

## **ARTICLE III    GENERAL PROVISIONS**

### **SECTION – 3.01 PURPOSE**

General regulations apply to all districts except as otherwise noted. Where requirements of a general regulation and a district regulation differ, the more restrictive requirement shall prevail.

### **SECTION – 3.02 APPLICATION OF REGULATIONS**

In order to carry out the intent of this Ordinance:

- A. Each project approved, in every zone, shall be considered a stand-alone project and shall have no consideration as to future variances needed for subsequent projects on the same parcel. Variances are granted to the property by specific project, and each project variance shall remain in effect through perpetuity.
  
- B. No building or structure shall hereafter be erected, altered or moved, nor shall any building or premises hereafter be used for any purpose other than is permitted in the district in which said building or premises is located. The Township Planning Commission shall have power on written request of a property owner in any zoning district to classify a use not listed with a comparable permitted use in the district and grant a permit for such use, giving due consideration to the intent of this Ordinance. Petition for such classification and permit shall be made through the office of the Township Zoning Administrator. In granting of permit for any such classified use, the Planning Commission may attach such conditions and safeguards as may be deemed necessary for the protection of the public welfare, and for the proper use of development of the general neighborhood, and adjacent properties. If deemed incompatible, then such use may only be provided by due amendment to the Ordinance.
  
- C. Unless provided elsewhere in this Ordinance, or a variance is granted by the Zoning Board of Appeals, no building shall hereafter be erected or altered to exceed the height limitations, or occupy a greater percentage of lot area, or intrude upon the required front yard, rear yard, side yards, or accommodate a greater number of dwelling units, or provide less space per dwelling unit than is specified for the district in which such building is located.
  
- D. No lot area, yard, parking areas or other required space shall be divided, altered, reduced or diminished to create an area or dimension less than the minimum required under this Ordinance, except where such reduction has been brought about by the expansion or acquisition of public rights-of-way for a street, road or highway. If a required area is already less than the minimum required under this Ordinance, said area or dimension shall not be further divided or reduced.
  
- E. For any use not specifically named as a permitted principal or special use in this ordinance, an immediate need for that use shall be demonstrated and proven prior to the issuance of a conditional or special use permit by the Grayling Charter Township Planning Commission.

### **SECTION 3.03 – PERMITTED YARD ENCROACHMENTS**

The yard requirements of all districts are subject to the following permitted encroachments:

- A. Terraces, patios and similar structures at ground level, may project into a yard as required herein, provided that such structure is unroofed and without walls or other continuous enclosures. Attached, above ground decks shall be considered an integral part of the building and shall be subject to all yard requirements thereof.
- B. Chimneys, flues, cornices, gutters, bay windows, attached or inserted air conditioning or heating units, electrical and utility mechanisms and similar features may project into any required yard a maximum of twenty-four (24) inches.

### **SECTION 3.04 – LOT/BUILDING RELATIONSHIP**

Hereafter, every building erected, altered or moved shall be located on a zoning lot, as defined herein, and except in the case of an approved multiple dwelling development, there shall be no more than one (1) principal building and its permitted accessory structures located on each zoning lot in any residential district.

### **SECTION 3.05 – ACCESSORY BUILDINGS**

Accessory buildings in the Single Family Residential (R-1), General Residential (R-2) and Recreational-Forest (R-F) districts shall be subject to the following regulations:

- A. Portable accessory structures of 200-square-feet or less may be placed within three-feet of any lot line, regardless of setback requirements, and are not considered in calculating required yard usage or ground floor area. One portable accessory structure may be placed on any lot of one and one-quarter acres or less. Lots of more than one and one-quarter acres may have two portable accessory structures. The doors of all portable accessory structures must open onto the owner's property. Portable accessory structures shall not be located in the required front yard and shall not be closer than 15-feet from any other structure. Portable accessory buildings may not exceed eight-feet (8) in height.
- B. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all yard regulations applicable to principal structures.
- C. In no instances shall more than two (2) permanent accessory buildings be located on one (1) acre or less. A lot size greater than one (1) acre is allowed three (3) accessory buildings.
- D. Detached, permanent accessory building(s) shall not occupy more than twenty five percent (25%) of a required rear yard, provided that in no instance shall the ground floor area of the permanent accessory building(s), in combination, exceed the ground floor area of the dwelling unit, except in the R-F District, where the ground floor area of each permanent accessory building shall not exceed two hundred percent (200%) of the ground floor area of the dwelling unit (See 3.05.1). No accessory building may exceed twenty-five (25) feet in height, except in the R-F District, where permanent accessory buildings may not be more than thirty-five (35) feet in height.
- E. No detached accessory building(s) shall be located closer than fifteen (15) feet to any main structure. A permanent accessory building shall not be located closer than ten (10) feet from a side or rear lot line, except corner lots where minimum side yard setback along the street is thirty (30) feet.

- F. Accessory buildings shall not be erected in the front yard, except in the Recreational Forest (R-F) District, where a permanent accessory building may be in the front yard if it meets the minimum required front yard setback.
- G. Guesthouses in R-1, R-2, RF and NRD districts must meet all of the requirements of any other accessory building, and shall not exceed fifty percent (50%) of the primary residence. At a minimum, guesthouses must include sleeping facilities, sink and toilet. For the purposes of this ordinance, guesthouses are considered a residential use and must conform to current residential construction standards.
- H. Prefabricated metal parking structures or metal/fabric structures are considered accessory structures and must conform to ordinance and building regulations.
- I. Accessory buildings for the purpose of indoor horseback riding (arenas) may be constructed in the R-F zone only, with Planning Commission approval. Arenas may be multi-purpose incorporating normal equestrian related uses, such as tackroom, stall spaces, feed storage, and similar uses. The Planning Commission may grant variances for setbacks, size, and yard requirements, as needed. It is incumbent on the Planning Commission applicant to provide the necessary specifications needed for the requested use. The boarding of horses may be allowed within the requirements of Section XI.G.

Shelters for the purpose of protecting horses in pasturage and forage areas may be constructed without regard to the requirements of 3.05.C and 3.05.D so long as the shelters have no foundations and are less than four-sided. Shelters must be large enough to protect all the horses in the pasture from inclement weather. Shelters large enough for more than four horses shall be included in the Planning Commission request.

### **SECTION 3.06 – ACCESSORY BUILDINGS ON VACANT PARCELS**

With the exception of R-3 zoning, accessory buildings are only allowed on vacant parcels, by conditional use permit, if the parcel will not support a residence as per wetland (MDEQ) or health department regulation (See Section 7.A.02.C for accessory structures in the R-3 zone).

### **SECTION 3.07 – TEMPORARY DWELLING DURING CONSTRUCTION**

Temporary buildings for use incidental to construction work, and all debris, shall be removed within thirty (30) days after the completion or abandonment of the work. For the express purpose of promoting the health, safety and general welfare of the inhabitants of the Township, and of reducing hazards to health, life and property, no basement-dwelling, cellar-dwelling, garage-house, tent, camper, travel trailer, recreational vehicle, mobile home not installed according the requirements of this Ordinance, or other substandard structure shall hereafter be erected or moved upon any premises and used for dwelling purposes except as provided for in Section 3.11 and under the following applicable conditions:

- A. The location shall conform to the provisions governing yard requirements of standard dwellings in the district where located.
- B. The use shall be for the sole purpose of providing temporary dwelling facilities for the owner of the premises during the period in which a dwelling conforming to the provisions of this Ordinance is in process of erection and completion, but not to exceed nine (9) months and shall not be renewable except in the interest of public health, safety or welfare. The

substandard dwelling shall be removed upon completion of construction of a dwelling complying with the requirements of this Ordinance.

- C. Installation of septic system and water well shall be constructed and maintained in accordance with the standards of materials and installation recommended by the District Health Department, and shall precede occupancy of the temporary dwelling. The district Health Department shall determine the best location for a water well and/or septic system, regardless of ordinance regulations.
- D. Application for the erection and use of a temporary dwelling shall be made at the time of permit application for the permanent dwelling. No such permit shall be transferable to any other person.
- E. No annexes or additions shall be added to temporary substandard dwellings.

### **SECTION 3.08 – ESSENTIAL SERVICES**

Essential services, as defined herein, shall be permitted as authorized and regulated by law, public policy and specific zoning regulations in any district, it being the intention otherwise to exempt such erection, construction, alteration and maintenance from the application of this Ordinance. However, electric, telephone and other electronic communications distribution networks are encouraged to be underground whenever possible. Telecommunication towers, alternative tower structures and antennas shall be regulated and permitted pursuant to this Ordinance and shall not be regulated or permitted as essential services, public utilities or private utilities.

### **SECTION 3.09 – LIQUID PROPANE, SOLAR, OWB AND WIND ENERGY DISTRIBUTION**

To provide for maximum efficiency and safety in the generation and distribution of energy, the following rules shall apply:

- A. Liquid propane storage tanks shall be located in the side or rear yard not less than ten (10) feet from the property line.
- B. Solar and wind powered energy equipment may be located in any side or rear yard in any zone and must conform to setbacks equaling the height of the structure plus 10-feet.
- C. Outdoor Wood Burning Furnaces (OWB) are regulated solely in Grayling Charter Township Ordinance #2010-03.

### **SECTION 3.10 – REQUIRED WATER SUPPLY AND SEWAGE DISPOSAL FACILITIES**

Every building hereafter erected, altered or moved upon any premises and used in whole or in part as 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 domestic, commercial, and industrial wastewater, and other wastes that may adversely affect health conditions, subject to the written approval of and following the requirements of the District Health Department.

### **SECTION 3.11 – TRAVEL TRAILERS AND RECREATIONAL VEHICLES**

- A. In all districts, travel trailers and recreational vehicles may be stored on a lot or parcel of land containing a dwelling unit provided:
  - 1. The travel trailer or recreational vehicle shall carry current state license plates.
  - 2. One travel trailer or recreational vehicle may be stored in the rear or side yard of a lot containing a permanent dwelling no nearer than five (5) feet from the side or rear lot lines. On lots with a two-family dwelling one recreational vehicle per dwelling unit may be stored.
  - 3. The travel trailer or recreational vehicle is not connected to water and sewer services.
  - 4. The unit is not used for dwelling purposes.
  - 5. The open storage of a travel trailer or recreational vehicle shall not occur on vacant or unimproved property, except as provided in (B).
  
- B. In the R-F District only, one travel trailer or recreational vehicle may be located on an unimproved lot or otherwise vacant property, subject to the following conditions:
  - 1. Placement on the property and use of the unit shall not exceed ninety (90) days in a calendar year, with due regard to yard requirements for the district.
  - 2. Sanitation facilities must meet the requirements of, and be approved by the District Health Department.
  - 3. The travel trailer or recreational vehicle shall carry current state license plates.
  - 4. A permit must be obtained from the Zoning Administrator.

**SECTION 3.12 – MOBILE HOMES AND MANUFACTURED HOUSING**

- A. Single-wide mobile homes SHALL NOT be manufactured more than eight (8) years prior to the current year to be considered for placement on any property in Grayling Township without special consent of the Township Planning Commission, as a conforming structure. Mobile homes and manufactured homes sited on individual lots or parcels shall meet the standards for minimum lot size, yard set-backs, minimum floor area and minimum dwelling unit width for the district in which they are located and shall meet the following additional standards:
  - 1. Mobile homes and manufactured homes shall be attached to an approved permanent foundation or basement and shall be anchored using a system that meets the Michigan Mobile Home Commission requirements.
  - 2. Mobile homes and manufactured homes shall be installed according to manufacturer's setup requirements, and the construction of the unit shall comply with the National Mobile Home Construction and Safety Standards Act of 1974, as amended (HUD Code).
  - 3. The wheels, axles and towing assembly shall be removed from a mobile home or manufactured home before the unit is attached to the foundation. Additionally, no mobile home or manufactured home shall have any exposed undercarriage or chassis.
  - 4. No person shall occupy any mobile home or manufactured home as a dwelling within the Township until a certificate of compliance has been issued by the Township Building Official, which shall indicate satisfactory compliance with all requirements of the HUD Code.
  - 5. Any additions to a mobile home shall be constructed with similar quality workmanship and materials as the original structure, including permanent attachment to the principal structure and foundation.
  - 6. A mobile home or manufactured home shall not be used as an accessory building.
  
- B. Where two (2) or more mobile homes are sited on the same parcel, the development shall be considered a mobile home park or manufactured housing development, and shall be

licensed by the State of Michigan and shall be subject to the applicable state regulations for such developments. Mobile homes shall not be designated as guest houses.

### **SECTION 3.13 – PETS AND OTHER ANIMALS**

Domestic household pets, including dogs, cats, birds, and fish, but not including poisonous or dangerous reptiles, wild, dangerous or exotic animals, may be kept as an accessory residential use on any premises without a permit (See Section 11.02 F, G & J).

### **SECTION 3.14 – GRADES**

No premises shall be filled or graded so as to discharge surface runoff on abutting premises in such a manner that will cause inconvenience or damage to adjacent properties. When property is developed adjacent to existing properties previously developed, existing grades shall have priority.

### **SECTION 3.15 – NONCONFORMING LOTS, STRUCTURES AND USES**

It is recognized that there exists within the districts established by this Ordinance and/or by subsequent amendments, lots, structures, and uses of land and structures which were lawful before this Ordinance was passed or amended, which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments. It is the intent of this Ordinance to permit these legal nonconforming lots, structures, or uses to continue until they are removed but not to encourage their survival.

#### **A. Nonconforming Lots**

1. A nonconforming lot is a lot that the boundaries of which are recorded in a plat, deed or land contract executed and delivered prior to the effective date of this Ordinance, and the width, depth, and/or area of which does not meet the minimum dimensional requirements of the District in which it is located.
2. Any allowed use, structure and customary accessory buildings and uses may be erected on any single lot of record even though such lot fails to meet the requirements for area or width, or both; PROVIDED, the yard dimensions and other Ordinance requirements shall conform to the regulations for the District in which the lot is located, or the Zoning Board of Appeals has granted a variance.
3. Where two (2) or more adjoining nonconforming lots are existing under single ownership, such lots shall be used only in combinations which most closely satisfy the minimum lot size standards prescribed for the District in which said lots are located. For definition purposes, "most closely" shall apply in situations where, for example, two (2) lots combined do not meet the minimum, but a third lot would exceed the minimum by a greater amount than two (2) lots would fall short; hence, only two (2) lots need to be combined in this case.
4. SPECIAL CONSIDERATIONS – Lots or properties of record that are non-conforming at the time of the effective date of these regulations because of lack of lot size, but where required setbacks can be accommodated, shall be allowed to be built upon. Variances shall be allowed for required setbacks upon such reasonable terms as set forth by the zoning board, providing that structures be so placed as to best meet the objectives of the zone in which they are located.

B. Nonconforming uses

Nonconforming uses of land may be continued, so long as they remain otherwise lawful, subject to the following provision: No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance without Planning Commission approval.

C. Nonconforming structures

Nonconforming structures may be continued so long as they remain otherwise lawful, subject to the following provisions:

1. A nonconforming structure may not be enlarged or structurally altered except in a way which would bring it into conformity, and only upon structural inspection and approval prior to enlargement or alteration by the Township Building Code Official.
2. Should such structure be destroyed by any means to an extent of more than seventy percent (70%) of its volume or floor area, exclusive of the foundation, or basement, it shall be reconstructed only in conformity with the provisions of this Ordinance.
3. Should such structure be moved for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

D. Nonconforming uses of structures and land

Nonconforming uses of structures and land may be continued so long as they remain otherwise lawful, subject to the following provisions:

1. No such nonconforming use of land or building shall be moved in whole or in part to any other portion of the lot or parcel occupied, other than to remove or lessen nonconforming conditions.
2. Any nonconforming use may be carried on throughout any parts of a building which were manifestly arranged or designed for such use, but no such use shall be extended to occupy any land outside such building.
3. Any nonconforming use of a structure, land or structure and land, may be changed to another nonconforming use provided that the other use is equally or more appropriate to the district than the existing nonconforming use.
4. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed. Changes in tenancy and ownership of nonconforming premises are permissible.
5. Removal or destruction of the use and/or structure shall eliminate the nonconforming status.
6. When intent to abandon a nonconforming use of a structure, or structure and land in combination, is demonstrated, the structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures and/or land occupied by seasonal uses shall be exempt from this provision.

E. Special land use is not a nonconforming use.

Any use, for which a special use permit is required, as provided in this Ordinance, shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district.

### **SECTION 3.16 – RESTORATION OF UNSAFE BUILDINGS**

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the Township Building Official.

### **SECTION 3.17 – CONTINUED CONFORMANCE WITH REGULATIONS**

The maintenance of yards, open spaces, lot areas, height and bulk limitations, fences, walls, clear vision areas, parking and loading spaces, and all other requirements, including the proper maintenance and repair of screening arrangements, for a building or use specified within this Ordinance shall be the continuing obligation of the owner of such building or property on which such building or property or use is located.

### **SECTION 3.18 – FENCES**

- A. No single strand wire fences shall be allowed, except for electrical fences where permitted.
- B. Fences in any residential district shall not exceed six (6) feet in height, measured from the average grade to the upper most portion of the fence, except in the Recreational Forest (RF) District where rear yards may be fenced up to a height of eight (8) feet.
- C. Fences shall not be within one (1) foot of the sidewalk, where the sidewalk is within the public right-of-way. Fence gates shall not be designed to open over public property. It is recommended that no fence should be placed closer than two (2) feet from a property line so the fence's owner may maintain the outside of the fence without trespassing on a neighbor's property.
- D. Fences in the required front setback shall not exceed four (4) feet in height, and shall be in a location, and of a construction that will not obscure vision of the right-of-way. (See also Section 3.24.)
- E. Fences in all districts shall not contain barbed wire or be electrified unless approved by the Planning Commission.
- F. All fences, walls and similar structures shall be maintained in good condition. Chipped paint, missing fence pieces, leaning or fallen portions of a fence or other forms of deterioration shall immediately be replaced or repaired.
- G. Where a lot borders a lake, river or stream, fencing shall be set back from the ordinary high water line by twenty five (25) feet at a minimum, except where private property is adjacent to a public access site a fence may be erected to the water's edge with Planning Commission approval. Further, a fence placed in any part of the lot lying between the principal building and the ordinary high water line (or the water's edge in the case of property adjacent to a public access site) shall not exceed four (4) feet in height and shall not unreasonably restrict the waterfront view of neighboring residents.
- H. In the installation of any fence, the property owner is responsible for the location of the property line, and if necessary should obtain a land survey to determine accurate property lines. Grayling Township shall not be held responsible for any property line or fence disputes between adjacent property owners.



- I. All fences shall be constructed of proper and commercially accepted fencing materials. Unacceptable materials include, but are not limited to, snow fencing, chicken wire, pallets, scrap lumber, scrap metal and other materials not specifically designed for lot enclosure.

### **SECTION 3.19 – GARAGE SALES**

Garage Sales are allowed, provided such sales are not conducted on the same lot for more than six (6) days (whether consecutive or not) during any ninety (90) day period. And provided further that such sales are conducted only on a lot upon which a principal use is located.

### **SECTION 3.20 – SEASONAL USES**

The Township Zoning Administrator may issue a temporary permit, except for fireworks display which must be approved by the Township Board, not to exceed ninety (90) days, related to a seasonal or periodic event, or for the sale of merchandise in all districts. Such seasonal uses shall include the sale of Christmas trees, produce, fruit, crafts, fireworks and similar activities. To issue a temporary permit for seasonal uses the following criteria must be met:

- A. The use does not have a detrimental effect upon adjacent properties.
- B. The use does not impact the nature of the surrounding neighborhood.
- C. Access to the area will not constitute a traffic hazard due to ingress or egress.
- D. There is adequate off-street parking available to accommodate the use.

### **SECTION 3.21 – 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 the 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.

### **SECTION 3.22 – ACCESS THROUGH YARDS**

Access drives may be placed in the required front or side yards so as to provide access to the rear yard and/or accessory or attached structures. Further, at grade driveway and walkway materials such as pavement, concrete, crushed stone, gravel and similar materials shall not be considered structures and shall be allowed in any required yard.

### **SECTION 3.23 – HEIGHT RESTRICTIONS AND AIRPORT OVERLAY ZONE**

There shall be no height restrictions on chimneys, flag poles, public monuments or church spires, except when they occur within the boundary surrounding an airport as identified on the airport overlay zone as depicted on the official airport zoning map, or otherwise interfere with air traffic. Exceptions to this may be granted by the Crawford County Zoning Administrator whose decision shall conform to Michigan Aeronautics Commission rules and regulations of November 1967, as amended, and Part 77 of the Federal Aviation Administration regulations, and the Crawford County Airport Zoning Ordinance.

### **SECTION 3.24 – INTERSECTION VISIBILITY**

On any corner lot in any district requiring front and side yards, no fence, wall, screen, hedge, sign or other structure or planting shall obstruct vision between the heights of three (3') feet and ten (10') feet within the triangular area formed by the intersecting street right-of-way lines and a straight line intersecting them at points which are on said right-of-way lines and thirty (30') feet distant from their point of intersection. Such heights of clear vision areas shall be measured from the elevation of the street centerlines at the point of intersection. No fence, wall, screen, hedge, sign or other structure or planting shall obstruct vision from a driveway between the heights of three (3') feet and ten (10') feet, measured above the elevation of the street center line, within ten (10') feet of any front property line.

### **SECTION 3.25 – MOVING BUILDINGS**

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

### **SECTION 3.26 – PUMPHOUSES**

Pumphouses may be permitted in any district if no more than nine (9) square feet in area and not more than three (3) feet in height.

### **SECTION 3.27 – TOXIC OR NUCLEAR WASTE**

Permanent storage and/or disposal of toxic or nuclear waste is strictly prohibited.