

**ARTICLE IV
GENERAL REGULATIONS**

Section 401 Height, Bulk and Placement Regulations

Except as otherwise specifically provided in this Ordinance, no lot or parcel shall be created and no structure shall be erected or maintained except in compliance with the Schedule of Regulations specified below. Any sale of land in violation of this section shall be voidable at the option of the purchaser and shall subject the seller thereof to the forfeiture of any and all consideration received or pledged for the land. The purchaser may take additional action to recover any damages sustained. These remedies shall not preclude enforcement by the Zoning Administrator.

Schedule of Regulations
(Table)

District	Lot Size (Sq. Ft.)	Minimum Lot Width (Feet) ^A	Setback ^{J, K}			Maximum Height (Feet)
			Front	Side	Rear	
R	1 acre	150	30	10 ^B	35 ^C	30 ^D
RR-5	5 acres	300	30	30	30	30
LS/R	1 acre	150	30	10 ^B	30	30 ^D
RS-1	1 acre	150	30	10	30	30 ^D
RS-5	5 acres ^G	300	30	30	30 ^I	30
RP-10	10 acres ^G	300	30	30	30 ^I	30
RP-20	20 acres ^G	470	30	30	30 ^I	30
TP-40	40 acres ^G	660	30	30	30 ^I	30
TD	1 acre ^H	150	30	10 ^B	35 ^C	30 ^D
I	1 acre	150	40	E, F	20	E, F

Notes for the Schedule of Regulations (Table):

- ^A Lot width shall be measured as described in the definition of lot width (See Art. II). Regardless of actual lot size, the maximum depth to width ratio shall be 4 to 1. Also see Section 1517 for properties fronting on U.S. 41/M-28.
- ^B An accessory building or structure may be located six (6') feet from a side lot line.
- ^C An accessory building or structure in the R-Residential and TD-Town Development District may be located twenty (20') feet from a rear lot line.
- ^D An accessory building or structure shall not exceed fourteen (14') feet in height, as defined in Article II, Section 2.02, Definitions, Item (16), Building Height.
- ^E All structures shall be provided with access to their rear yard, with a minimum of thirty (30') feet clear and unobstructed access way or easement. Setbacks from the existing residential parcels shall be: fifty (50') feet for all buildings; twenty-five (25') feet for driveways, entrances or exits; and ten (10') feet for parking areas.
- ^F Height at any point on a structure shall not exceed the horizontal distance to any lot line.
- ^G The determination of lot size when adjoining a road shall be made as if the road was a part of the lot in question. For example, a 20 acre parcel fronting on a road will lose approximately one-half acre in the road

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Section 401 Height, Bulk and Placement Regulations: Continued

right-of-way. This will then make the parcel size 19.5 acres, however, it will still conform to the 20 acre minimum lot size requirement.

H The minimum landscaped open space ratio shall be twenty-five (25%) percent in the Town Development District.

I Customary accessory buildings or structures shall be at least located thirty (30') feet from the rear lot line and any waterfront in these noted districts. Rear setback for parcels not abutting watercourses shall be thirty (30') feet for all structures.

J Waterfront Development.

(1) Setbacks from Water – All structures on lots abutting any body of water, as defined in Act No. 346 of the Public Acts of 1972, including but not limited to, inland lakes, rivers, streams, and impoundments, shall maintain a minimum setback of seventy-five (75') feet as measured from the high water mark or lot lines. All uses shall be subject to this setback except private bathing facilities, saunas, storage sheds, and associated facilities which shall maintain a minimum setback of thirty (30') feet as measured from the high water mark or lot line.

There are two lakes: Helen and Casey Lakes, zoned as RS-1, Recreational Structures, which are intensely developed. Limited opportunity exists to further develop these lakes, however, there are individual lots scattered around these lakes which can be developed recreationally. Rather than require seventy-five (75') foot waterfront setbacks for isolated parcels, which in most cases would be different than adjoining parcels, a thirty (30') foot waterfront setback will be required. This reduction in waterfront setback will allow for uniformity and consistency with established patterns of lake front development.

The two lakes, where thirty (30') foot, rather than seventy-five (75') foot waterfront setbacks will be required, are described below:

- Casey Lake – All of the RS-1, Recreational Structure District found in Section 22, T45N-R29W.
- Helen Lake – All of the RS-1, Recreational Structure District found in Sections 3 and 4, T45N-R29W.

(2) Shore and Bank Area Alterations – The part of that setback which lies within 30 feet of the water edge shall be maintained in its natural condition. Trees and shrubs in a space fifty (50') feet wide may be trimmed or pruned for a view of the fronting waters and for access thereto. No change shall be made in its natural grade. A lot shall be regarded in its natural condition when there is at least one tree or shrub having a height of at least fifteen (15') feet for each 75 square feet of area thereof in wooded areas or sufficient natural ground cover in open areas.

(3) Limitation of "Funnel Development" – Any development in any zoning district which shares a common lakefront or stream area may not permit; more than one (1) single-family occupation (whether in the form of a single family dwelling, condominium unit, or apartment unit) or more than one (1) recreational structure to the use of each one-hundred (100') feet of lake or stream frontage in such common lakefront or stream area as measured along the water's edge of normal high water mark of the lake or stream. This restriction is intended to limit the number of users of the lake or stream to preserve the quality of the waters, avoid congestion, and to preserve the quality of recreational use of all waters and recreational lands within the Township. This restriction shall apply to any parcel regardless of whether access to the water shall be gained by easement, common fee ownership, single fee ownership or lease. This restriction shall not apply to an official public access site.

K Where the right-of-way is established under the McKnitt Act (P.A. 130 of 1931, as amended) and varies from the standard 66 feet of width, the setback shall be not less than 63 feet from the centerline of the roadway.

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Section 402 Minimum Building Floor Area

Every single-/two-family dwelling, excluding recreational structures, shall have a floor area of not less than 720 square feet, exclusive of unfinished basements, garages, porches and breezeways. Every dwelling unit in a multiple family dwelling shall have a minimum floor area of at least 350 square feet. The maximum ground cover ratio for all structures in a multiple family development shall be forty (40%) percent.

Section 403 Accessory Buildings and Uses

Where a lot is devoted to a permitted principal use, customary accessory uses and buildings are authorized except as prohibited specifically or by necessary implication in this or any other ordinance. The following special rules are applicable:

- (A) An accessory building, including a carport, attached to the principal building shall be made structurally a part thereof, and shall comply in all respects with the requirements of this Ordinance applicable to the principal building. Breezeways, as an attachment between the garage or carport and the main building, shall be considered a part of the main building, but shall not be considered livable floor space.
- (B) An accessory building, unless attached and made structurally a part of the principal building, shall not be closer than ten (10') feet to any other structure on the lot.
- (C) Home Occupations and Conditional Home Businesses.
There shall be two classes of home business activities allowed under this Ordinance. First, a Home Occupation shall be permitted in all districts that permit a single-family dwelling. A Home Occupation is authorized by application for and issuance of a zoning compliance permit by the Zoning Administrator. Second, a Conditional Home Business shall be allowed in the RR-5, RP-10, RP-20 and TD zoning districts. Conditional Home Businesses shall be authorized upon application for and issuance of a Conditional Use Permit pursuant to Article VII and upon issuance of a zoning compliance permit by the Zoning Administrator. Either a Home Occupation or a Conditional Home Business approval may be revoked following procedures outlined in Section 705, Conditions and Safeguards, item (E).

A Home Occupation shall comply with the following conditions:

1. Home occupations shall employ only those members of the family residing on the premises and not more than one non-occupant employee;
2. There shall be no outdoor storage and there shall be no exterior evidence of the conduct of home occupations, other than an approved sign;
3. Specifically excluded is the storage, display and sale of merchandise not produced by the home occupations;
4. If the home occupation is conducted in an accessory building, it shall not exceed fourteen (14') feet in height, and shall occupy not more than three-hundred (300) square feet of said accessory building;

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Section 403 Accessory Buildings and Uses: Continued

5. No traffic shall be generated by such home occupation in greater volumes than would be normally expected in that residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the requirements of Section 409; the home occupation may utilize only stock vehicles, such as passenger cars, and light utility vehicles, such as pick-ups and vans. These vehicles may be parked outside;
6. The use of the dwelling unit for a home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and if such home occupation is conducted in the principal dwelling, not more than twenty-five (25%) percent of the usable floor area of the dwelling shall be used in the conduct of the home occupation;
7. No equipment or processes shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interferences in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises;
8. A sign advertising the home occupation shall not exceed six (6) square feet and shall not be illuminated or have working parts; and

A Conditional Home Business shall meet the above requirements for a Home Occupation, except that the Conditional Home Business may:

1. Employ not more than two (2) non-occupant employees;
2. May utilize larger vehicles and heavy equipment provided they are stored in an enclosed building;
3. To assure that the conditional home business remains subordinate to the principal residential use of the property, structures used to store commercial vehicles shall not exceed twice the floor area of the principal structure;
4. The Planning Commission may place additional conditions upon Conditional Home Businesses to assure compliance with Section 704, General Standards and the intent of the zoning district.

Section 404 One Principal Structure or Use Per Lot

No more than one principal structure or use may be permitted on a lot, unless specifically provided for elsewhere in this Ordinance. In the TD, Town Development District there can be both a residential dwelling and a separate building used for commercial purposes on the same lot.

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Section 405 Variance of Requirements for Lots of Record

Minimum lot size and lot width regulations do not apply to any nonconforming parcel of land shown as a lot in a map recorded with the County Register of Deeds, or described in a deed or land contract or lease agreement which has been perpetual, executed together with an affidavit or acknowledgement of a notary public, prior to the effective date of this Ordinance, and which lot actually exists as shown or described. When a nonconforming lot is held in common ownership with abutting parcel(s) of land, the two or more parcels shall be considered combined as necessary to reduce or eliminate the non-conformity.

Section 406 Allocation and Reduction of Lot Area

No portion of a lot shall be used more than once in complying with the provisions for lot area and yard dimensions for construction or alteration of buildings.

No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein.

Section 407 Use of Yard or Open Space

In a residential district it is prohibited to use the open space surrounding a dwelling for the open air parking, disposition, storage, wrecking, dismantling, accumulation or abandonment, either temporary or otherwise, of disused, discarded, worn out, wrecked, or dismantled vehicles, machinery, implements, apparatus, furniture, appliances, junk, or any other personal property. A maximum of two unlicensed and temporarily disabled vehicles may be stored on the premises provided they are screened from adjacent residences and the road.

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Section 408 Off-Street Parking Requirements

There shall be provided off-street parking for motor vehicles, and the minimum number of parking spaces to be provided is shown in the following list:

<u>Uses</u>	<u>Spaces Required</u>
Single and two-family dwellings, recreational structures	2 per dwelling unit
Rooming houses, fraternities, sororities, dormitories, convalescent homes, and	4 times maximum lawful number of occupants
Hotels and motels	1.2 per room in addition to spaces required for restaurant facilities
Apartments and townhouses	2 per dwelling unit
Churches, theaters, facilities for spectator Sports, auditoriums, concert halls	0.35 times the seating capacity
Golf courses	7 per hole
Barber shops and beauty parlors	2 plus 1.5 per chair
Bowling alleys	5 per lane in addition to spaces required for restaurant facilities
Child-care facility	2 per dwelling unit plus 0.3 per Child
Fast food take-out establishments drive-in restaurants	0.1 times floor area and square feet
Restaurants and bars (except drive-ins)	1.2 per 100 sq. ft. of floor space
Furniture and appliance stores	0.3 per 100 sq. ft. of floor space
Household equipment, carpet and hardware stores, repair shops, including shoe repair, contractor's showrooms and others, museums and galleries	1.2 per 100 sq. ft. of floor space
Funeral parlors	1 per 50 sq. ft. of floor space
Off-Street Parking Requirements Continued:	

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Section 408 Off-Street Parking Requirements: Continued

<u>Uses</u>	<u>Spaces Required</u>
Gas stations	1 per pump plus 2 per lift (in addition to parking places adjacent to pumps)
Automotive service center	1 per employee plus 2 per service bay
Laundromats	0.5 per washing machine
Doctor's and dentist's offices	1 per 100 sq. ft. of waiting room Area and 1 per doctor or dentist
Banks and other financial institutions	1 per 150 sq. ft. of floor space
Warehouses	1 per 500 sq. ft. of floor space
Retail stores and service establishments	1 per 150 sq. ft. of floor space and outdoor sales spaces
Offices	1 per 300 sq. ft. of floor space
Other business and industrial uses	0.75 time maximum number of employees on premises at any one-time

Where calculation in accordance with the foregoing lists results in requiring a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.

Required off-street parking shall be provided on the lot to which it pertains. Access drives may be placed in the required front, side or rear yards so as to provide access to accessory or attached structures. Further, any walk or other pavement serving a like function shall not be considered a structure and shall be permitted in any required yard.

The use of any required parking space for the storage of any motor vehicle for sale, or for any other purpose other than the parking of motor vehicles is prohibited. For recreational and residential storage facilities and warehousing, loading areas shall be provided adjacent to the openings of the buildings. In no case shall these loading areas including access lanes be less than 26 feet wide when loading occurs on one side of the lane, nor less than 30 feet wide when loading would occur from both sides.

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Section 408 Off-Street Parking Requirements: Continued

The following minimum design standards shall be observed in laying out off street spaces and providing access lanes to each space. Layouts requiring vehicles to back out onto roads or streets are prohibited.

Parking Angle	Stall Width	Aisle Width	Parking Stall Length	Curb to Curb
0° to 15°	9 ft.	12 ft.	23 ft.	30 ft.
16° to 37°	9 ft.	11 ft.	18 ft.	47 ft.
38° to 57°	9 ft.	13 ft.	18 ft.	54 ft.
58° to 74°	9 ft.	18 ft.	18 ft.	61 ft.
75° to 90°	9 ft.	24 ft.	18 ft.	63 ft.

Section 409 Required Planting Screens

- (A) In Districts Town Development (TD) and Industrial (I), wherever any parking lot, trash collection, outdoor storage, merchandising, or service area lies within 50 feet of any Single-Family Residential (R), Rural Residential (RR-5) District, or adjoins a residential dwelling within the TD or I District, a planting screen of sufficient length to interfere with the view thereof from the adjoining property shall be required, except where the view is blocked by a change in grade or other natural or man-made features. Where, because of intense shade or soil conditions, the planting screen cannot be expected to thrive, a six (6') foot high fence whether it be an opaque wooden fence, a chain link fence with interwoven slats, or a masonry wall may be substituted.
- (B) Planting Screen Specifications. All planting screens required by this Ordinance shall consist of plants, at least 30 inches high when planted, maintained in a healthy condition and so pruned as to provide maximum opacity from the ground to a height of five (5') feet. One of the plant materials in the following list shall be used and plants shall be located no farther apart than the distance indicated in each case.

<u>Plant</u>	<u>Distance Apart</u>
Lilac	3 feet
Privet	1.5 feet
Arbor Vitae	4 feet
Pfitzer	4 feet
Scotch Pine	5 feet
Jack Pine	5 feet
Spuce	5 feet

Substitution of other plant materials shall be permitted only upon certification to the Zoning Administrator that the proposed plantings can be expected to thrive and provide equivalent screening and will create no nuisance or hazard.

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Section 409 Required Planting Screens: Continued

- (C) **Parking Lot Planting.** Where the provision of off-street parking for 50 or more vehicles is required, there shall be provided landscaped open space within the perimeter of the parking area, or areas, in the minimum amount of 18 sq. ft. for each parking space required, which shall be so located that no parking space is more than 120 feet from a portion of the landscaped open space required by this Section. Landscaped open space required by this Section shall be kept continuously planted with living vegetation. The required landscaped open space need not be contiguous, but there shall be at least one tree in each separate area. Required trees shall be at least 12 feet high when planted or when this Ordinance become applicable thereto, shall be maintained in a healthy condition, and shall not be pruned, except to remove dead wood, in such a manner as to prevent growth to a height of at least 15 feet or to reduce existing height below 15 feet. The following varieties of trees are prohibited in meeting the requirements of this Ordinance: poplars, willows, American Elm, seed-bearing locusts, and box elders. All plant materials shall be kept pruned to maximize visibility through them between the heights of three and eight feet, except where located so as to create a potential hazard to drivers or pedestrians.

- (D) **Time of Completion of Plantings.** All plantings required by the Ordinance shall be installed prior to occupancy or commencement of use. Where compliance is not possible because of the season of the year, the Zoning Administrator shall grant an appropriate delay. Any Zoning Compliance Permit may be revoked, after 30 days written notice to the person assessed for taxes on the affected lot and to the occupant, whenever plantings are not maintained as required in this Ordinance.

Section 410 Fees in Escrow (Also See U.S. 41/M-28 Access Article for this provision)

Any application for rezoning, site plan approval, a Conditional Land Use Permit, Planned Unit Development, variance, or other use or activity requiring a permit under this Ordinance above the following threshold, may also require the deposit of fees to be held in escrow in the name of the applicant. An escrow fee may be required by either the Zoning Administrator or the Planning Commission for any project which requires a traffic impact study under Section Two or Three, or which has more than twenty (20) dwelling units, or more than twenty-thousand (20,000) square feet of enclosed space, or which requires more than twenty (20) parking spaces, or which involves surface or below surface mining or disposal of mine materials. An escrow fee may be required to obtain a professional review of any other project which may, in the discretion of the Zoning Administrator or Planning Commission create an identifiable and potentially negative impact on public roads, other infrastructure or services, or on adjacent properties and because of which, professional input is desired before a decision to approve, deny or approve with conditions is made.

- (A) The escrow shall be used to pay professional review expenses of engineers, community planners, and any other professionals whose expertise The Township of Humboldt values to review the proposed application and/or site plan of an applicant. Professional review

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Section 410 Fees in Escrow (Also See U.S. 41/M-28 Access Article for this provision): Continued

shall result in a report to the Planning Commission indicating the extent of conformance or nonconformance with this Ordinance and identify any problems which may create a threat to public health, safety or the general welfare. Mitigation measures or alterations to a proposed design may be identified where they would serve to lessen or eliminate identified impacts. The applicant will receive a copy of any professional review hired by The Township of Humboldt and a copy of the statement of expenses for the professional services rendered, if requested.

- (B) No application for which an escrow fee is required will be processed until the escrow fee is deposited with the Treasurer. The amount of the escrow fee shall be established based on an estimate of the cost of the services to be rendered by the professionals contacted by the Zoning Administrator. The applicant is entitled to a refund of any unused escrow fees at the time a permit is either issued or denied in response to the applicant's request.
- (C) If actual professional review costs exceed the amount of an escrow, the applicant shall pay the balance due prior to receipt of any land use or other permit issued by The Township of Humboldt in response to the applicant's request. Any unused fee collected in escrow shall be promptly returned to the applicant once a final determination on an application has been made or the applicant withdraws the request and expenses have not yet been incurred.
- (D) Disputes on the costs of professional reviews may be resolved by an arbitrator mutually satisfactory to both parties.

Section 411 Exterior Lighting

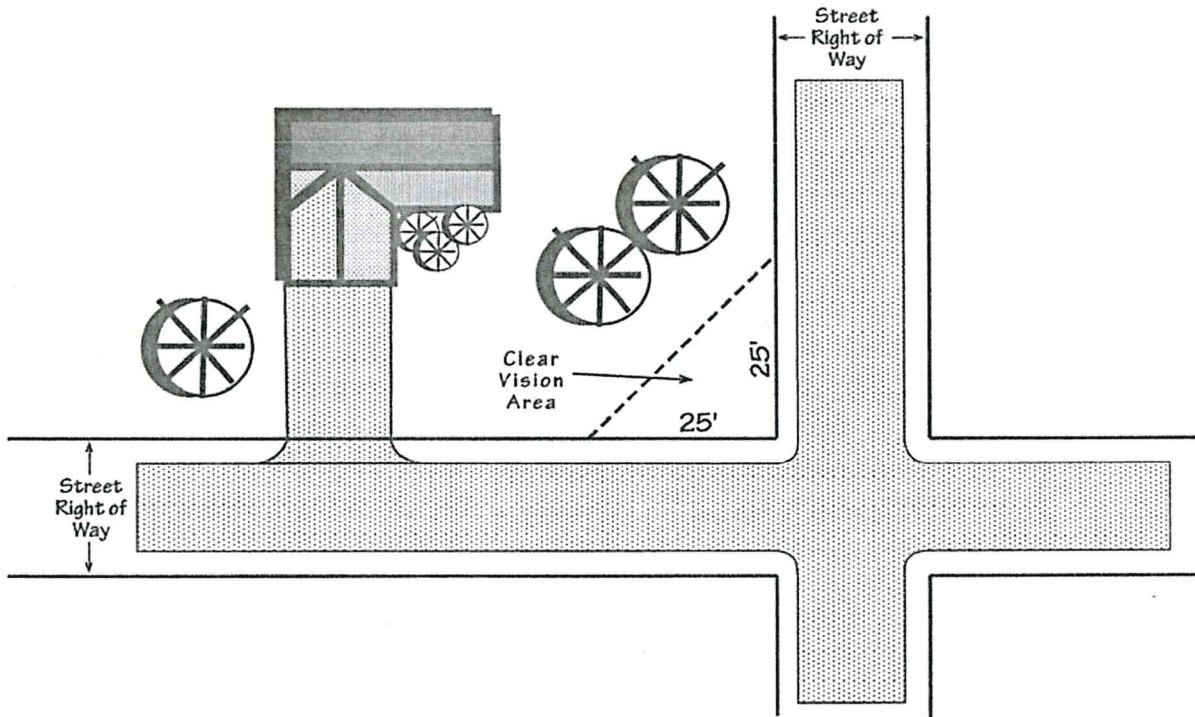
All lighting for parking areas or for the external illumination of buildings or grounds shall be directed away from and shall be shielded from adjacent residential districts and shall also be so arranged as to not adversely affect driver visibility on adjacent thoroughfares. Lighting standards for signs shall not exceed the maximum height limitations established for each use district as set forth in Section 401.

Section 412 Corner Clearance

No fence, wall, shrubbery, sign or other obstruction to vision above a height of two feet from the established street grades shall be permitted, (1) within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between such right-of-way lines at a distance along each line of 25 feet from their point of intersection, or (2) within the triangular area formed by the intersection of any street right-of-way line and any public or private driveway at a distance along each line of 15 feet from their point or intersection (see illustration below).

Section 412 Corner Clearance: Continued

Visibility at Intersections and Corner Clearance



Section 413 Sewage disposal system placement

- (A) No element or part of any on-site sewage disposal system, including but not limited to septic field and tank, shall be placed within 20 feet of the edge of a planned road right-of-way as shown on the township thoroughfare plan, or within 20 feet of any side or rear lot line.
- (B) Permits for installation of on-site sewage disposal systems shall be obtained from the county or state health department, as applicable.
- (C) In cases where a township placement requirement differs from that of the state or county, the greater setback or more stringent requirement shall apply.
- (D) Lawful existing nonconforming lots of record which, due to inadequate width, depth, and/or area, cannot meet one or more of the setback standards in this section may in-

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Section 413 Sewage disposal system placement: Continued

stead comply with minimum county health department standards for side and rear setbacks. In all cases, however, the 20-foot front yard setback from the edge of the planned right-of-way shall be maintained.

Section 414 Private Road Requirements

(A) Definitions.

- CUL-DE-SAC: A vehicular turn-around at the end of a dead-end street, road or easement which is typically circular, and designed and constructed in accordance with the specifications and requirements of the Marquette County Road Commission.
- DRIVEWAY: A private way, usually linear in nature and improved to some degree, which provides for vehicular access from a public or private road to two (2) or fewer lots for a dwelling(s) or to a commercial or non-commercial establishment. A horse-shoe shape drive or a “T” shape drive is included within this definition.
- EASEMENT: A right, in the owner of one parcel of land by reason of such ownership, to use the land of another for the purpose of ingress or egress.
- PRIVATE DRIVE: Any access for vehicular traffic which is privately owned and maintained which provides access to four (4) or less lots or parcels.
- PRIVATE ROAD (or PRIVATE STREET): Any road, street or thoroughfare for vehicular traffic or emergency vehicles which is privately owned and maintained, and which provides the principal means of access to five (5) or more abutting lots or parcels.
- ROAD FRONTAGE: This distance along the street right-of-way line measured along the front of a lot.
- ROAD (or STREET): A public or private dedicated right-of-way or thoroughfare for pedestrian and vehicular traffic, including the terms “avenue,” “lane,” “highway,” or other terms indicating an open, accessible “way”, but excluding driveways, farm roads, trails, or logging roads.

In the case of a “public road”, this shall mean that the road has been officially accepted into a transportation system by a public entity with jurisdiction in a specific given area. Roads usually, though not always, provide a means of access to abutting properties. In the case of a “site condominium,” as defined and as regulated by this Ordinance, the principal means of access to abutting “units of ownership” may be provided by a public street.

(B) PRIVATE ROAD REQUIREMENTS

All division of unplatted land shall be in compliance with the requirements of Humboldt Township’s Land Division Ordinance. When private road development occurs within Humboldt Township, the following Private Road Requirements shall apply. No person, firm, or corporation shall divide land accessed by private roads without providing for permanent or private easements that conform to the following requirements:

Section 414 Private Road Requirements: Continued

1. Lots or parcels fronting on a private road or easement shall meet all Zoning Ordinance requirements. Such lots or parcels shall provide safe, road access for fire protection and emergency service vehicles. Any lot or parcel resulting from a land division shall comply with the road frontage requirements of the zoning district in which it is located.
2. All private roads shall provide access to the public road system and shall be centered within a permanent right-of-way easement duly recorded with the Marquette County Register of Deeds. Right-of-way easements shall be dedicated for ingress and egress and installation of public utilities and shall preclude any development that interferes with their use as access roads. All plans submitted for approval shall show the private road easement including the legal description, all use restrictions, grades, and any required drainage facilities and structures.
3. The names of all private roads shall be approved by the Humboldt Township Board. Their numbering shall be consistent with the Township address numbering system and Marquette County Road Commission sign standards.
4. There shall be a Clear View Triangle at all corners of intersecting roads. No fence, wall, sign, screen, or any planting shall be erected or maintained in such a way as to obstruct vision within a Clear View Triangle described as being located between a height of three (3') and ten (10') feet within the triangular area formed by the intersection of a road right-of-way line and a private road right-of-way line and a line connecting two (2) points which are located on the intersecting right-of-way lines, thirty (30') feet from the point of intersection.
5. All private road easements shall be a minimum of sixty-six (66') feet wide. The Township Planning Commission may require additional width for the right-of-way easement to allow for road construction and maintenance where deemed necessary.
6. A drainage plan shall be submitted on a topographic map, with a minimum of two-foot contour intervals, indicating the manner in which surface drainage is to be dispersed. In no case shall runoff from a private road be diverted beyond the limits of that private road onto adjacent roads or property unless appropriate drainage easements are provided and ownership designated.
7. A soil erosion permit, if applicable, shall be obtained and provided to the Humboldt Township Zoning Administrator prior to the construction of any private road within the Township.
8. A private road/easement serving four (4) or fewer lots, parcels, or condominium units shall be considered a private driveway and shall not be subject to the requirements of this section.
9. A private road serving or intending to serve five (5) to ten (10) lots, parcels, or condominium units shall meet the following design standards:
 - a. The minimum right-of-way width shall be sixty-six (66') feet; the applicant can request a reduction in right-of-way width in order to protect natural features or as a result of space saving features such as curb and gutter,

Section 414 Private Road Requirements: Continued

- with the approval of the Planning Commission, provided that in no case shall the right-of-way be less than fifty (50') feet.
 - b. A granular soil base of not less than twelve (12") inches in depth. The top six (6") inches in depth shall be, at minimum, road grade processed 22-A gravel.
 - c. The roadbed shall be a minimum of eighteen (18') feet wide with two (2) grass or gravel shoulders, one on each side.
 - d. Adequate culverts and/or ditches shall be provided where necessary.
 - e. Grades shall not exceed seven (7%) percent. If the road is paved and with proper drainage, a road grade up to nine (9%) percent may be permitted.
 - f. A forty (40') foot radius for cul-de-sacs or an eighty (80') foot hammerhead turnaround shall be required for all dead-end roads.
 - g. Proposed roads and right-of-way over three hundred (300') feet long shall provide an adequate place for emergency vehicles to turn around in accordance with the requirements set forth in the standards and specifications for road construction of the Marquette County Road Commission.
 - h. The angle of intersection with any public road, or road right-of-way shall be as close to 90° as possible, but not less than 70°.
10. If eleven (11) or more lots, parcels, or condominium units have access to a private road, the road shall meet all Marquette County Road Commission specifications as required. A second means of access meeting the requirements of this Ordinance shall also be provided.

(C) PRIVATE ROAD APPROVAL PROCEDURE

The applicant shall submit six (6) complete copies of the Proposed Development Plan to the Zoning Administrator and/or other official as may be designated by the governing body in accordance with the requirements set forth in this Ordinance which shall detail the following items: *(see also the standards and submittal requirements on the Township Zoning Compliance Application Form.)*

1. Engineered road construction plans by a Certified Licensed Professional Engineer and/or Professional Land Surveyor, demonstrating compliance with Item (B) Private Road Requirements, Items 1-10 inclusive, as applicable.
2. A recordable road maintenance agreement and deed restrictions signed by the Applicant/Owner, providing for:
 - a. An equitable method of apportioning the costs of maintenance and improvements to current and future users, including a method for reapportioning costs for improvements and maintenance to the road in the event that future land division occurs along the road.
 - b. A notice that no public funds of Humboldt Township are to be used to initially construct and thereafter repair or maintain the private road.

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Section 414 Private Road Requirements: Continued

- c. A provision that the owners of the property using the road for access shall not block, prohibit, restrict, limit, or in any manner interfere with normal ingress and egress and use by any of the other owners.
- 3. A letter from a Licensed Professional Engineer or Professional Land Surveyor certifying that the road has been built to the Humboldt Township Private Road Requirements.

NOTE: Construction permits from the Marquette County Road Commission are required for connection to County roads. Permits are also required from the Marquette County Soil Erosion Control Officer under the Soil Erosion and Sedimentation Control act, P.A. 347 of 1974, MCLA 282.101 et seq., when applicable. Zoning permits shall not be issued for any private road connecting to a County road until all required County permits have been issued and copies submitted to the Humboldt Township Zoning Administrator.

(D) ROAD IDENTIFICATION

All private roads shall be designated as such, have a name approved by the Humboldt Township Board, and a sign that meets County road sign standards. The sign shall be erected by the property owner and shall be located and placed in accordance with the Marquette County Road Commission specifications.

(E) FEES AND COSTS

The applicant shall pay an application fee established by the Humboldt Township Board in accordance with Section 908 of this Ordinance. Prior to the final approval of a private road, any additional cost incurred by the Township for the review of plans, on-site inspection of the private road and drainage facilities, and Professional Certification of the road construction shall be paid by the applicant and/or developer.

(F) APPEALS

A person or entity aggrieved by the decision of the Zoning Administrator or designee(s) may, within thirty (30) days of said decision, appeal the decision to the Humboldt Township Zoning Board of Appeals in accordance with the requirements set forth in Article X, Sections 1002, Meetings and Procedures, and 1003, Power and Jurisdiction, of this Ordinance. The applicant shall pay an application fee established by the Humboldt Township Board for any exception, request or appeal.

ARTICLE IV – General Regulations

Section 414 Private Road Requirements: Continued

(G) PENALTIES

Any parcel accessed by a private road created in non-compliance with the Humboldt Township Land Division Ordinance and this section, shall not be granted a Zoning Compliance Permit, Zoning Approval for Land Divisions, a Special Land Use, or Site Plan approval. Any violation of this section shall subject the violator to the fines and enforcement actions set forth in Article XII, Section 1204, Penalties and Remedies.

Section 415 Hobby Farms

Definition: A hobby farm is the keeping of livestock animals that is accessory to a dwelling on non-farm lots or parcels outside of an existing residential plat, subdivision, and condominium development, unless such development is originally designed to provide for said accessory hobby farms as provided herein.

Raising of hobby animals (but not including feedlots) on parcels of land less than ten (10) acres in area shall be limited to one (1) animal unit¹ for the first five (5) acres (See rationale below), plus one (1) additional animal unit for each two (2) additional acres as further defined below. Such use shall be accessory to an existing residential dwelling located on the same lot or parcel. Animals kept for a bona fide youth club or class project are included under this permitted use.

All hobby animals shall be kept within a fenced enclosure or other appropriate barrier sufficient to contain hobby animals on the premises. No animal buildings, pens, concentrated keeping of animals, or collected storage or piling of animal waste materials (manure) shall be located closer than fifty (50') feet from any abutting property line, except that hobby animal paddocks (see definition below) may extend to a fence at the established property line. All hobby animals or animal buildings and enclosures shall be kept in a well-maintained condition, and waste materials shall not create a health hazard or an animal nuisance. Storage or piling of waste materials shall be confined to areas where hobby animal buildings, quarters and pens are permitted and away from wells, water bodies, and drainage ways. Notwithstanding the below table, offspring of said hobby animals may be kept on the premises for the time period which is customary for the species involved. A plot plan only (not a full site plan) is required for this use (See Section 603).

On five-(5) to 6.99, seven-(7) to 8.99, or nine-(9) to 9.99 acre parcels the following numbers of hobby animals, measured in numbers equal (equivalent) to one (1) animal unit, shall be allowed. A mix of animals may be permitted, but in total only 1, 2 or 3 animal units respectively are allowed in accordance with the land area.

¹ All other animal types not in the table above are to be calculated as one thousand pounds live weight equals one animal unit.

ARTICLE IV – General Regulations

Section 415 Hobby Farms: Continued

Type of Hobby Animal	Number of Hobby Animals Allowed On		
	5-6.99 Acres	7-8.99 Acres	9-9.99 Acres
Cattle (slaughter & feeder)	1	2	3
<i>EQUIVALENTS²</i>			
Horse	-	1	2
Mature Dairy cattle (milked or dry)	-	1	2
Swine ³	2	5	7
Sheep, lambs, goats	10	20	30
Turkeys	30	60	90
Laying hens	30	60	90
Ducks	5	10	15
Ostrich, emu, llama, & alpaca	2	4	6

Rationale for the five (5) acre minimum is based on the following premise;

1. One-quarter (¼) acre needed for the dwelling site and well.
2. Two and one-half (2.5) acres needed for septic tank and first drain field.
3. Two and one-half (2.5) acres needed for a replacement (2nd) drain field.

Paddock Defined: A fenced in or otherwise contained area for hobby animals to roam, exercise, browse, and/or otherwise behave normally in accordance with the species characteristics. The paddock will have at least 80% vegetative cover (grass, clover, etc.), unless the specific species contained therein dictates a different, more appropriate natural environment.

Section 416. On-Site Use Wind Systems

Intent. An on-site use wind energy system (see Section 202 for Wind turbine definitions) is intended to first serve the needs of the applicant. A utility grid wind energy system (see Section 202 for definition) is not a permitted use under this Section. A utility grid wind energy system is separately provided for and regulated as a conditional use (See Article VII) in the RP-10, RP-20, TP-40 and I districts. An anemometer tower shall abide by the same regulations below for on-site wind systems and shall be removed before an on-site use wind system is installed.

- (A) Small On-site Windmills. In the RR-5, RS-5, RP-10, RP-20, TP-40 and I districts windmills with a power generation capacity of 5 kilowatts (or equivalent) or less (e.g. for livestock watering tanks) are a permitted use, subject to the following requirements. In the R,

² The animal equivalents shown here are based on U.S. Code of Federal Regulations: 40 CFR 122, Appendix B (§122.23)

³ Each weighing over 25 kilograms, approx. 55 lbs.

Section 416 On-Site Use Wind Systems: Continued

RS-1 and TD districts, windmills with a power generation capacity of 5 kilowatts (or equivalent) or less are a conditionally permitted use. There are no limits on the number of these small windmills permitted.

1. **Setbacks.** The base of tower shall be setback a distance of not less than 1½ times the height of tower from the nearest property line. In addition, no part of the wind energy system structure, including guy wire anchors, may extend closer than ten (10') feet to the nearest property line.
2. **Height.** There is no fixed height limit in this case beyond the requirements of paragraphs 1 and 5.
3. **Noise.** Sound pressure levels shall not exceed 55 dB(A) at the property line closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
4. **Safety.**
 - a. **Vertical Clearance.** The minimum vertical blade tip clearance from grade shall be twenty (20') feet for a wind energy system employing a horizontal axis rotor. Blade or rotor arc must be demonstrated to be a safe and reasonable distance from any separate building, structure, utility wire, or tree.
 - b. **Guy Wire Visibility.** If a wind energy system tower is supported by guy wires, the wires shall be clearly visible to a height of at least six (6') feet above the guy wire anchors.
 - c. **Rotor or Blade Integrity Protection.** An on-site use wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding.
 - d. **Lightning.** All wind energy system towers shall have lightning protection.
5. **Construction Codes, Towers, & Interconnection Standards.** On-site use wind energy systems, including towers, shall comply with all applicable state construction and electrical codes and local building permit requirements. On-site use wind energy systems, including towers, shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act, the Michigan Tall Structures Act, and any local jurisdiction airport overlay zone regulations. If an on-site use wind energy system is attached to a building or structure, the building inspector must approve it as being safe and secure and in accordance with all applicable state construction and electrical codes.

(B) **Larger On-site Windmills.** Windmills with a power generation capacity of greater than 5 kilowatts (or equivalent) are a permitted use, subject to the following requirements.

1. Only one (1) wind energy system is permitted per lot or premises.

Section 416 On-Site Use Wind Systems: Continued

2. Setbacks. The base of tower shall be setback a distance of not less than 1½ times the height of tower from the nearest property line. In addition, no part of the wind energy system structure, including guy wire anchors, may extend closer than ten (10') feet to the nearest property line.
3. Noise. Sound pressure levels shall not exceed 55 dB(A) at the property line closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
4. Shadow flicker. Prior to a zoning compliance permit and prior to a building permit being issued, the applicant must demonstrate to the Zoning Administrator that no adverse shadow flicker impact will occur from sunrise to sunset throughout the year on any occupied buildings and lands of adjacent properties. The Zoning Administrator, if in doubt, may refer the matter to the Planning Commission. The Planning Commission may require that the potential of an adverse shadow flicker impact be studied by an independent consultant, knowledgeable on the subject. The study shall recommend one or more means by which the impact(s) (if any) can be avoided (including whether or not to construct) or mitigated. The applicant must deposit in advance sufficient funds with the Township to pay for the study.
5. Safety.
 - a. Vertical Clearance. The minimum vertical blade tip clearance from grade shall be twenty (20') feet for a wind energy system employing a horizontal axis rotor. Blade or rotor arc must be demonstrated to be a safe and reasonable distance from any separate building, structure, utility wire, or tree.
 - b. Guy Wire Visibility. If a wind energy system tower is supported by guy wires, the wires shall be clearly visible to a height of at least six (6') feet above the guy wire anchors.
 - c. Rotor or Blade Integrity Protection. An on-site use wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding.
 - d. Lightning. All wind energy system towers shall have lightning protection.
6. Construction Codes, Towers, & Interconnection Standards. On-site use wind energy systems, including towers, shall comply with all applicable state construction and electrical codes and local building permit requirements. On-site use wind energy systems, including towers, shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act, the Michigan Tall Structures Act, and any local jurisdiction airport overlay zone regulations. If an on-site use wind energy system is attached to a building or structure, the building inspector must approve it as being safe and secure and in accordance with all applicable state construction and electrical codes.
7. Wiring. All wiring between the tower and the principal building shall be underground.

ARTICLE IV – General Regulations

Section 416 On-Site Use Wind Systems: Continued

8. Residential and Seasonal Districts. When located in RR-5, RS-1 and RS-5 Districts, the following additional regulations shall apply:
 - a. An on-site use wind energy system shall be located only in a rear yard, or if attached to a building or other structure it shall be located at the rear of said building or structure.
 - b. The height of the tower above the average grade of the lot shall not exceed 75 feet to the top of the blade in its vertical position.
9. Resource production and Industrial Districts. When located in RP-10, RP-20, TP-40 or I Districts the height of the tower may exceed district height limits.
10. Decommissioning. The on-site use wind energy system (windmill) and all appurtenances thereto shall be removed from the site within one (1) year after the windmill is no longer in use (not generating any electricity for over 12 continuous months). The owner of the land upon which the windmill is located shall be responsible for such removal. A windmill which is not so removed shall constitute a public nuisance per se.

Section 417. Open Space (Residential & Recreational Structure Clustering)

- (A) *Statement of purpose.* The purpose of this section is to provide an optional mechanism for development of single-family residences, where permitted, which assists in meeting the following goals: Maintain the character of the area, maintain an image of open space, permanently preserve open space, timber, and natural resources, protect a portion of lands for agriculture and farming, and achieve a balance between farming, open space and residential growth. Specifically, the township recognizes:
1. That the preservation of wetlands, woodlands, open space and agricultural land in the township is necessary to the conservation of local, state, and national economic resources and is necessary, not only to the maintenance of the economy of the state, but also for the assurance of desirable living conditions for present and future residents of the township;
 2. That the discouragement of unnecessary conversion of open space, timber, natural resources, and agricultural land to urban uses is a matter of public interest and will be of benefit to the township residents overall in that it will discourage non-contiguous urban development patterns, which unnecessarily increase the costs of services to community residents;
 3. That development under the open space preservation development option provisions of this section is a primary goal of the township. Development under the provisions of this option is intended to provide the preferred alternative to lot splitting or conventional subdivision or site condominium development in many areas of the township;

ARTICLE IV – General Regulations

Section 417. Open Space (Residential & Recreational Structure Clustering): Continued

4. That single-family residential developments approved through this development method shall:
 - a. Maintain the township's open space and rural or semi-rural settings;
 - b. Allow greater flexibility and encourage a more creative approach to residential development;
 - c. Preserve the township's natural resources, including woodlands, wetlands, floodplains, agricultural land, and similar natural resource assets;
 - d. Create a more desirable living environment through the preservation and conservation of the natural character of open fields, stands of trees, wetlands, brooks and streams, farmland and other similar assets;
 - e. Provide open space that directly benefits the residents of the development and the township; and
 - f. Protect the rural character of the district, retain rural vistas by requiring optimum setbacks of residential development from rural highways and improve traffic safety by prohibiting direct access from individual home sites to such highways.

- (B) *Eligibility under the Township Zoning Act (MCL 125.271 et seq.).* To utilize this development option, a site without public sewer service shall be located within a zoning district that has a one-half acre (21,280 sq. ft.) or larger minimum lot size or a site with public sewer service shall be located within a zoning district that has a one-third acre (14,420 sq. ft.) or larger minimum lot size. The open space preservation development (residential clustering) option shall be a principal use permitted in the R, RR-5, LS/R, RP-10 and RP-20 districts. While single-family dwellings are not a permitted use in either the RS-1 or RS-5 districts, this development option may be used for the clustering of recreational structure sites in these districts.

- (C) *Method of land division.* Home sites may be developed under this option as a subdivision, a site condominium, or land division.

- (D) *Open space retained.* To the greatest extent possible, all the natural features of the property such as large trees, natural groves, wetlands, floodplains, watercourses, natural drains and stream channels and similar assets that will add attractiveness and value to the property and will promote the health and welfare of the community shall be preserved. Retained open space and other protected resource areas shall be reasonably contiguous (not fragmented).

Section 417. Open Space (Residential & Recreational Structure Clustering): Continued

1. *Primary conservation areas.* This category consists of:
 - a. Wetlands, lands that are generally inundated (under ponds, lakes, creeks, etc.), land within the 100-year floodplain, slopes exceeding 25 percent, and soils subject to slumping. These sensitive lands are deducted from the total parcel acreage to produce the "adjusted tract acreage," on which density shall be based (for both conventional and conservation subdivisions). (These areas are deducted because as a rule they would not be buildable lands under traditional development.)
 - b. Land that would be required for street rights-of-way (a minimum 10% of the net tract area) and land under permanent easement prohibiting future development (county drain easements, existing and planned public road ROWs, utility easements, etc.) shall also be deducted.
 2. *Secondary conservation areas.* In addition to the primary conservation areas, at least 50 percent of the remaining land shall be designated and permanently protected. Full density credit shall be allowed for land in this category that would otherwise be buildable under local, state, and federal regulations, so that their development potential is not reduced by this designation. Such density credit may be applied to other unconstrained parts of the site. This category typically includes all or part of the following kinds of resources: mature woodlands, significant wildlife habitat areas, prime farmland, historic and archaeological sites, and scenic views into the site from public roads. At least 25 percent of the total of the minimum required secondary conservation areas may be suitable for active recreation purposes, but no more than 50 percent shall be utilized for that purpose, in order to preserve a reasonable proportion of natural areas on the site. The purposes for which open space areas are proposed shall be documented by the applicant.
 3. *Lots.* Protected areas shall be outside the boundaries of the proposed lots.
- (E) *Method of preservation.* The areas in open space, recreation, agriculture, or commons shall be perpetually protected from development. The open space shall be preserved using one or a combination of the following methods, subject to the review and approval of the township attorney and the township planning commission:
1. *Home owners association (HOA).* Title to the open space lands and other protected resource areas may be held by a homeowner's association with required partici-

Section 417. Open Space (Residential & Recreational Structure Clustering): Continued

pation of all residents within the development. If an HOA is to hold title, a recognized independent conservation organization shall be granted a conservation easement covering all land areas to be protected.

2. *Protective covenants.* The covenants of the subdivision may include the preservation of lands within them. The exact locations of the open space and other protected resource areas shall be defined within this document. These covenants shall also state the types of uses that would be allowed in such open spaces and other protected areas. Covenants may be used with a home owners association but a recognized independent conservation organization shall be granted a conservation easement covering all land areas to be protected.
3. *Condominium association.* All elements that are reserved for open space and other protected resource areas shall be preserved as common elements as shown on the site plan, except those areas that may be dedicated to a unit of government. Any alteration to the open space and other protected areas under common element status shall require the submittal of a new site plan and approval by the appropriate bodies. If a condominium association is to hold title to any open space and/or other protected areas, a recognized independent conservation organization shall be granted a conservation easement covering all land areas to be protected.
4. *Fee simple dedication to a unit of government.* The open space lands are dedicated to a unit of government (township, village, city, school district, county, state, or federal, etc.). This dedication may have provisions within it that state that in no way shall the unit of government be obligated to any cost due to the acquisition, and that the municipality has ample access to all areas of the open space for adequate maintenance purposes should they ever be needed. There shall also be deed restrictions preventing the unit of government from selling the property or using it for development purposes. If dedication to the township or another governmental body is to be used, a recognized independent conservation organization shall be granted a conservation easement covering all land areas to be protected.
5. *Conservation easements.* The easement over the open space lands and other protected resource areas shall be held by a legal owner/holder, such as a conservation agency, and that owner shall have the right to enforce any aspect of the easement. The easement shall state the uses that are allowed within the open space areas and other protected resource areas and which uses are disallowed. The agreement shall be as specific as possible as to what is allowed and where it is allowed to take place. If the easement is granted to any party other than a recognized in-

Section 417. Open Space (Residential & Recreational Structure Clustering): Continued

dependent conservation organization, the easement shall be co-signed by a recognized independent conservation organization to ensure a checks and balance system. Whichever organization holds the legal rights to the easement, they shall visit the site a minimum of once per year to inspect and record any violations that may be occurring within the open space areas and other protected resource areas and create and file a report of what is observed.

6. *Public trust.* The open space lands and other protected resource areas may be dedicated to a public trust. This shall include the accompaniment of money with it to provide funds for the trust to conduct annual surveys on the land to turn into state agencies which may require these reports. The two entities shall enter into an agreement which states that the trust, whose only purpose is to protect open lands and other protected resource areas, shall protect these spaces within the development.
 7. *Conveyance of any unused development rights.* Any unused development rights of the subject property may be conveyed to a unit of government or a conservation agency while allowing present and future owners of the open space lands to continue to maintain farming activities or open lands for their own use but permanently giving up the right to ever develop it.
- F. *Density limit (yield plan).* The number of dwellings permitted to be constructed shall not exceed the number that would be permitted under conventional zoning regulations as determined by gross parcel area less primary conservation areas as defined in the paragraphs under subsection D.1., divided by the minimum lot area set forth in the schedule of regulations for the district involved. The permitted density may be modified if a density bonus is approved by the planning commission.
- G. *Density bonus.*
1. *Generally.* To encourage developers to utilize this development option where a large amount of open space is permanently preserved instead of conventional forms of land division where little or no usable open space remains, the planning commission may permit the number of dwelling units to be increased by up to 30 percent depending upon the physical characteristics of the site and upon a determination by the commission that the plan is well designed and that proposed development complies in all respects with the intent and purpose of this section, provided all other requirements of this section are met. Proceeds from the sale of bonus lots are to be used to provide a conservation endowment (50%) and to provide an incentive (50%) to the developer. Spending from this conservation endowment fund shall be restricted to interest from such fund and shall be used to offset continuing open space monitoring and maintenance costs.

ARTICLE IV – General Regulations

Section 417. Open Space (Residential & Recreational Structure Clustering): Continued

2. *Public access.* To encourage appropriate and desirable lands to be set aside for public access to a portion of the site, a bonus of one additional potential lot may be granted to the developer in exchange for a written and recorded easement to a unit of government for each five (acres of public access land provided. (Note: Land for connecting public paths or trails and adjoining buffer areas are one type of public access that may be desired. Public access to or along water bodies may be desired. Historic, archaeological, or cultural features, rare or unusual plants, or habitats are examples of other potential candidate resources for public access.) Fifty percent of the proceeds from the sale of the bonus lots shall be set aside for a public access endowment. The interest from the endowment shall be used to cover the additional public liability insurance requirements and cover other protection, maintenance, and inspection costs.

- H. *Minimum lot size.* The conventional minimum lot area and width requirements set forth in the schedule of regulations shall not apply. The minimum lot area and width shall be large enough for anticipated rural or very low density suburban household activities and shall also be determined by land area and distances required to comply with yard and setback requirements and county health department on-site sewage disposal and well requirements (including isolation distances and sufficient land area for replacement septic fields).

- I. *Frontage on internal road.* All lots shall front only upon a road which is internal to the development. No lots may be created which front upon existing public roads.

- J. *Road standards.* All internal public roads shall be designed and constructed to meet all requirements of the Marquette County Road Commission (MCRC) and as may be set forth in the township subdivision regulations or the township site condominium requirements. All proposed internal public roads shall be dedicated to the MCRC, must be accepted, and be incorporated into the MCRC road system. All internal private roads shall be designed and constructed to meet all requirements of Section 415.

- K. *Clustered home sites or recreational structure sites.*
 1. *General evaluation criteria.*
 - a. Protects and preserves all floodplains, wetlands, and steep slopes.
 - b. Preserves and maintains mature woodlands, existing fields, pastures, meadows, orchards, and creates sufficient buffer areas.
 - c. If development must be located on open fields or pastures because of greater constraints in all other parts of the site, dwellings should be sited

Section 417. Open Space (Residential & Recreational Structure Clustering): Continued

- on the least prime agricultural soils, or in locations at the far edge of a field, as seen from existing public roads.
- d. Maintains or creates an upland buffer of natural native species vegetation adjacent to wetlands and surface waters.
 - e. Designs around existing tree lines and hedgerows between fields or meadows, and minimizes impacts on large woodlands (greater than five acres).
 - f. Leaves scenic views and vistas unblocked or uninterrupted, particularly as seen from public thoroughfares.
 - g. Avoids siting new construction on prominent hilltops or ridges, by taking advantage of lower topographic features.
 - h. Protects wildlife habitat areas of species listed as endangered, threatened, or of special concern.
 - i. Designs around and preserves sites of historic, archaeological, or cultural value, their environs, and their related features (e.g. stones walls, earthworks, and burial grounds).
 - j. Protects rural roadside character.
 - k. Landscapes common areas (such as community greens), cul-de-sac islands, and both sides of new streets with native specie shade trees and flowering shrubs with high wildlife conservation value.
 - l. Provides active recreational areas in suitable locations that offer convenient access by residents and adequate screening from nearby house lots.
 - m. Includes a safe internal pedestrian circulation system, ideally connected to community pedestrian/bicycle system. The system must be integrated with open space, recreation, preservation areas, and provide convenient access from home sites.
 - n. Provides open space that is reasonably contiguous. (Design and Management Handbook for Preservation Areas, by the Natural Land Trust is a good reference resource.)

Section 417. Open Space (Residential & Recreational Structure Clustering): Continued

2. *Specific criteria.*
 - a. *Location of house (recreational structure) sites.* House sites should generally be located not closer than 100 feet from primary conservation areas, but may be situated within 50 feet of secondary conservation areas to provide buffering distances and afford enjoyable views. The building "foot-print" of proposed residences may be changed in any direction by less than 50 feet without approval. Changes involving 50 feet or more may be changed with approval from the planning commission.
 - b. *Street and lot layout.* When lots and access streets are laid out, they shall be located in a way that avoids or at least minimizes adverse impacts on both the primary and secondary conservation areas. To the greatest extent practicable, wetland crossings and streets traversing existing slopes over 15 percent shall be strongly discouraged. Street connections shall generally be encouraged to minimize the number of new culs-de-sac to be maintained by the county and to facilitate easy access throughout the development. Single-loaded residential access streets may maximize the number of homes with enjoyment of open space views, but may require more land to be disturbed.
 - c. *Lot lines.* These are generally drawn midway between adjacent house locations. Lots may be irregularly shaped, including L-shaped "flag-lots".
- L. *Setbacks.* Dwellings shall be located in compliance with all yard and setback requirements of the district in which they are located. Dwelling units and structures shall be set back a minimum of 50 feet from any perimeter lot line of the parent parcel, except that they shall be set back at least 250 feet from any existing public road right-of-way which borders the perimeter of the project site. Dwelling unit clusters shall be spaced an appropriate distance apart from another cluster, as determined by the planning commission, compatible with the surrounding community character and to discourage a suburban subdivision appearance.
- M. *Landscaping.* To maintain the rural or very low density suburban character of the district, the frontage along the perimeter public road shall be heavily landscaped to screen clustered home sites from view of the public to the greatest extent feasible. Scenic vistas from the perimeter public road shall be maintained (and perhaps enhanced) to the greatest extent feasible. A landscape plan for such areas shall be reviewed and approved by the planning commission. Existing natural screens, or new screens may be used. The planning commission may require the installation of a landscaped berm where necessary to meet the intent of this section.

Section 417. Open Space (Residential & Recreational Structure Clustering): Continued

- N. *Sewage disposal and water supply.* Use of on-site wells and septic systems are anticipated in the township. However, community septic systems or package treatment plants and community wells in lieu of individual wells and septic fields may be permitted if approved by the county and/or state health department. Public water and sewage disposal systems shall not be extended to serve projects developed under this section if the site lies beyond an urban services area boundary, as may be set forth within the master plan, except in such instances where such utilities already are located at the perimeter of the site. Portions of the open space may be used, if approved by the planning commission and the county health department for individual or community wells, for underground drainage fields for individual or community septic systems and for "spray fields" for spray irrigation purposes in a "land treatment" sewage disposal system. However, "mound" systems protruding above grade and aerated sewage treatment ponds shall be limited to no more than ten percent of the required minimum open space.
- O. *Pedestrian linkages to open space.* To the greatest extent feasible, the open spaces should be located and interwoven with the dwelling unit clusters so as to be easily accessible to residents of the development, except in cases where the open space to be preserved is not intended for the use of the residents (as in the case of active farming or protection of endangered species). Linking pedestrian trails shall be provided within the open space.
- P. *Site plan.* Approval under this section requires that a site plan meeting the requirements of Article VI be reviewed and approved by the planning commission. In addition to a site plan, the planning commission may require the submittal of additional documents as specified or called for herein.
- Q. *Site condominium, subdivision approval, or land division.* A project approved under this section shall also comply with all requirements of the township, county, and state for a site condominium, subdivision, or land division as may be applicable, and shall follow all such steps and procedures for approval required therein. If clustering under land division is intended, documentation of the potential number of new parcels out of the parent parcel must be submitted. Notwithstanding other provisions of this section, if developed under the land division method, the number of parcels or lots to be created shall not exceed the maximum number permitted under the state Land Division Act (MCL 560.101 et seq.).
- R. *Application and approval process.*
1. The applicant shall prepare and present the following exhibits to the planning commission for review and approval. The planning commission shall submit the applicant's exhibits to the township planner for a recommendation, as may be necessary or advisable. A recommendation from the township engineer may also be sought during the preliminary approval process.

ARTICLE IV – General Regulations

Section 417. Open Space (Residential & Recreational Structure Clustering): Continued

- a. Applicant prepares and presents a "yield plan" for review and approval of the planning commission. The "yield plan" shall identify all primary conservation areas as defined in the paragraphs under subsection D.1. and shall accurately demonstrate the maximum number of lots or parcels which could be created if the property was developed conventionally.
 - b. Applicant submits conceptual preliminary plan with all basic existing and proposed land features and structures shown separately. Aerial photos and simple transparencies may be used.
 - c. Applicant submits conceptual landscape plan with all basic existing and proposed topography and vegetation features shown separately. Photos and simple transparencies may be used.
 - d. A site walkabout may be scheduled for the applicant, planning commissioners, and the local government's staff and/or consultants.
2. Planning commission site plan review procedures (see Article VI) are required in all eligible districts (R, RR-5, LS/R, RP-10 & RP-20 – SF dwellings and RS-1 & RS-5 – recreational structures) for this principal permitted use. All required steps shall be scheduled with a determination of approval, approval with conditions, or disapproval to follow accordingly.
 3. Any legal instruments (easements, covenants, etc.) pertinent to the effectuating of the proposed open space preservation development must be reviewed and approved by the township attorney. Any approved easements, covenants, or other legal instruments which run with the land are to be recorded with the county register of deeds. No zoning compliance permit or building permit shall be issued until this has been accomplished.

ARTICLE IV – General Regulations

Section 417. Open Space (Residential & Recreational Structure Clustering): Continued

Example

Parcel Size: 40 acres (A site like this with various natural limitations can be made more buildable under this development option.)

Normal Zoning—RS-1 District: 1.0 acre minimum lot size per recreational structure

Calculation of allowable number of lots:

40 acres = gross area

- Less 15 percent for internal roadways (6.0 acres).
- Less one acre for planned county road ROW (parcel legal description running to the center of the road).
- Less 1.5 acres for a county drain easement.
- Less 6.5 acres of regulated wetland, also 100-year floodplain, adjacent to county drain (a primary conservation area).

= 25 net acres/1.0 acre minimum lot size = 25.0. [40 - 6.0 - 1.0 - 1.5 - 6.5 = 25 acres [adjusted tract acreage]

Therefore, 25 lots allowed [result of lot "yield plan"].

Adjusted tract acreage eligible for development minus 50% preservation = Net amount of land to be developed.

25 acres	-	12.5 acres	=	12.5 net acres	[12.5 acres of secondary conservation areas to be permanently conserved:
					- 5.0 acres on north side of parcel to be retained by original farm owner for farming together with adjacent 160 acre cropland.
					- 2.5 acres of upland woods and stream to be held in common by recreational structure owners.
					- 5.0 acres on east side to be dedicated for public access. See bonus below.]

12.5 acres = net developable area

less 10% for roadway (reduced need)

$12.5 \times 0.90 = 11.25$ net acres

Area per buildable recreational structure site:

11.25 net acres/25 allowable units.

Typical recreational structure site = 0.45 acre.*

ARTICLE IV – General Regulations

Section 417. Open Space (Residential & Recreational Structure Clustering): Continued

Potential Bonus Lots (Section 418, G.1.Density Bonus).

Allowable units × (maximum 30% bonus) = Potential Bonus Lots

25 × 0.30 = + 7.5 (fractions 0.5 and over rounded up)

Potential Total: 25 + 8 = 33 Lots*

Potential Bonus Lots (Section 418, G.2. Public Access Bonus)

	3.0 acres for 50 ft. buffer area surrounding portions of wetlands
+	1.5 acres for county trailway.
+	<u>0.5 acre for wetland observation site and interpretative displays</u>
	5.0 acres open to the general public (out of 15 acres of site conservation area.)

5 Acres Public Access = 1 Additional Bonus Lots

Potential Total 25 + 8 + 1 = 34 lots*

11.25 net acres/**34 allowable units**

Typical recreational structure site = 0.33 acre*

* *Note: Actual typical recreational structure or home site size may vary due to on-site conditions affecting well and septic placement as well as health department requirements. See subsection N. for potential well and/or septic field placement option.*

ARTICLE IV – General Regulations

Section 418. CONDOMINIUM DEVELOPMENT and SUBDIVISION PLATS

(A) *PURPOSE*

The purpose of this Section is to control and regulate Condominium Development and Platted Subdivisions within Humboldt Township, and;

1. To provide for the orderly growth and harmonious development within the community.
2. To provide for the Health, Safety, and Welfare of residents and property owners within the Township.
3. To ensure that public and emergency services can safely enter and exit private property at all times.

(B) *INTENT*

The primary intent of this Section is to guide and outline the necessary procedures for regulating the development of land within Humboldt Township in accordance with the provisions and requirements of the Condominium Act, Public Act 59 of 1978 (MCL 559.172), as amended, and the subdivision of land into plats in accordance with the requirements set forth in the Land Division Act, Public Act 288, 1967, as amended. All land divisions created exclusive of the aforementioned Condominium Land Division Act shall be developed in accordance with the requirements set forth in the Humboldt Township Land Division Ordinance, and all Private Roads shall be approved and constructed in accordance with the requirements as set forth in Section 414, Private Road Requirements, of this Ordinance. All Private Roads shall be maintained exclusively by the benefitting private property owners.

(C) *DESIGNATED AUTHORITY*

The Humboldt Township Board, Planning Commission and Zoning Administrator are hereby designed as approving and/or recommending authorities as specified in the Articles and Sections of the Humboldt Township Ordinance.

(D) *CONDOMINIUM DEVELOPMENT AND SUBDIVISION PLAT APPROVAL*

The Condominium Development and Subdivision Plat Approval Procedural Process Approval is outlined on Table I of this Section.

NOTE: It is the intent of this Section that all Proposed Subdivision Plats follow the detailed procedures and approval requirements as outlined in the provisions of the Land Division Act, Public Act 288, 1967, as amended, utilizing the outline in Table I as a supplemental procedural guide during the approval process. In addition to the Procedural Approval Guide Requirements, outlined in Table I, Condominium Developments shall fulfill all of

ARTICLE IV – General Regulations

Section 418. CONDOMINIUM DEVELOPMENT and SUBDIVISION PLATS: Continued

the requirements as set forth in the Condominium Act, PA 59, 1978, as amended, along with all subsequent requirements set forth in this Section.

PROCEDURAL APPROVAL PROCESS
CONDOMINIUM DEVELOPMENT / SUBDIVISION PLAT

TABLE I

SUBMISSION	MUNICIPAL REVIEW BODY/ACTION	
	PLANNING COMMISSION	TOWNSHIP BOARD
PRE-APPLICATION REVIEW		
Condominium Development	Not Applicable	Not Applicable
Subdivision Plat (Optional)	Municipal representative attends a meeting for informal review of proprietor's concept plan	
PRE-PRELIMINARY		
Condominium Development (Required)	Review / COMMENT	Not Applicable
Subdivision Plat (Optional)	Review / COMMENT	Not Applicable
PRELIMINARY		
Condominium Development (Required)	Review / RECOMMEND	Review / FINAL APPROVAL
Subdivision Plat (Required)	⁴ Review / RECOMMEND ⁵ PUBLIC HEARING	Review / CONDITIONED TENTATIVE APPROVAL
FINAL PRELIMINARY		
Condominium Development	Review / RECOMMEND	Not Applicable
Subdivision Plat (Required)	Not Applicable	Review / FINAL PRELIMINARY APPROVAL
DEVELOPMENT COMPLETION		
Condominium Development	Not Applicable	⁵ ISSUES ZONING COMPLIANCE PERMITS
Subdivision Plat	Not Applicable	EXECUTES MUNICIPAL CERTIFICATE

⁴ The Planning Commission shall conduct a public hearing with a public notice published in a local newspaper at least fifteen (15) days before the hearing and a mailing sent to the proprietor, applicant, and owners of land immediately adjoining the proposed plat (M.C.L. 125.3871, Section 71(5)).

⁵ Zoning Administrator or Township designee.

Section 418. CONDOMINIUM DEVELOPMENT and SUBDIVISION PLATS: Continued

(E) *DEFINITIONS*

“As-built Plans” are the as-constructed record plans showing all approved field changes, which vary from the original approved plan documents.

“Building Site” within a condominium development, shall mean that portion of a lot or parcel, which is a two-dimensional condominium unit of land (i.e., envelope, foot print), along with any designated space above and/or below the land, designed for the construction of a principal building in addition to any accessory buildings. All building sites shall have access to a public or private street or road.

“Common Elements” means the portions of a condominium project other than the condominium units.

“Comprehensive Plan.” See the definition of Master Plan in Section 202.

“Condominium” means a single real property parcel with all the unit owners having a right in common to use the common elements with separate ownership confined to the individual units which are serially designated, or a system of separate ownership of individual units in multiple-unit building.

“Condominium Act” means Public Act No. 59 of 1978 (MCL 559.101 et seq.), as amended.

“Condominium Development” means a project consisting of not less than two condominium units established in conformance with, and pursuant to, the Condominium Act.

“Condominium Plan” means the plan as required by this Section, including but not limited to, building site, the boundary survey, utility plans, floor plans, and sections, as appropriate, and the location of the existing and proposed structures and improvements. The condominium subdivision plan shall show the size, location, area, vertical boundaries, and volume for each unit composed of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location, and approximate size of common elements.

“Condominium Unit” means that portion of a condominium project designed and intended for separate ownership and use, as described in the Master Deed of the project, regardless of whether it is intended for residential, office, industrial, business, recreational or any other type of use approved by the Michigan Department of Commerce for such projects.

ARTICLE IV – General Regulations

Section 418. CONDOMINIUM DEVELOPMENT and SUBDIVISION PLATS: Continued

“Consolidating Master Deed” means the final amended Master Deed for a Contractible Condominium Project, an Expandable Condominium Project, or a condominium project containing Convertible Land or Convertible Space in which the final amended Master Deed fully describes the condominium project as completed.

“Contractible Condominium” means a condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to the express provisions in the condominium documents and in accordance with this Section and the Condominium Act.

“Convertible Area” means a unit or a portion of the Common Elements of the condominium project referred to in the condominium documents within which additional condominium units or General or Limited Common Elements may be created pursuant to express provision in the condominium documents, in accordance with this Section and the Condominium Act.

“Cul-de-sac.” See Section 414(A) Definitions.

“Expandable Condominium” means a condominium project to which additional land may be added pursuant to the express provisions in the condominium documents and in accordance with this Section and the Condominium Act.

“Limited Common Elements” means that portion(s) of the Common Elements reserved in the Master Deed of a condominium project for the exclusive use of less than all the owners of the condominium units in the project.

“Lot.” See the definition of Lot in Section 202.

“Master Deed” means the legal document prepared and recorded pursuant to the Condominium Act, and which was previously approved by the zoning administrator, within which are, or to which are attached exhibits and incorporated by reference, the approved Bylaws for the project and the approved Condominium Subdivision Plan for the project.

“Outlot” means a lot included within the boundary of a recorded plat that is set aside for purposes other than a development site, park, or other land which is dedicated for public use or reserved for private use.

Section 418. CONDOMINIUM DEVELOPMENT and SUBDIVISION PLATS: Continued

“Pre-Application Review Meeting” means a meeting held at the option of a proprietor. The purpose of the meeting is to conduct an informal review of the proprietor’s concept plan for the Preliminary Plat with the Planning Commission.

“Reserve Strip” means a strip of land, typically at the boundary of a subdivision, retained by a proprietor in order to control future access.

(F) *SUBMISSION OF CONDOMINIUM DEVELOPMENT PLAN OR PRE-PRELIMINARY SUBDIVISION PLAT - GENERAL REQUIREMENTS*

All Subdivision Plats shall comply with the requirements of the Michigan Land Division Act, PA 288, 1967 as amended, along with the requirements of this Ordinance and all Condominium Developments shall comply with the provisions of the Michigan Condominium Act, Public Act 59, 1978, as amended, as well as with the provisions of this Ordinance. All information shall be submitted to the Township Zoning Administrator or Designee in accordance with the following requirements.

1. At the option of the Applicant and /or Proprietor, ten (10) copies of a Pre-Preliminary Subdivision Plat or Pre-Preliminary Condominium Development Plan may be submitted to the Zoning Administrator, or designee, at least ten (10) business days before the next regular meeting of the Planning Commission for their initial review and comment along with a completed Application Form approved by the Township and the required fee.
2. The Applicant shall pay a reasonable fee, as determined from time to time by resolution of the Township Board.
3. No construction, grading, work, or other development shall be commenced upon the land intended to be used for a condominium development until a Final Site Plan has been approved, without express permission of the Township Board. This requirement shall include Contractible, Conversion, and Expandable Condominium Projects.
4. If a building, structure, or use to be placed on a condominium unit requires Site Plan Review approval under Article VI of the Humboldt Township Zoning Ordinance, then a Site Plan for the building, structure, or use shall be approved in accordance with the Site Plan Review, before a Zoning Compliance Permit can be issued.
5. The Township Board shall have the authority to review and approve or deny Preliminary and/or Final Site Plans for all condominium projects based on compliance with the provisions and requirements of this Ordinance.
6. Each condominium unit shall be located within a zoning district that permits the proposed use.

Section 418. CONDOMINIUM DEVELOPMENT and SUBDIVISION PLATS: Continued

7. For the purpose of this Ordinance, each site condominium unit shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which it is located. In the case of a Site Condominium containing only single-family detached condominium units, no more than one condominium unit shall be located on a single site, and no dwelling unit shall be located on an individual site with any other principal structure or use. Required setbacks shall be measured from the boundaries of the individual site condominium. Ground Floor Coverage and Floor Area Ratio shall be calculated using the area of the site condominium unit.
8. Each condominium unit shall be connected to a public water supply and to sanitary sewer facilities if available.
9. Relocation of boundaries between adjoining condominium units, if permitted in the condominium documents, as provided in Section 48, of the Condominium Act, shall comply with all regulations of the zoning district in which they are located, and they shall be approved by the Zoning Administrator. These requirements shall also be made a part of the Bylaws and recorded as part of the Master Deed.
10. Each condominium unit that results from the subdivision of another condominium unit, if permitted by the condominium document as provided in Section 49, of the Condominium Act, shall comply with all regulations of the zoning district in which it is located and shall be approved by the Zoning Administrator. These requirements shall also be made a part of the Condominium Bylaws and recorded as part of the Master Deed.
11. All information required by this Ordinance shall be provided to the Zoning Administrator until all required Zoning Compliance Permits have been issued in accordance with the requirements set forth in Article IX, Administration and Enforcement, Section 905, Zoning Compliance Permits.

(G) APPLICATION AND APPROVAL PROCESS

1. **PRE-APPLICATION APPROVAL PROCESS**
 - a. Before submitting any formal documents for approval of a Condominium Development Plan or Proposed Subdivision Plat, the Applicant may meet and confer with the Humboldt Township Zoning Administrator and Township official(s) regarding the preparation of the Application. It shall be the responsibility of the Zoning Administrator to contact the invite the Township official(s) to the initial meeting. If the Proposed Development is a Subdivision Plat, a pre-application review meeting with the Planning Commission may be held at the option of the proprietor. The purpose of the meeting is to conduct an informal review of the proprietor's concept plan for the Preliminary Plat. If the Proposed Development is a Condominium Project, the general outline of the Proposed Condominium Project, evidenced by Sketch Plans, may be reviewed at this initial meeting before submission

Section 418. CONDOMINIUM DEVELOPMENT and SUBDIVISION PLATS: Continued

of a Condominium Plan Project Application. The Zoning Administrator shall furnish the Applicant with written comments regarding the meeting, including appropriate recommendations, to inform and assist the Applicant prior to preparing a condominium plan. The Applicant may then proceed with pursuing approval of the proposed plan(s) with the Township Planning Commission.

2. PRELIMINARY SITE PLAN REQUIREMENTS

NOTE: Incomplete plan will not be reviewed and shall be returned to the Applicant with deficiencies noted. Preliminary Plans shall be prepared by a Professional Engineer, Professional Land Surveyor, or other professionally qualified person and licensed by the State of Michigan.

- a. A Preliminary Site Plan shall be filed for approval concurrently with a Notice of Proposed Action filed with the Humboldt Zoning Administrator.
- b. The Preliminary Site Plan shall include all of the land that the developer intends to include in the proposed Condominium Development Project.
- c. The Preliminary Site Plan shall be prepared in accordance with the requirements set forth in Article VI, Site Plan Review. In the case of a development that consists only of Site Condominium Units and not buildings or other structures at the time of Site Plan Application, the location and dimensions of all Site Condominium Units and all required side yards and setbacks, shall be shown on the Preliminary Site Plan.
- d. A Final Site Plan for any phase of the Condominium Development Plan shall not be filed nor reviewed by the Planning Commission until a Preliminary Site Plan has been reviewed and approved by the Planning Commission.

3. FINAL SITE PLAN REQUIREMENTS

- a. A Final Site Plan shall be filed for review and approval for each phase of development shown on the approved Preliminary Site Plan.
- b. A Final Site Plan shall include all information required in Section 66, of the Condominium Act, and the Master Deed and Bylaws. The Final Site Plan shall be prepared in accordance with the requirements set forth in Article VI, Site Plan Review. In the case of a development that consists only of condominium units and not buildings or other structures at the time of the site plan application, the location and dimensions of all Site Condominium Units and required side yards and setbacks, shall be shown on the Final Site Plan.
- c. The Applicant shall provide proof of approvals by all County and State agencies having jurisdiction over the improvements relating to the Condominium Development Project, including but not limited to the Marquette

ARTICLE IV – General Regulations

Section 418. CONDOMINIUM DEVELOPMENT and SUBDIVISION PLATS: Continued

County Drain Commissioner, Road Commission, and the Health Department. The Planning Commission shall not approve a Final Site Plan until the Marquette County and State Agencies, having jurisdiction with the Condominium Development Project area, have approved the Final Site Plan.

4. REVISION OF CONDOMINIUM DEVELOPMENT

If the Condominium Development Plan is revised, the Final Site Plan shall be revised accordingly and be submitted for review and approval by the Township Board before a Building Permit can be issued.

5. STREETS / ROADS

All streets/roads proposed for any Condominium Development Project shall be developed in accordance with the requirements set forth in Article IV, GENERAL REGULATIONS, Section 414, Detailed Use Regulations, (B) Private Road Requirements.

6. AMENDMENTS TO MASTER DEED OR BYLAWS

Amendments to a Master Deed or the Bylaws that affect the approved Preliminary or Final Site Plan, shall be reviewed and approved by the Planning Commission before any Building Permit can be issued. The Planning Commission shall review any amended Site Plan if changes to the Master Deed or Bylaws require corresponding changes in the approved Site Plan.

7. RELATION TO THE HUMBOLDT TOWNSHIP LAND DIVISION ORDINANCE

All Condominium Development Projects shall conform to the plan preparation requirements, design, layout, and improvement standards as outlined, along with any required financial guarantees deemed to be necessary by the Township Board. The Standards and Requirements of this Section intended to apply to lots in a subdivision shall also apply to Site Condominium Units. Nothing in this Section shall be construed as requiring Site Condominium Developments to obtain approval under the requirements of the Humboldt Township Land Division Ordinance or the Subdivision Control Act.

8. DEVELOPMENT AGREEMENT

The Humboldt Township Board may require, as a condition of approval, that the Applicant enter into a Development Agreement with the Township, incorporating

Section 418. CONDOMINIUM DEVELOPMENT and SUBDIVISION PLATS: Continued

the terms and conditions of the Final Site Plan approval. It shall be the responsibility of the Applicant to have the agreement documents recorded with the Office of the Register of Deeds for Marquette County.

9. CONSTRUCTION LOCATED IN GENERAL COMMON ELEMENT

An Application for a Building Permit for any construction located within a General Common Element shall include a written authorization from the Condominium Association.

10. MONUMENTS AND LOT IRONS

Monuments shall be set in accordance with the Michigan Condominium Act and any other related State Rules and Regulations. The Planning Commission may grant a delay in the setting of required monuments for a reasonable time, but not to exceed one year, on condition that the developer deposit with the Humboldt Township Clerk; Cash, a Certified Check, or an Irrevocable Bank Letter of Credit endorsed to Humboldt Township, whichever the developer selects, in an amount as determined by resolution of the Township Board. Such deposit shall be returned to the developer upon receipt of a certification by a Profession Land Surveyor, licensed in the State of Michigan, certifying that the monuments and irons have been set as required within the time specified. If the developer defaults, the Township Board shall promptly retain a Licensed Land Surveyor to set the monuments and irons in the ground as shown on the Condominium Site Plan, at a cost not to exceed the amount of the security deposit.

11. RIGHT-OF-WAY AND UTILITY EASEMENTS

All Right-of-Way and utility easements shall be described separately from individual site condominium lots and shall be accurately delineated by bearings and distances on the Condominium Development Plan and the Final Site Plan. The Right-of-Way and utility easements shall be separately designed for their individual purpose such as, access, roadway, locations, installation, maintenance, and replacing of public utilities. Water, sewer and electrical easements may be placed within road Right-of-Ways, subject to Township approval and in accordance with the Standards and Specifications as required by the Marquette County Road Commission.

12. COMPLIANCE WITH FEDERAL , STATE, AND LOCAL LAW

All Condominium projects shall comply with Federal and State statutes and local ordinances.

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Section 419. Buildings to be Moved

Any building or structure which has been wholly or partially erected on any premise located within the township shall not be moved to and placed upon any other premise in this township until a Zoning Compliance Permit for such removal and relocation shall have been secured from the Zoning Administrator and until other approvals are obtained from such other inspectors and/or authorities as may be required under existing law. Any such proposed relocated building or structure shall fully conform to all the provisions of this Ordinance in the same manner as a newly constructed building or structure.

Section 420. Conflicting Regulations

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such ordinance shall govern.

Section 421. Compliance

No building, structure or part thereof shall hereafter be erected, constructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this Ordinance.

Section 422. Required Road (Street) Access

Generally. Except as otherwise provided in this Ordinance, every lot or parcel of record created after the effective date of the ordinance shall front upon a public road or state highway or private road for the required width of the lot as provided in Section 401. Lot width shall be measured as defined in the definition of "lot width" in Section 202.

Section 423 Residential Limited Animal Keeping

Intent Language. This permitted accessory use is intended to be for the benefit of the occupants of the dwelling on-site, and not for commercial use. This use allows the limited keeping of animals in the R, RR-5, TD, L&R, RS-1, RS-5, RP-10, RP-20 and TP-40 districts as a permitted use, where there is a separate occupied dwelling. That means the limited animal keeping can only be accessory. Animals being kept in a residential environment need to be cared for and monitored daily to maintain animal health and to prevent nuisance problems with neighbors and the community.

- A detailed plot plan needs to be provided in accordance with Section 603.
- One or more of the following types for animals (chickens, rabbits, bees) are permitted in accordance with this Section on the same property.

ARTICLE IV – General Regulations

Section 423. RESIDENTIAL LIMITED ANIMAL KEEPING: Continued

- All seed, fertilizer, and animal feed shall be stored in a secured, rodent-, and raccoon-proof container and housed within an enclosed structure.
 - Signage shall not be permitted.
 - All animal structures and roaming areas shall be kept sanitary and free from accumulations of animal excrement and objectionable odors.
 - Killing and dressing of animals raised on the premises shall be permitted if conducted entirely within an enclosed building.
- A. Limited Residential Keeping of **Chickens**: Required Conditions
1. Roosters are not permitted.
 2. A minimum area of 2,000 sq.ft., dedicated exclusively for chicken(s), is required for a maximum of up to three (3) chickens. For every additional one-thousand (1,000) sq.ft. of area dedicated exclusively for chickens, one (1) additional chicken is permitted.
 3. All structures related to the housing of chickens shall be at least six (6) square feet in size to start for the first three (3) chickens, with an additional minimum of two (2) sq.ft. for each additional chicken.
 4. All structures related to the housing of chickens shall be set back at least ten (10') feet from any property line.
 5. Outdoor roaming areas shall be sufficiently enclosed and screened from the street and neighboring properties to protect them from vehicular traffic, and to minimize external impacts of the outdoor roaming areas.
- B. Limited Residential Keeping of **Rabbits**: Required Conditions
1. Rabbits shall only be kept within an enclosed structure, cage, or hutch, except for monitored exercise periods.
 2. A minimum area of one-hundred (100) sq.ft., dedicated exclusively for rabbit(s), is required for a maximum of up to four (4) rabbit hutches. For every additional fifteen (15) sq.ft. of area dedicated exclusively for rabbits, one (1) additional rabbit hutch is permitted.
 3. All structures related to the housing of rabbits shall be set back at least ten (10') feet from any property line.
- C. Limited Residential Keeping of **Bees**: Required Conditions
1. A minimum area of 2,000 sq.ft. dedicated exclusively for bees, is required for a maximum of up to two (2) beehives. For every additional two-thousand (2,000) sq.ft. of area dedicated exclusively for bees, two (2) additional beehives are permitted.
 2. All structures necessary for and related to the housing of honeybees shall be set back at least ten (10') feet from any property line.
 3. Ground mounted beehives shall be located no higher than six (6') feet from grade.

ARTICLE IV – General Regulations

Section 423. RESIDENTIAL LIMITED ANIMAL KEEPING: Continued

4. Ground mounted beehives shall be permitted in side and rear yards, and shall be provided an enclosed barrier along the property line six (6') feet in height consisting of a solid fence, dense vegetation or combination thereof. In cases where there is ample yard-area, a flyway may be substituted for perimeter barriers, consisting of six (6') foot high barriers on both sides of the bee colony, creating a channel extending twenty (20') feet in each chosen direction beyond each bee colony entrance.
5. Roof mounted beehives shall be located on primary and accessory structures no lower than ten (10') feet from grade and shall not be within the required district setback.

Section 424. FENCES (Amendment 9/11/2017)

- A) Requirements.
From and after the date of adoption of this Ordinance, it shall be unlawful for any property owner or occupant to construct or cause to have constructed or to repair or replace any fence upon any property within the Township of Humboldt, except in accordance with the requirements and restrictions in this Ordinance.
- B) Permit Required
Any person desiring to build or cause a fence to be built, planted, constructed, repaired, or replaced upon property within the Township of Humboldt shall first apply to the Zoning Administrator for a permit to do so. Application for such permit shall contain all pertinent information, including drawings, as required and necessary for the determination of whether such fence would be contrary to the provisions of this Ordinance or the laws of the State of Michigan. Any permit issued under the provisions of this Ordinance shall require completion of the installation or repair of the fence within six (6) months from the date of permit issuance. Failure to complete installation or repair of the fence within the six (6) month period shall void the original permit and require either issuance of a permit extension not to exceed six (6) months, or removal of the partially installed fence. If a permit extension is issued and the fence is not completed or repaired within the extended period, the permit extension shall be automatically revoked. A permit is not needed for home gardening use.
- C) Zoning District Requirements.
 1. In Residential Zoning Districts RS-1, R, RR-5, RS-5 and in TD, the following conditions shall apply:
Height. Fences shall not exceed six (6) feet in height above the adjacent grade.
Exceptions. On the street sides of corner lots, a fence may not exceed four (4) feet in height between the front of the principal structure and the corner on either street frontage. A fence in a front yard shall not exceed four feet in height and

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may not have more than 50% of the fence area of solid matter or of closed construction.

2. In Zoning District Industrial (I), the following conditions shall apply:
Height. Fences shall not exceed eight (8) feet in height above the adjacent grade.

D) General Fence Requirements.

1. Every fence must be located on the private property of the property owner or occupant constructing or installing the fence, and shall not extend toward the street or alley beyond the property line or right-of-way line.
2. Fences shall be constructed with boards, chain link construction, or other suitable material firmly connected to posts sunk in the soil at least two (2) feet or more as necessary to properly support the fence.
3. The boards, chain link, or other material used in the building of a fence shall be fixed to that side of the posts nearest to the property line.
4. An electrically charged fence must be posted with at least three (3) conspicuous warning signs, giving notice that the fence is electrically charged.
5. Barbed wire, except as permitted by the Board of Zoning Appeals on approved protective measure fences, is prohibited on all fencing.
6. A fence made up of individual strands of wire, rope or wooden boards must be parallel with the adjacent grade of the fence line. The individual strands of wire, rope, or wooden boards must be evenly spread between the top and bottom of the posts, and must be no more than six (6") inches apart.
7. No fence shall be installed within any public right-of-way, public easement, or clear vision corner.
8. Concertina wire, and similar types of fence with sharp edges designed to injure, are prohibited.

E) Special Purpose Fences.

1. Swimming Pools. All swimming pools with a water depth of two (2') feet or greater at any point shall be enclosed with a six (6') foot high fence, not closer than four (4') feet from the pool's edge on any side. Gates in the fence shall have a self-latching catch or lock located not closer to the base of the fence than four (4') feet and inaccessible from the outside to small children.
2. Protective Measures. A protective measures fence may only be erected upon a review and finding by the Board of Zoning Appeals of the need for such fence. A protective measures fence shall not exceed twelve (12') feet in height and may only be placed in the Industrial zoning district.

F) Fence Maintenance.

ARTICLE IV – General Regulations

1. All fences existing prior to adoption of this Ordinance, and any fences permitted under this Ordinance, shall be maintained so as not to endanger life or property and protection of the public health, safety and welfare. Any fence which, through lack of repair, type of construction, or otherwise imperils life or property, shall be deemed a nuisance. The Zoning Administrator shall notify the owner of the property on which such fence is located of the existence of such nuisance. The owner must then abate said nuisance within fifteen (15) days of sending such notice. In the case of immediate danger to life or property, the Township Zoning Administrator may require immediate abatement.
2. An abatement under Section (a) above requiring repairs to 50% or more of a fence existing prior to the adoption of this Ordinance shall require total replacement of the entire existing fence. Replacement fences shall meet the requirements of this Ordinance.
3. Fences existing at the time of adoption of this Ordinance containing barb wire, concertina, or similar wire shall be removed upon notification from the Zoning Administrator. Such fences are deemed unsafe and are prohibited in the Township of Humboldt.

ARTICLE IV – General Regulations

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