

ARTICLE 24

SUPPLEMENTAL ZONING REGULATIONS

2401 PURPOSE

The purpose of this Article is to set forth general, miscellaneous provisions applicable to structures and land within the Township, and uses thereof. The following provisions apply to all structures, land and uses within the Township, except to the extent specifically limited herein.

2402 DEFINITIONS

- A. "Accessory Structure" means a separate subordinate structure (whether temporary or permanent), the use of which is incidental to that of the principal structure on the land. For dwellings, one (1) detached or attached (but not both) garage is considered a part of the principal use.
- B. "Accessory Use" means a use (whether temporary or permanent) subordinate to the principal use on a lot and used for purposes clearly incidental to those of the main use.
- C. "Dwelling" has the meaning set for in detail in section 402 of the Ordinance.
- D. "Garage, Private" or "Private Garage" means an accessory to the primary permitted structure in a residential (A) (AA) (F) zone.
- E. "Principal Use" means the main use to which a lot is devoted and the main purpose for which the lot exists. A dwelling includes it attached or detached (but not both) garage as part of the principal use.

2403 RESIDENTIAL ACCESSORY STRUCTURES AND PRIVATE GARAGES

The following provisions apply to lots upon which a dwelling is the principal use. The purpose of this section is to regulate and control the erection, location, or structural improvement to any accessory structure.

Accessory structures attached to dwellings or other main buildings, including enclosed porches and garages, shall be deemed a part of such buildings and must conform to all regulations of this Ordinance applicable to such structures.

A. ACCESSORY STRUCTURE SETBACKS, SIZES AND HEIGHTS REQUIREMENTS

1. On corner lots, accessory structures or uses shall meet the site development standards for the zoning district in which the accessory building is located. In the case of double frontage lots, one street will be designated as the front street for all lots, accessory structures, or uses, and shall be located no nearer to the front street than the required front yard setback line.
2. Setbacks for detached accessory structures shall be measured to the eaves of the building.

B. NUMBER OF AND AREA LIMITATIONS APPLICABLE TO PRIVATE GARAGES

Every dwelling shall be entitled to have, as a permitted use, one (1) private garage, whether attached or detached to the dwelling. However, under no circumstances shall any private garage, whether attached or detached, or erected as a permitted or special use, exceed the area of the dwelling. Private garages shall comply with the same height and setback requirements as otherwise applicable to the dwelling.

C. NUMBER OF AND APPROVAL OF AND AREA LIMITATIONS APPLICABLE TO OTHER THAN PRIVATE GARAGES

The following provisions apply to accessory structures other than private garages:

1. No accessory structure (or combined area of accessory structures if more than one) located in "A," "AA" or "AM" shall occupy more than thirty percent (30%) of the area of the rear yard.

2. Accessory structure sizes, heights and setbacks located in “A”, “AA”, “F”, “M” or “FR”
 - a. The total area for all accessory buildings shall not exceed the maximum footprint areas noted below, except that in no case shall the total square footage of all accessory buildings exceed thirty two hundred (3,200) square feet.
 - b. Maximum floor areas and heights (as measured from the ground to the highest point of the roof) and setbacks for buildings accessory to single and two-family dwellings:

MAXIMUM ACCESSORY STRUCTURE FOOTPRINT SIZE	
PARCEL SIZE:	MAXIMUM BUILDING FOOTPRINT SIZE:
Less than 1.00 acre.	672 square feet.
1.00 to 1.99 acres.	888 square feet.
2.00 to 2.99 acres.	1,104 square feet.
3.00 to 3.99 acres.	1,536 square feet.
4.00 to 4.99 acres.	1,968 square feet.
5.00 to 9.99 acres.	2,400 square feet.
10.00 to 19.99 acres.	2,800 square feet.
20 acres and over.	3,200 square feet.

MAXIMUM ACCESSORY STRUCTURE HEIGHT	
STRUCTURE FOOTPRINT SIZE:	MAXIMUM BUILDING HEIGHT:
Less than 673 square feet.	22 feet.
673 to 1,103 square feet.	24 feet.
1,104 to 2,400 square feet.	24 feet.
2,401 to 3,200 square feet.	35 feet.

ACCESSORY STRUCTURE SIDE AND REAR YARD SETBACKS		
STRUCTURE FOOTPRINT SIZE	SIDE	REAR
100 square feet.	10 feet.	5 feet.
Less than 673 square feet.	10 feet.	10 feet.
673 to 1,104 square feet.	15 feet.	15 feet.
1,105 to 2,400 square feet.	25 feet.	25 feet.
2,401 to 2,800 square feet.	50 feet.	50 feet.
2,801 to 3,200 square feet.	75 feet.	75 feet.

D. CONSTRUCTION STANDARDS FOR ALL ACCESSORY STRUCTURES

The following provisions apply to construction standards of all accessory structures.

1. In all cases, zoning permits shall be required for the placement, erection, or construction of any accessory structure, including portable structures.
2. All accessory structures must be sightly and conform to the principal building and neighborhood character as appearance. The use of such accessory structures shall create no unusual noise, smoke odor, nuisance, or traffic patterns.
3. All accessory structures must be of usual and approved erection or construction. No accessory structure may be erected using “pole structure” construction techniques unless approved as a special use.

2404 LOT-STRUCTURE RELATIONSHIP

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

2405 ACCESSORY STRUCTURE AS DWELLING

No accessory structure shall be used for dwelling purposes.

2406 BASEMENT AS DWELLING

No basement structure shall be used for occupancy unless a completed story is situated immediately above the basement structure and such story is also used as part of the dwelling.

2407 WATER SUPPLY AND SANITARY SEWERAGE FACILITIES

- A. No structure for human occupancy shall hereafter be erected or used unless it shall be provided with a potable water supply and a safe, effective means of collection, treatment, and disposal of wastes as certified in writing by the Muskegon County Health Department, or its successors.
- B. No drain field for a septic tank system shall be located nearer than one hundred fifty (150) feet from the normal high water line of any surface body of water nor located in an area where the ground surface is less than four (4) feet above the normal high water table level.
- C. No portion of any sanitary sewage facility shall be located within the lot area designated as the minimum side yard setback required for that district. For the purpose of excluding such sewage facilities, the side yard shall be deemed to extend to and from the front and back lot line.
- D. Hereafter, in any zone, any private sanitation septic system installed to be connected to any structure, shall be located such that the septic system is between the front of the structure and the front of the lot line. Alternatively, septic lines shall be stubbed to the front of the structure, so that in the future if public sanitary sewers are run by the front of the structure in the public right-of-way, then the stub sewer line may be extended from the front of the structure to the public sanitary sewer.

2408 EXEMPTIONS FROM THE HEIGHT REGULATIONS

Except as stated to the contrary elsewhere in the Ordinance, the following structures shall be exempt from any height requirements of this Ordinance: spires, belfries, chimneys, ventilators, skylights, water tanks, utility poles, power lines; radio and television broadcasting and other receiving antennas; silos, parapets, and other necessary mechanical appurtenances; provided their location shall conform where applicable to the requirements of the Federal Communications Commission, the Civil Aeronautics Administration, and other public authorities having jurisdiction.

2409 JUNK AND DUMPING

- A. Due to limited areas in Whitehall Township and recognizing that junkyards cause the reduction of the value of adjoining properties, junkyards shall not be permitted within the Township.
- B. No metal cans or parts, appliances, garbage, automotive parts or bodies, junk, salvage construction materials, refuse, or any other personal, commercial, or industrial waste material shall be stored or dumped on any private or public land within the Township of Whitehall unless such location has been designated as a sanitary land fill by the Township Board and the County Health Department.

2410 STRUCTURES ON CORNER LOTS

- A. Where designation of Front Street and side street questions arises, determination shall be made by the Planning Commission.
- B. Required set-back of all structures from the designated side street road-right• of-way shall be a minimum of one-half (1/2) of the required front street set-back. In A, AA, and AM zones, where the corner Jot abuts another Jot facing the side street, structures in the rear one-half of the corner lot shall be located no nearer to the side street than the required front set-back on that side street
- C. Where the principal use structure is situated on an angle towards the street corner, the required set back from both streets shall be the same as the required front set-back.

2411 RESTORATION OF DAMAGED STRUCTURES

Any structure (including lights or signs) damaged in whole or in part by fire, windstorm, snowstorm, vandalism, or any other reason, must be repaired or demolished within six (6) months of the date of such damage, except for lights or signs which shall be repaired within the thirty (30) days of such damage, and all debris (i.e., including but not limited to ruined or damaged furnishings, household items, appliances, or construction materials) shall be removed from the site within sixty (60) days of the damage. Any violation of this provision shall entitle the Township, in addition to any other remedy authorized by this Ordinance, to take such reasonable action as the Township Board shall deem appropriate to effect the temporary remediation of such damaged premises, and any cost incurred shall be charged to the property and be assessed and collected as a levy against such property in the same manner as property taxes, as provided in Section 209 of this Ordinance.

2412 RAZING OF STRUCTURES

No structure shall be razed until a zoning permit has been obtained. The Zoning Administrator shall be authorized to require a performance guaranty as provided in Section 201. Said guaranty shall be conditioned on the applicant completing the razing within such reasonable period as shall be prescribed in the permit and complying with regulations as to health and safety as the Zoning Administrator may, from time to time, prescribe, including filling of excavations and proper termination of utility connections.

2413 STORAGE OF RECREATION EQUIPMENT

Recreation equipment such as boats, canoes, campers, travel trailers, recreational vehicles, snowmobiles, personal watercraft, and utility trailers may be located outside of an enclosed structure on any lot within an "A", "AA" or "AM" zone, provided that the following requirements are met:

- A. If located on a corner or an interior lot such recreational equipment shall not be located within a required front yard or forward of the front elevation of the dwelling.
- B. Notwithstanding the provisions of this section, such recreational equipment may be parked within any yard, but not within the required yard, for cleaning, loading, or unloading purposes for not more than forty eight (48) hours within and seven (7) day period.
- C. Travel trailers, tents, and campers may be used for living or housekeeping purposes for a period not exceeding thirty (30) days in any calendar year.

2414 STORAGE AND REPAIR OF VEHICLES; INOPERABLE VEHICLES

- A. The repair, restoration and maintenance procedures or projects on vehicles in any “A”, “AA” or “AM” zone, when such work is not conducted entirely within the interior of a structure, shall be subject to the following limitations (bona fide farming operations are exempt from these provisions):
1. Procedures or projects exceeding forty eight (48) hours in duration or which require the vehicle to be immobile or inoperable in excess of forty eight (48) hours shall be carried out within a garage. Only one (1) such period shall be permitted within a single thirty (30) day period.
 2. Inoperable or unlicensed vehicles and vehicle parts shall be stored inside a fully enclosed structure, provided, however, in the “F” zone two (2) vehicles may be stored in the rear yard with no time limitation for said storage.
- B. It shall be unlawful for the owner, tenant or lessee of any lot in any “A”, “AA” or “AM” zone to permit the open storage or parking outside of a structure of semi-truck trailers, bulldozers, earth carriers, cranes or any other similar equipment or machinery, unless parked thereon while in use in construction being conducted on such lot.

2415 STATE LICENSED RESIDENTIAL FACILITIES

No state licensed residential facility or foster care home or facility shall be located in any zone within 1500 feet from the nearest existing such state licensed facility or home.

2416 NUMBER OF DWELLING ON A LOT

Not lot shall contain more than one (1) single family dwelling unless approved, pursuant to the terms of the Ordinance, as two family or multiple family dwelling units.

2417 DISC ANTENNAS (ALSO KNOWN AS DISH, SATELLITE ANTENNAS, OR TVRO SYSTEMS)

Disc antennas are allowed by issuance of a zoning permit, if in conformance to regulations set forth herein; must be placed in rear yard; may not be placed nearer than twenty (20) feet to outer lot line or parcel boundary; and may not exceed twelve (12) feet in height above the average topography within a 100-foot radius of proposed disc location or exceed fourteen (14) feet in height above the proposed disc location; whichever height is lowest shall apply. If the location of the disc must be set, according to manufacturer's instructions, in an area not otherwise authorized by this provision, then the disc may be located elsewhere on the property owner's lot, pursuant to a special use permit, to be granted by the Planning Commission. This provision shall not apply to TV disc antennas less than twenty four (24) inches in diameter.

2418 PARKING AND STORAGE OF VEHICLES, BOATES, TRAILERS AND RECREATIONAL EQUIPMENT

The storage, parking or use, continuously for a period in excess of forty eight (48) hours (ninety six (96) hours for trailers or moving trucks in the process of loading or unloading), of commercial or non-commercial trailers, motor homes, travel trailers, campers or camper bodies, boats, personal watercraft, off-road vehicles, tents and/or commercial vehicles in excess of one (1) ton rated capacity, shall be prohibited within a setback extending thirty five (35) feet from the center of the paved portion of any street abutting any lot or combination of lots used for residential purposes or in any A, AA or AM zone.. Nor shall any bus, tractor trailer, commercial trailer, or any other commercial vehicle or trailer of rated capacity greater than one (1) ton be stored, parked or used continuously for a period in excess of forty eight (48) hours (ninety six (96) hours for trailers or moving trucks in the process of loading or unloading) on any lot or combination of lots used for residential purposes or in any residentially zoned district

2419 BUFFER-YARD REQUIREMENTS

A. PURPOSE

Buffer-yards shall be required for certain structures and uses that have a significant impact on natural resources, traffic patterns, adjacent lots, quality of life, air, neighborhood character, and future development. It is further intended to protect and preserve the appearance, character, privacy, and value of the surrounding neighborhoods and thereby promote the general welfare by providing for the installation and maintenance of buffer yards for screening and aesthetic qualities.

B. WHERE BUFFER-YARDS ARE REQUIRED

Buffer yards shall be required in any Business or Limited Industrial Zone where such property is adjacent to any A, AA, or AM zone, and also may be required as a special use in any zone. The specific buffer yard width, nature, and quality and quantity of landscaping materials shall be determined by the Township Planning Commission based on traffic generation, sales/display, manufacturing areas, physical site coverage, and in the case of residential developments, additional dwelling units and the resulting residential density.

C. SCREENING

Screening does not specify any particular design regulation. The intent is to provide flexibility and innovation in screening land uses by allowing applicants to create a plan for review and approval of the Township Planning Commission. The criteria on which to approve or deny the proposed plan include: potential for incompatibilities between land uses, physical site characteristics, protection of property values, the extent of noise and traffic generation, and other relevant factors.

D. BUFFER-YARD DEVELOPMENT REQUIREMENTS

1. All buffer-yards shall be covered by grass, wood chips, tire chips, stones, or other ground cover, unless ground cover is already established. The buffer-yard ground cover shall be installed to effectively prevent soil erosion and sedimentation and storm water runoff.
2. Necessary access ways from streets through buffer-yard areas shall be permitted.
3. Detention/retention areas shall be permitted within buffer-yards provided they do not hamper the screening or jeopardize the survival of plant materials.
4. Solid waste dumpsters may be installed in buffer-yards provided they follow the requirements set forth in this Ordinance.

E. PLANT MATERIAL STANDARDS

Plant materials used to comply with the requirements of this Ordinance shall comply with the following standards:

1. Existing plant materials which comply with the requirements of this Ordinance shall be credited towards satisfying the requirements.
2. Natural plant materials may be required because natural materials reduce erosion, slow down and absorb storm water runoff, and reduce heat and glare.

3. Impervious surfacing or sub-surfacing shall not be located around the base of any tree or shrub because it may impede growth.
4. Plant materials shall be installed and maintained in such a manner as to: not appreciably alter existing drainage patterns on the site or adjoining properties or not to block or obstruct vision for reasons of safety and ingress and egress.

F. PHASING

Projects constructed or approved for construction in phases shall require buffer-yards in each phase. Determinations as to buffer-yard phasing shall be based on adjacent land uses, distance between land uses, operational characteristics, structure heights, physical site characteristics, and other relevant factors.

G. WAIVERS

Should the Township Planning Commission determine that adequate landscaping and/or screening on a lot already exist or that such landscaping and/or screening is not necessary, this provision may be waived in whole or in part. Criteria to be used when considering waiver shall include: topography variations, existence of natural vegetation, existing and proposed structure placement, sight distances, adjacent land uses, the existence of floodplains, and other relevant factors.

2420 FENCES, WALLS, AND SCREENS

In any A, AA or AM zone, no fence or wall or other screening shall be erected except as provided in this section:

- A. No opaque fence, wall, or other screening structure shall be erected within the limits of a front yard, unless it is at least thirty (30) feet from the road right-of-way or in the case of a corner lot within the limits of the side yard bordering on the street.
- B. Within a side or front yard, no transparent fence, wall, or other screening structure shall be erected if higher than five (5) feet above the surface of the ground.
- C. Within the limits of the rear yard, no fence, wall, or other screening structure other than evergreens, deciduous trees, shrubs, and bushes shall be erected higher than eight (8) feet above the surface of the ground.

2421 SHORELINE EXCAVATION AND DREDGING

No person shall alter, change, transform, or otherwise vary the edge, bank or shore of any lake, river or stream except in conformance with all of the following:

- A. As provided in the Inland Lakes and Streams Act, Act 346 of the Public Acts of 1972, as amended, and in accordance with the requirements of the Michigan Department of Natural Resources.
- B. If any edge, bank or shore of any lake, river or stream is proposed to be altered in any way by any person, such person shall submit to the Planning Commission all data, exhibits, and information as required by the Department of Natural Resources.
- C. Unless submitted to and approved by the Planning Commission pursuant to Articles 16 and 17.

2422 ESSENCIAL SERVICES AND ESSENCIAL SERVICE STRUCTURES

Following the construction, erection or placing of essential service structures or essential services on or under the surface of the land, the surface of the land shall be restored as nearly as possible to the condition as it existed prior to the construction or erection of such essential services. Provided further that this regulation shall in no way prevent the landscaping of the surface of such land in accordance with the permit issued for the construction or erection of the essential service, in such a manner so as to improve the surface of the land over the condition as it existed prior to such construction or erection. Essential services structures shall be exempt from all area requirements in the various districts. All essential services structures other than utility transmission poles and lines shall be special uses in all zones.

2423 SWIMMING POOLS

All swimming pools shall conform to the requirements of Public Act 230 of 1972, the State Construction Code Act, as amended. No swimming pool shall be constructed or placed in the front yard of any lot, or in the case of a corner lot, in the side yard bordering on the street. All swimming pools shall conform to the filtration requirements of the Muskegon County Health Department. Swimming pools to be constructed or which are already constructed, shall be enclosed by a fence, walls, or other structure which shall be at least five (5) feet in height measured from the outside.. Any opening under the bottom of the fence shall not be more than four (4) inches in height. A fence or wall enclosure shall be of a type that impedes climbing by small children, and shall be equipped with a gate that is self-closing and latching with a latch on the pool side of the gate. Said entranceway shall lead to the shallow end of the pool. If a fence or wall meeting the above requirements encloses the pool and the principal structure and all accessory structures located on the premises, a separate pool fence meeting the above requirements need not be constructed.

2424 HOME OCCUPATIONS

Home occupations may be permitted in all residences as follows :

- A. That such home occupation is incidental to the residential use, and not more than twenty five (25%) of floor area of the principal structure, or fifty percent (50%) of an accessory structure, shall be occupied by such occupation.
- B. That there shall be no noise, smoke, odor or traffic patterns other than is usual in a residential area.
- C. That there shall be no outward appearance alteration of the dwelling or accessory structure.
- D. That there be no more than one (1) employee other than members of the resident family.
- E. Home occupations may be allowed only by permit as a special use in any zone. All conditions imposed shall be in accordance with the spirit and intent of this Ordinance and in keeping with the character of the neighborhood. Issuance of a home occupation permit shall grant a mere license and shall not vest any continuing or transferable property right A home occupation permit is a personal license to the grantee and is terminated upon the sale or transfer of the home occupation. If the home occupation for which the permit is given is discontinued for more than one (1) year, the permit shall be deemed terminated.

2425 LANDSCAPING

All evidence of construction activities around structures (such as grading, or other excavation) shall be corrected by suitable landscaping within one (1) year of the substantial completion of construction or occupancy of the structure, whichever occurs first