

4.0 GENERAL PROVISIONS

4.1 USE REGULATIONS

A. ACCESSORY USES

Nothing in this Ordinance shall be construed to prohibit the following accessory uses:

Customary refreshment and service uses and buildings that are incidental to the recreational use of any park or recreational area.

Buildings or structures necessary for the provision of essential services.

Gardens, garden ornaments and usual landscape features within required yard space.

Retaining walls.

Public playgrounds.

Off-street parking for licensed automobiles, recreational vehicles and other motor vehicles not including trucks over one and one half (1.5) ton rated capacity.

Home occupations.

Use of premises as a voting place.

Storage sheds, playhouses, dog houses, detached garages and shelters for transit or school bus passengers.
(Amended 9/06)

Radio or television antennas or satellite dishes.

Swimming pools.

Front yard handicap access facilities in residential districts, when proof of need is shown.

B. DEPOSITING OF SOIL, SAND, CLAY MATERIALS (Amended 9/06)

1. Depositing and/or storage of soil, sand, clay and similar materials in any zoning district is permitted during construction of a structure, landscaping activities not associated with a commercial use, or changes in grade for agricultural purposes.

2. Excavating or storing materials for sale except in conjunction with an approved mining operation or legal commercial use is prohibited in all zoning districts.

3. Materials excavated in conjunction with construction of a structure or pond must be graded according to Section 4.4 (G) of this Article.

C. EXCAVATION AND HOLES

The construction, maintenance, or existence of unprotected or unbarricaded holes, pits, wells, building pads, or similar excavations which cause, or are likely to cause a danger to life, health, and safety to the general public shall be prohibited. This section shall not, however, prevent any excavation which is required for constructing, remodeling, or expanding structures, or for industrial or farming operations, including the mining of sand and gravel, provided appropriate precautionary measures, such as the placement of warning signs, fences, etc., have been approved by the Zoning Administrator and placed on the premises. Nothing in this section shall apply to bodies of water, ditches, streams, or other major natural resources created or existing by the authority of the State of Michigan, Saginaw County, Tittabawassee Township, or other units of government.

Excavation resulting from the extraction of sand, gravel, or other minerals for commercial purposes shall be required, upon termination of such activities for a period of one (1) year or more, to be refilled by the person, firm or corporation engaging in such excavation. The excavated site shall be graded and returned, as far as possible, to its natural state, including planting of vegetation indigenous to the area, within ninety (90) days after the one (1) year anniversary of termination of excavation or extraction activities. If the site is immediately vacated after termination of activities, the site shall be graded and returned to its natural state within ninety (90) days after activities are terminated. In all other instances in which excavation of holes for construction or remodeling has occurred, the filling and grading of such holes shall occur as soon as practical.

D. STORAGE, DUMPING OF WASTE, JUNK, ETC.

The use of land or water resources for the dumping or disposal of scrap iron, metal, rubber, plastic refuse, junk, slag, ash shall not be permitted, except in such cases where a temporary permit is obtained from the Zoning Administrator, upon approval of the Planning Commission, after a public hearing and in accordance with Part 115 of the Michigan Natural Resources and Environmental Protection Act as amended. Such permit shall not exceed one (1) year from the date of issuance and may be renewed on an annual basis only after approval is granted by the Planning Commission.

BOND/AGREEMENT. An appropriate bond and agreement shall be required of the applicant to ensure compliance with the directives set forth by the Planning Commission. Such dumping or disposal shall not negatively affect the water table, or cause pollution of stagnant or running water in any area of the Township or attract rodents, vectors or other nuisances so as to create health or safety problems to the natural environment and the inhabitants of the Township. Nor shall the natural terrain be altered in any fashion to create safety or health hazards at the expiration date of the permit. The character of the land shall not be substantially altered so as to make it unusable for the uses for which it was originally zoned.

E. TEMPORARY USE PERMIT (Amended 9/06)

For profit uses:

A temporary use permit fee shall be established by the Township Board for all “for profit” temporary uses.

The Zoning Administrator may issue temporary use permits for up to sixty (60) days unless otherwise stated in these regulations, after determining that these uses will not be detrimental to adjacent conforming uses during the permitted period of use. A second temporary use permit may be issued by the Zoning Administrator at the end of a time limit if the applicant shows good cause for up to thirty (30) additional days, not to exceed ninety (90) days in one calendar year. The Zoning Administrator may attach the conditions and requirements deemed necessary to meet the intent of the provisions of this section.

A scaled drawing shall be required with each permit application and shall show the location of sales outside the required setbacks for the district. The drawing must be signed by the owner of the parcel.

Structures used for the sale or display of outdoor items shall not be used for human shelter overnight.

Temporary uses including display or sale of items shall not be located within the required yard or setback area.

Adequate off street parking shall be maintained at all times and shall not displace required off street parking nor cause parking or traffic congestion on adjacent streets or properties.

Temporary uses selling items for human consumption shall have access to hand washing and toilet facilities.

Temporary signage shall be permitted as described in Article 14, Sign Regulations.

There shall be no external lighting of temporary structures abutting residential districts except lighting that is already present on the site.

Temporary structures shall not have a permanent foundation, move in any way or become unattached due to wind. A temporary structure may not exceed fifteen (15') feet in height or 200 square feet in area. It may not be a trailer or semi trailer.

Structures of any kind must be removed within three days of the expiration of the permit. Merchandise, signage, waste, debris and all equipment used on the site shall also be removed.

An individual mobile home or other temporary structure may be used as temporary living or working quarters for up to ninety (90) days while a dwelling or structure is being constructed or reconstructed on the same premises.

Construction supplies to be used on the site. The storage of building supplies and machinery; temporary storage buildings; the assembly of materials associated with a customary trade; and contractor, architect, and identification signs in connection with a construction project, may be authorized by the Building Department for a period of up to twelve (12) months.

Nonprofit Uses:

A nonprofit organization may be granted a temporary permit at no charge for outdoor/seasonal/temporary uses meeting the definition of a nonprofit organization as defined in Article 2.

The temporary use shall not exceed seven (7) days within a thirty (30) day period. A second temporary use permit may be issued by the Zoning Administrator at the end of a time limit if the applicant shows good cause for up to seven (7) additional consecutive days up to a maximum of sixty (60) days per calendar year.

A drawing of the site and description of activity shall be provided. All zoning code shall be complied with.

All conditions listed FOR PROFIT organizations in items E. (4. – 13)

Construction supplies to be used on the site. The storage of building supplies and machinery; temporary storage buildings; the assembly of materials associated with a customary trade; and contractor, architect, and identification signs in connection with a construction project, may be authorized by the Building Department for a period of up to twelve (12) months.

F. ZONING AFFECTS EVERY STRUCTURE AND USE OF PROPERTY

Except as specified, no building, structure, land or premises shall be used or occupied, and no building or part of a building or other structure shall be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, unless it conforms with the regulations of the district in which it is located.

4.2 GENERAL DEVELOPMENT REGULATIONS

A. MIXED OCCUPANCY

Before issuing a zoning permit for any construction for any premises that is: 1) intended for a combination of dwelling and commercial or dwelling and industrial occupancy, 2) which would result in an increased number of dwelling units within a building partly occupied by business or industrial use; or 3) which would result in an increased area devoted to business or industrial use, within a building partly occupied as a dwelling, the Zoning Administrator shall refer the plans to the Fire Chief and Health Department for their review of any existing or anticipated fire or health hazards. Recommendations as to additional provisions or changes in the interest of safety or health shall be complied with before issuance of a permit.

B. PRIVATE ROADS

Private roads are prohibited in Tittabawassee Township.

C. PUBLIC NUISANCE, PER SE

Any building or structure which is erected, altered, or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this section and in violation of any of the provisions thereof, is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

D. REVERSION OF REZONED AREA

In the case of land which has been approved for a zoning change, construction on the parcel must begin within a period of one year from approval of the zone change. If construction does not commence within this period, the Planning Commission may initiate a rezoning to return the land to the previous zoning designation, or to another designation. The process for returning the land to its previous zoning designation must comply with the amendment process provided in this Ordinance.

E. SIDEWALKS

Upon adoption of this Ordinance, sidewalks are required in accordance with the Tittabawassee Township Sidewalk Ordinance.

F. STREETS

To provide for the public health and welfare through adequate light and ventilation and for the safety of persons and property in the use of the streets of the Township, all public streets platted, laid out, or dedicated and accepted by the Township shall have a right of way width of at least sixty-six (66') feet.

4.3 STRUCTURE REGULATIONS

A. ABANDONED BUILDINGS AND STRUCTURES

Any building or structure not in continuous use as defined by Permitted, Special Land Use, or nonconforming uses in any district for a period greater than six (6) months shall be considered abandoned and come under the provisions of this ordinance and other Township codes for buildings and structures. In order to obtain a certificate of occupancy as a use in the future, once six (6) months have passed, the building or structure shall have to meet all the current standards of all applicable Township codes.

B. ACCESSORY BUILDINGS OR ACCESSORY STRUCTURES IN ANY DISTRICT

No accessory building or structure may be built upon any lot on which there is no principal building. Accessory structures and buildings may not be inhabited. No accessory building (except for school bus shelters) shall be placed in any required front or side yard nor closer than ten feet to any other building. See Article 13, Area, Height and Distance Regulations for additional requirements.

Accessory Buildings include but are not limited to: (Amended 9/06)

Customary refreshment and service uses and buildings that are incidental to the recreational use of any park or recreational area.

Buildings or structures necessary for the provision of essential services.

Gardens, garden ornaments and usual landscape features within required yard space.

Retaining walls.

Public playgrounds.

Off-street parking for licensed automobiles, recreational vehicles and other motor vehicles not including trucks over one and one half (1.5) ton rated capacity.

Home occupations.

Use of premises as a voting place.

Storage sheds, playhouses, dog houses, detached garages and shelters for transit or school bus passengers.

Radio or television antennas or satellite dishes.

Swimming pools.

Front yard handicap access facilities in residential districts, when proof of need is shown.

C. BUILDING AND OCCUPANCY PERMITS

1. BUILDING PERMITS REQUIRED. Any construction related to any type of zoning administrative approval shall be commenced only after a building permit has been obtained.

2. 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 the permit was issued and that the building is completed according to the plans filed with the permit application within one (1) year of the date of issuance.

3. OCCUPANCY PERMIT. Upon completion of a structure and all required site improvements per approved site plan, and before moving into a building in any district, an occupancy permit is required

D. BUILDING SITE AND STORAGE REQUIREMENTS

1. EXTERIOR LIGHTING. All lighting for parking areas or for the external illumination of building or for the illumination of signs shall be directed away from and shall be shielded from adjacent districts and shall also be arranged so to not adversely affect driver visibility on adjacent thoroughfares.

2. CORNER CLEARANCE. No fence, wall, shrubbery, sign or other obstruction to vision above the height of three (3') feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of thirty (30') feet from their point of intersection.

3. STORAGE OF GARBAGE. All garbage and rubbish must be stored in closed containers or in a dumpster. In the AG, R and Commercial districts, all containers and dumpsters must be fully screened and secured with a locked gate. In the industrial districts, garbage containers and dumpsters must not be visible from the road. If the dumpster or storage containers are already screened by an opaque fence or other suitable means, to be determined by the Planning Commission, additional screening is not required. Garbage may be stored in a building until the time of collection. No garbage or rubbish may be stored for a period of more than two weeks, or so as to cause hardship, health hazard, or annoyance to adjoining properties.

E. FENCES, WALLS AND NONBOTANICAL SCREENS.

Prior to construction, reconstruction or establishment of a fence, wall or screen regulated by this section, a permit shall be obtained from the Zoning Administrator.

In all zoning districts, no fence, wall or hedge plantings shall exceed a height of three (3') feet within street side yard or front yard setbacks of any street right-of-way line, except on a corner lot. Fences, walls or structural screens shall not exceed three (3') feet in any front yard or six (6') feet in any side or rear yard. Fences that enclose public or institutional uses, playgrounds or public landscaped areas, shall not exceed eight (8') feet in height and shall not obstruct vision.

3. On a corner lot, fences, walls or hedge planting cannot exceed a height of three (3') feet in the street side yard setback unless all of the following conditions can be satisfied:

Must begin at the back of the house or primary structure.

Does not create a safety hazard.

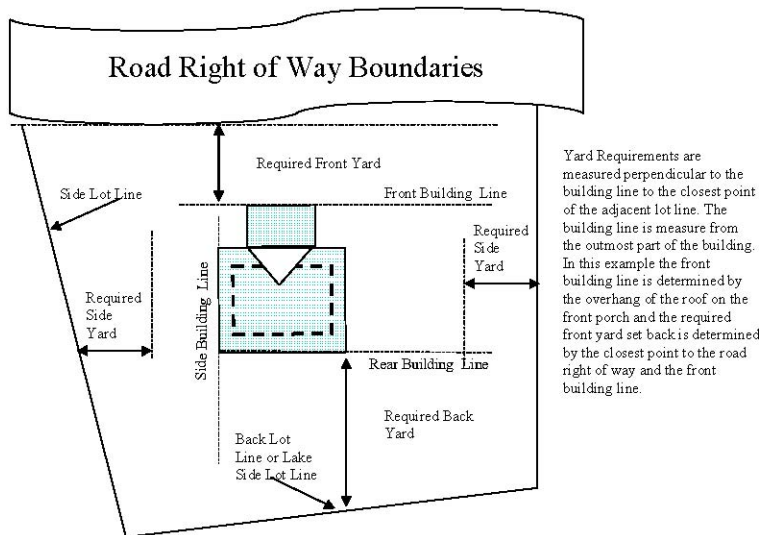
Houses or buildings on property adjacent to the rear of the subject parcel shall not face the same street as the street side yard in which the fence will be located.

Shall not exceed a maximum of six (6') feet from grade.

On a through lot where the back yard faces an adjacent front yard the maximum height of a fence shall be four (4') feet. (Insert graphic here)

Plant materials located within thirty (30') feet of the pavement of a public right of way shall not obstruct visibility between a height of three (3') feet and eight (8') feet.

Building Line and Yard Requirement measure point demonstration



Fences shall be located outside of the road right of way and inside all property lines.

All fences shall be maintained in their upright condition. Missing boards, pickets or posts shall be replaced in a timely manner with material of the same type and quality.

Barbed wire, electrified components or similar fencing that is likely to cause injury shall not be used in any residential district.

All fences shall be installed so that if there is a more attractive side, it is facing out. All supporting posts and cross members of all fences shall face toward the interior of the lot of the person erecting the fence. (Amended 9/6/06)

F. BUILDINGS TO BE MOVED

Any building or structure which has been wholly or partially erected on any premises located within or outside the Township shall not be moved and/or be placed upon any premises in the Township unless there is full compliance with Township ordinances. Any such building or structure shall fully conform to all provisions of this ordinance and applicable housing codes, and be compatible with the general character and design of surrounding properties. Such compatibility shall first be determined by the Zoning Administrator after reviewing the structure and site. The Zoning Administrator's determination may be appealed to the Zoning Board of Appeals within fifteen (15) days of receipt of the determination. Compatibility shall be based upon the definition of "dwelling" and the character of similar structures located within two thousand (2,000) feet, in the same zoning district. The application for a permit to move a building shall require a fee, which shall be determined by the Township Board.

G. CONNECTIONS TO DRAINAGE SYSTEM

Surface drains, ground water drains, and foundation or footing drains, shall be connected whenever possible to an enclosed storm sewer. but they shall not discharge to a sanitary sewer or private waste water treatment plant.

H. DWELLING UNIT STANDARDS

The following standards shall be applied to each dwelling unit constructed or placed in the Township of Tittabawassee:

1. It complies with the minimum square footage requirements of Article 13 for the zone in which it is located.
2. It has a minimum width across any section of twenty (20') feet and complies in all respects with the Township building code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction, and where the standards of construction are less stringent than those imposed by the Township building code, then the more stringent Township regulations shall apply.

3. It is firmly attached to a permanent foundation, constructed on the site in accordance with the Township building code and co-extensive with the perimeter of the building, which attachment shall also meet all applicable building codes and other state and federal regulations.
4. It does not have exposed wheels, towing mechanism, undercarriage, or chassis.
5. The dwelling is connected to a public sewer and water supply or to private facilities approved by the local Health Department.
6. The dwelling contains storage area either in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure being of standard construction similar to or of better quality than the principal dwelling. Standards for construction of structures for the storage or protection of autos must also be of similar or better quality than the principal dwelling. Metal and fabric carports are not permitted. This does not pertain to agricultural uses.
(Amended 6/25/08)

The storage shall be in addition to the space for the storage of automobiles and shall be equal to not less than fifteen (15%) percent of the minimum square footage requirement of Article 13 for the zone in which the dwelling is located. In no case, however, shall more than two hundred (200) square feet of storage area be required by this provision.

7. The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six (6") inches on all sides, or alternatively with window sills and roof drainage systems concentrating roof drainage along the sides of the dwelling. Also, not less than two exterior doors, with one being in the front of the dwelling and the other being either at the rear or side of the dwelling, and with permanently-attached steps or ramps connected to the exterior door areas or to porches connected to the door areas where a difference in elevation requires these steps or ramps.
8. The compatibility of design and appearance, shall be determined in the first instance by the Building Official upon review of the plans submitted for a particular dwelling, subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of fifteen (15) days from the receipt of notice of the Building Official's decision. Any determination of compatibility shall be based upon the standards set forth in the definition of DWELLING as well as the character of residential development outside of mobile home parks within two thousand (2,000') feet of the subject dwelling where the area is developed with dwellings to the extent of not less than twenty (20%) percent of the area, or where the area is not so developed, by the character of residential development outside of mobile home parks throughout the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
9. The dwelling contains no additions or rooms or other areas except those which are constructed with similar materials, are similar in appearance, and have similar quality of workmanship as the original structure, including the above-described foundation and permanent attachment to the principal structure.
10. The dwelling complies with all pertinent building and fire codes including, in the case of mobile homes, the standards for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) regulations entitled "Mobile Home construction and Safety Standards," effective June 15, 1976, as amended.

11. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by the state or federal law or otherwise specifically required in the code of the Township pertaining to these parks

I. HEIGHT AND AREA ZONING EXCEPTIONS *(Amended 4/07)*

The height and area requirements of all zones shall be subject to the following exceptions:

1. HEIGHT. Chimneys; cooling towers; elevator bulkhead; fire towers; gas tanks; grain elevators; stacks; stage towers or scenery lofts; flour mills; food processing plants; television antennas; refineries; tanks; water towers; radio towers; ornamental towers; monuments; cupolas; domes and spires; necessary mechanical appurtenances; and additions to existing buildings which now exceed the height limitations of the zone district may not exceed fifty (50').

2. PERMITTED YARD ENCROACHMENTS. The following items shall be considered to be accessory structures, even though they may be attached to a principal building, and may project into required side or rear yards for the principal building.

(a) Open porches, paved terraces and patios, provided the following restrictions apply. NOTE: Enclosed porches are considered to be part of the principal building, subject to all yard, setback and area requirements.

(1) The highest finished elevation of the paved area or porch is not over three (3) feet above the average surrounding finished grade.

(2) If roofed, a porch is unenclosed, and the roof is no higher than one (1) story. A roofed area may not exceed ten (10%) percent of the required side or rear yard.

(3) If unroofed, paved areas or porches may have non-continuous wind breaks or walls not over six (6') feet high and not enclosing more than one half (1/2) the perimeter of the paved area or porch.

(b) Structural elements such as cornices, sills, chimneys, gutters, and similar features projecting a maximum of two and one-half (2.5') feet.

(c) Fire escapes, outside stairways, and balconies, if of open construction, projecting a maximum of five (5') feet.

(d) Signs.

J. RESTORING 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 Zoning Administrator. Any such strengthening or restoring shall be in accordance with the building code of the Township.

K. ROOF AND SURFACE DRAINAGE

If a building is equipped with gutters or other means for collection of roof water, the downspouts and/or roof water conductor pipes shall be discharged on unpaved ground or paved surface at a distance of at least three (3') feet from the building wall. Further the grade line at the building wall shall be sloped away from the wall at the rate of at least

one inch per foot (1": F), for a minimum of five (5') feet. Where settlement of the ground has occurred at the building wall, then the property owner is required to add fill to correct the condition to conform with this requirement.

L. ONE SINGLE FAMILY DWELLING PER PARCEL

Unless a structure is part of an approved Planned Unit Development, only one (1) Single Family detached dwelling will be allowed to be built on a parcel. *(Amended 4/07)*

M. SITE AND BUILDING HAZARD AND NUISANCE PREVENTION

1. SMOKE. It shall be unlawful for any person, firm or corporation to permit the emission of any smoke from any source whatever to a density greater than that density described as No. 1 of the Ringlemann Chart; provided that the following exceptions are permitted; smoke, the shade or appearance of which is equal to, but not darker than No. 2 of the Ringlemann Chart for a period, or periods, aggregating four minutes in any thirty (30) minutes. Method of measurement: For the purpose of grading the density of smoke, the Ringlemann Chart, as now published and used by the U.S. Bureau of Mines, shall be the standard. The Umbrascope readings of smoke density may be used when correlated with Ringlemann's Chart.

2. DUST, DIRT AND FLY ASH. No person, firm or corporation shall operate or cause to be operated, maintain or cause to be maintained, any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, without maintaining and operating, while using said process or furnace or combustion device or contrivance to reduce the quantity of gas-borne or airborne solids or fumes emitted into the open air, which is operated in conjunction with said process, furnace or combustion device so that the quantity of gas-borne or airborne solids shall not exceed 0.20 grains per cubic foot of the carrying medium at a temperature of 500 degrees Fahrenheit. These regulations shall not be construed to preclude standard accepted farm practices.

Method of measurement: For the purpose of determining the adequacy of such devices, these conditions are to be conformed to when the percentage of excess

air in the stack does not exceed fifty (50%) percent at full load. The foregoing requirement shall be measured by the A.S.M.E. Test Code for dust-separating apparatus. All other forms of dust, dirt and fly ash shall be completely eliminated insofar as escape or emission into the open air is concerned. The Building Inspector may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt, and fly ash have been made.

3. GLARE AND RADIOACTIVE MATERIALS. Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful rays shall be performed in such a manner as not to extend beyond the property line, and as not to create a public nuisance or hazard along lot lines. Radioactive materials and wastes, and including electromagnetic radiation such as X-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.

4. DUMPING OF HAZARDOUS / RADIOACTIVE WASTES. Dumping of hazardous waste materials and/or nuclear wastes shall not be allowed within Tittabawassee Township, except as permitted by current federal and state regulations.

5. NOISE. No operation or activity shall be carried out which causes or creates measurable noise levels exceeding the maximum sound pressure levels prescribed below, measured on or beyond the boundary lines of said districts.

TABLE A

Maximum Permitted Sound Pressure Levels in Decibels

Octave Band 1-1, 1-2

(Cycles Per Second H2) Day Night

00 to 74 76 70

75 to 149 70 62

150 to 299 64 56

300 to 599 57 49

600 to 1199 51 44

1200 to 2399 45 39

2400 to 4799 38 33

4800 and above 36 31

(a) A db(A) scale will be used (for monitoring purposes). Sounds of very short duration, which cannot be measured accurately with the sound level meter, shall be measured by an impact noise analyzer; and the measurements so obtained may be permitted to exceed the maximum levels provided in Tables A and B by no more than five (5) decibels. For purposes of this

ordinance, impact noises shall be considered to be those noises whose peak values are more than seven (7) decibels higher than the values indicated on the sound level meter.

(b) Where street traffic noises directly adjacent to the boundary line exceed these maximum permitted levels, the intensity levels permitted may then exceed those levels specified in the tables but may not exceed the level of the subject adjacent street traffic noise.

TABLE B

Maximum Permitted Sound Pressure Levels in Decibels

(Post 1600 Preferred Frequencies)

Center Frequency 1-1, 1-2

(Cycles Per Second H2) Day Night

3.15 77 72

63 73 68

125 67 62

250 62 57

500 55 50

1000 51 46

2000 44 39

4000 37 32

8000 33 28

In addition, sounds of an intermittent nature, or characterized by high frequencies, which the Building Inspector deems to be objectionable in adjacent districts, shall be controlled so as not to generate a nuisance in adjacent districts, even if the decibel measurement does not exceed that specified in those tables.

6. VIBRATION. Machines or operations which cause vibration shall be permitted, but no operation shall be permitted to produce ground transmitted oscillations which cause a displacement exceeding that specified in the following tables as measured at the property line. These vibrations shall be measured with a seismograph or accelerometer; preferably the former. For purposes of the ordinance, steady state vibrations are vibrations which are continuous, or vibrations in discrete impulses more frequently than sixty (60) per minute. Discrete impulses which do not exceed sixty (60) per minute shall be considered impact vibrations.

Maximum Permitted Steady State Vibration in Inches

Frequency Cycle

(Cycles Per Second) 1-1, 1-2

10 and below 0.001

10 to 19 0.0008

20 to 29 0.0005

30 to 39 0.0003

40 and above		0.0001	
	Frequency Cycle (Cycles Per Second)		
Between the and 6:00 A.M., maximum	10 and below	0.002	hours of 8:00 P.M.
	10 to 19	0.0015	at the above

measured on or beyond the boundary line of residentially used areas shall be reduced to one-half (1/2) the indicated permissible values.

Maximum Permitted Impact Vibration in Inches

7. ODOR. The emission of noxious, odorous matter in such quantities as to be readily detectable at a point along any property line, when diluted in the ratio of one volume of odorous air to four (4) or more volumes of clean air, so as to produce a public nuisance or hazard beyond lot line is prohibited.

8. GASES. The escape or emission of any gas that is injurious or destructive or explosive shall be unlawful and may be summarily caused to be abated. Standards for the regulation of ambient air quality shall be the same as the federal air quality standards published in the Federal Register on Friday, April 30, 1971. Should these be revised at any time then the revised standards are to apply.

N. BASEMENT DWELLINGS

The use of a basement, or the basement of a partially built or planned building as a residence or dwelling unit is prohibited in all zones, except as living quarters for priests, ministers, and their equivalent as provided by the Board of Appeals. This shall not prohibit a dwelling unit located partially below ground that has access to a hallway providing two remote means of egress to ground level.

4.4 PARCEL REGULATIONS

A. BUFFERING

The intent and purpose of the buffer zone is to protect residential uses from the negative impacts associated with nonresidential uses where residential and nonresidential uses abut. These negative impacts include noise, debris, odors, dust, dirt, traffic, soil erosion, rain water runoff and in some cases visible aspects of the abutting use. The buffer zone is also intended to prevent and improve blight in both residential and commercial areas by encouraging improvements to uses that abut residential districts.

1. The objectives of this approach are,

- a. To give the Planning Commission and the proponent as much opportunity to achieve the regulations by any suitable means.
- b. To encourage business owners to continue to invest in commercial improvements, including relocating on lots where a strict interpretation of the distance requirement cannot be met.

2. Buffers are required on commercial or industrial property on the side which abuts residentially zoned property. Buffers are required even when the adjacent lot is unimproved. A buffer will be required when any parcel used for commercial or industrial purposes is expanded by way of an addition or demolition or a special land use approval is requested or a site plan review is requested. Buffers are not required on commercial lots that are already developed as such.

3. A buffer may consist of both a physical distance separation and a physical sight, sound and odor separation as described in this ordinance by a fence, wall, berm or screen.

4. The Planning Commission shall determine the character of the buffer based on the following criteria:

- a. Traffic impact
- b. Increased building and parking lot coverage.
- c. Increased outdoor sales, display and manufacturing area.
- d. Physical characteristics of the site and surrounding area such as topography, vegetation, etc.

Visual, noise and air pollution levels.

Health, safety and welfare of the Township.

5. A buffer may consist of any or all of the following:

a. Buffer area distance. The distance required to be achieved between zones, in addition to the required yard on the side on which a residential district abuts a commercial or industrial districts, shall be according to the following table:

b. The equivalent of one canopy tree and one evergreen tree must be planted per thirty (30') lineal feet or fraction of buffer area length.

c. Continuous rolling screen six (6') feet in height comprised of plant material, berming, screen walls or fences or any combination of these elements is required.

6. Construction Standards:

a. If a screen wall or fence is used for all or part of the buffer area then:

1. The equivalent of two (2) shrubs are required per thirty (30') feet of wall or fence with at least fifty (50%) percent being twenty-four (24") inches high at the time of planting and none being less than twelve (12") inches at the time of planting.

2. All required plants shall be placed on the side facing the exterior.

3. Two (2) evergreen trees must be planted for every thirty (30) linear feet or fraction of buffer area length must be planted.

4. Continuous rolling screen at least six (6') feet in height comprised of plant material, berming, screen walls or fences, or any combination of these elements is required.

5. If berming is used for all or part of the buffer zone, all required plant material shall be placed on top and side slopes facing the exterior of the site.

b. All areas outside of planting beds shall be covered with grass or other living ground cover.

c. Minimum Standards for Berms:

(1) Berms shall be constructed so as to maintain a side slope not to exceed one foot (1) rise to three foot (3') run ratio.

(2) Berm areas not containing planting beds shall be covered with grass or living ground cover maintained in a healthy growing condition. In addition to district requirements, the equivalent of one canopy tree and one evergreen tree per twenty (20') linear feet or fraction of buffer area achieves a minimum of six (6) feet high on average. Additional landscaping must be used within any areas that do not have a berm six (6) feet high.

(3) Berms shall be constructed in such a manner so as not to alter drainage patterns on site or adjacent properties or obstruct vision for reasons of safety, ingress or egress.

(4) If a berm is constructed with a retaining wall or by terracing, the earthen slope shall face the exterior of the site.

d. If berming is used for all or part of the buffer zone, all required plant material shall be placed on top and side slopes facing the exterior of the site.

e. Buffers are required to extend into the front yard area but shall not be closer to a road right of way than fifteen (15') feet. The Planning Commission may

require the buffer to extend to the road right of way if it deems it necessary to accomplish the intent of this ordinance.

f. All plantings including grass must be maintained in good healthy condition and must be replaced if they should die at any time.

g. Buffer areas must be designed by a person who is a licensed landscaper, certified landscape designer, engineer or architect. A drawing of all required landscaping, top and side profile, must be submitted to the Planning Commission for review prior to site plan approval.

District	Distance between R-1A, R-1, R-2 zones	Distance between R-3 zones
I-2	45'	45'
I-1	45'	36'
RB	36'	30'
GC	30'	20'
VC	20'	20'

h. The Planning Commission may require a performance bond, cash, irrevocable letter of credit, or other similar financial assurance satisfactory to the Township. All financial deposits must be deposited with the Township prior to the issuance of a building permit, in the amount of the Planning Commission's estimated cost of installing landscaping on a parcel and shall be held until all approved landscaping is installed. If landscaping is not installed in accordance with the approved site plan as determined solely by the Township, the deposited financial assurance may be used to install the required landscaping and only any unused portion thereof will be returned.

B. JUNK MOTOR VEHICLES

Motor vehicles, which are inoperable or not currently licensed shall be deemed to be junk or refuse, and shall not be stored in any residential zone except within the confines of an enclosed building. If after two complaints and citations, or thirty (30) days by the Tittabawassee Township Zoning Administrator, the material remains in violation of this ordinance, the Township may cause the violation to be removed, and bill the property owner. If the billing is not paid within ninety (90) days it shall become a lien on the property, properly recorded at the County.

C. PARKING OF HEAVY TRUCKS OR SEMITRAILERS

Overnight parking of commercial vehicles in excess of one (1.0) ton rated capacity, including all semi-truck tractors and trailers, is prohibited within any Residential Zoning District. This regulation does not apply to emergency vehicles or equipment.

D. PARKING OF LICENSED RECREATIONAL EQUIPMENT

Parking of licensed recreational equipment outside of an enclosed structure, including travel trailers, campers, snowmobiles, boats, and similar items in any Agricultural or Residential Zoning District must conform to required setbacks for accessory structures and to overall limitations for lot coverage. In the R-1, R-2, and R-3 districts, no more than one (1) piece of recreational equipment may be parked per parcel. In the R-1A district no more than two (2) pieces of recreational equipment may be parked per parcel. In the AG district no more than three (3) pieces of recreational equipment may be parked per parcel. Such vehicles may be parked in the driveway within the required front yard or in the side or rear yards. No recreational vehicles may be parked in commercial or industrial districts unless they are parked in conjunction with the principal use of the parcel, such recreational vehicle sales or repair, or in a completely enclosed building.

(Amended 7/9/02)

E. USE OF TRAILERS.

The use of trailers, trucks, vehicles, modular buildings or similar vehicles or enclosures for sales or storage of materials in connection with a commercial or industrial land use is hereby prohibited. Modular buildings maybe used for sales and storage upon approval by the planning commission, provided said building is attached to a permanent foundation, has all wheels, undercarriage and towing mechanisms removed and is determined to be visually and aesthetically compatible with other structures in the vicinity and the character of the area in general. Trailers used by contractors for office and storage purposes are permitted for a reasonable length of time on a job site, provided there is an active building permit for construction on the site and the trailer's use is directly related to construction on the property upon which it is located. *(Amended 4/07)*

F. PORTABLE STORAGE UNITS

Temporary portable storage units are allowed up to thirty (30) days within a ninety day period in residential districts. The unit must be located at least eight (8') feet from the side lot line and five (5') feet from the rear property line and outside the required front yard setback. An administrative permit is required for placement. Units are not permitted on vacant land or on the public right of way. Only one (1) unit shall be permitted at a time on each parcel. Units may not exceed one hundred thirty (130) square feet in size. Dumpsters are not regulated with this provision. See Article 17, Site Plan Review. *(Amended 6/25/08)*

G. REQUIRED AREA OR SPACE

No lot, or lots in common ownership and no yard, court, parking area, or other space shall be divided, altered, or reduced to make its area dimensions less than the minimum required under this ordinance, and the area or dimension shall not be further divided or reduced. Where the lot plan presented in the application for a permit includes more than one recorded lot, the Building Inspector shall execute an affidavit in which the facts related to the use of the platted lots, or parts of platted lots, shall be stated and shall cause the plat and affidavit to be recorded in the office of the Register of Deeds in Saginaw County, Michigan, with the cost of recording to be borne by the applicant.

1. **MINIMUM LOT FRONTAGE.** The front lot lines of all parcels shall abut a public street and shall have a contiguous permanent frontage at the Front Lot Line equal to the required parcel width. Flag lots are not permitted. In the case of a cul-de-sac, parcel width is measured at the Front Yard Setback Line.

2. **ACCESS TO A STREET.** Any parcel created after the effective date of this Ordinance, and in a commercial Zoning District, or with access points to a street with curb and gutter, shall have a hard surfaced approach to a public street. All parcels created after the effective date of this Ordinance shall have access to a public street.

3. SPACE USED ONCE. Any yard or other open space provided around any building or structure for the purpose of complying with the provisions of this Ordinance shall not again be used as a yard or other required open space for another building or structure except where one is to be demolished upon completion of the other.

4. ADDITIONAL FRONT SETBACK. Where the current right of way width of an arterial or collector street is less than its future right of way width as determined by the Saginaw County Road Commission, an additional front yard setback from said street is required. The front yard setback for properties fronting on such a street shall be measured from a line which lies a distance of one half of the future right of way width from the centerline of the current right of way. This line shall be used for computing the front yard setback only. The current parcel dimensions shall be used for all other purposes under this Ordinance.

H. REQUIRED WATER SUPPLY AND SANITARY SEWERAGE FACILITIES

1. WATER SUPPLY. No structure shall be erected, altered, or moved upon any parcel for regular occupation or use by humans or animals unless it is provided with a safe, sanitary, and potable water supply and with a safe and effective means of collection, treatment, and disposal of human, domestic, commercial, and industrial waste. All such installations and facilities shall conform with all requirements of the Saginaw County Health Department and applicable State agencies.

SEWAGE WASTES. No industrial sewage wastes shall be discharged into sewers that will cause chemical reaction, either directly or indirectly with the materials to impair the strength of sewer structures; cause mechanical action that will damage the sewer structures; cause restriction of the capacity of sewer structures; cause unusual demands on the sewage treatment process; cause danger to public health and safety; or cause obnoxious conditions. Additional regulations regarding sewer use and connection are located in the Sewer Use Ordinance, #82-2-S-A, and the Sewer Connection Ordinance, #83-2-S-C.

I. PONDS (Artificial).

This section applies to artificial ponds created by soil excavation or intervention in watercourses, surface drainage or groundwater aquifers, regardless of size and whether the creation of the pond is an end in itself or merely a by-product of soil

extraction activity. Ponds created by embankments or dams across streams or watercourses are not permitted in Tittabawassee Township. Oil wells are specifically exempted from this section, and are solely regulated by the Michigan Department of Natural Resources.

Ponds less than one (1) acre in size shall be permitted by administrative permit only. Ponds permitted by administrative review shall be required to submit a site plan and abide by all the construction and operation

requirements of the zoning ordinance. Ponds greater than one (1) acre in size shall require a site plan review at the Planning Commission. *(amended 12/15/03)*

a. **ADDITIONAL INFORMATION REQUIRED FOR SITE PLAN.** The Site Plan for any activity regulated by this section must include the following additional information.

(1) A profile of the proposed excavation, illustrating elevations and changes in slope, with elevations noted in five (5') foot intervals. If water is expected to accumulate in the excavation, the projected water level must also be shown.

(2) A soil evaluation report describing the excavation site and any needed drainage or seepage corrections.

(3) The specifications for any spillway or drain for a proposed pond, including the proposed methods of foundation preparation or fill placement.

(4) Distance from nearest structures and their use.

b. **EXCAVATION SITE REQUIREMENTS**

(1) Avoid sites of ecological significance, such as wetlands or mature forest. If wetlands are to be affected, a State permit may be needed.

(2) Excavations which create ponds should be located to minimize the chance of pollution from sources such as feedlots, corrals or septic tanks.

(3) Excavations may be no closer than fifty (50') feet, measured horizontally, to a powerline, and may not be within a public utility or transportation easement.

c. **CONSTRUCTION AND OPERATION REQUIREMENTS**

(1) An excavation should not change surface drainage or underwater aquifers so as to adversely impact neighboring uses.

(2) Any pond banks shall have a maximum slope of one (1') foot vertical to four (4') feet horizontal which extends below the projected low water surface elevation to a depth of at least eight (8') feet.

(3) Minimum designed water depth of a pond must be fifteen (15') feet to ensure proper aeration and circulation of water.

(4) All required environmental permits shall be obtained and obeyed, including the soil and sedimentation control permit under Act 347 of PA 1972.

(5) Any excavated material not removed from the site shall be graded to a continuous slope which does not exceed one (1') foot vertical to three (3') feet

horizontal and arranged to prevent runoff from impacting adjacent properties. Said fill shall blend visually with the surrounding landscape.

(6) By October 15 of each year, the completed portion of an excavation and any disturbed area around it, shall be graded and seeded.

(7) No machinery or equipment shall operate, and no trucks, trailers, or other conveyances shall arrive at any excavation site before 8:00 a.m. or after 6:00 p.m., Monday through Friday.

(8) Proper measures shall be taken to minimize the nuisance of traffic noise and flying dust or soil while a site is being excavated.

(9) When two (2) or more dwellings are located within two hundred (200') feet of the edge of any water body on an excavation site or on any parcel, said water body shall be enclosed by a fence at least four (4') feet high with a lockable gate.

(10) Ponds constructed for recreational purposes must be located outside of all required yards. *(Amended 4/07)*

4.5 DANGEROUS AND ABANDONED BUILDINGS

A. UNLAWFUL CONDUCT

It is unlawful for any owner or owner's agent to keep or maintain any dwelling or structure or part of a dwelling or structure which is a dangerous building.

B. DEFINITION

As used herein, "dangerous building" means any building or structure which has any of the following defects or is in any of the following conditions:

1. Whenever any portion of the building or structure has been damaged by fire, wind, flood, or by any other cause in such a manner that the structural strength or stability is appreciably less than it was before such catastrophe and is less than the minimum requirements of the Township Building Code for a new building or similar structure.
2. Whenever any portion has settled to such an extent that walls or other structural portions have materially less resistance to winds than is required in the case of new construction by the Township Building Code.
3. Whenever the building or structure or any part, has been structurally weakened because of dilapidation, deterioration, decay, faulty construction, or because of the removal or movement of some portion of the ground necessary for the purpose of supporting such building or portion of the building or structure.
4. Whenever for any reason whatsoever the building or structure or any portion is manifestly unsafe for the purpose for which it is used.

5. Whenever any dwelling becomes vacant, dilapidated and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.

6. An exposed basement or similar large hole that could present a danger is left on the site.

C. NOTICE INFORMATION

1. Whenever the Township Zoning Administrator determines that the whole or any part of any building or structure is a dangerous building as defined in 4.5, B., the Township Zoning Administrator shall issue a notice of the dangerous and unsafe condition.

2. Such notice shall be directed to each owner or party in interest in the building in whose name the property appears on the last local tax assessment records.

3. All notices shall be in writing and shall be served upon the owner or party in interest directly and personally, or in lieu of personal service may be mailed by certified mail - return receipt requested and addressed to the owner or party in interest at the address shown on the tax records, at least ten (10) days before the date of the hearing described in the notice. A copy of the notice shall be posted upon a conspicuous part of the building or structure.

4. The Township Zoning Administrator shall file with the Planning Commission a copy of the notice of the dangerous and unsafe condition.

5. The notice shall specify the time and place of a hearing to be held before the Planning Commission on the condition of the building or structure, at which time and place the person or persons to whom the notice is directed shall have the opportunity to show cause why the building or structure should not be ordered to be demolished or otherwise made safe.

D. HEARING INFORMATION

1. The Planning Commission shall take testimony from the Township Zoning Administrator, the owner of the property, and any interested party or other witness. The Planning Commission shall render its decision either closing the proceedings or ordering the building to be demolished or otherwise made safe.

2. If it is determined by the Planning Commission that the building or structure should be demolished or otherwise made safe, or basement or hole filled in and graded to the contour of the site, it shall so order, fixing a time in order for the owner or party in interest to comply.

3. If the owner or party in interest fails to appear or neglects or refuses to comply with the order, the Planning Commission shall file a report of its findings and a copy of its order with the Township Board and request that the necessary action be taken to demolish or otherwise make safe the building or structure. A copy of the findings and order of the Planning Commission shall be served on the owner or party in interest.

4. The Township Board shall fix a date for the hearing, reviewing the findings and order of the Planning Commission, and shall give notice to the owner or party in interest of the time and place of the hearing. At the hearing the owner or party in interest shall be given the opportunity to show cause why the building should not be demolished or otherwise made safe and the Township Board shall either approve, disapprove or modify the order for the demolition or the making safe of the building or structure.

5. The cost of the demolition or making the building safe shall be a lien against the real property and shall be reported to the assessing officer of the Township who shall assess the cost against the property on which the building or structure is located.

6. The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified of the amount of such cost by first class mail at the address shown on the records. If the owner or party in interest fails to pay within thirty (30) days after mailing by the assessor of the notice of the amount due, the assessor shall add the cost to the next tax roll of the Township and the amount due shall be collected in the same manner as provided by law for the collection of taxes by the Township.

E. JUDICIAL REVIEW

An owner or party in interest aggrieved by any final decision or order of the Township Board may appeal the decision or order to the circuit court by filing a petition for an order of superintending control within twenty (20) days from the date of the decision.

F. STATUTORY AUTHORITY

Section 4.5 is promulgated pursuant to Act 61 of the Michigan Public Acts of 1969, MCLA 125.538 et seq. MSA 5.2891 et seq; and Act 359 of the Michigan Public Acts of 1947, MCLA 42.1 et seq. MSA 5.46(1) et seq.

