

ARTICLE 5 DIMENSIONAL STANDARDS

Chapter 1: TABLE OF DIMENSIONAL STANDARDS BY DISTRICT

Section 5.101 Table of Dimensional Standards by District. (Amended 2011)

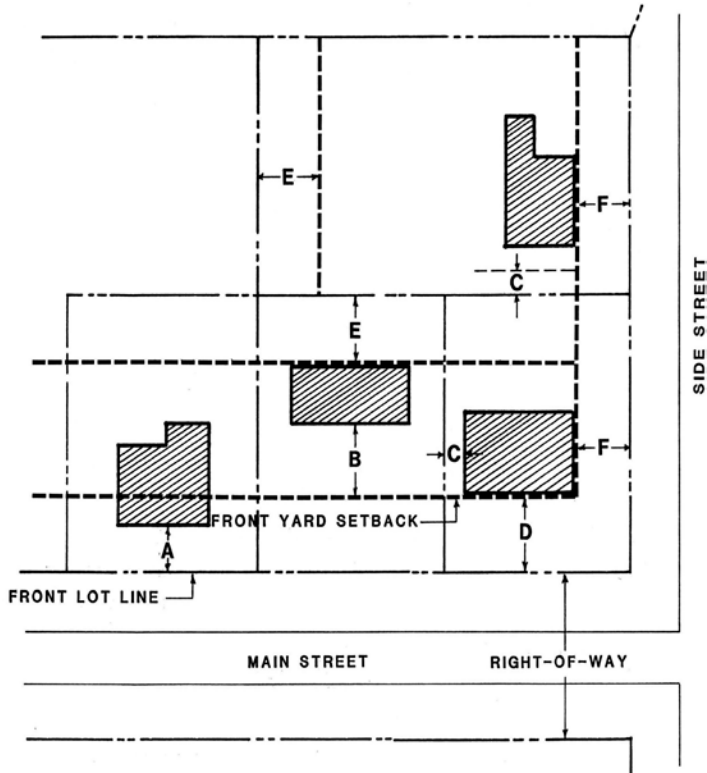
STANDARDS			DISTRICTS							Supplemental Provisions & Exceptions
			A	R-1	R-2	MHP ¹	C-1	C-2	I	
BUILDING HEIGHT (feet)	Maximum	Feet	35	30	30		35	35	40	Section 5.204
		Stories	2.5	2	2		2	2	2	
LOT STANDARDS (per unit)	Minimum Width (feet)		330	50	70		--	--	--	Section 22.04 (Nonconforming Lots of Record) Section 5.207
	Minimum Lot Size		40 ac ²	6,000	8,000		--	--	--	
	Maximum Building Coverage (%)		2.5 ac	30	25		35	25	40	
YARD or SETBACK STANDARDS (feet)	Front Yard	Minimum	40	15	20		30	30	50	Section 5.201 Sections 5.302-5.304 Article 7 (Accessory Structures and Uses)
	Minimum Side Yard	Each Side Yard	50	5	5		20	20	50	Section 5.205 Section 5.302
		Total of Two	100	20	20		50	50	100	
	Minimum Rear Yard			50	35 ³	35		30	30	50
MINIMUM FLOOR AREA (per unit - square-feet)							1000 UFA	2000 UFA	2000 UFA	Section 5.301

¹ Please refer to Section 6.206 for dimensional standards in the Manufactured Housing Park District.

² Please refer to Section 5.207 - Lot Size in the Agriculture (A) District

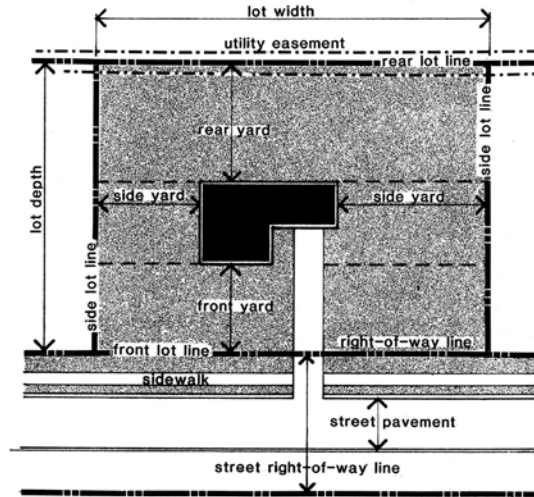
³ Development on Marble Lake or any other Lake must comply waterfront setbacks, see Section 5.202 (Waterfront Yards)

ILLUSTRATIONS

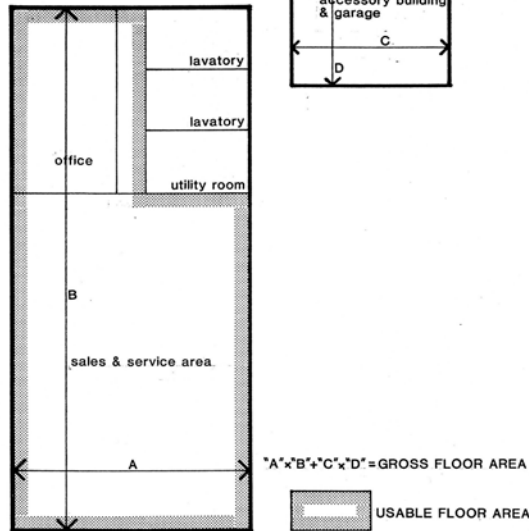


- A ---- DEFICIENT FRONT YARD
- B ---- FRONT YARD IN EXCESS OF MINIMUM FRONT YARD REQUIRED
- C ---- MINIMUM SIDE YARD REQUIRED
- D ---- MINIMUM FRONT YARD REQUIRED ALSO BUILDING SETBACK LINE
- E ---- MINIMUM REAR YARD REQUIRED
- F ---- MINIMUM YARD REQUIRED ON SIDE STREET EQUAL TO FRONT SETBACK REQUIREMENT

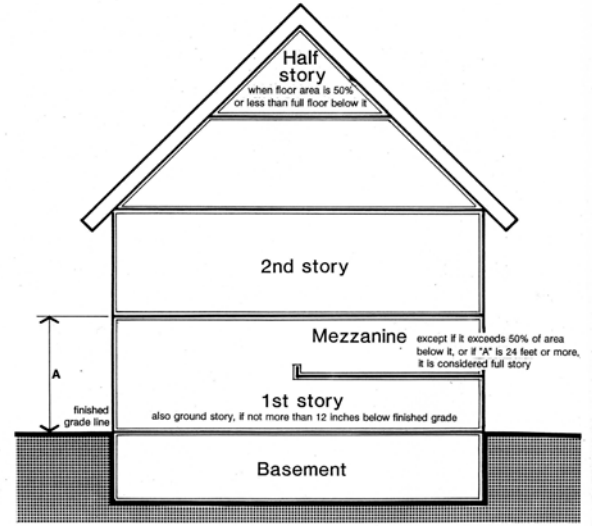
Yard Requirements



Yard Terms

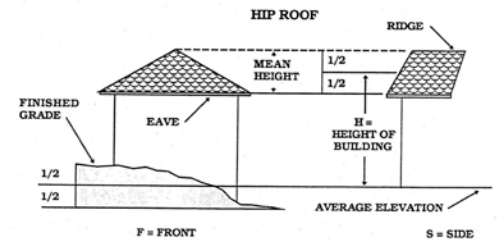
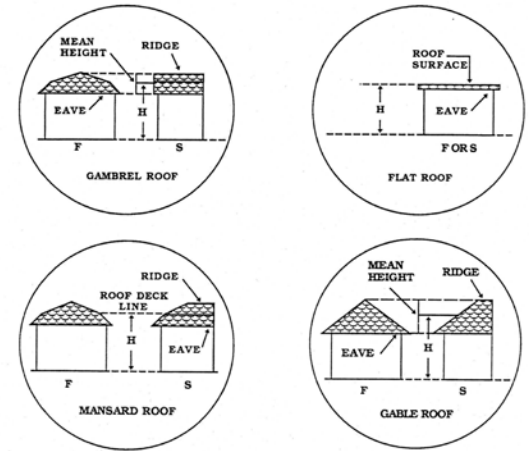


Floor Area Terminology



Basic Structural Terms

BUILDING HEIGHT



CHAPTER 2: SUPPLEMENTAL PROVISIONS AND EXCEPTIONS

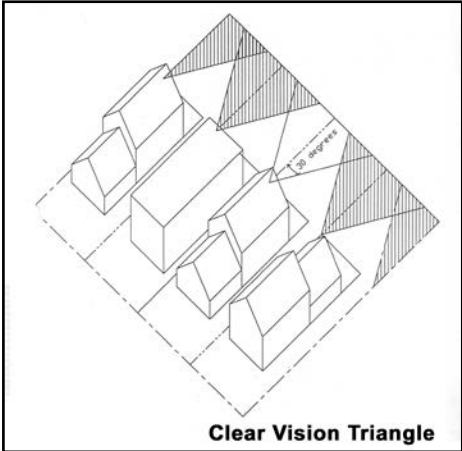
Section 5.201 Front Yards.

- A. **Use.** Any portion of a lot in front of the building line shall be used for ornamental purposes only and nothing shall be placed thereon except porches, fences, trees, shrubs or items of similar nature.
- B. **Modification of Required Front Yard.** When the average front yard setback of the existing primary structures on two or more lots located within 200 feet of either side of a lot in the Lakeside Residential (R-1) District is less than the minimum front yard requirement specified in Section 5.101 (Table of Dimensional Standards by District), the required front yard of such lot shall be modified. The modified front yard shall be equal to the average of the front yard setbacks of those lots located within 200 feet to either side of such lot. If a corner lot, the average shall only consider those lots within 200 feet to one direction, within the same block. (Amended 2008).
- C. **Corner lots.** Buildings and structures located on corner lots shall comply with the minimum front yard setback requirements from all road rights-of-way. Such lots shall be deemed to have two (2) front yards, for the purposes of this Ordinance.
- D. **Double frontage lots.** Where a block of double frontage lots exist, one (1) road may be designated by the Zoning Administrator as the front road for all lots in the block, otherwise all buildings and structures located on such lots shall comply with the minimum front yard setback requirements from all road rights-of-way.

Section 5.202 Waterfront Yards.

The following standards will apply to all new residential development with frontage on Marble Lake or First Lake, any other Lake in the Township, or any of their canals.

- A. **Waterfront Yard Setbacks.** For the purpose of determining the required setback for a lot located on a waterway, a fifty (50) feet minimum waterfront yard setback is required.
- B. **Modification of Waterfront Yard Setbacks.** When the average waterfront yard setback of the existing primary structures on two or more lots located within 200 feet of either side of a lot in the Lakeside Residential (R-1) District is less than the minimum waterfront yard requirement specified above, the required waterfront yard of such lot shall be modified. The modified waterfront yard shall be equal to the average of the waterfront yard setbacks of those lots located within 200 feet to either side of such lot. (Amended 2008)
- C. **Fences.** Fences shall not be permitted within the waterfront yard.
- D. **Clear Vision Triangles.** Each lot shall maintain clear vision triangles along both side lot lines between the waterfront yard



setback and the shoreline. The area within clear vision triangles shall be maintained free of recreation vehicles, waterfront structures, accessory buildings, and plant material over the height of three (3) feet.

Clear Vision triangles shall be bounded by the following sides:

1. The side lot line;
2. The shorelines; and
3. A line that commences at the intersection of the side lot line and waterfront yard setback and runs toward the shoreline at a thirty (30) degree angle from the side lot line.

Section 5.203 Rear Yards.

- A. In all districts where alleys exist, the measurement of the rear yard setback for primary buildings may include one-half (1/2) the width of the alley.
- B. **Modification of Required Rear Yard.** When the average rear yard setback of the existing primary structures on two or more lots located within 200 feet of either side of a lot in the Lakeside Residential (R-1) District is less than the minimum rear yard requirement specified in Section 5.101 (Table of Dimensional Standards by District), the required rear yard of such lot shall be modified. The modified rear yard shall be equal to the average of the rear yard setbacks of those lots located within 200 feet of such lot. If a corner lot, the average shall only consider those lots within 200 feet to one direction, within the same block. (Ord. XX-08, XX/2008)

Section 5.204 Height Exceptions.

- A. **Residential Exceptions.** Chimneys, elevator towers, mechanical equipment and similar structures shall not be included in calculating the height of the primary building, provided that the total area covered by such structures shall not exceed twenty percent (20%) of the roof area of the building.
- B. **Public/Semi-Public Exceptions.** Church spires, public monuments, and water towers shall not be included in calculating the height of the primary building.
- C. **Farm Exceptions.** Barns, windmills, silos, and other structures related to agriculture production shall not be subject to height regulations and as such, shall not be included in calculated the height of the primary building.

Section 5.205 Permitted Yard Encroachments.

- A. **Architectural features.** Certain architectural features, such as cornices, eaves, gutters, chimneys, pilasters and similar features may project no farther than three feet (3') into a required front yard, five feet (5') into a required rear yard or waterfront yard, and two feet (2') into a required side yard.
- B. **Porches, decks and patios.** An unenclosed deck, balcony, porch, patio or window awning may project up to eight feet (8') into a required front yard, and up to twelve feet (12') into a required rear yard or waterfront yard. Projection into a required side yard shall be prohibited. In no case shall a deck, balcony, porch, patio or window awning be placed closer than five feet (5') to any property line.

Section 5.206 Continued Conformity With Yard and Bulk Regulations.

The maintenance of yards and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, for as long as the building is in existence.

No portion of a lot used in complying with the provisions of this Ordinance in connection with an existing or planned building, shall again be used to qualify or justify any other building or structure existing or intended to exist at the same time.

Section 5.207 Lot Size in Agriculture (A) District

Creation of lots or parcels that are less than forty (40) acres may be permitted in the following instances:

- A. When the lot or parcel that is less than forty (40) acres is an entire quarter-quarter section or a half of a half of a quarter section, or
- B. When the land division creation the new lot or parcel would permit use of the land in accordance with the purposes of the Agriculture (A) District (see Section 2.103) and with the Township Master Plan, and where the existing parent parcel being divided is between seventy-four (74) and eighty (80) acres. In this instance, a lot or a parcel being created through land division may be as small as thirty-five (35) acres.

Section 5.208 Dwellings Per Lot, Parcel, or Building Site

No more than one dwelling shall be permitted per lot, parcel, or building site unless otherwise permitted under the provisions of this Ordinance (Amended 2006).

CHAPTER 3 GENERAL DIMENSIONAL STANDARDS

Section 5.301 Standard Methods of Measurement.

When determining compliance with the provisions of this Ordinance, the following standardized method for measurement shall apply:

- A. **Overhangs.** When the overhang is twelve inches (12”) or less, not including the gutter, setback measurements shall be taken from the outside wall of the building. When the overhang exceeds twelve inches (12”), not including the gutter, setback measurements shall be taken from the edge of the overhang.
- B. **Building coverage.** Accessory buildings (attached or unattached) and other structures, porches, patios and decks shall be deemed a part of the primary building for the purpose of determining compliance with the building coverage requirements of this Ordinance.
- C. **Grade.** The surface plane representing the average of the finished ground level at any point within a site shall be determined as follows:
 - 1. **Average grade.** The arithmetic average of the lowest and highest grade elevations in an area within five feet (5’) radius of any point on a site.
 - 2. **Finished (building) grade.** The lowest point of intersection between the vertical plane of the exterior wall of a structure and the horizontal plane of the ground surface. Where the ground is not level, the grade shall be determined by averaging the finished grade for each face of the building.
- D. **Buildable lot area, open space and recreation area calculations.** In calculation of areas required to maintain specific densities, open space requirements and similar needs, no lot, parcel or portion of same shall be used more than once in such calculation, nor shall adjacent outlets or other open space be used in lieu of space contained within the stated boundaries of the subject lot or parcel.
 - 1. Lakes, ponds, state or federally regulated wetlands, overhead utility easements, public road right-of-ways and private road easements are excluded from area calculations for buildable lot area.
 - 2. Areas lying within a delineated wetland area or drain easement be considered or counted for more than twenty percent (20%) of the total minimum open space requirement of this Ordinance.
 - 3. No area which, for the purpose of a building or dwelling group, has been counted or calculated as part of a side yard, rear yard, front yard or other open space required by this Ordinance may be counted or calculated to satisfy any open space or recreation area requirement of this Ordinance.
- E. **Floor area.** Measurements of floor area shall be based upon distance between exterior surface of enclosing walls and between center lines of common partition walls for each living unit, and the following:

1. **Gross floor area (GFA).** The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, including a basement floor area where more than one-half (½) of the basement height is above the established lot grade at the building.
2. **Usable floor area (UFA).** Eighty percent (80%) of the gross floor area of a building, or that portion of the building area, measured from the interior face of the exterior walls, intended for services to the public or to customers, patrons, clients or patients, and excluding areas intended for storage of merchandise, utility or mechanical equipment rooms or sanitary facilities (for example, the UFA of a restaurant includes the food preparation, dining and serving areas, but not the restrooms, freezer or pantry areas - see illustration on page 5-2). Usable floor area shall have a minimum clear height of four feet (4') or more.

Section 5.302 Area and Yard Regulations.

No structure shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the yard and area regulations of the district in which the structure is located unless approved by the Township in conformance with the Open Space Preservation Option standards or the Nonconforming Lots of Record regulations described herein. No new lot shall be created unless said lot complies with all of the dimensional standards (including lot area and width) of the zoning district where it is located. No lot, adjacent lots in common ownership, required yard, parking area or other required open space shall be created, divided or reduced in dimensions or area below the minimum requirements of this Ordinance. Exceptions to this standard shall be granted only in those instances when the Township has approved a development option using the Open Space Preservation standards or the Nonconforming Lots of Record regulations. (Amended 2004)

Section 5.303 Frontage and Access Required.

No zoning permit shall be issued for any use located on any lot or parcel of land in the Township created after the effective date of this Ordinance that does not abut and have adequate frontage on and access to an approved road of the Branch County Road Commission. (Ord. 07-04, 11/3/2004)

Section 5.304 Building Grades.

No person, firm or corporation shall alter an established surface drainage grade to the extent that normal surface drainage is materially obstructed or retarded.

Any structure requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the structure. The balance of yard spaces shall be graded and adequate drainage provided where necessary to deflect proper drainage of surface waters from the said premises.

A sloping earth grade shall be maintained and established from the center of the front line to the finish grade line at the building front and from the rear wall of the buildings to the rear lot line. The height of the finish grade line of any dwelling shall not be less than twelve inches (12”) nor more than eighteen inches (18”) above the curb or crown of the abutting road measured from the center of the front of the building.

When a new building is constructed on a vacant lot between two (2) existing buildings or adjacent to an existing building, the existing established grade shall be used in determining the grade around the new

Article 5 – Dimensional Standards

building and the yard around the new building shall be graded in such a manner as to prevent run-off of surface water flowing onto the adjacent properties.