

ARTICLE 3

GENERAL PROVISIONS

SECTION 301 INTENT AND PURPOSE

The intent and purpose of this Article is to establish general regulations and provisions that are applicable to all or some of the zoning districts under the Fulton Township Zoning Ordinance (“Ordinance”).

SECTION 302 REQUIRED ACCESS/STREET FRONTAGE

- A. Any parcel or lot that is to be occupied by a use or a structure shall have the minimum lot width as prescribed in the district where it is located and frontage on and direct access to a public or private street that meets one of the following conditions:
 - 1. A public road which has been, or shall be accepted for maintenance by Fulton Township (“Township”) or the Gratiot County Road Commission.
 - 2. A permanent and unobstructed private road reviewed, approved and built in accordance with Article 6 and Article 7, Section 706.

SECTION 303 LOT OF RECORD AND PRINCIPAL STRUCTURE

- A. Every structure erected, altered, or moved shall be located on a lot of record. Except in the case of approved multiple-family, commercial, office and industrial developments, there shall be no more than one (1) principal structure or use located on each lot or parcel in any district, unless specified elsewhere in the Ordinance.
- B. No accessory building or structure on the same lot as a principal building or structure shall be used for dwelling purposes unless specifically permitted herein.

SECTION 304 SETBACKS AND YARDS

- A. No lot or parcel shall be reduced or diminished so that setbacks, yards or other setback requirements are less than specified herein, nor shall the area of any lot or parcel be reduced below the minimum requirements established herein for the district in which such lot or parcel is located.

SECTION 305 STANDARDS FOR SINGLE AND MULTIPLE FAMILY DWELLING STRUCTURES

- A. No site-built single-family dwelling or manufactured home located outside of a manufactured housing park shall be permitted unless the dwelling conforms to the following standards.
 - 1. The minimum requirement for habitable floor area (excluding garage, uninsulated storage areas, and areas with less than a floor to ceiling height of seven (7) feet, six (6) inches) for a single-family structure is eight hundred (800) square feet.
 - 2. Each single-family structure shall have a minimum width across any front, side, or rear elevation of fourteen (14) feet. Breezeways, garages, porches and other appurtenances shall not be considered as measurable part of the required minimum.
 - 3. Each such dwelling unit shall be firmly attached to a perimeter foundation constructed on the site with the same or similar perimeter dimensions of the dwelling.
 - 4. Dwelling units shall not be installed with attached wheels. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage, or chassis.

- B. For multiple-family dwellings, the following minimum required floor space per dwelling unit in each multiple-family structure shall be:
 - 1. Efficiency apartments 400 square feet
 - 2. One bedroom apartments 600 square feet
 - 3. Two bedroom apartments 800 square feet
 - 4. Three bedroom apartments 1,000 square feet
 - 5. Plus an additional eighty (80) square feet for each bedroom in excess of three bedrooms in any dwelling unit.

- C. The standards of this section shall not apply to a manufactured home located in a licensed manufactured housing park. Manufactured homes that do not conform to the standards of this section shall not be used for dwelling purposes unless located within an approved manufactured housing park, or unless used as a temporary residence as otherwise provided in this Ordinance.

SECTION 306 ACCESSORY USES AND STRUCTURES

- A. Accessory structures and uses, except as otherwise permitted in this Ordinance, shall be subject to the following regulations.
1. Accessory structures with roofs, including carports, garages, enclosed porches, etc. that are attached to a principal structure, shall comply in all respects with the requirements of this Ordinance applicable to the principal structure.
 - a. For waterfront property, an attached unenclosed structure may extend up to thirty-five (35) percent into the required front yard between the principal structure and the normal high water mark.
 2. For unroofed accessory structures attached to a principal structure, such as decks and porches, setbacks shall be considered a detached accessory structure for purposes of determining side and rear yard setbacks and shall not extend more than thirty-five (35) percent in the required front yard setback.
 3. A detached accessory structure shall be located no closer than five (5) feet to the side or rear lot line and shall meet the front yard setback requirement for a principal structure.
 4. No detached accessory structure shall be closer than ten (10) feet to any other principal or accessory structure on the lot or adjacent lot.
 5. On waterfront property, detached, unenclosed accessory structures may extend up to seventy-five (75) percent into the required front yard between the principal structure and the normal high water mark. Walks, docks, stairs and other similar improvements (that are not greater in height than than eighteen (18) inches from ground level and intended to access the water feature) may be permitted to and beyond the water's edge.
- B. A swimming pool, whether above or below ground, shall be considered as an accessory structure for the purposes of determining location on property and required yards/setbacks. A swimming pool, whether temporary or permanent, shall also require a zoning permit to be issued prior to installation. Additional standards include:
1. Swimming pools are to be fenced in accordance with the State Construction Code, as amended. Any required fencing pursuant to the State Construction Code shall also meet the standards and requirements under Section 307, herein and a zoning permit must be obtained.
 2. A swimming pool may be closer than the minimum required ten (10) foot separation between accessory structures if the other accessory structure is a deck or other structure intended to be associated with the swimming pool.

The other accessory structure must be fenced in accordance with the State Construction Code requirements for fencing.

3. A swimming pool shall not be used or maintained unless adequate public health measures are periodically taken to insure that the use thereof will not cause the spread of disease. The swimming pool shall be kept clean and the water used there shall be filtered and chemically treated.
- C. The following provisions shall apply to outdoor wood/corn burning furnaces/boilers (“Outdoor Furnaces”):
1. Outdoor Furnaces are permitted as an accessory structure and use to single-family residential structures (including residential outbuildings) and agricultural structures. All appropriate zoning, building, and trade permits are required prior to installation for non-agricultural uses.
 2. The Outdoor Furnace shall only utilize fuels as recommended by the manufacturer of the furnace. The use of trash, plastics, gasoline, oil, rubber, garbage, petroleum treated products, pressure treated wood, leaves, paper products, cardboard, etc. are prohibited.
 3. The following setbacks in addition to those required for typical accessory structures are required for locating an Outdoor Furnace on an appropriately zoned property within the Township:
 - a. An Outdoor Furnace shall be located no closer than twenty-five (25) feet to any residential or commercially utilized property.
 - b. An Outdoor Furnace shall be located no closer than fifty (50) feet to any property used for assembly purposes, including but not limited to a school, church, public park, etc.
 4. The Outdoor Furnace shall be setback no less than thirty-five (35) feet from a residential or commercially occupied structure, including the principal structure where such Outdoor Furnace is an accessory.
- D. On-site consumer-based, non-utility wind tower/generator/turbines (“Wind Energy System”) are permitted as an accessory use and structure in the Township subject to the following provisions and issuance of all appropriate zoning, building, and trade permits. Utility tower/generator/turbines used for commercial purposes are subject to special land use requirements herein.
1. A Wind Energy System shall not exceed a height of more than one hundred and fifty (150) feet for a Wind Energy System serving a single-family or agricultural property as measured from ground level at the base of the

structure to the maximum height of any portion of the structure, including the full extension of a vertical blade.

2. A Wind Energy System shall be setback no less than one (1) times the height of the maximum height of any portion of the structure from any property line.
3. The minimum vertical blade tip clearance from grade shall be twenty (20) feet for a wind energy system employing a horizontal axis rotor. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors.
4. A Wind Energy System shall employ automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection.
5. The Wind Energy System shall be maintained in suitable working order and condition to limit noise and prevent flying debris that would effect the personal use and enjoyment of adjacent property. The system shall not cause noise in excess of fifty-five (55) decibels beyond an adjoining property line.
6. A Wind Energy System shall comply with all applicable state construction codes and comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.) and the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.) where applicable. An interconnected Wind Energy System shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Wholly on-site consumer-based systems are exempt from this requirement.

SECTION 307 FENCES, WALLS AND SCREENS

A. This Ordinance contains requirements for the screening and buffering of use and structure approved by the Planning Commission from adjacent properties by use of landscaping, fencing and walls. Property owners also may voluntarily create screening and buffering from adjacent properties and uses for purposes of privacy and containment. All fences, walls and screening shall meet the following general standards unless otherwise permitted herein:

1. Within the required front yard setback of a single-family residential property, no fence, wall, or screen shall exceed three (3) feet in height. No such fence, wall or screen located within a side or rear yard shall exceed six (6) feet in height. In a non-residential district, no fence, wall, or screen shall exceed twelve (12) feet in height.
2. On any corner lot in any district, no fence, wall, or screen shall obstruct the visibility of street vehicular traffic between the heights of three (3) feet and

ten (10) feet in an area measuring thirty (30) feet from the point of intersection of the street right-of-way lines and the tangent connecting the thirty (30) foot extremities of the intersecting right-of-way lines.

3. Masonry screening walls shall be designed and constructed so as not to modify natural drainage in such a way as to impact adjacent property.
4. Electrified or barbed wire, spikes, nails or similar on top or on the sides of any fence are prohibited unless associated with a verifiable agricultural operation. Barbed wire and barbed wire cradles may be placed on top of fences enclosing public utility buildings or structures as deemed necessary in the interests of public safety by the Planning Commission.
5. No fence shall be permitted that constitutes a fire hazard either of itself or in connection with the existing structures in the vicinity, nor which will interfere with access by emergency services in case of fire to buildings in the vicinity or which will constitute a hazard to street traffic or to pedestrians.

SECTION 308 MOVING BUILDINGS/STRUCTURES

- A. No structure within or outside of the Township shall be relocated upon any parcel or lot within the Township unless the following standards and conditions are met:
 1. A zoning permit must be applied for and approved to establish that the relocated structure conforms to all requirements of the respective zoning district.
 2. No structure within the Township shall be relocated, moved or demolished without inspection by the Building Inspector deeming such structure as safe and compliant with provisions of the State Construction Code.
- B. No structure being relocated to a parcel or lot within the Township shall be placed or stored until the aforementioned zoning permit and compliance with the State Construction Code is determined.

SECTION 309 HEIGHT REQUIREMENT EXCEPTIONS

- A. The following are exempted from height limit requirements of this Ordinance, provided that no portion of the excepted structure may be used for human occupancy or be at a height greater than necessary to accomplish the purpose for which it is intended to serve:
 1. Those purely ornamental in purpose such as church spires, belfries, cupolas, domes, ornamental towers, flagpoles and monuments, and do not exceed seventy-five (75) feet in height.

2. Those necessary appurtenances to mechanical or structural functions, such as chimneys, smokestacks, water tanks, elevators, grain legs, penthouses, ventilators, bulkheads, short-wave radio towers, masts and aerials, television antennas, fire and hose towers, or other similar structures where the manufacturing process or technological feasibility requires a greater height but do not exceed one hundred (100) feet in height.
3. Those uses accounted for as a use permitted only by special land use approval where the height of such structure is governed by the special land use regulations.

SECTION 310 ESSENTIAL SERVICES

Essential services shall be permitted as authorized and regulated by law and other ordinances of the Township, it being the intention hereof to exempt such essential services from the permitting process of this Ordinance, but not the basic provisions of this Ordinance protecting the public health, safety and welfare.

The erection, operation, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead, gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, police call boxes, towers, poles, recycling bins and other similar equipment or accessories reasonably in connection therewith (not including buildings) for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment.

SECTION 311 TEMPORARY STRUCTURES AND USES

- A. Temporary structures are permitted in all districts as described below and as authorized by a temporary zoning permit issued by the Zoning Administrator:
 1. A temporary structure for residential occupancy may be placed during renovation or replacement of a principal structure damaged by fire (or some other cause beyond the control of the owner) to the extent that it is no longer safe for human occupancy.
 2. A temporary zoning permit may be issued to allow a mobile manufactured house or travel trailer to be placed on the property subject to the following standards and conditions:

- a. Proposed water supply and sanitary facilities must be approved by the agency responsible for such matters.
 - b. All applicable dimensional requirements for setbacks, bulk and yard requirements within said district shall apply to temporary dwellings.
 - c. The temporary structure must be removed when repair of damage is complete, but in no case shall it be located on the lot or parcel for more than three-hundred and sixty-five (365) days . An extension for ninety (90) days may be granted if significant progress is being made or in the event of unforeseeable circumstances.
3. Temporary structures incidental to construction of a non-residential development, or a residential development having more than ten (10) dwelling units are permitted by application and approval of a zoning permit. Said temporary structure shall be removed within fifteen (15) days after construction is complete, but in no case shall the structure be allowed to occupy the subject property for more than three-hundred and sixty-five (365) days.
 4. No garage, barn, or accessory structure, or cellar, whether fixed or portable, shall be used or occupied as a dwelling.
 5. Travel trailers or motor homes may be occupied for a period not to exceed fifteen (15) days in one year unless in an approved travel trailer park or campground, unless found to be applicable under Item 1, above, where occupancy is required during the reconstruction of residence. Travel trailers or motor homes may be stored unoccupied on a parcel year round. No more than three (3) travel trailers can be occupied and/or stored on parcel of land without site plan approval by the Planning Commission.
- B. Temporary uses are permitted in certain districts as described below and as authorized by a temporary zoning permit issued by the Zoning Administrator:
1. Garage sales, rummage sales, yard sales, moving sales, and similar activities shall be considered temporary accessory uses within any residential zoning district without a temporary zoning permit as long as such sale period does not become excessive. Excessive shall mean exceeding four (4) sales events lasting no more than three (3) days for each event within a six (6) month period held in any one location.
 2. Temporary real estate offices are permitted within approved development projects consisting of ten (10) or more parcels, lots, or units for sale, lease or rent. No cooking or sleeping accommodations shall be maintained. The permit shall be valid for not more than one (1) year, but is renewable.

SECTION 312 MAINTENANCE OF JUNK/BLIGHT PROHIBITED

- A. The purpose of this section is to promote the general safety and welfare of the residents and property owners of the Township by the regulation, prevention, reduction or elimination of the blight or potential blight in the Township through the prevention or elimination of certain causes of blight or factors that contribute to blight that exists or may in the future exist.

- B. No person, firm, corporation or entity of any kind shall maintain or allow to be maintained upon any property in the Township owned, leased, rented or occupied or possessed by such person, firm, corporation or entity any of the following uses, structures, or impurities that are hereby determined to be causes of blight or blighting factors, which, if allowed to exist, will tend to result in blighted or undesirable conditions that threaten the public health, safety and welfare.
 - 1. Any parking, storage or accumulation of inoperable motor vehicles outside of a completely enclosed structure for a period in excess of thirty (30) days unless otherwise permitted herein as an principal or accessory use.

 - 2. The storage of building materials outside of completely enclosed structure for a period in excess of thirty (30) days unless otherwise permitted herein as an principal or accessory use. If the storage of building materials is associated with the construction of a structure with an active zoning and building permit. Upon issuance of occupancy, building materials storage is subject to the thirty (30) days requirement.

 - 3. The storage or accumulation of junk, trash, rubbish, or refuse of any kind outside of a completely enclosed structure in any area for a period in excess of thirty (30) days unless otherwise permitted herein as an principal or accessory use.

 - 4. Any structure or part thereof which because of fire, wind, or other natural disaster, or merely by virtue of physical deterioration, is no longer habitable as a dwelling or useful for any other permitted purpose or use as originally intended.

SECTION 313 REGULATIONS OF OTHER AGENCIES

- A. All zoning permits, site plans, special land uses, Planned Unit Developments, site condominiums, plats and other development projects shall conform with the provisions of this Ordinance and the regulations and standards of all local, county, state and federal agencies and regulations having jurisdiction.
 - 1. These agencies include, but are not limited to, the following:
 - a. Gratiot County Drain Commissioner

- b. Gratiot County Road Commission
 - c. State Construction Code
 - d. State Fire Marshall and local Fire Code.
 - e. Soil Erosion and Sedimentation Ordinance Local Enforcing Agency
 - f. Michigan Department of Environmental Quality.
 - g. Gratiot County Health Department.
 - h. All local, county, state and federal regulations related to loading/unloading, transport, storage, use and/or disposal of hazardous substances.
2. The Zoning Administrator shall not issue a zoning permit for any land use which requires a county, state, or federal permits, until such permits have been obtained and satisfactory evidence has been submitted verifying the acquisition of the necessary permits.

SECTION 314 CONDOMINIUM SUBDIVISIONS

- A. A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district shall be considered in accordance with State of Michigan Public Act 59 of 1978, as amended, and this Section.
- B. A condominium subdivision shall be subject to preliminary approval by the Planning Commission, at a public meeting, but a public hearing need not be required unless the Planning Commission determines to convene a public hearing, and in that event, the notice for such a hearing shall be the same as that required for consideration of a special land use. If on consideration of the condominium subdivision, the Planning Commission determines that all applicable requirements are satisfied, the Commission members shall grant preliminary approval of the subdivision and recommend that the Township Board grant final approval.
- C. Following preliminary approval and recommendation by the Planning Commission, the condominium subdivision (including any changes and/or additions required by the Planning Commission) shall be submitted to the Township Board. The Board shall consider the condominium subdivision at a public meeting. If the Township Board determines that all applicable requirements are satisfied, the Board shall adopt a motion or a resolution granting final approval of the condominium subdivision, subject to compliance with other applicable ordinance and state law requirements.

- D. In their respective approvals of a condominium subdivision, the Planning Commission and Township Board may impose terms and conditions consistent with those which could properly be included in the approval of a platted subdivision under the terms of the Land Division Act.
- E. In other respects, consideration and approval of a condominium subdivision shall be conducted as nearly as possible in accordance with the procedures specified by the Land Division Act for platted subdivisions.

SECTION 315 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 for a building or use specified within this Ordinance, including those standards and conditions established through site plan and special land use review and approval shall be a continuing obligation of the owner of such building or property on which such building or use is located.

SECTION 316 PREVIOUSLY APPROVED SITE PLANS & SPECIAL LAND USES

- A. Nothing in the Ordinance shall require changes to site plans or special land uses approved under previous version of the Ordinance, except where construction of structures and/or installation of use as approved under previous site plan or special land use procedure has not been commenced within one-hundred eighty (180) days after the effective date of this Ordinance and the buildings, structures and/or installation of use shall be completed as authorized within two (2) years after the date of adoption of this Ordinance.
- B. If commencement or completion has not been achieved within the time specifications listed above, the site plan and special land use shall automatically be null and void. Approval of a site plan or special land use under this Ordinance is required to commence, complete or receive a certificate of occupancy.

SECTION 317 STRUCTURAL DAMAGE

- A. Any structure or building which may be in whole or in part destroyed by fire, windstorm, or other such cause, if rebuilt, shall be rebuilt in accordance with this Ordinance, except as otherwise permitted in this Ordinance, or shall be restored to a safe and healthy condition with all debris removed from the site within three-hundred and sixty-five (365) days from the occurrence of such damage.
- B. Nothing within this Ordinance shall be construed to prevent compliance with an order by the appropriate authority to correct, improve, strengthen, or restore to a safe or healthy condition, any part of a building or premises declared unsafe or unhealthy.

SECTION 318 AIRPORT LAYOUT AND/OR APPROACH PLAN.

The guidelines set forth in airport layout and approach plans on file with the Zoning Administrator shall be utilized in the review and approval of zoning permits, site plans, special land uses, variances, appeals and interpretations, and amendment to the Ordinance.

SECTION 319 HOME OCCUPATION

- A. A home occupation shall be permitted in all residential districts by zoning permit and shall be conducted entirely within the dwelling, as defined herein. Home occupations shall satisfy the following conditions:
1. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses outside the confines of the dwelling.
 - a. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
 2. The home occupation shall only apply to the person who resides in the dwelling. No employees who do not reside at the premises are permitted.
 3. No outdoor storage shall be permitted.
 4. There shall be no change in the exterior appearance of the building or premises or other visible evidence of the conduct of such home occupation. An advertising sign is permitted pursuant to provisions provided in Article 12.
 5. No traffic shall be generated by such home occupation in greater volumes than would normally be expected for a single-family dwelling. Any need for parking generated by the conduct of such home occupation shall be met off-street in a typical residential driveway of sufficient size.
 6. The regulation of home occupations as provided herein is intended to secure flexibility in the application of the requirements of this Ordinance; but such flexibility is not intended to allow the essential residential character of residential districts.
 7. Limited retail sales may be permitted on the premises, as an incidental, rather than principal activity of a home occupation.
 8. The home occupation shall not occupy more than twenty-five percent (25%) of the gross floor area of one floor of said dwelling unit.

9. The home occupation shall not entail the use or storage of explosive, flammable, or otherwise hazardous materials.
10. There shall be no equipment or machinery used in connection with a home occupation which is industrial in nature, such as automobile repair, large engine repair, machining, fabrication or similar and like processes. Small engine and equipment repair, such as for lawn mowers, chainsaws, and snow blowers, is permitted.
11. Limited visits by customers shall be limited to the hours of 8:00 A.M. to 8:00 P.M.

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