

## ARTICLE XVI

### SPECIAL PROVISIONS

The following special provisions establish miscellaneous regulations which have not been specifically provided for in other portions of this Ordinance, yet are applicable to all zoning districts unless otherwise indicated.

#### **Sec. 16.01 Unsafe Buildings:**

Nothing in this Ordinance shall prevent compliance with an order by the Zoning Administrator or other appropriate authority to correct, improve, or strengthen, or restore to a safe condition any building or any part of a building declared to be unsafe.

#### **Sec. 16.02 One Building per Lot:**

No more than one principal building may be permitted on a lot or parcel, unless specifically provided for elsewhere in this Ordinance.

#### **Sec. 16.03 Access to a Street (Lot of Record):**

Any one lot of record created before the effective date of this Ordinance without any frontage on a street shall not be occupied without access to a street provided by an easement or other right-of-way no less than twenty (20) feet wide. Under this provision, no more than one lot may be served by such an access route.

#### **Sec. 16.04 Building Grades:**

The finished surface of the ground areas outside the walls of any building constructed or altered shall be so designed that surface waters shall flow away from the building walls in such a direction and collection that inconvenience or damage to adjacent properties shall not occur.

#### **Sec. 16.05 Required Water Supply and Sanitary Sewerage Facilities:**

Any structure erected for human occupancy after the effective date of this Ordinance and used for dwelling, business, industrial, or recreational purposes shall be provided with a safe, sanitary, and potable water supply, and with a safe and effective means of collection, treatment, and disposal of human, commercial, or industrial wastes. All such installations shall comply with the requirements of the State of Michigan and the local district health department.

#### **Sec. 16.06 Moving Buildings:**

No existing building or other structure within or outside of Bloomer Township shall be relocated upon any parcel or lot within the Township unless the building design and construction are compatible with the general architectural character, design and construction of other structures located in the immediate area of the proposed site; the building and all materials therein are in conformity with the building Code of Bloomer Township; and the building or structure can be located upon the parcel and conform to all other requirements of the respective zoning district.

The compatibility of general character and design shall be determined in the first instance by the Township Zoning Administrator upon review of the structure, subject to appeal by an aggrieved party, to the Zoning Board of Appeals within a period of fifteen (15) days from the receipt of notice of said Zoning Administrator's decision. Any

determination of compatibility shall be based upon the standards set forth in the definition of "dwelling" (Sec. 3.02), Performance Provisions (Sec. 16.13), as well as the character and design of one or more residential dwellings located within two thousand (2,000) feet of the subject parcel.

A moving permit shall be issued by the Zoning Administrator upon evidence of compliance with the requirements herein.

**Sec. 16.07 Prior Building Permits:**

Any building permit issued prior to the effective date of this Ordinance shall be valid even though not conforming to the provisions of this Ordinance; provided that construction is commenced within ninety (90) days after the date of permit issuance and carried on diligently without interruption for a continuous period in excess of ninety (90) days.

**Sec. 16.08 Fences, Walls and Screens:**

The following regulations shall apply to all fences, walls, screens, or similar devices.

- A. No fence, wall, sign, or screen or any planting shall be erected or maintained in such a way as to obstruct vision or interfere with traffic visibility on a curve, or within thirty (30) feet of the point of intersection of two streets.
- B. No fence, wall, sign, screen or planting shall be erected or maintained in such a way as to obstruct vision, between height of three (3) and ten (10) feet, within twenty (20) feet of the point of intersection of a street and a driveway.

**Sec. 16.09 Accessory Buildings:**

Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations.

- A. An accessory building, including carports 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 area.
- 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. No accessory building shall be closer than five (5) feet to any interior side or rear lot line.
- D. Accessory buildings are subject to all setback requirements from the street applying to the principal building; provided, however, when topographic conditions prevent compliance with this provision, the Board of Zoning Appeals may vary the above requirements in such a manner as to contribute to the public safety and general welfare.
- E. An accessory building shall not occupy more than twenty (20) percent of the area of any rear or front yard.
- F. Detached accessory buildings for nonresidential uses may be constructed to equal the permitted maximum height of structures in said districts, subject to Board of Zoning Appeals approval if the principal building exceeds twenty (20) feet in height. This restriction shall not apply to agriculturally-oriented accessory structures.

**Sec. 16.10 Variance of Requirements for Lots of Record:**

Any residential lot created and recorded prior to the effective date of this Ordinance may be used for residential purposes even though the lot area and/or dimensions are less than those required for the District in which the lot is located. Provided that:

- A. Yard dimensions and other requirements of the district, not involving lot area or width are met.

**Sec. 16.11 Allocation of Lot Area:**

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

**Sec. 16.12 Yard Encroachments Permitted:**

The following elements of structures may extend or project into a required yard area.

- A. Certain architectural features such as cornices, eaves, gutters, chimneys, bay windows, balconies and similar features.
- B. Unenclosed porches, patios, paved terraces and decks.
- C. Fire escapes or open stairways.

**Sec. 16.13 General Performance Provisions:**

All structures and uses shall meet the following standards:

- A. Noise: The intensity level of sounds shall not exceed the following decibel levels when adjacent to the following uses:

In Decibels

(dba)	Adjacent Use	Where Measured
55	Residential Dwellings	Common Lot Line
65	Commercial	Common Lot Line
70	Industrial & Other	Common Lot Line

- B. Vibration: All machinery shall be so mounted and operated as to prevent transmission of ground vibration exceeding a displacement of .003 of one inch, as measured at the property line.
- C. Odor: The emission of noxious, odorous matter in such quantities as to be readily detectable at any point along lot lines when diluted in the ratio of one volume of odorous air to four or more volumes of clean air or as to produce a public nuisance or hazard beyond lot lines is prohibited.
- D. Gases: The escape of or emission of any gas which is injurious or destructive or explosive shall be unlawful and may be summarily caused to be abated.
- E. Glare and Heat: Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot line, except during the period of construction of the facilities to be used and occupied.
- F. Light: Exterior lighting shall be so installed that the surface of the source of light shall be so arranged as far as practical to reflect light away from any residential use, and in no case shall more than one foot candle power of light cross a lot line five (5) feet above the ground in a residential district. All outdoor lighting, whether wall mounted, post mounted, or otherwise, shall be sited and designed to minimize views of the luminaries from residents and motorists.
- G. Electromagnetic Radiation: Applicable rules and regulations of the Federal Communications Commission in regard to propagation of electromagnetic radiation are hereby made a part of this ordinance.
- H. Smoke and Air Emissions: Discharge of emissions into the air shall be in compliance with the standards and regulations of the Air Pollution Act, P. A. 348 of 1965, as amended. It shall be unlawful to discharge into the atmosphere from any single source of emission whatsoever any air contaminator for a period or periods aggregating more than four (4) minutes in any one-half (1/2) hour which is:
  - (a) As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart. The Ringelmann Chart, as published by the United States Bureau of Mines, which is hereby made a part of this ordinance, shall be the standard. However, the Umbrascope readings of smoke densities may be

used when correlated with the Ringelmann Chart. A Ringelmann Chart shall be on file in the office of the Zoning Administrator.

- (b) Of such opacity as to obscure an observer's view to a degree equal to or greater than the smoke described in (a) above, except when the emission consists only of water vapor.
- I. Drifted and Blown Materials: The drifting or airborne transmission to areas beyond the lot line of dust, particles, or debris from any open stockpile shall be unlawful and may be summarily caused to be abated.
- J. Radioactive Materials: Radioactive materials shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, as amended from time to time. Facilities intending to produce, handle, or emit radioactive materials must apply for and be granted a Special Use Permit, as required in ARTICLE XX.
- K. Sewage Wastes: All industrial sewage discharges into the public sewers shall be subject to the Bloomer Township Sanitary Sewer Ordinance and all limitations or criteria set forth therein.

#### **Sec. 16.14 Requirements for Double Frontage Lots:**

In the case of double frontage lots (interior lots having frontages on two more or less parallel streets) all sides of said lots adjacent to streets shall be considered frontage and front yards shall be provided as required.

#### **Sec. 16.15 Access Through Yards:**

Access drives may be placed in the required front or side yards so as to provide access to the rear yard and/or accessory or attached structures. Further, any walk or other pavement serving as a like function shall not be considered a structure and shall be permitted in any required yard.

#### **Sec. 16.16 Use of Temporary Buildings and Structures:**

Temporary buildings and structures other than those stipulated in this section may be placed on a lot or parcel of record and occupied only under the following conditions.

- A. During renovation of a permanent building damaged by fire. The temporary building or structure must be removed when repair of fire damage is complete, but in no case shall it be located on the lot or parcel for more than six (6) months, unless expressly authorized after petition to the Board of Zoning Appeals.
- B. Temporary buildings and structures incidental to construction work, except single- family residences. Said temporary buildings shall be removed within fifteen (15) days after construction is complete, but in no case shall the building or structure be allowed more than twelve (12) months, unless expressly authorized after petition to the Board of Zoning Appeals.
- C. Temporary building incidental to a church or school, provided that all wiring, plumbing, fire protection and exists are approved by the Fire Chief and Building Inspector, and by relevant state agencies.

#### **Sec. 16.17 Solar Access**

No land owner shall use his land in any manner which will unduly impede solar access to area residential structures previously existing.

**Sec. 16.18 Use of Flag Lots:**

A flag lot (see ARTICLE III - DEFINITIONS) may be used for residential purposes without the minimum required frontage on a street, in the following instances and with the following stipulations:

- A. The flag lot makes it possible to better utilize irregularly shaped properties or areas with resource limitations.
- B. Where flag lots are utilized to eliminate direct access to major arterial roadways.
- C. Stipulations:
  - (1) Access shall be provided by a right-of-way, no less than twenty (20) feet wide.
  - (2) No more than one lot may be served by such an access route. Additional lot(s) however, may be served by a singular access upon application for and receipt of a special use permit as provided for in ARTICLE XIX.
  - (3) All site development standards of the applicable zoning district shall be met. The "pole" portion of the flag lot shall not be considered as part of a lot in the application of said site development standards regarding lot area, lot width, lot coverage and yard and setback provisions.
  - (4) No more than ten (10) percent of the lots in a subdivision may be flag lots.
  - (5) Flag lots shall not be permitted in a subdivision when their intent would be to avoid the developmental costs of constructing an access road.

**Sec. 16.19 Adult-Related Businesses:**

- A. The following adult-related businesses shall not be permitted:
  - 1. Adult book store: An establishment having as a substantial or significant portion of its stock in trade, books, magazine, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or establishment with a segment or section devoted to the sale or display of such material.
  - 2. Adult motion picture theater: An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified anatomical areas," (as defined below) for observation by patrons therein.
  - 3. Adult Outdoor Theater: An outdoor commercial facility used for motion pictures or other shows which present material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas".
- B. No adult-related business may be located within one thousand (1,000) feet of another adult-related business, or a residentially zoned parcel, religious institution or school.

**Sec. 16.20 Use of Multiple Nonconforming Lots in Single Ownership**

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or divided in a manner which diminishes compliance with lot width and area requirements established by this Ordinance.

## **Sec. 16.21 Setback Measurement**

All setbacks shall be measured from the right-of-way of public streets whenever a lot line abuts a public street. If a street right-of-way has not been dedicated, the setback shall be measured from a line thirty-three (33) feet from the street centerline (parallel to the street) on the lot side. In all other situations, the setback shall be measured from the lot line between lots except where a body of water, or a stream or creek makes up a lot line, then the measurement shall be from the line of permanent vegetation.

## **Sec. 16.22 Home Occupations**

**A. Definitions:** For the purpose of this Section and Ordinance, the following phrases and definitions shall apply:

1. **Home Occupation:** An occupation or profession conducted on the same lot as a dwelling, accessory to and incidental to the principal residential use of the premises, and complies with the standards of this Section.
  - a. **Class 1 Home Occupation:** A home occupation that is conducted entirely within a dwelling, including an attached garage, and complies with the provisions of this Section.
  - b. **Class 2 Home Occupation:** A home occupation that is conducted wholly or in part outdoors or in an accessory building and complies with the provisions of this Section. Examples of a Class 2 home occupation may include, but are not limited to, the use of a building accessory to a residence as an office of a contractor, as a storage facility for construction vehicles used in association with such business, or used to provide educational services such as crafts and music.

**B. Authorization/Standards:** The operating or conducting of a home occupation is permitted according to the regulations and standards of this Section.

1. **Class 1 Home Occupation:** A Class 1 Home Occupation is permitted as an accessory use to the principal residential use of a lot in the CO, FM, RR and UR Districts only, and shall comply with the standards of subsection (C) below. Class 1 Home Occupations do not constitute a special land use.
2. **Class 2 Home Occupation:** A Class 2 Home Occupation is classified as a special land use and permitted in the CO, FM and RR Districts only, and shall be subject to the provisions of Article XX and the standards of subsection (C) below. A permit issued for such home occupation shall clearly delineate any conditions upon which such approval is granted. In addition to the information required by Article XXI for site plan review, an application for a Class 2 home occupation shall also include a detailed description of the character of the home occupation such as services or products offered; the number of full-time and part-time employees of the business and the frequency at which such employees will be present at the site; the type and frequency of vehicular traffic to be generated by the home occupation; the location of all parking, delivery and storage areas; and proposed landscaping/screening in association with any outdoor area, including parking and storage areas, to minimize negative impacts on nearby properties.

**C. Standards:** Class 1 and 2 home occupations shall comply with the following standards:

1. The occupation shall be clearly secondary and incidental to the use of the dwelling as a place of residence, and shall not result in a change to the essential residential character of the premises including both the dwelling and yard areas. The dwelling shall have no exterior evidence of the home occupation except for a sign as permitted by Article IX.
2. The occupation shall not produce any noise, odors, radiation, vibration, glare, fumes or smoke detectable to normal sensory perception beyond the lot lines. No equipment or process shall be used which creates electrical interference in any radio, television, or communication receivers off the premises, or cause fluctuations in line voltage off the premises.
3. A resident of the dwelling on the lot shall be actively and personally engaged in and be responsible for all home occupation operations.

4. The home occupation shall not involve the use or storage of explosive, flammable, or otherwise hazardous materials and waste not otherwise of a customary household nature, except as may be authorized in the case of a Class 2 home occupation.
5. Refuse generated by the home occupation shall be safely and properly disposed of.
6. A Class 1 home occupation shall not occupy an area greater than twenty-five percent (25%) of the gross floor area of the dwelling's first story. A Class 2 home occupation shall occupy no more than one (1) accessory building and shall not occupy an area of such building greater than nine-hundred (900) square feet.
7. In the case of a Class 1 home occupation, no employees shall be present on the premises during the ordinary course of business, excluding employees residing in the dwelling. In the case of a Class 2 home occupation, no more than two (2) employees shall be present on the premises during the ordinary course of business excluding employees residing in the dwelling. This provision shall not prohibit the arrival of up to two (2) additional employees to the premises for the purpose of receiving daily instructions for work to be performed elsewhere, provided there is compliance with subsection (8) below.
8. All traffic to and from a home occupation shall not result in more than fifteen (15) pedestrian or vehicular arrivals during the daily course of business, including those by customers, salesmen, delivery persons, or other business visitors. No delivery of goods by truck shall occur between the hours of 7:00 p.m. and 7:00 a.m.
9. No parking in association with a home occupation shall be located within any setback required for the dwelling except that in the case of a Class 2 home occupation, the parking or storage of such vehicles shall be located in the rear yard only and shall not exceed a total of ten (10) at any single time, subject to site plan approval.
10. No portion of a Class 1 home occupation shall be located outdoors including the storage of equipment and materials. No portion of a Class 2 home occupation shall be located outdoors except as may be expressly authorized as part of an approved site plan, where the Planning Commission determines adequate screening measures are to be in place to minimize its visual and audile impacts on nearby roads and properties.

*(Sec. 16.22 inserted 6-16-14)*

### **Sec 16.23 Garage Sale**

- A. Garage Sales Defined:** For the purpose of this Section, "garage sale" shall mean any sales event or activity in a district, other than a sales event or activity identified and approved as a "Use Permitted by Right" or "Use permitted by Special Land Permit" according to the district's specified authorized uses, which occurs on a lot or parcel on which a dwelling is occupied, where members of the public may purchase miscellaneous used household items and personal property. Also included in this definition are events and activities commonly referred to as yard sales, patio sales, carport sales, rummage sales, estate sales, fund raisers, or any other similar events and activities.
- B. Standards and Limitations:** All garage sales shall comply with the following standards and limitations:
1. Garage sales shall be considered temporary accessory uses subject to the limitations of this Section and for which a zoning permit is not required.
  2. No single garage sale shall extend beyond (4) consecutive days in length irrespective of the number of hours that it may be conducted on each day.
  3. No more than three (3) garage sales shall be held on any lot or parcel within any calendar year.

4. All display and sales areas shall be conducted a minimum of thirty (30) feet from the front lot line and a minimum of fifteen (15) feet from all side and rear lot lines.
5. No garage sale shall be conducted before 8:00 a.m. or continue later than 9:00 p.m.
6. The sale of items at a garage sale that were purchased specifically for sale at a garage sale are prohibited.
7. All signs advertising a garage sale shall be removed within twenty-four (24) hours of the conclusion of the garage sale. Signs must contain address including house number.
8. No items available for purchase at a garage sale shall be stored or maintained outdoors upon the conclusion of the garage sale except in the case where such items are customarily maintained or used outdoors such as, by example, vehicles and items intended for tow. Such outdoor storage or maintenance shall comply with all other ordinances of the Township.

*(Sec. 16.23 inserted 11-01-15)*