

CHAPTER 1268
District Regulations

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CROSS REFERENCES

Zoning and planning in home rule cities - see M.C.L.A. Sec. 117.4i
 Regulation of location of trades, buildings and uses by local authorities -
 see M.C.L.A. Sec. 125.581
 Regulation of buildings; authority to zone - see M.C.L.A. Sec. 125.582
 Regulation of congested areas - see M.C.L.A. Sec. 125.583
 Uses of land or structures not conforming to ordinances; powers of legislative
 bodies; acquisition of property - see M.C.L.A. Sec. 125.583a
 Effect of zoning ordinance on zoning decision in presence of demonstrated
 need for certain land use - see M.C.L.A. Sec. 125.592

1268.01 ACCESSIBILITY TO PUBLIC STREETS.

No building permit or certificate of occupancy shall be issued for any land use activity where there is no direct access from the lot or area upon which such activity is located to a public street.

1268.02 HEIGHT EXCEPTIONS.

Exceptions to the maximum height regulations for each district specified in Section 1266.07 may be permitted subject to the following provisions:

- (a) Height Limitations. The limitations affecting the height of structures shall not apply to the following appurtenant appendages and structures, provided that they comply with all other provisions of this Zoning Code or any other applicable ordinance: parapet walls, chimneys, smokestacks, silos, church spires, flag poles, radio and television towers, masts and aerials, penthouses for mechanical equipment and watertanks.
- (b) Increased Building Height. Building height in excess of the height above average ground level allowed in any district may be permitted, provided that all minimum front, side and rear yard depths are increased one foot for each additional one foot of height, and provided, further, that adequate fire protection can be demonstrated.

1268.03 YARD REQUIREMENTS.

The following provisions shall apply to the yard requirements specified in the schedule of regulations set forth in Section 1266.07.

- (a) Setback Lines. All front, side, and rear yard setback lines shall be the minimum perpendicular distance measured from the structure, excluding all projections not exceeding three feet in length from the structure wall to the respective front, side, or rear lot line, provided, however, that the point of measurement of such front, side, or rear lot line shall be at a point within the subject lot and on a line which will measure not less than twenty feet in length and is parallel to the side of the structure from which the distance is measured.
- (b) Accessory Structures. All accessory structures in any district shall be subject to the same dimensional requirements affecting the principal structure, except, however, that in Residential Districts, such accessory structure may be placed not less than three feet from any rear lot line or the rear yard portion of any side lot line, provided, however, that no such structure shall be built closer than the minimum front yard or side yard setback required on the lot upon which the structure is proposed or upon the contiguous lot closest to the location of such accessory structure, nor shall any structure be placed closer than the established setback from any street right-of-way.
- (c) Corner and Double Frontage Lots. Lots which abut on more than one street shall provide the required front yards along every street.
- (d) Waterfront Lots. Lots which abut on a waterway shall provide the required front yard along the waterfront and along every street.
- (e) Yard for Single Building. No space which, for the purpose of a building, has been counted or calculated as part of a side yard, rear yard or front yard, required by this Zoning Code, shall be counted or calculated to satisfy or comply with a yard requirement for any other building.
- (f) Nonresidential Buildings. Principal buildings of a nonresidential use hereafter constructed or uses hereafter established shall not be located or conducted closer to any lot line in any of the Residential Districts than a distance of forty feet.

1268.04 ACCESSORY STRUCTURES AND USES.

Accessory structures and uses, except as otherwise permitted in this Zoning Code, shall be subject to the following regulations:

- (a) Yard Requirements. All accessory structures in any district shall be subject to the same yard requirements affecting the principal structure, except, however, that in Residential Districts, detached accessory structures may be placed not less than three feet from any rear lot line or the rear yard portion of any side lot line, provided, however, that no such structure shall be built closer than the minimum front yard or side yard setback required on the lot upon which the structure is proposed or upon the contiguous lot closest to the location of such accessory structure.
- (b) Bulk Requirements. Accessory structures shall not occupy more than twenty-five percent of a required rear yard.
- (c) Placement of Structure. No detached accessory structure shall be located closer than ten feet to any principal building.

- (d) Use as Residence Prohibited. No accessory structure shall be used or occupied as a residence, either temporarily or permanently.
(Ord. 2008-03. Passed 3-11-08.)

1268.05 VISIBILITY.

In all districts, no obstruction, including structures, walls, fences or plantings, in excess of two feet in height, shall be placed on any corner lot within twenty-five feet of the point of intersection of two street right-of-way lines.

1268.06 FLOOD PLAINS.

Notwithstanding any other provision of this Zoning Code, land subject to periodic flooding shall be used only for the following uses:

- (a) Agriculture uses, provided no structures are located within the area subject to flooding.
- (b) Recreational uses, provided no structures are located within the area subject to flooding.

The location and boundaries of land subject to periodic flooding shall be determined by reference to the U.S. Soil Conservation Service, the Michigan Water Resources Commission or other official authority.

1268.07 SUBSTANDARD LOTS.

No building permit shall be issued for the construction of any structure upon any lot within any district which lot cannot meet the dimensional standards and requirements of such district and which lot was created after the enactment of this Zoning Code, or after the enactment of any amendment which affects such standards or requirements.