

SECTION 4 GENERAL PROVISIONS

4.01 Scope and Interpretation

A. Scope

No structure, or part, thereof, shall be erected, converted, enlarged, reconstructed, altered or moved without a permit approved by the Township. No structure or land shall be used for any purpose or altered in any manner that is not in conformity with the provisions of this Ordinance.

B. Relationship to Comprehensive Plan

Interpretation and enforcement of the provisions of this Ordinance are intended to be consistent with the implementation of goals, policies and land use elements of the Waterford Comprehensive Plan to the extent practical or required by law. The application of or amendments to this Ordinance which are determined to be inconsistent with the Comprehensive Plan shall require amendments to the Comprehensive Plan, this Ordinance or both.

C. Minimum Requirements

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.

D. Uses Not Identified

Uses not specifically identified in this Ordinance as permitted uses, conditional uses or interim uses shall be prohibited. Amendments to this Ordinance shall be required to allow any use that is not clearly permitted by right or with conditions.

E. Deadline for Actions

It is the intent of the Township to comply with State requirements for timely review and actions requiring formal approval by the Township. In the event that multiple approvals are involved in any action, such as an environmental review, a site plan review requiring a variance or a Zoning Ordinance amendment requiring a Comprehensive Plan amendment, each action shall require a separate, independent timeline for action.

4.02 Rules of Construction

For clarity and consistency in the understanding and application of this Ordinance the following shall apply:

1. The use of specific gender references includes both the masculine and the feminine, unless specifically stated otherwise.
2. References made in the singular include the plural and the plural shall include the singular, unless otherwise specifically stated.
3. References to the present tense include the past and future, and references to the future include the present.

4. The word "shall" means mandatory; whereas the word "may" is permissive and does not imply obligation.
5. Whenever in any zoning district a use is neither specifically permitted nor specifically prohibited, the use shall be considered prohibited.

4.03 Right to Farm

The Township has found that protecting and preserving land for agriculture is in the best interests of the community and protects the public health, safety and welfare by implementing community goals and policies. Agriculture often includes such activities as the intense use of farm equipment and machinery; plowing during dry and windy conditions; the raising of livestock and fowl; the use of irrigators over extended periods of time; and the use of soil amendments, including manure, herbicides and pesticides. These activities may be considered nuisances or inconveniences in more urban settings; however, these activities are common in an agricultural community and vital to the sustenance of an agricultural economy. For the purposes of this Ordinance, farm activities or agricultural activities shall not be considered a public nuisance, provided that such activities do not violate any State statute or rule or any other laws or ordinances.

4.04 Lot Provisions

A. Substandard Lot

A legal lot of record, which does not meet the dimensional criteria of this Ordinance, shall be deemed a buildable lot provided it:

1. Has appropriate frontage on a public right-of-way.
2. Was under separate ownership from abutting lands upon or prior to the effective date of the November 9, 1981 *Waterford Township Zoning Ordinance*.
3. Its area and dimensional measurements are within sixty percent of the requirements of this Ordinance.
4. Its development for single-family residential purposes will not violate the general intents and purposes of this Ordinance, including but not limited to the prevention of pollution of applicable waters and surrounding lands, and the preservation of the health, safety, and welfare of the general public.
5. Its development for any other purpose will conform with existing zoning regulations and building specifications, and that all other standards and regulations of this and other ordinances can be met.

B. One Building Per Lot

No more than one (1) principal building shall be located on a lot unless specifically permitted herein.

C. Principal Use Required

Except for authorized agricultural structures, no accessory structure(s) may be constructed without a principal structure.

4.05 Nonconforming Uses and Structures

Any structure or use existing upon the effective date of the adoption of this Ordinance, which does not conform to the provisions of the Ordinance, may be continued for a certain period of time subject to the following conditions:

1. No such use shall be expanded or enlarged, except in conformity with the provisions of this Ordinance.
2. If a nonconforming use is discontinued for a period of one year, further use of the structures or property shall conform to this Ordinance. The County Assessor shall notify the Building Inspector or Planning Commission in writing of all instances of nonconforming uses, which have been discontinued for a period of twelve consecutive months.
3. If a nonconforming use is replaced by another use, the new use shall conform to this Ordinance.
4. If a nonconforming structure is destroyed by any cause, to an extent exceeding fifty percent of its fair market value as indicated by the records of the County Assessor, a future structure on the site shall conform to this Ordinance.
5. Normal maintenance of a building or other structure containing or related to a lawful nonconforming use is permitted, including necessary non-structural repairs and incidental alterations which do not extend or intensify the nonconforming use.

4.06 Street Access Required

Every building hereafter erected shall be located on a lot having frontage on a public street, except as specifically permitted herein.

4.07 Relocated Buildings or Structures

No existing building or structure may be relocated anywhere in the Township without a permit. The Town Board shall not issue a permit for the relocation of any building or structure without

approval of a site plan. The Town Board shall not approve a site plan without certifying the following:

1. The building or structure is compatible in appearance, age and character with existing buildings and structures in the area.
2. The building or structure can meet all code requirements for new buildings or structures.
3. The building or structure is compatible with any other buildings or structures existing on the same property.
4. The building or structure meets all other requirements of this Ordinance and any other Township ordinances.

4.08 Single-Family Dwelling Requirements

All dwelling units built or brought into Waterford Township shall conform to the following standards:

1. All dwelling units shall meet the minimum standards of Uniform Building Code or other applicable construction codes.
2. All dwelling units shall have an outside minimum width of twenty-four (24) feet.
3. All dwelling units, except earth-sheltered homes, shall possess a pitched roof, with at least a twenty-five (25) percent roofline slope.
4. A dwelling unit shall be properly anchored to a permanent foundation in accordance with the Uniform Building Code or other applicable construction codes.
5. A dwelling unit shall contain a minimum of seven hundred fifty (750) square feet of habitable floor area.

4.09 Dwelling Units Prohibited

The use and occupancy of non-residential structures or a tent, recreation vehicle or other temporary dwellings for the purpose of living quarters is not permitted in the Township.

4.10 Home Occupations

Home occupations in the Township must meet the following criteria:

1. Home occupations shall be conducted solely by persons residing in the residence.

2. All business activities shall take place within the residence and not accessory buildings.
3. There shall be no alteration to the exterior of the residential dwelling, accessory building or yard that in any way alters the residential character of the premises.
4. No sign, display or device identifying the occupation shall be used.
5. The home occupation use shall not be visible or audible from any property line.
6. The occupation may not involve storage or rental or retail sale of products on the premises.
7. Unless completely enclosed within an approved structure, no vehicle used in the conduct of the occupation shall be parked, stored or otherwise present at the premises other than such as is customarily used for domestic or household purposes.
8. Only on-site off-street parking facilities typically associated with a residence shall be used.
9. The conduct of an occupation or the use of substances which may be hazardous to or in any way jeopardize the health, safety, or welfare or enjoyment of neighbors and neighboring property shall not be permitted.

4.11 Site Plan Review Required

A site plan review is required for all non-residential zoning actions or permit applications. Any change or intensification of a use shall also require a site plan review.

A. Submittal Requirements

1. Boundary survey of parcel including identification of all monuments.
2. Scaled location of all buildings, structures, driveways, sidewalks, trails, parking stalls and curbing.
3. Scaled identification of all setback dimensions from property lines.
4. Scaled locations of all existing and proposed utilities and easements.
5. Scaled depictions of floor plans for each level of structures.
6. Scaled depictions of each building elevation and descriptions of exterior building materials and color schemes.

7. Scaled site-grading plans, including erosion and sedimentation control mechanisms and procedures.
8. Scaled delineations of any shoreland, floodplain or wetland areas on the site.
9. Identification of any floodplain or wetland encroachments and detailed mitigation plans.
10. Detailed landscape plans, illustrating size, types and locations of all materials, a description of site seeding or sodding, a description of the timetable for site landscaping and the identification of any irrigation systems.
11. Detailed descriptions of any site fencing, including type, location and height.

All plans shall be dated and bear the preparer(s) name(s), including professional registrations or certifications when appropriate or required.

B. Review Requirements

1. Applicants shall submit twelve (12) sets of site plans with a required application form to the Township Clerk for distribution. Site plans will be evaluated for consistency with documentation requirements. Upon acceptance of the application, site plans will be distributed to the appropriate Township entity for review and recommendation, according to Section 4.01 E. (Deadline for Actions) of this Ordinance. Application fees and reimbursement of the Township's out-of-pocket expenses shall be in accordance with Section 5.09 (Fees and Licensing) of this Ordinance.
2. Action to approve, modify or deny site plan applications will be based upon consistency of the application with the Township's Comprehensive Plan, Zoning Ordinance, other policies and official controls and the compatibility of the proposed action with existing area land uses, existing area investments and neighborhood character, capacity of public streets and utilities and future planned land uses.

C. Exceptions

The Township may waive certain submittal requirements for applications, including the number of site plan sets, when it is determined that submittal requirements are not applicable or are not necessary to complete a review of the proposed action. The Township may also waive certain submittal requirements for other actions, when site plan information for the subject property has previously been submitted to the Township and may be more appropriately supplemented with new information.