provisions of this Ordinance.

C. *Change of nonconforming uses.* The nonconforming use of any parcel of land, building or structure shall not be changed to any other nonconforming use, nor shall any use be reverted to the former nonconforming use after such use has been changed to a conforming use.

D. *Repair and improvement of nonconforming buildings and structures.* Nothing in this Ordinance shall prevent such repairs or improvements of a nonconforming building or structure existing on the date of enactment of this Ordinance as may be necessary to secure continued advantageous use thereof during its natural life; provided such repair or improvement includes no enlargement or change of use thereof; and provided, further, that the owner first obtain a Land Use Permit.

E. *Continued use of nonconforming uses and buildings.* The lawful use of any land, building or structure existing on the date of enactment of this Ordinance, although such use does not conform with the provisions of this Ordinance as of the date of the enactment of this Ordinance may be continued at

the discretion of the owner or his heirs or assigns.

State law references: Nonconforming uses, MCL 125.286.

Section 4.03. General lot and yard limitations.

A. *Nonduplication.* In determining lot and yard requirements, no area shall be counted as accessory to more than one (1) dwelling or main building or use and no area necessary for compliance with the open-space requirements for one (1) building or use shall be counted in the calculation of requirements for any other building or use.

B. *Dwellings per lot.* No more than one (1) dwelling shall be erected on any lot.

C. *Lot of record.* Every main building shall hereafter be erected on a lot or premises the description of which is on record at the Register of Deeds office of the county, or, in case of a land contract, the description of such parcel is on record with and satisfactory to, the Zoning Administrator of Clayton Township.

Section 4.04. Water supply and sewage disposal facilities.

Every building hereafter erected or moved upon any premises and used in whole or in part for dwelling, 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 of collecting and disposal of all human excreta and of all water-carried domestic, commercial, industrial and other wastes that may adversely affect the public health. Such wastes shall be treated and disposed of according to applicable standards of the Michigan Department of Environmental Quality.

Section 4.05. Grading.

No premises shall be filled or graded so as to discharge surface runoff on abutting premises in such a manner as to cause pending or surface accumulation of such runoff thereon.

Section 4.06. Public and utility buildings and structures.

The erection, alteration and maintenance of public utility buildings and structures, and of power, communication, supply, disposal, distribution, and similar public utility facilities, including, accessories essential therewith, as authorized and regulated by law shall be permitted in every zoning district, it being the intent hereof to except such buildings, structures and systems from the application of this Ordinance when not in conflict with the provisions of Section 1.02. When in conflict, the Board of Appeals of Clayton Township shall have the power to determine reasonable conditions under which such facilities shall be erected.

Section 4.07. Farm buildings and structures.

All buildings and structures customarily erected and used on farms in the Township, including dwellings, shall comply with the provisions of this Ordinance. No such building or structure shall hereafter be erected less than forty (40) feet from the highway right-of-way line, or less than twenty-five (25) feet from any side of the premises.

State law references: Michigan right to farm act, MCL 286.471 et seq.

Section 4.08. Uses by Special Permit.

A. *General requirements.* Uses by Special Permit, where provided, shall be subject to the

requirements of this section in addition to the requirements and standards as set forth in this Ordinance to prevent conflict with or impairment of the principal uses thereof. Such uses shall be deemed to possess characteristics of such unique form to the district that each shall be considered as an individual case.

B. *Specific requirements* .

(1) Written application shall be made to the Clayton Township Zoning Board through the office of the Zoning Administrator as provided by Section 2.02 and shall show the following:

- a. Name of applicant and owner of the premises.
- b. Legal recorded description of the premises.
- c. Location of proposed building and/or use.
- d. Location of existing roads and highways providing access thereto.
- e. Sewage disposal facilities, existent or proposed, on the premises.
- f. Parking area, if required.
- g. Description of proposed use.
- h. Uses of properties on each adjacent premises.

(2) The Zoning Board will hold a public hearing on the application if one is requested under MCL 125.286b. In reaching its determination on the application, it shall consider the following:

- a. Whether the location, the use, and the nature and intensity of operation will be in conflict with the principal permitted use of the district.
- b. Whether the sewage disposal facilities will be adequate and safe.
- c. Whether the setback and yard conditions will be in harmony with the orderly and proper development of the district.
- d. Whether the adequate access to the building and/or use will be provided by either existing or public roads to be erected.
- e. Whether the building or use will be more objectionable to nearby properties by reason of traffic, noise, vibration, dust, fumes, smoke, fire hazard, flashing lights, or disposal of waste or sewage than the operation of any permitted use.
- f. Whether the building and/or use will discourage or hinder the appropriate development and use of adjacent land and buildings.

C. *Fees* . A fee of twenty-five dollars (\$25.00) shall accompany each application. All fees collected shall be deposited with the Clayton Township Treasurer and be included in the general fund of the township or separate zoning fund.

State law references: Special land uses, MCL 125.286b.

Section 4.09. Recreational vehicle sites.

Occupancy of recreational vehicles outside of recreational vehicle parks under the jurisdiction of the appropriate state agency shall be subject to the following provisions except as hereinafter provided:

A. *Temporary farm labor exception* . A Land Use Permit shall be required for the parking of a recreational vehicle maintained by any person on his/her own farm and used even for his/her own farm labor. The permit will be valid only for temporary use; void for yearround housing.

B. *Homebuilder's exception* . A six (6) months' temporary permit on an owner's premises may be obtained for parking a recreational vehicle thereon while erecting his home on the premises, following issuance of a Land Use Permit for such construction.

Section 4.10. Single-family dwellings.

Any single-family dwelling erected on site, a mobile home, or a premanufactured or precut structure shall be permitted in the appropriate zoned districts only if in conformance with all of the following requirements:

A. A mobile home must either be:

(1) New and certified by the manufacturer and/or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the Department of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated; or

(2) Used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced in subsection A(1) of this section and found, on inspection by the Township Zoning Administrator, to be in excellent condition and safe and fit for residential occupancy.

B. The dwelling shall comply with all township building, electrical, plumbing, fire, energy and other applicable codes. However, where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by Township codes, in such event such federal or state standard or regulation shall apply. Appropriate evidence of compliance with such standards or regulations shall be provided to the Township Zoning Administrator.

C. The dwelling shall comply with all restrictions and requirements of this Ordinance, including without limitation floor area, yard requirements and lot area for the zoned district within which it is located.

D. If the dwelling is a mobile home, the mobile home shall be installed with the wheels removed.

E. The dwelling shall be firmly attached to a permanent continuous foundation constructed on the building site, such foundation to have a wall of the same perimeter dimensions as the dwelling and to be constructed of such materials and type as required by the Township building code for on-site-constructed single-family dwellings. If the dwelling is a mobile home that has a permanent foundation, it shall have either a permanent continuous foundation constructed on the building site, such foundation to have a wall of the same perimeter dimensions as the dwelling and to be constructed of such materials and type as required by the Township building code for on-site-constructed single-family dwellings, or it shall have a foundation that meets the requirements of the Arenac County Building Department for mobile homes. If the dwelling is a mobile home without a permanent foundation, it shall have factory-built skirting that will hide the chassis, undercarriage and towing mechanism.

F. If the dwelling is a mobile home, the mobile home shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the building site by an anchoring system or device complying with the rules and regulations, as amended, of the appropriate state agency or any similar or successor agency having regulatory responsibility for mobile home parks.

G. The dwelling shall have a minimum width across any front, side or rear elevation of twenty-four (24) feet.

H. Storage areas totaling no less than eighty (80) square feet shall be provided. These storage areas may consist of a basement and/or a separate accessory building whose construction is of equal or better quality to that of the dwelling and which is in compliance with all other applicable sections of this Ordinance pertaining to accessory buildings.

I. The dwelling shall be constructed with construction materials of consistent quality. The dwelling shall contain no additions, rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal

structure and construction of a foundation as required by this section.

J. Permanently attached steps or porch areas at least three (3) feet in width shall be provided where there is an elevation differential greater than eight (8) inches between the dwelling first floor and ground level.

K. Private garages or carports are permitted, provided their construction is of equal or better quality to that of the dwelling, architecturally compatible with the dwelling, and in conformance with all other requirements of this Ordinance.

L. The pitch of the main roof of the dwelling shall not be less than two and one-half (2 1/2) feet of rise for each twelve (12) feet of horizontal run. There shall be a roof overhang of not less than eight (8) inches, excluding its gable ends.

M. The exterior finish of the dwelling shall not cause a reflection that is greater than that from siding coated with clean, white, gloss, exterior enamel.

N. The dwelling shall be so located on the lot or parcel on which it is placed that the portions nearest the principal street frontage are at least thirty-four (34) feet in total dimension parallel to the street.

O. The dwelling shall have no less than two (2) exterior doors, with the second one being in either the rear or the side of the dwelling.

Section 4.11. Unlicensed buses.

Unlicensed buses may not be kept in the Township without a Special Permit from the Zoning Board. Buses may not be used for storage facilities without a Special Permit.

Section 4.12. Sanitary landfills.

In order to provide for the health, safety, and welfare of our citizens, the following provisions concerning sanitary landfills must be met:

- A. The area in question must be zoned commercial.
- B. A Special Permit must be issued by the Zoning Board.
- C. The landfill is to be located on a parcel of land of not less than two hundred (200) acres.
- D. All buildings and structures are to be removed upon the completion of the landfill operation.
- E. The parcel is to be enclosed by a fence six (6) feet high that is of such a construction that it will contain all windblown debris.
- F. No burning of waste material will be allowed without a permit from the Michigan Department of Environmental Quality.
- G. If the landfill borders on a public right-of-way or abuts a residential district, there is to be a twenty (20) foot landscaped buffer consisting of deciduous or evergreen trees which reach a minimum of five (5) feet in height in one (1) growing season.
- H. The landfill must meet the requirements of Parts 115 and 119 of Public Act No. 451 of 1994 (MCL 324.11501 et seq., 324.11901 et seq.), as amended, and other state, county, and local requirements as are applicable.
- I. Once the landfill operation is completed, the land is to be graded to smooth contours suitable for other uses.
- J. The Zoning Board may impose any other regulations which it deems necessary to protect the safety, health, and general welfare of the people of the Township and will have the authority to make any change or alterations in such plans and modify any requirements and regulations herein prescribed, provided they are in the best public interest and such that the property may

be developed in a reasonable manner, but, in so doing, complying with other applicable provisions of this Ordinance.

K. The Zoning Board may require such bond as is deemed necessary to ensure that requirements are fulfilled and may revoke permission to operate at any time specified conditions are not maintained.

Section 4.13. Junk, trash, rubbish, abandoned, wrecked, dismantled, and unusable vehicles.

A. Definitions.

1. The term "junk, trash, and rubbish" shall include broken and unusable furniture, stoves, refrigerators or other appliances, remnants of wood, metal, glass, bottles, cans, paper products, or any other castoff material of any kind.

2. The term "abandoned, wrecked, dismantled, or unusable vehicles" shall include any vehicle which is inoperative or not licensed or not insured for any reason for a period in excess of thirty (30) days.

B. *Junk, trash, or rubbish* . It shall be unlawful for any person to store or to permit the storage or accumulation of junk, trash, or rubbish in the front yard on any private property in the Township.

C. *Abandoned, wrecked, dismantled, or unusable vehicles* . It shall be unlawful for any person to store or to permit the storage of abandoned, wrecked, dismantled, or unusable vehicles on any property in the Township.

D. *Notification of violation and provision for noncompliance* . These are the same as those contained in Section 4.21C and D.

Section 4.14. Noise.

No noise from any use shall exceed the level of ordinary conversation at the boundary lines of the premises in which the use is located between the posted legal times of sunset to sunrise, which becomes a public disturbance to surrounding residents.

Section 4.15. Keeping animals.

A. *Purpose.* The intent of this section is to recognize that there are certain conditions concerning land uses that warrant specific exceptions, regulations or standards in addition to the requirements of the zoning district in which they are permitted to be located. The following general provisions establish regulations on parcels of two (2) acres or less which are applicable to all zoning districts unless otherwise indicated.

B. *Wild animals.* No wild animals, defined as not a domestic animal or not a usual pet, shall be kept permanently or temporarily in any district in the Township except in an AZA (American Zoo and Aquarium Association) accredited facility.

C. *Livestock* . The raising and keeping of livestock or other animals generally not regarded as household pets, and which do not meet this Ordinance's definition for "wild animals", defined as not a domestic animal or not a usual pet, may be conducted as accessory to the principal residential use of a lot, but shall not be permitted in platted subdivisions or condominium subdivisions. All such raising and keeping or killing and dressing of poultry and animals processed upon the premises shall be for the use or consumption by the occupants of the premises and the following additional conditions shall be met:

(1) Animals shall be owned and managed by the occupants of the premises.

(2) The occupants of the premises shall keep the odor, sounds and movement of the animals from becoming a nuisance to adjacent properties.

(3) No storage of manure, odor or dust-producing materials or use shall be permitted within one hundred (100) feet of any adjoining lot line.

(4) The minimum lot area and maximum animal density shall be as follows:

a. A minimum lot area of one-half (1/2) acre is necessary for the keeping of small livestock, including rabbits and fowl but excluding swine, and the maximum animal density shall not exceed six (6) animals per one-quarter (1/4) acre.

b. A minimum lot area of two (2) acres is necessary for the keeping of large livestock, including sheep, goats, llamas, ostriches, swine, steers, cows, and miniature horses meeting the physical standards of the American Miniature Horse Association, Inc., and the maximum animal density shall not exceed one (1) animal per one (1) acre of lot area.

c. A minimum lot area of two (2) acres is necessary for the keeping of non-miniature horses, and the maximum horse density shall not exceed one (1) horse per one (1) acre of lot area.

(5) Newly born horses, cows, donkeys, mules and similar large animals may be maintained on said parcel for up to one (1) year provided the maintenance of such animals on the premises shall not increase the permitted number of animals beyond the limitations of subsection (4) above by more than twenty-five percent (25%). Smaller newly born animals, such as pigs, sheep, and fowl, shall not be kept on said parcel for more than sixty (60) days where such maintenance would increase the permitted number of animals beyond the limitations of subsection (4).

D. *Household pets.* The keeping of household pets, including dogs, cats, fish, birds, hamsters and other animals generally regarded as household pets, is permitted as an accessory use in any residential zoning district provided such activities do not constitute a kennel.

State law references: Dogs, MCL 287.261 et seq.; wildlife conservation, MCL 324.40101 et. seq.

Section 4.16. Detached accessory structures.

Any detached accessory structure that had an original purpose/use other than use as a stationary storage structure, such as but not limited to semi-trailers, truck-to-rail cargo containers, etc., shall have a setback of not less than six hundred (600) feet from the side walls and/or rear walls of the principal dwelling on the property parcel. In the event that said parcel contains no principal dwelling, then in that event, said detached accessory structure shall have a setback from the front, rear and sidelot lines of six hundred (600) feet.

Section 4.17. Easement for access.

Where an easement for access would be required, the following conditions for the easement must be met before a Land Use Permit will be issued: The easement must be part of the recorded description and at least sixty-six (66) feet wide to accommodate emergency vehicles.

Section 4.18. State-licensed residential facilities.

Notwithstanding any other section in this Ordinance, a state-licensed residential facility, which includes a foster family home, a foster family group home, and an adult foster care family home, shall be considered a residential use of property and a permitted use in all residential zones, including those zoned for single-family dwellings, when required by Section 16a of Public Act No. 184 of 1943 (MCL 125.286a).

State law references: Adult foster care facility licensing act, MCL 400.701 et seq.; child care organizations, MCL 722.111 et seq.

Section 4.19. Day care homes.

A. Notwithstanding any other section in this Ordinance, a family day care home shall be considered a residential use in all residential zones, including those zoned for single-family dwellings, when required by Section 16g of Public Act No. 184 of 1943 (MCL 125.286g).

B. Notwithstanding any other section in this Ordinance, a group day care home shall be issued a Special Permit if it meets the standards of Section 16g of Public Act No. 184 of 1943 (MCL 125.286g).

State law references: Adult foster care facility licensing act, MCL 400.701 et seq.

Section 4.20. Roads.

A. Any private road which serves more than one (1) separately held parcel, or more than one (1) dwelling unit, or more than one (1) commercial or industrial activity shall be constructed by the developer to present or any future Arenac County Road Commission standards, provided that while such road remains private hard surfacing will not be required.

B. Any proposed road, one quarter (1/4) mile or more in length that will service more than one (1) household, is to be built to county specifications.

Section 4.21. Burned-out and deteriorating buildings.

A. *Definition.* The term "burned-out and deteriorating buildings" shall include any dwelling, garage, outbuilding, factory, shop, store, office building, warehouse, barn, or any other structure or part of a structure which, because of fire, wind, or other natural disaster, or because of physical deterioration, is no longer habitable as a dwelling, nor useful for the purpose for which it may have been intended.

B. *Razing or repairing of buildings.*

(1) A burned-out building is to be razed and the resulting materials to be completely disposed of in a manner acceptable to the Township Zoning Administrator or other Township official designated by the Supervisor.

(2) A deteriorating building is to be repaired and returned to a condition of usability for which it was originally intended; or it is to be razed and the resulting materials to be completely disposed of. Determination of any or all of the above is to be made by the Township Zoning Administrator or other Township official designated by the Supervisor.

C. *Notification of violation* . If, upon inspection, the Township Zoning Administrator or other Township official designated by the Supervisor shall find that any property within the Township is being used in violation of the above sections of this Ordinance, the owner and/or occupant shall be notified of such violation.

D. *Provision for noncompliance* . If the owner and/or occupant of such premises shall not cause such material in violation of this Ordinance, as described above, to be eliminated or removed, or to cause buildings which are burned-out or in a deteriorating condition to be razed or repaired within thirty (30) days after notice or within thirty (30) days after the decision of the Township Board is rendered in case of appeal, the Township Supervisor shall direct some person, or persons, to remove and/or eliminate the same at the cost and expense of the owner and/or occupant of the premises. After causing such materials to be eliminated or removed, the total expense incurred by the Township shall be a lien upon the property and the same may be collected in any manner authorized by statute and, if not paid, may be placed on the tax roll and collected the same as other taxes.

State law references: Dangerous buildings, MCL 125.538 et seq.

Section 4.22. Natural rivers.

Clayton Township, under the enactment and authority of Part 305 of Public Act 451 of 1994 (MCL 324.30501 et seq.), as amended, concerning natural rivers adopts the provisions of said act, which is to be a part of this Ordinance.

Section 4.23. Communication towers.

All communication towers erected must conform to State requirements. Erection of such towers will require a Land Use Permit issued by the Zoning Board and approved by the Township Board.