

HEATH TOWNSHIP
ALLEGAN COUNTY, MICHIGAN

ORDINANCE NO. 74

AMENDMENT TO THE HEATH TOWNSHIP ZONING ORDINANCE

ADOPTED: April 13, 2009

EFFECTIVE: April 28, 2009

AN ORDINANCE TO AMEND THE HEATH TOWNSHIP ZONING ORDINANCE FOR THE PURPOSES OF CLARIFYING THE DEFINITION OF CERTAIN DEVELOPMENT RELATED TERMS AND ADDING CERTAIN NEW TERMS AND THEIR MEANINGS

HEATH CHARTER TOWNSHIP

ALLEGAN COUNTY

ORDAINS:

SECTION I

Amendment of CHAPTER III-DEFINITIONS, SECTION 3.02 ACCESSORY USE OR STRUCTURE. This section is amended to clarify the broad meaning of the terms “Accessory Use”, “Accessory Building” and “Accessory Structure” as used in the context of zoning. When an accessory building is attached to a main building, it’s considered part of the main building. Section 3.02 is amended in its entirety to read as follows:

SECTION 3.02 ACCESSORY USE, BUILDING OR STRUCTURE

A use, building, structure or portion of a building supplementary and/or subordinate to a main use or building on the same lot occupied by or devoted exclusively to a principle use. When an accessory building is attached to a main building in a substantial manner, such as a wall, roof, breezeway or other roofed or enclosed passage, the accessory building is considered a part of the main building.

SECTION II

Amendment of CHAPTER III-DEFINITIONS, SECTION 3.08 BUILDING. This section is amended to clarify the broad meaning of the term “building” as used in the context of zoning. This can include mobile homes, movable storage units, freight containers and semi-trailers that are installed on the property that serves as a function of a building. Section 3.02 is amended in its entirety to read as follows:

SECTION 3.08 BUILDING. Any structure which is constructed or erected, or positioned, either temporary or permanent, having a roof supported by columns, walls, or any other supports, which is used for housing, storing, or enclosing persons, animals, or personal property or conducting business activities or other uses. When any portion thereof is completely separated from every other part thereof by division of walls from the ground up, and without enclosed passageways or openings, each portion of such building is deemed a separate building. The definition includes mobile homes or mobile structures, pre-manufactured or pre-cut structures, movable storage units, freight containers, and semi-trailers positioned or installed on property and serving in the function of a building.

SECTION III

Amendment of CHAPTER III-DEFINITIONS, SECTION 3.10 BUILDING SETBACKS. This section is amended to clarify the meaning and context of the term “building setback” as a zoning term. Section 3.10 is amended in its entirety to read as follows:

SECTION 3.10 BUILDING SETBACK LINES – MINIMUM FRONT, SIDE AND REAR: Lines marking the setback distance for buildings measured from the respective front, side, and rear lot lines, from which are derived the minimum permitted front, side or rear yards(ref. definition of “Yard”). Also referred to as “setback lines” and “building lines”. The “minimum building setback” is the minimum depth of a front, side or rear “yard” necessary to conform to the required yard provisions of this ordinance (ref. definition of “Yard”).

SECTION IV

Amendment of CHAPTER III-DEFINITIONS, SECTION 3.19 LOT AND LOT WIDTH. This section is amended to broaden the scope of the meaning of the term “lot”, to create distinct definitions for the terms “lot” and “lot width” and to add additional related terms and their meanings as sub-sections. This includes lot area, lot frontage, lot lines. Section 3.19 is amended in its entirety to read as follows:

SECTION 3.19 LOT. A separate parcel of land within in a recorded plat or described by metes and bounds, having frontage on a public or private street, occupied or to be occupied by a principal building or a group of buildings and accessory structures, or utilized for a principal use and accessory uses and having sufficient dimensions to comply with the requirements of this ordinance for minimum area, frontage, width, setbacks, and yards. A lot need not be a “lot of record”. “Lot” shall include “plot” or “parcel”. In the context of a site condominium project as regulated by Public Act 59 f 1978, as amended, the term “lot” is that portion of a condominium project, designed and intended for separate ownership and/or exclusive use.

- (a) LOT AREA.-The total horizontal area included within the lot lines excluding any public or private easement for right-of-way purposes (e.g. for a public street, private street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles).
- (b) LOT FRONTAGE.-The length of the lot line separating a lot from a public or private street right of way.

(c) LOT LINES-The property lines bounding a lot.

1. Front Lot Line - Front lot line shall mean the line separating a lot from the public or street right of way. In all cases in which street widths have not been specifically recorded, the front lot line shall be considered to be thirty-three (33) feet from the center of the street. Corner lots and double frontage lots are considered as having two front lot lines.
2. Lot Line, Rear - That lot line which is most opposite and most distant from the front lot line. On corner lots, the rear lot line may be opposite either street frontage, but only one rear lot line shall be so designated. In such cases the owner shall have the privilege of selecting the rear lot line, provided that, in the opinion of the Zoning Administrator such choice does not negatively influence existing or future development of the adjacent properties.

The rear lot line of an irregular or triangular shaped lot shall be a property line at least ten (10) feet long, parallel or nearly parallel to and most distant from the front lot line. In cases where none of these definitions is applicable, the Zoning Administrator shall designate the rear lot line. (See Def. of Double Frontage Lot)

3. Side Lot Line. Any lot line not a frontline or a rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

(d) LOT WIDTH. The horizontal distance between side lot lines, measured at the two points where the minimum front yard building setback line intersects the side lot lines and perpendicular to a straight line indicating the depth of the lot.

SECTION V

Amendment of CHAPTER III-DEFINITIONS, SECTIONS 3.42 YARD, SECTION 3.43 YARD-FRONT, SECTION 3.44 YARD-REAR AND SECTION 3.45 YARD-SIDE
These sections are amended to clarify the meanings and applications of the terms, “yard”, “front yard”, “rear yard” and “side yard” in the context of zoning and to combine the terms into one ordinance section. The terms and their meanings as included in Sections 3.42, Section 3.43 and Section 3.44 are deleted and the sections are reserved for future use. The terms, “yard”, “front yard”, “rear yard” and “side yard” are combined under Section 3.45 which shall read in its entirety as follows:

SECTION 3.45 YARD. A required open space other than a courtyard, on the same lot with a building or group of buildings unoccupied and unobstructed by any building or structure or portion thereof except as otherwise permitted in this ordinance. The minimum building setback is the minimum depth of a front, side or rear yard, exclusive of steps, necessary to conform to the required yard provisions of this ordinance. Structures not considered buildings, such as fences, walls, poles and posts under 30 inches in height above general ground level, and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

(a) YARD - FRONT. A yard extending across the full width of the lot, the depth of which is the distance between the street right-of-way line and the main wall of the building or structure, including porches but excluding steps. In the case of waterfront lots, the yard fronting on the street is considered the front yard.

- (b) YARD - REAR. A yard unoccupied except for permitted accessory buildings, extending across the full width of the lot, the depth of which is the distance between the rear lot line and nearest part of the main building wall or nearest roof support structure, which ever is closer.
- (c) YARD - SIDE. A yard between a main building wall and the side lot line extending from the front yard to the rear yard. The width of the required side yard shall be measured from the nearest point of the side lot line to the nearest part of the main building wall or nearest roof support structure, which ever is closer.

SECTION VI

REPEAL OF CONFLICTING ORDINANCES AND EFFECTIVE DATE

This ordinance takes effect 8 days following publication of notice of its adoption pursuant to the Michigan Zoning Enabling Act, Michigan Public Act 110 of 2006 as amended. All ordinances and parts of ordinances in conflict herewith are repealed.

HEATH TOWNSHIP

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