

## **ARTICLE 5.00**

### **GENERAL PROVISIONS**

#### **Section 5.01      Administrative Provisions**

**A.      Scope of Regulations**

No structure or part thereof shall be located, moved, erected, constructed, reconstructed, altered, converted, enlarged or maintained; nor shall any structure on land be utilized or designed to be utilized unless in full compliance with the provisions of this Ordinance.

**B.      Minimum Requirements**

The provisions of this Ordinance shall be held to be minimum standards and requirements within each District, as well as conform to the Michigan Construction Code as adopted by the Bangor Township Board, and shall not preclude the establishment of higher or more restrictive standards or requirements for the authorization of any special use permit where such higher or more restrictive standards or requirements are found necessary by the Planning Commission and Township Board to attain the intent of this Ordinance.

**C.      Non-Abrogation of Other Ordinances or Agreements**

This ordinance is not intended to abrogate or annul any ordinance, rule, regulation, permit, easement, covenant, or other agreement previously adopted, issued, or entered into and not in conflict with the provisions of this Ordinance.

However, where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than other such ordinances, rules, regulations, permits, easements, covenants, or other private agreements, the requirements of this Ordinance shall govern.

**D.      Vested Right**

Nothing in this chapter shall be interpreted as or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein. Furthermore, such rights as may exist through enforcement of this Ordinance are hereby declared to be subject to subsequent amendment, change or modification as may be necessary for the preservation or protection of public health, safety and welfare.

**E.      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 5.02 Allowable Uses

Only the following use of land, buildings, or structures shall be allowed in the Township:

- A. Uses lawfully established on the effective date of this Ordinance.
- B. Uses for which a land use permit has been issued.
- C. Permitted principal and accessory uses in the applicable zoning district, subject to the requirements specified.
- D. Conditional and special uses in the applicable zoning district, subject conditions and requirements specified.
- E. Temporary uses subject to the requirements specified.

## Section 5.03 Accessory Structures and Uses

Except as otherwise permitted in this Ordinance, all accessory structures and uses shall be subject to the regulations that follow:

### A. General Requirements

#### 1. Timing of Construction

No accessory building or structure shall be constructed or use established on a parcel unless there is a principal building, structure, or use being constructed or already established on the same parcel of land, except for permitted accessory agricultural buildings, structures or uses.

#### 2. Site Plan Approval

If submission of a site plan for review and approval is required, then the site plan shall indicate the location of proposed accessory buildings, structures, or uses.

#### 3. Nuisances

Accessory uses such as household animal enclosures, dog runs, central air conditioning units, heat pumps, and other mechanical equipment that produce noise, odors, or other nuisances shall not be located adjacent to an adjoining property owner's living or sleeping area where windows and/or doors would be exposed to the nuisance.

#### 4. Conformance with Lot Coverage Standards

Accessory buildings and structures shall be included in computations to determine compliance with maximum lot coverage standards, where required.

#### 5. Location in Proximity to Easements or Rights-of-Way

Accessory buildings, structures, or uses shall not be located within a dedicated easement or right-of-way.

#### 6. Use of Accessory Structures

Attached and detached accessory buildings or structures in residential districts shall not be used as dwelling units or for any business, profession, trade or occupation. Except for a permitted home occupation as defined in Article 3.00, an accessory garage on a residential parcel shall be used only for the storage of vehicles, equipment or materials

used by the occupants or recreational use by the occupants of the residence to which it is an accessory.

**7. Applicability of Other Codes and Ordinances**

Accessory buildings and structures shall be subject to all other applicable codes and ordinances regarding construction, installation, and operation.

**8. Conformance with Schedule of Regulations**

All accessory buildings and structures in any District shall adhere to the pertinent requirements detailed in Article 16.00, Schedule of Regulations.

**9. Accessory Building Permits**

Accessory buildings over 200 square feet shall obtain a building permit. Accessory buildings which are 200 square feet or less shall obtain a zoning permit. Permit fees shall be set by resolution of the Bangor Township Board of Trustees. (amended 10/10/06)

**B. Attached Accessory Buildings**

Unless otherwise specified in this Section, accessory buildings or structures which are attached to the principal building (such as an attached garage, breezeway, or workshop) or located within ten (10) feet of the principal building shall be considered a part of the principal building and shall conform to the area, setback, height, and bulk requirements of Article 16.00 Schedule of Regulations.

**C. Detached Accessory Buildings**

1. An accessory building and/or private residential garage which is connected to or within ten (10) feet of the principal building shall be considered a part of, and subject to the same yard setback requirements as the principal building. An accessory building and/or private residential garage which is not connected to or within ten (10) feet of the principal building shall be located in the side or rear yard except as follows:

- a. For a waterfront lot, a private residential garage may be located in the front yard, provided the structure is not located closer than ten (10) feet to the right-of-way or front lot line.
- b. On a corner lot, an accessory building and/or private residential garage erected in the side yard shall not project into the front yard setback line.

2. For a waterfront lot, accessory buildings and/or accessory structures shall not be erected in any waterfront yard except the following:

- a. Pump houses not exceeding four (4) feet in height, not closer than five (5) feet to any side lot line, and not larger than six (6) square feet at the base.
- b. Decks which are not more than sixteen (16) inches above the existing grade.
- c. Swimming pools and/or other types of accessory structures unless the Board of Appeals, following a public hearing, determines that the installation of the swimming pool and/or other accessory structure in the location and configuration proposed shall not interfere with or otherwise impede the enjoyment of the waterfront view from those immediately adjacent lots and based upon existing conditions unique to the waterfront lot in question and to those immediately adjacent to it, and no closer than forty (40) feet to the average high water mark of 578.34 feet above the mean water lever at Father Point, Quebec (International Great Lakes Datum 1955), or closer than ten (10) feet to either side lot line.

- d. Seawalls as permitted by the U.S. Army Corps of Engineers and/or the Michigan Department of Natural Resources provided they do not exceed a height greater than:
    - (1) 584.76 feet above the mean water level at Father Point, Quebec (International Great Lakes Datum 1955) (hereinafter IGLD), or
    - (2) the average height of existing seawalls within two hundred (200) feet of the proposed wall and on either side of the lot; provided, however, that when the Saginaw Bay has a recorded mean water level above 580.00 feet IGLD, temporary vertical extensions to a maximum height of 587.76 feet IGLD may exist until the recorded mean water level is at or below 580.00 feet IGLD.
 Seawalls that exceed the maximum height specified above may be permitted by the Zoning Board of Appeals, following a public hearing. The Zoning Board of Appeals shall:
    - (1) consider the unique characteristics of the lot in question, including its shoreline contours, geographical location, prevailing winds and/or wave action, elevation and the impact upon the waterfront view from those immediately adjacent lots.
  - e. Snow fences which are temporary in nature between November 1 and March 31, which do not exceed four (4) feet in height and are not closer than fifteen (15) feet to the water's edge on November 1.
  - f. On a waterfront lot an accessory garage may be located in the front yard, but not closer than ten (10) feet to the street right-of-way line.
  - g. On a corner lot, an accessory building erected at the side lot line shall not project into the front yard setback line.
3. Unless specifically provided for otherwise elsewhere in the Zoning Ordinance, a residential accessory building shall not:
- a. Be occupied for dwelling purposes;
  - b. Except as modified in 5 below, be located closer than ten (10) feet to any front, side or rear lot line unless eave troughs in good working order are maintained on said building which allow for the discharge of rain water into the interior of the lot or into a drainage system which discharges into a public storm drain. In the event eave troughs are provided, then the building may not be located closer than five (5) feet to any lot line.
  - c. Exceed one (1) story or twenty (20) feet in height.
  - d. Have more than one (1) door exceeding twelve (12) feet in height; and, (amended 10/10/06)
  - e. An accessory structure or garage which is attached to the principal dwelling shall not exceed three-fourths ( $\frac{3}{4}$ ) of the floor area of the principal dwelling. If the accessory structure or garage is detached, the total floor area shall not exceed the following, to-wit:
    - (1) On any lot less than 13,500 square feet of net lot area, eight (8%) percent of the net lot area or one thousand (1,000) square feet, whichever is smaller.
    - (2) On any lot equal to or greater than 13,500 square feet but less than 20,000 square feet of net lot area, seven (7%) percent of the net lot area or twelve hundred (1,200) square feet whichever is smaller.
    - (3) On any lot equal to or greater than 20,000 square feet but less than 24,000 square feet, an accessory building may not exceed 1,200 square feet; for lots equal to or greater than 24,000 square feet but less than 43,560 square feet (1 acre) of net lot area, an accessory building may not exceed the lesser of (i) 1,500 square feet or (ii) five (5%) percent of the

- net lot area, whichever is smaller; and the accessory building may not be located closer than ten (10) feet to any lot line. (amended 10/10/06)
- (4) On any lot equal to or greater than 43,560 square feet (1 acre) of net lot area it shall not exceed two thousand (2,000) square feet plus one thousand (1,000) square feet for each additional 43,560 square feet (1 acre) of net lot area to a maximum of six thousand (6,000) square feet; provided that said structure shall not be located closer than ten (10) feet to any lot line.
  - (5) No residential accessory building shall be permitted in any zoned residential district unless a residential structure already exists on the parcel where the proposed residential accessory building is to be located.

Unless otherwise specified in this Section, accessory buildings or structures which are not connected to or located within ten (10) feet of the principal building shall conform to the area, height, setback, and bulk requirements of Article 16.00, Schedule of Regulations. For purposes of these regulations, portable canopies and other temporary buildings that may be erected to provide shelter for vehicles or equipment shall be considered a type of detached accessory building and shall be subject to the standards of this section.

**D. Exceptions to Accessory Structure Standards**

Children’s play equipment may be permitted in a required side or rear yard, but shall be located at least three (3) feet from any property line.

**Section 5.04 Lawful Use of a Structure as a Dwelling Unit**

Except as otherwise specifically provided herein, no dwelling shall be erected in a commercial or industrial district, except for the living quarters of a watchman, caretaker or business owner (the “authorized resident”) when such dwelling is maintained as part of the structure that also houses the business. Any such dwelling shall be structurally part of the main structure housing the business and shall be permanently affixed to the ground, constructed in accordance with the adopted building code, and provided with plumbing, heating, bathroom, and kitchen facilities. In no case shall the living quarters be used as a permanent single-family residence by anyone other than the authorized resident and the immediate family of the authorized resident.

**Section 5.05 Residential Design Standards**

**A. Scope**

The purpose of this section is to establish standards governing the design and appearance of all residential structures, including manufactured homes, when developed on individual lots or home sites in Bangor Township. It is the intent of these regulations to allow a mix of housing types and living styles in a manner that does not adversely affect existing neighborhoods. Any residential structure shall be erected or constructed only if in compliance with the following residential design standards.

**B. General Requirements**

**1. Area and Bulk Regulations**

Any residential structure, including any manufactured home dwelling unit, shall comply with the minimum floor area requirements specified for the zoning district where such structure is located. A home shall comply with all regulations required for housing in the zoning district in which the home is located.

2. **Foundation**  
 Every residential structure, including a manufactured home, shall be placed on a permanent foundation to form a complete enclosure under the exterior walls. The foundation shall be constructed in accordance with the adopted building code. A manufactured home shall be securely anchored to its foundation in order to prevent displacement during windstorms. The wheels, tongue and hitch assembly, and other towing appurtenances, shall be removed before attaching a manufactured home to its permanent foundation.
  
3. **Other Regulations**  
 Residential structures shall be constructed in compliance with applicable State, Federal, or local laws or ordinances, including the Michigan State Construction Code. Manufactured homes shall comply with the most recent regulations specified by the United States Department of Housing and Urban Development, Manufactured Home Construction and Safety Standards (24CFR3280), as amended.
  
4. **Location**  
 For the purposes of this Ordinance a manufactured home may be located on an individual lot in any of the zoning districts which allow for the development of single family residential structures, subject further to the regulations contained herein.
  
5. **Attachments**  
 Any exterior attachments or extensions onto a dwelling unit, such as entry steps and storage buildings, shall comply with the adopted building code. An extension or attachment to the main dwelling unit that is less than fifteen (15) feet wide shall not project more than fifteen (15) feet from nearest exterior wall of the main structure.
  
6. **Services**  
 Any residential structure shall be connected to a waste treatment and potable water supply system approved by the Bay County Health Department.
  
7. **Design Compatibility Requirements**  
 To insure the compatibility in appearance with existing homes in the Township, dwelling units erected after the effective date of this Ordinance shall comply with the general requirements set forth above, and with the following design and site standards.
  
8. **Roof Pitch**  
 The pitch of the main roof shall have a minimum vertical rise of one (1) foot for each four (4) feet (4:12 pitch) of horizontal run, and the minimum distance from the eaves to the ridge shall be ten (10) feet, except where the specific housing design dictates otherwise (such as, French provincial or Italianate).
  
9. **Roof Drainage**  
 Dwellings shall be designed with a minimum six (6) inch roof overhang on all sides or an eave with a roof drainage system that will collect and concentrate the roof discharge of storm water or snow away from the sides of the dwelling into the interior of the lot or into a public drainage system. The roof shall have wood shake, asphaltic or other shingles or other materials commonly used in standard residential construction.
  
10. **Exterior Materials**  
 The exterior siding of a manufactured home or manufactured dwelling shall consist of materials that are generally acceptable for existing housing in the vicinity, provided that

the reflection from such exterior surface shall be no greater than from white semi-gloss exterior enamel, and provided further that any such exterior is comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.

11. **Dimensions**

The dimensions and placement of dwellings shall be comparable to typical dimensions and placement of existing housing in the vicinity. Therefore, a dwelling shall be located on the lot so that the minimum width of the front elevation is no less than thirty (30) feet and the minimum dimension along any side or rear elevation is no less than twenty-four (24) feet. If there are any extensions or additions off of the front of the dwelling, the minimum width of any such secondary front elevation shall be twenty-four (24) feet. Such dimensions shall be measured from the outer extremities and shall include additions to the main body of the home, such as living or recreation rooms, garages, carport, utility rooms, and the like, the front portions of which are within ten (10) feet of the front of the main body of the dwelling. (amended 09/29/08)

12. **Perimeter Foundation Wall**

Every dwelling shall have a wall of the same perimeter dimensions as the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that a manufactured dwelling is installed pursuant to the manufacturer's setup instructions, such dwelling shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Manufactured Housing Commission and shall have a perimeter wall as required above.

13. **Exterior Doors**

Dwellings shall have no less than two exterior doors that shall not be located on the same side of the building. Where required because of a difference in elevation, all exterior doors shall be provided with steps constructed in accordance with the Michigan Building Code.

14. **Manufactured Home Compliance**

Manufactured homes that do not conform to the above mentioned standards shall not be used for dwelling purposes within the Township unless located within a licensed manufactured home park, or unless used for temporary residential purposes.

15. **Accessory Structures**

Detached accessory structures, as permitted in this Ordinance shall be built to the adopted Building Code. If the accessory structure is attached to the house it shall be similar in material and integrity and meet the construction standards of the HUD National Manufactured Housing Construction and Safety Standards Act of 1974 or the Michigan Construction Code, as applicable.

16. **Permits**

No manufactured home or manufactured dwelling unit shall be delivered to any lot in Bangor Township until it is shown that the requirements of the Ordinance can be met. Prior to the installation of a manufactured home or manufactured house on a residential lot, the individual shall obtain a building permit from the Building Official.

**Section 5.06 Minimum Street Frontage**

Every principal building and use shall be located on a lot having frontage for its full, required width on a public street or an approved private street; except that, lots that front a on a cul-de-sac or on a curve with an

angle less than 135% shall have street frontage of at least 50 feet. Multi-family, commercial and industrial developments need not front each structure on such streets or roads provided that safe and convenient access for vehicle circulation, servicing, fire protection, off-street parking and loading, and for the provision of adequate light and air can be assured in a site plan submitted for Township approval. No one or two family residence shall be located behind another one or two family residence unless the area requirements of the Zoning District are met and the minimum frontage as required above is provided.

### **Section 5.06.01 Private Street Permits**

- A. No private street shall be constructed or used within the Charter Township of Bangor unless a Private Street Permit has been obtained in accordance with the following procedure.
- B. An application shall be made to the Township which shall be signed, dated and shall have attached any and all required data, exhibits, and information, and the required fee as established by resolution of the Township Board and as may be amended from time to time. No portion of such fee shall be reimbursable to the applicant.
- C. An application for a private street shall contain the following information.
  - 1. Applicant's name, address and telephone number.
  - 2. Address, tax description and legal description of the subject parcel.
  - 3. A signed statement that the applicant is the owner of the subject parcel or is acting as the owner's representative.
  - 4. Fifteen (15) copies of a preliminary street plan prepared by a registered professional engineer at a scale no less than one inch equals two hundred feet. The plan shall clearly indicate the location of the private street, the length of the private street and all parcels that will be served by the private street. The plans shall also indicate any other facilities that will be located within the street right-of-way such as, but not limited to, storm drainage, sanitary sewers, water mains, natural gas lines and underground electric and telephone lines.
  - 5. Proposed deed restrictions or conveyances that indicate the following:
    - a. How permanent access for pedestrian and vehicular traffic will be assured for each parcel.
    - b. That the Charter Township of Bangor has a right to construct public or semi-public utility systems within the private street right-of-way.
    - c. That the Charter Township of Bangor and/or the Bay County Road Commission will not be responsible for maintaining, snowplowing or improving the private street, or constructing public or semi-public utility systems within the street and a methodology for assessing and collecting the costs of such maintenance or improvements which is the responsibility of the parcels served by the private street.
    - d. How the ownership of the land within the private road right-of-way will be held for purposes of assessing and collecting property taxes.
- D. Upon receipt of a completed application, the Township shall transmit the completed application to the Planning Commission and place it on the agenda of the next regularly scheduled meeting of the Planning Commission.

- E. The Planning Commission shall review the particular circumstances and facts applicable to each proposed private street in terms of the following standards and requirements and shall make a determination as to whether the proposed street to be developed on the subject parcel meets the following standards and requirements:
1. Will it be consistent with and in accordance with the general objectives, intent, and purposes of this Zoning Ordinance.
  2. Will it be designed, constructed, operated, maintained, and managed so as to be compatible with existing adjacent land uses and appropriate in appearance with the existing or intended character of the general vicinity.
  3. Will it be served adequately by essential public facilities and services including but not limited to highways, streets, police and fire protection, drainage structures, municipal sanitary sewer and water, refuse disposal, or that parties or agencies responsible for the establishment of the proposed use shall be able to economically provide any such service together with sufficient deed restrictions and/or easements to accomplish the said purpose.
  4. Will it be consistent in assuring that the general public health, safety and welfare will not be infringed upon.
  5. Will it be in complete compliance with the standards listed in subsection H., below.

The Planning Commission may recommend that the application be denied, approved or approved with conditions. The recommendation on the private street shall be incorporated in a statement containing the conclusions relative to the private street under consideration which specifies the basis for the decision and any conditions imposed. The Planning Commission shall forward the statement of findings to the Township Board.

- F. Upon receipt of the recommendation from the Planning Commission, the Township Board shall consider the matter at its next regularly scheduled meeting. Based on the specific facts of each application, the Township Board may either approve or deny the private street permit or grant approval subject to conditions deemed reasonable by the Township Board.
- G. Any decision of the Township Board shall be final and any appeal from it shall be to the Bay County Circuit Court within 21 days of the final decision of the Board.
- H. Prior to the start of construction, engineering plans, sealed by a registered professional engineer, shall be submitted to the Township Board for approval. All plans shall be in accordance with the Board of County Road Commissioners County of Bay Alternate Design Standards except for the following:
1. A paved surface is not required.
  2. The length of a private street shall not exceed 900 feet as measured from a public street to the radius point of a turnaround.
  3. A private street shall not provide access to more than eight parcels.
- I. An applicant for a private street permit shall also comply with the following requirements:
1. Provide waterline easements to the Township and where abutting parcels are to be served with public water install water lines according to Township specifications prior to acceptance by the Township.

2. Where public sewers are within 200 feet of the intersection of the private street and a public street there shall be provided the following:
  - a. Easements to the Township for sanitary sewers;
  - b. Construction of sanitary sewers according to the specifications of the Township and connection to the public sewer;
  - c. Dedication of the sanitary sewer to the Township.
3. Provide a street sign approved by the Bay county Road Commission.
  - a. Property owner must request in writing to the Bangor Township Supervisor the installation of a street sign and its location and also agree to incur the expense of the sign and its installation.
  - b. After receiving the request, the Township shall request an estimate for the installation of the sign from the Bay County Road Commission.
  - c. After receipt of the estimate, the Township will require payment prior to the sign installation.

## **Section 5.07 Temporary Buildings, Structures and Uses**

### **A. Temporary Structures Used for Dwelling Purposes**

A manufactured home, trailer coach or other approved living quarters may be occupied as a residence on a temporary basis on a site during the period of construction, major repair or remodeling of a single family dwelling. Only the owner of the dwelling site and the owner's family, may be permitted to occupy the temporary residence located at the construction site provided that the owner intends to occupy the permanent dwelling unit as a residence upon completion of its construction.

1. **Permit Duration**

Permits for temporary occupancy may be issued by the Township Building Official for up to three (3) months in duration and may be renewed for a period of up to three (3) months, provided that work is proceeding in an expeditious manner. The total duration of a temporary permit shall not exceed twelve (12) months.
2. **Application Requirements**

An application for a temporary occupancy permit shall be made to the Bangor Township Building Official. Prior to the issuance of a temporary building permit, the applicant shall provide the following information:

  - a) A building permit for the dwelling to be constructed
  - b) Evidence to demonstrate that sanitary facilities, refuse, and water facilities will be provided in conformance with this section.
3. **Setbacks**

Temporary dwellings shall comply with the setback standards for the zoning district in which they are located.

4. **Accommodations**  
A temporary dwelling shall contain sleeping accommodations, flush toilet(s), and tub or shower bath adequate to serve the inhabitants thereof.
5. **Sanitary Facilities**  
The sanitary facilities of the temporary dwelling for the disposal of sewage and waste shall be properly connected to the public sewage system available at such premises, or in cases where a public system is not available, it shall be properly connected to a septic tank and drain field approved by the Bay County Health Department for the dwelling to be constructed at the location.
6. **Water Facilities**  
The fresh water facilities of the temporary dwelling shall be properly connected to the public water system available at such premises, or in cases where a public system is not available, it shall be properly connected to a source approved by the Bay County Health Department for the dwelling to be constructed on the premises.
7. **Refuse**  
No occupant of the temporary dwelling shall cause or permit waste to be discharged upon the ground surface of the premises nor cause or permit refuse to accumulate or remain upon the ground surface.

**B. Other Temporary Buildings, Structures, and Uses**

1. **Temporary Buildings Associated with Approved Construction Activities**  
Temporary buildings and trailers associated with approved construction activities shall be permitted on the site of such activities.
  - a) **Permits.**  
Permits for temporary occupancy may be issued by the Township Building Official for up to three (3) months in duration and may be renewed for a period of up to three (3) months, provided that work is proceeding in an expeditious manner. The total duration of a temporary permit shall not exceed twelve (12) months. The Planning Commission may issue an additional permit once the initial twelve (12) month period has expired and such permit shall not exceed six (6) months.
  - b) **Application Requirements**  
An application for a temporary permit shall be made to the Bangor Township Building Official. Prior to the issuance of a temporary building permit, the applicant shall provide the following information:
    - 1) A building permit for the dwelling to be constructed
    - 2) Evidence to demonstrate that sanitary facilities, refuse, and water facilities will be provided in conformance with this section.
  - c) **Setbacks**  
Temporary buildings shall comply with the setback standards for the zoning district in which they are located.

d) **Refuse**

No occupant or user of the temporary building shall cause or permit waste to be discharged upon the ground surface of the premises nor cause or permit refuse to accumulate or remain upon the ground surface.

## **Section 5.08      General Yard and Bulk Regulations**

All lots, buildings, and structures shall comply with the following general yard and bulk regulations unless specifically stated otherwise in this Ordinance:

### **A.      Minimum Lot Size**

Every building hereafter erected on a lot or parcel of land created subsequent to the effective date of this Ordinance, shall comply with the lot size, lot coverage, and setback requirements for the district in which it is located. No building permit shall be issued for the construction of a building that does not comply. No yards in existence on the effective date of this Ordinance, shall subsequently be reduced below, or further reduced if already less than, the minimum yard requirements of this Ordinance, nor shall any such yard be counted, calculated or used to satisfy yard requirements pertaining to any other building.

### **B.      Corner and Double Frontage Lots**

Lots that abut on more than one public or private road shall provide the required front yards along every public or private road

### **C.      Waterfront Lots**

Lots that abut on a lake, pond, or stream shall provide the required front yard along the waterfront and along every public or private road.

### **D.      Setbacks and Building Location**

All front yard setbacks shall be measured perpendicularly from the right-of-way line of any abutting public or private road or water line of and private or public body of water or stream which abuts, adjoins, is contiguous to or located upon such lot. All side and rear yards setbacks shall be measured perpendicularly from the side or rear lot line as appropriate.

Whenever the ground slope in a required side yard setback in any zoning district exceeds a height to width ratio of one to four (1:4), the owner or occupant of the lot shall install within the required side yard setback area a storm water drain sufficient to cause surface water to drain to the nearest storm drain or road drain which is capable of accepting such flow. In the event no storm drain or road drain is available to accept such flow, the owner or occupant shall construct a ditch or otherwise prevent surface water from flowing onto adjacent property. Any such drainage improvements are subject to the review and approval of the Township Building Official.

### **E.      Projections into Required Yard Setbacks**

Fire escapes, fire towers, chimneys, fireplaces, platforms, balconies, boiler flues, and other projections shall be considered part of the building, subject to the setback requirements for the district in which the building is located. The following table identifies permitted projections in required yards.

Projection or Structure	All Yards	Rear Yard	Side yard	Front Yard
Air conditioning condenser	--	X	X	--
Arbors or trellises	X	--	--	--
Awnings projecting less than 10% of yard depth	X	--	--	--
Fences*	--	X	X	--
Flagpoles	X	--	--	--
Gardens	X	--	--	--
Gutters	X	--	--	--
Hedges	--	X	X	--
Laundry lines	--	X	--	--
Ornamental lighting	X	--	--	--
Paved terraces, decks, porches	--	X	--	--
Play equipment	--	X	X	--
Trees, shrubs, flowers	X	--	--	--
Unroofed exterior steps	X	--	--	--
Walls*	--	X	X	--
Window air conditioning units	X	--	--	--

\* See additional regulations in this Ordinance X = Permitted

**Notes Related to Table**

1. **Architectural Features**

Bay windows, window sills, belt courses, cornices, eaves, roof overhangs, and other architectural features may project into a required yard not more than twenty-four (24) inches.

2. **Terraces/Decks/Porches**

Open paved terraces, decks, or porches may project into a required rear yard up to ten (10) feet, provided that the unoccupied portion of the rear yard has a depth of at least twenty-five (25) feet.

3. **Access Drives and Walkways**

Access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. Further, any walk, terrace or other pavement serving a like function, shall be permitted in any required yard, providing the pavement is no higher than nine (9) inches above grade.

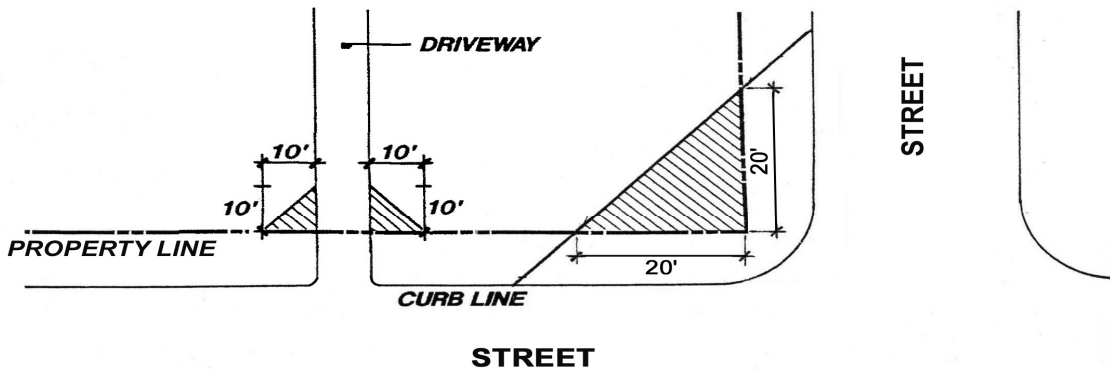
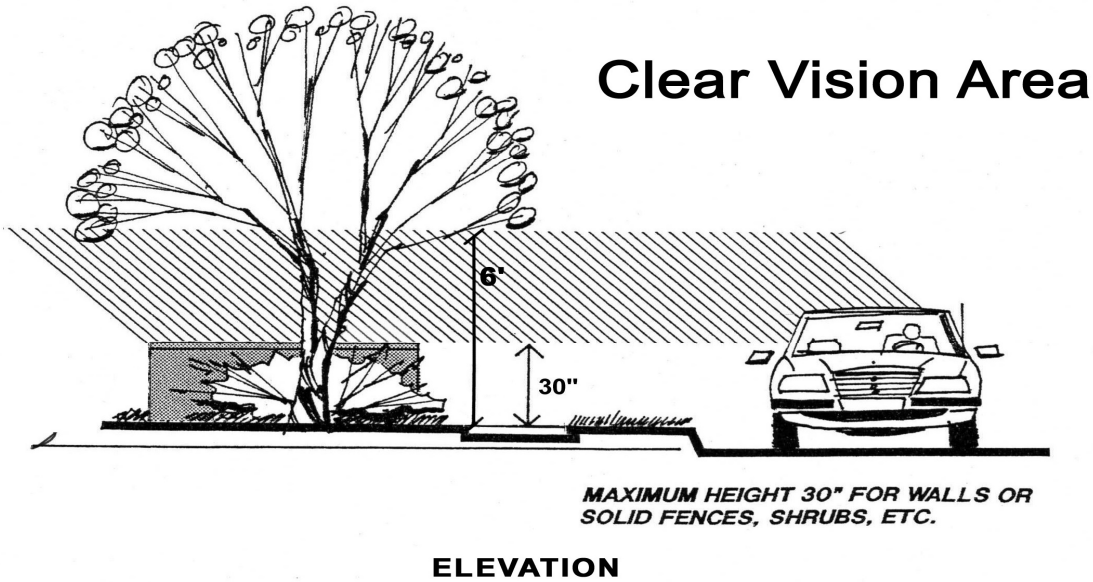
F. **Clear Vision Area**

No structure, wall, fence or planting shall be erected, established or maintained on any lot which will obstruct the view of drivers in vehicles approaching an intersection of two roads or the intersection of a road and a driveway (see diagram). Fences, walls, structures, or plantings located in the triangular area described below shall not obstruct vision between a height of thirty (30) inches and six (6) feet above the lowest point of the intersecting road(s).

Trees shall be permitted in the triangular area provided that limbs and foliage are trimmed so that they do not extend into the clear vision area or otherwise create a traffic hazard. Landscaping, except required grass or ground cover, shall not be located closer than three (3) feet to the edge of any driveway or road pavement within the triangular area.

The unobstructed triangular area is described as follows: the area formed at the corner intersection of two road right-of-way lines; the two (2) sides of the triangular area being twenty

(20) feet in length measured along abutting public rights-of-way lines, and third side being a line connecting these two sides, or the area formed at the corner intersection of a public right-of-way and a driveway, the two (2) sides of the triangular area being ten (10) feet in length measured along the right -of-way line and edge of the line driveway, and the third side being a line connecting these two sides. (See Illustration “Clear Vision Area”)



**Section 5.09 Relocation of Buildings**

No existing building or structure shall be relocated upon any parcel or lot in Bangor Township unless the building or structure conforms to all requirements for the district in which the building or structure is to be located.

**Section 5.10 Number of Principal Buildings and Uses Per Lot**

- A. Only one (1) principal building shall be placed on a lot of record or parcel in the single-family districts, except as otherwise specifically permitted herein. In a single-family site condominium project, only one principal building shall be placed on each condominium lot, as defined in Article 3.00.

- B. Not more than one (1) single-family residential dwelling unit shall be permitted on any one (1) parcel or lot of record in the single family zoning districts, except as specifically permitted herein, and as permitted under the Michigan Condominium Act, P.A. 59 of 1978, as amended.
- C. Where permitted in single-family districts, not more than one (1) two-family structure shall be erected on any one (1) parcel or lot of record, except in the case of a planned unit development subject to the provisions of Article 15.00, or as may be permitted in the multiple family residential or manufactured home park districts.

## Section 5.11 Grading, Removal and Filling of Land

### A. Scope of Requirements

Any grading which changes site elevation by more than three (3) feet or the use of land for the excavation, removal, filling or depositing of any type of earth material, topsoil, gravel, rock, garbage, rubbish or other wastes or by-products shall not be permitted in any zoning district except in accordance with an approved site plan. Such plan shall be at an appropriate scale to show existing and proposed grades, topographic features and other pertinent data as required under this Ordinance for site plan approval. This regulation shall not apply to normal soil removal for basement, drain fields, or foundation work when building permit has previously been duly issued by the Township, nor shall it be construed to prohibit site changes for farming purposes.

### B. Grading Standards

#### 1. Slope Away From Buildings

All buildings and structures shall be constructed at an elevation that provides a sloping grade from the building or structure, thereby causing surface water to drain away from the walls of the building to a natural or public drainage course.

#### 2. Runoff Onto Adjacent Properties

New grades shall not be established that would permit an increase in the rate of surface water runoff onto adjacent properties, except through established public drainage courses and subject to approval by the Bay County Drain Commissioner.

#### 3. Stockpiling

Stockpiling of soil, sand, clay, gravel and similar material shall be prohibited, except where permitted as part of an approved excavation operation, approved construction project, approved use in an industrial district or on a farm as defined in this Ordinance. Aside from these exceptions, all material brought onto a site in Bangor Township shall be graded to match the natural grade on adjoining parcels. These restrictions shall not be construed to prohibit MDEQ-monitored clean-up of contaminated soil.

#### 4. Clean Fill

Fill material brought into the Township shall be free of contamination from hazardous substances, debris, junk, or waste.

#### 5. Excavations or Holes

The excavation or continued existence of unprotected holes, pits, or wells that constitute or are reasonable likely to constitute a danger or menace to the public health, safety, and welfare is prohibited. However, this restriction shall not apply to excavations for which a permit has been acquired from the Township, provided such excavations are properly protected with fencing, guard rails, and warning signs. This section also shall not apply

to lakes, streams, ditches, reservoirs, or other bodies of water under the jurisdiction of the State of Michigan, County of Bay, Bangor Township, or other governmental agency.

**C. Removal of Soil, Sand, Clay, Gravel and Similar Material by a Commercial Operation**

1. Businesses engaged in the removal of soil, sand, clay, gravel, and similar materials, rather than the moving, grading, or leveling of soil, sand, clay, gravel or similar materials on a site for the purposes of preparing the site for building construction or another permitted use shall comply with the regulations set forth for such uses in this Article.
2. Upon cessation of any such commercial operation reclamation of the site must occur within one hundred eighty (180) days after termination of such operation. A reclamation plan must be submitted to the Township Planning Commission for review and approval in conjunction with the required site plan.

**Section 5.11.1**

Farm and decorative/recreational ponds constructed in residential zoning districts in Bangor Township shall be subject to the following regulations:

- A.
  1. That the pond is located on a parcel shall meet the minimum front yard requirements in that zoning district and be at least 10 feet from any adjoining property line; except if two or more parcels share the pond, then a zero (0) foot setback is required between the adjoining lots only.
  2. That the slopes above the pond benchmark shall have a maximum slope of four feet horizontal to one foot vertical; slopes below the pond benchmark shall be flattened to seven feet horizontal to one foot vertical for the first 20 feet from the pond benchmark toward the center of the pond; the next 10 horizontal feet (up to 30 feet from the pond benchmark) shall not exceed a slope of three feet horizontal to one foot vertical. Beyond 30 horizontal feet the bottom slope shall not be limited. All measurements shall be measured from the pond benchmark as established on the approved site drawing.
  3. That the pond will have sufficient depth and will be designed to prevent safety hazards, erosion problems, altering the groundwater table and creating sand blows, stagnant water pools, or swampy areas;
  4. That construction of the pond will not have an adverse impact on the environment, natural topography, or any natural resource;
  5. The applicant shall obtain any necessary permits, or approvals from all entities having approval authority for ponds;
  6. That all areas adjacent to the pond shall be graded and finished to conform to adjacent areas.
- B. An application for zoning permit approval for a pond shall be on a form provided by the Township and shall include:
  1. The name and address of the property owner;
  2. The name and address of the party constructing the pond;

3. The size, depth and water capacity of the pond;
  4. The legal description of the parcel of land on which the pond is to be constructed;
  5. A drawing showing property lines and dimensions, the exact location of the pond on the site, pond dimensions, measurements of all setbacks, roadways, utilities, structures, measurements of distances from utilities and structures from the pond, at least one benchmark elevation for the site, the exact location of the bench mark, any overflow structure and a profile view of the pond showing compliance with above- and below-water side slope requirements;
  6. Written evidence of any necessary permits, or approvals from all entities having approval authority for ponds;
  7. The water source and method of water discharge;
  8. The method of filtration and treatment of water, if any; and,
  9. Any further information reasonably necessary for the protection of the public health and safety as may be required by the Planning Commission.
- C. Pond construction shall be completed within one year of the date of approval of site plan for commercial property or when residential zoning permit approval was given, or the pond approval expires; an applicant may be granted one extension of one year to complete pond construction by the Zoning Administrator if applicant applies for such an extension at least 60 days before the original approval period expires;
- D. No pond shall be wholly or partially emptied in any manner that will cause water to flow upon the land of another, and no pond shall be wholly or partially emptied upon any land if a storm drain is readily accessible to the premises on which the pond is located. Discharge into the public sanitary sewer is strictly prohibited.
- E. No public water shall be used in connection with the filling or operation of a pond when limitations on consumption and use of public water are in effect. When public water is used to fill any pond, an adequate back-flow check valve mechanism or system shall be installed to prevent the pond water from flowing into the public water supply system.
- F. Land on which pond construction has been completed may be divided in such manner that there is not compliance with the pond setback requirements in subsection A.1., above, as long as the resulting parcels comply with all other applicable requirements of this ordinance. In the event that two or more contiguous property owners want to construct a pond that will straddle their common property lines, they may do so provided that their parcels, if treated as one zoning lot, comply with the setback requirements in subsection A.1. above.
- G. Detention or retention ponds which are to be constructed in platted subdivisions, commercial or industrial developments shall be approved as part of the plat or site plan approval process as the case may be. The Planning Commission may require that the area surrounding such a pond be landscaped and planted with suitable plantings to assure that the pond favorably blends into the surrounding area. Such ponds shall have a maximum side slope of one foot vertical to four feet horizontal, except that the Planning Commission may approve such a pond with both above- and below-water slopes that do not exceed three feet horizontal to one foot vertical as long as it is fenced in accordance with the specifications in Subpart 2 of Subsection F. of Section 5.21. A minimum one-foot freeboard shall be required above the design high water elevation. (updated 05/13/08)

## **Section 5.12 Landfills and Dumping of Waste, Junk, Etc.**

The use of land for the storage, collection or accumulation of used construction materials, or for the dumping or disposal of scrap iron, junk, refuse, ash, slag or other industrial wastes or by-products shall not be permitted in any district, except in conformance with the Bangor Township Solid Waste Disposal Ordinance and Act 641, P.A. 1978, Solid Waste Management Act. In addition, any site employed for such storage, dumping of waste, junk, etc., shall be located in conformance with the Bay County Solid Waste Management Plan, as may be amended.

## **Section 5.13 Exceptions to Height Limitations**

Specific height limitations contained in the Schedule of Regulations, Article 16.00, are intended to be modified in the case of penthouses or roof structures for the housing of elevators, water tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, cooling towers, flagpoles, chimneys, smokestacks, individual domestic radio and television aerials and wireless masts, or similar structures. These and similar appurtenances may be erected to exceed by no more than twelve (12) feet above the height limits of the district in which they are located; provided, however, no such structure shall occupy a total area greater than twenty (20) percent of the roof area of the building; nor shall such structure be used for any residential purpose or any commercial or industrial purpose other than an activity in mechanical support to the main use of the building.

## **Section 5.14 Storage Of Motor Vehicles**

There shall be no outside storage of automobile, trucks, tractor, and similar vehicles that are abandoned, disabled, wrecked or unlicensed except in a lawful junkyard.

## **Section 5.15 Storage Of Recreational Equipment**

Any owner of camping and recreational equipment may park or store such equipment on residentially used property subject to the following conditions:

- A. Recreational equipment parked or stored shall not have fixed connections to electricity, water, gas or sanitary sewer facilities, and at no time shall this equipment be used for living or housekeeping purposes.
- B. If the camping and recreational equipment is parked or stored outside of a garage for more than forty-eight (48) hours, it shall be parked or stored in the side or rear yard of the lot (except waterfront lots) and shall not be located closer than ten (10) feet to a side or rear property line. On waterfront lots, recreational vehicles shall be stored only in the front yard and shall not be located closer than ten (10) feet of a dwelling located on an adjacent lot. (amended 10/10/06)
- C. Notwithstanding the above provisions, camping and recreational equipment may be parked anywhere on the premises for loading or unloading purposes, for a period of not more than forty-eight (48) hours within a seven (7) day period.
- D. All recreational equipment must be kept in good repair and carry a current year's license and/or registration. Motor vehicles requiring a vehicle registration and license to move on the public roads must be kept in good running condition, capable of operation as licensed and maintained with a current registration and license for operation in the name of the occupant of the dwelling unit where the vehicle is stored.

- E. A mobile home as defined in Article 3.00 shall not be construed to be a recreational vehicle and shall not be permitted to be stored in accordance with these provisions.
- F. The provisions concerning connection to utilities, use as living quarters, and location may be waived for a period of up to two weeks to permit repair of the occupant's equipment or to permit the parking of a recreation vehicle for a guest. Permits for any such waiver shall be obtained from the Building Official. No more than two (2) permits shall be issued for each activity per calendar year. (amended 01/07/08)
- G. Recreational vehicles shall not be parked for more than forty-eight (48) hours within any multiple family residential complex.
- H. Parking spaces designed for use by recreational vehicles shall be less than twelve (12) feet wide and no more than fifty feet in length.

### **Section 5.16 Voting Place**

The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a public election.

### **Section 5.17 Lot Depth To Width Ratio**

Except as set forth herein, the depth of a lot in all districts created after the effective date of this provision shall not exceed a depth to width ratio of three (3) to one (1). All lots that have a depth of four hundred (400) feet or more shall have a depth to width ratio of four (4) to one (1).

### **Section 5.18 Animals and Pets**

#### **A. Pets**

1. The keeping of family pets, including rabbits, fish, birds, hamsters, and other animals generally regarded as household pets is permitted as an accessory use in any zoning district which permits residential dwellings. Family Pets, as defined in Article 3.00 shall be differentiated from Exotic Animals and Domesticated Animals.
2. The keeping of up to three (3) dogs or cats more than four (4) months in age, is an accessory kennel use in any zoning district which permits residential dwellings.
3. All household pets shall be maintained and accommodated in a manner so as to not to pose a nuisance to adjoining property or a hazard to water quality and public health, safety, and welfare.
4. See Section 17.02 FF for regulations pertaining to the raising and keeping of horses. Livestock animals shall be regulated as stated in subsection B., below. (amended 01/07/08)
5. Kennels shall meet the standards contained in Section 17.02.W.
6. Except as allowed in this Section, it is unlawful for a person to possess, breed, exchange, buy or sell Exotic Animals as defined in Article 3.00. Excepted individuals and organizations shall be as follows: Zoological parks and aquariums that are accredited by the American Association of Zoological Parks and Aquariums; wildlife sanctuaries; nature preserves; circuses; bona fide scientific, medical, or educational research facilities.

**B. Domesticated Animals**

1. Cattle, sheep, goats, swine, chickens, turkey, geese and other common domestic farm animals shall only be permitted on a farm, as defined in Article 3.00, subject to the following conditions and in accordance with the Michigan Right to Farm Act.
2. Minimum lot size for keeping cattle, swine and sheep, goats, chickens, turkeys, geese, or other fowl or poultry shall be forty (40) acres. The minimum lot size for all other animals shall be determined based upon the size of the largest animal kept.

Type of Animal	Number of Animals Permitted on Minimum-Sized Lot	Number of Animals Permitted per Acre above the Minimum Lot Size
Cattle	2	2 animals/acre
Swine, sheep, goats	2	2 animals/acre
Turkey, ducks and geese	25	25 animals/acre
Other fowl and poultry	50	50 animals/acre
All others	1,000 pounds live weight per acre	1,000 pounds live weight per acre

3. The number of Domesticated Animals allowed for each acre of lot size is identified in the table above. Where there are different types of animals kept on the same parcel, the required lot size must be calculated as the combined total requirement for each type of animal.
4. All lots shall be properly fenced in such a manner that no livestock, poultry or other animals will run at large.
5. No animal waste shall be accumulated or be stored within one hundred (100) feet of a property line. No structure for housing such animals shall be located within one hundred (100) feet of a property line.
6. Animals shall be maintained and accommodated in a manner so as not to pose a nuisance to adjoining property or a hazard to water quality and public health, safety, and welfare.

**Section 5.19 Impact Assessment**

**A. Intent**

The purpose of an Impact Assessment is to assess the developmental, ecological, social, economic, and physical impact from a proposed development on and surrounding the development site, and to determine if a proposed use will be in compliance with the site development and performance standards set forth in this Ordinance. The Township reserves the right to hire experienced professionals to evaluate an applicant’s Impact Assessment, and if necessary, prepare additional analysis with the cost borne by the applicant.

**B. Assessment Issues**

Where required, preparation of the Impact Assessment shall be the responsibility of the applicant. The applicant shall use qualified personnel (in the determination of the Township) to complete the Impact Assessment, which shall address the following issues, at minimum:

1. **Qualifications of Author**  
Name(s) and address(es) of person(s) or firm(s) responsible for preparation of the impact assessment and a brief statement of their qualifications.
2. **Site Description**  
An area plan or aerial photograph illustrating the entire site and nearby properties.
3. **Description of Use**  
Narrative of the proposal, describing operating characteristics and standards.
4. **Overall Site Conditions**  
Narrative and illustration describing adjacent uses, zoning, public roadways, utilities, significant woodlands, soil types, 100 year floodplains, drainage ways and general topography. The area described shall be within one-quarter mile for sites up to one hundred (100) acres, and within one (1) mile radius for larger sites. Aerial photographs are recommended to assist in describing the general vicinity, historic and archeological significance of the site and adjacent properties.
5. **Wetlands**  
Documentation by a qualified wetland specialist shall be required wherever there is a potential state or federally regulated wetland which may be impacted by the proposed project.
6. **Conceptual Site Plan**  
Illustration of the general layout of proposed uses upon which preliminary impact analysis is based, and any proposed phasing.
7. **Land Use Impacts**  
Description of the types of proposed uses and other manmade facilities, including any project phasing, and an indication of how the proposed use(s) conforms or conflicts with existing and Master Planned development patterns. A description shall be provided of any increases in light, noise or air pollution which could negatively impact adjacent properties, particularly associated with smoke or truck routing.
8. **Environmental Impact**  
Description of any general impacts expected to wildlife areas, lakes, streams, ponds and regulated wetlands. Conceptual mitigation or replacement measures under consideration shall be described. The study shall also describe general measures to control soil erosion and sedimentation during and after construction.
9. **Impact on Public Facilities and Services**  
Describe the number of expected employees, visitors or residents and the anticipated impact on police and fire protection. In particular, describe the relationship of the use to fire stations and the need for any new facilities or equipment. Letters from the appropriate agencies should be provided.
10. **Utility Impacts**

Describe proposed water and sanitary sewer facilities, including any improvements or off-site extensions needed to serve the long range development on the site.

11. **Drainage**

Describe conceptual plans to control drainage and any significant changes from existing drainage patterns. If wetlands are to be used as storm water basins, methods to control fertilizers and filter runoff shall be identified. Correspondence from the Bay County Drain Commissioner shall be attached indicating their concerns and suggestions.

12. **Storage and Handling of Waste and Hazardous Materials**

Methods of on- and off-site disposal of solid waste shall be identified. The information shall describe the type of hazardous substances expected to be used, sorted or disposed of on the site; general location within the site; and method of containment. Documentation of compliance with federal and state requirements, and a Pollution Incident Prevention Plan (PIPP) shall be submitted, as appropriate.

13. **Traffic Impacts**

Impact of the proposed use on traffic and any affected public transit systems. A detailed traffic impact study shall be submitted where the proposed use

- a) generates at least fifty (50) peak hour trips per hour in the peak direction; or
- b) the required Level of Service as defined by the Highway Capacity Manual will be impacted by the proposed use.

C. **Applicability of Other Standards and Ordinances**

Approval of the Impact Assessment shall not relieve the project's sponsor from complying with other land development standards of the Zoning Ordinance, or with any other Township ordinance, or with any other applicable local, State or Federal law or regulation.

**Section 5.20 Commercial Vehicle Parking in Residential Districts**

A. **Number and Type**

Not more than one (1) semi-tractor, semi-trailer or semi-tractor/trailer combination or other commercial vehicle with a rated capacity in excess of one (1) ton, owned or operated by a resident of the premises, may be parked on a lot located in a residential district. Commercial vehicles may only be parked within a public or private street for the purpose of loading or unloading the vehicle. No commercial vehicle shall be parked overnight on any public or private road within the Township.

B. **Screening**

The vehicle shall be fully screened when parked. Such screening may be provided by parking the vehicle in a garage, or by parking the vehicle in a rear yard that provides complete screening from adjacent properties. Screening of vehicles located outdoors may be accomplished with planting existing or new landscaping, topographic barriers, or through construction of screening walls or fences.

Approval to park a commercial vehicle shall not constitute approval to park additional trailers, parts, or other equipment or materials associated with the operation of the commercial vehicle.

**C. Impact**

In considering whether to permit parking of a commercial vehicle on a site, the Building Official shall consider the potential off-site impacts, including: the impact from additional dust, odors, fumes, and noise generated by the vehicle; the disruption from additional vehicular traffic at various times during the day; possible safety and environmental hazards related to operation of a commercial vehicle on public or private residential roads.

**Section 5.21 Opaque Hedges, Fences and Walls in Residential Districts**

**A. Location on Non-waterfront Parcels**

Fences in the R-1, R-2, R-3, RM-1, RM-2, and RM-3 Districts may be located in the required side or rear yard on non-waterfront lots or parcels subject to the following requirements:

**1. Maximum Height**

The maximum height shall be six (6) feet for fences located in the rear or side yard and no closer to the front lot line than the front wall of the principal building.

**2. Location**

No fence greater than four (4) feet in height shall be permitted closer to the front lot line than the front wall of the principal building. Such permitted fence shall be non-obscuring and shall not be closer than five (5) feet to a road right-of-way.

**3. Fences on Corner Parcels**

On corner lots the following regulations shall apply on the yard facing a road:

- a) A six (6) foot high fence shall be permitted provided it does not extend closer to the street than any portion of the principal dwelling.
- b) A four (4) foot high fence may be erected in the setback area, provided that any such fence shall be non-obscuring in design and not closer than five (5) feet to a road right-of-way.
- c) An obscuring fence not more than six (6) feet in height shall be permitted in a side or rear yard setback that does not front on a road.

**B. Location of Walls and Hedges on Non-waterfront Parcels**

Walls and Opaque Hedges in the R-1, R-2, R-3, RM-1, RM-2, and RM-3 Districts may be located in the required side or rear yard on non-waterfront lots or parcels subject to the following requirements:

**1. General Standards**

The maximum wall height shall not exceed six (6) feet, measured from ground level adjacent to the wall, provided that fill shall not be permitted for the purpose of achieving a higher wall than otherwise would be permitted.

**2. Walls on Corner Parcels**

On corner parcels, walls shall not be permitted to extend closer to the road than any portion of the principal building.

**C. Fences that Enclose Public Areas**

Fences that enclose public parks, playgrounds, or similar public areas located within a developed residential area shall not exceed six (6) feet in height, measured from the surface of the ground. Such fences may be of an ornamental non-opaque design.

**D. Entranceway Structures**

**1. Entrance to Residential Developments**

Residential subdivision entranceway structures, such as walls, columns or gates which mark the entrance to a single family subdivision or multiple family development, shall be permitted in the required setback area, provided that:

- a. Entranceway structures shall not exceed eight (8) feet in height.
- b. Entranceway structures shall not be located in the existing or planned right-of-way and shall be setback so as not to obstruct the clear vision area.
- c. Such structures shall not restrict emergency vehicle access.

**E. Waterfront Lots or Parcels**

No fence, wall, or opaque hedge shall be placed within the required setback of a waterfront lot, that is the yard adjacent to the water.

**F. General Fence and Wall Standards**

**1. Corner Clearance**

Walls and fences shall comply with the specifications for maintenance of clear vision in Article 5.08F of this Ordinance.

**2. Wall, Fence and Gate Materials**

Walls shall be constructed of durable materials that are architecturally compatible with the materials used on the façade of the principal structure on the site, such as face brick, decorative block, or poured concrete with simulated brick or stone patterns.

Fences shall be constructed of good-quality materials ordinarily and customarily used in residential fence construction. Razor wire and barbed wire shall be prohibited. Page wire fences, chicken-wire fences, single-strand wire fences, fences that carry electric current, fences most suitable to contain horses and livestock, and other fences more commonly used in farming, or livestock operation shall be prohibited. Wood fences shall be constructed of redwood, cedar, or No. 1 pressure-treated wood, or similar durable wood-like materials.(amended 01/07/08)

**3. Finished Appearance**

The finished side of the fence shall face away from the interior of the lot and the pole side shall face the interior of the lot.

**4. Obstruction to Use of Adjoining Property**

No fence or wall shall be erected where it would prevent or unreasonably obstruct the use of adjacent property, nor shall a fence or wall be erected where it would obstruct or prevent the continued safe use of an existing driveway or other legal means of access to

adjacent property. In enforcing this provision, the Building Official may require a fence or wall to be set back a minimum distance from a driveway or property line.

5. **Fence and Wall Maintenance**

Fences and walls shall be maintained in good condition. Rotten, crumbled or broken components shall be replaced, repaired, or removed. As required, surfaces shall be painted, stained, or similarly treated.

6. **Permit Required**

Prior to the construction of any fence, property owner shall obtain a zoning permit from the Township Building official. Fences, walls or hedges located on a vacant parcel or lot, except waterfront lots, shall adhere to all the same fencing/wall zoning standards and shall obtain a zoning permit prior to construction. If parcel or lot is vacant, the front yard setbacks shall be established by using the specific zoning setback for that area. (amended 10/10/06)

## Section 5.22 Traffic Impact Analysis

When a traffic impact study is required or requested by the Planning Commission or Township Board, including when a component of an overall impact analysis, the applicant shall bear the cost for preparation of such study and evaluation of a study prepared by a traffic engineer with experience preparing traffic impact studies in Michigan during the preceding three (3) years to address the following:

- A. Existing conditions including existing daily and peak hour traffic on adjacent street(s), a description of any sight distance limitations along the site's right-of-way frontage and accident histories within five hundred (500) feet of the site and for any intersection which will experience a traffic volume increase of at least five (5) percent during the day or during a peak hour due to the proposed project.

Where existing traffic counts are more than two (2) years old, new counts should be taken. Traffic counts shall be taken on a Tuesday, Wednesday or Thursday of non-holiday weeks. Additional counts (i.e. on a Saturday for a proposed commercial development) may also be required in some cases. The following times/situations should also be avoided where possible so that the traffic count data would represent a typical day: construction detours in the area, summer days for a site near a school, etc. The firm performing the impact study must make every effort to complete traffic counts during average or higher than average volume conditions (i.e. regarding weather or seasonal variations) for the area under study.

- B. Forecasted trip generation of the proposed use for the a.m. and p.m. peak hour and average daily traffic generated. The forecasts shall be based on the data and procedures outlined in the most recent edition of the Institute of Traffic Engineers Trip Generation Manual. The applicant may use other commonly accepted sources of data or supplement the standard data with data from similar projects in Michigan.
- C. For requests for a zoning change when such request represents a departure from the land use proposed in the Township Master Plan, the study should contrast the traffic impacts of typical uses permitted in the requested zoning district with uses permitted in the current zoning district. The Planning Commission shall determine typical uses to be considered.
- D. Projected traffic generated shall be distributed (inbound v. outbound, left turn v. right turn) onto the existing street network to project turning movements at major site access points and nearby intersections or expressway interchange ramps. Rationale for the distribution shall be provided. If any streets are proposed for realignment or vacation, the study shall forecast the changes in traffic conditions along affected streets.

- E. Capacity analysis at the proposed access points along public streets using the procedures outlined in the most recent edition of the *Highway Capacity Manual* published by the Transportation Research Board. Pre- and post- construction capacity analyses shall also be performed at all street intersections or expressway ramps where the expected traffic will comprise at least five (5) percent of the existing intersection capacity and/or for roadway sections and intersections experiencing congestion or a relatively high accident rate, as determined by the Township.
- F. The Township may require a "gap study" to analyze the frequency and duration of gaps in the flow of through traffic to accommodate turning movements.
- G. Analysis of any mitigation measures warranted by the anticipated traffic impacts. Where appropriate, documentation shall be provided from the appropriate road agency regarding time schedule for improvements and method of funding.
- H. A map and description of the location and design of proposed access (driveway or new street intersection), including any sight distance limitations, dimensions from adjacent driveways and intersections within two hundred fifty (250) feet, other data to demonstrate that the design and number of driveways proposed is the fewest necessary, and the driveway(s) will provide safe and efficient traffic operation and be in accordance with the standards of this ordinance.
- I. An analysis of the potential need for bypass lanes or deceleration tapers/lanes, including attachment of any correspondence by the Bay County Road Commission or the Michigan Department of Transportation, as appropriate.
- J. Resume and qualification of the preparer.

## **Section 5.23 Performance Guarantees**

### **A. Intent and Scope of Requirements**

To insure compliance with the provisions of this Ordinance and any conditions imposed thereunder, the Planning Commission or Township Board may require that a performance guarantee in the form of a cash deposit, certified check, irrevocable letter of credit, or surety bond acceptable to the Planning Commission or the Township Board covering the estimated cost of improvements be deposited with the Treasurer of the Township to insure the completion of the improvements or of the conditions imposed and in accord with Section 505 of 2006 P.A. 110, as amended, known as the Michigan Zoning Enabling Act. (amended 9/12/06)

Improvements for which the Township may require a performance guarantee include, but are not limited to, landscaping, berms, walls, lighting, driveways and parking, streets, acceleration/deceleration lanes, traffic control devices, storm drainage, sidewalks, exterior lighting and utilities and land reclamation activities. The performance guarantee shall not cover the principal building(s).

### **B. General Requirements**

The performance guarantee shall meet the following requirements:

1. The performance guarantee shall be in the form of an irrevocable bank letter of credit, cash escrow, or other form acceptable to the Township.
2. The performance guarantee shall be submitted to the Township at the time of issuance of the building permit authorizing the activity or project. If appropriate based on the type of

performance guarantee submitted, the Township Treasurer shall deposit the funds in an interest-bearing account in a financial institution with which the Township regularly conducts business.

3. The amount of the performance guarantee shall be sufficient to cover the estimated cost of the improvements for which the performance guarantee is required. The applicant shall provide an itemized schedule of estimated costs to complete all such improvements to be covered by the guarantee, and the amount of such estimate shall be verified by the Township Engineer. The exact amount of the performance guarantee shall be determined by the Township Engineer. The form of the guarantee shall be approved by the Township Treasurer.
4. The Township Board shall determine the means of releasing portions of the deposit in proportion to the amount of work completed on the covered improvements. All required inspections for improvements for which the guarantee is held shall have been completed before any release shall be made.
5. An amount not less than ten percent (10%) of the total performance guarantee may be retained for a period of at least one (1) year after installation of landscape materials to insure proper maintenance and replacement, if necessary. This amount shall be released to the applicant upon certification by the Building Official that all landscape materials are being maintained in good condition.

**C. Unsatisfactory Completion of Improvements**

Whenever required improvements are not installed or maintained within the time stipulated in the guarantee, according to the approved plans, or in accordance with the standards set forth in this Ordinance, the Township may complete the necessary improvements itself or by contract to an independent contractor, and assess all costs of completing said improvements, including administrative costs, against the performance guarantee. Prior to completing said improvements, the Township shall notify the owner, site plan review applicant, or other firm or individual responsible for completion of the required improvements.

**Section 5.24 Single Family Residential Open Space Preservation Option**

The purpose of an open space community is to maintain the rural, natural and scenic qualities of the Township. Toward this end, all open space community developments shall be designed to promote the preservation and protection of natural features, significant wildlife habitats, sensitive environments and scenic vistas. The provisions set forth in this Section encourage innovative and livable residential neighborhoods through permanent dedication of open space. In accordance with 2006 P.A. 110, as amended, known as the Michigan Zoning Enabling Act, single family residential subdivisions and site condominiums may be approved in the R-1, R-2 Single Family Residential Districts, subject to the standards and review procedures set forth herein. These standards are not intended as a device for circumventing the Zoning or Subdivision Regulations of the Township, the standard set forth therein, nor the planning concepts upon which the Zoning Ordinance has been based. (amended 9/12/06)

These standards are not intended as a device for circumventing the Zoning or Subdivision Regulations of the township, the standards set forth therein, nor the planning concepts upon which the Zoning Ordinance has been based.

**A. Criteria.**

In selecting the Open Space Option, the applicant must present a proposal for residential development in accordance with the procedures applicable for the type of development proposed (subdivision or condominium) that meets each of the following:

1. An open space community should result in a recognizable and substantial benefit, both to the residents of the property and to the overall quality of life in the Township. The benefits can be provided through site design elements in excess of the requirements of the Zoning Ordinance. Such elements may include the following: preservation of open space along major thoroughfares; buffering developments from lakes, rivers, streams and wetlands; extensive landscaping; transition areas from adjacent residential land uses; unique site design features; and unified access.
2. **Open Space**  
The proposed development shall contain one hundred (100) percent of all Michigan Department of Environmental Quality (MDEQ) regulated wetlands, floodplains, or other watercourse as Open Space Preservation Areas. A minimum of fifty (50) percent of the gross parcel acreage must be included within the Open Space Preservation Areas. Further subdivision of open space lands, or their use for other than recreation, conservation or agriculture shall be prohibited.
3. **Development Parcel Coverage**  
The development, i.e. the dwelling units and associated lots and roadways, shall not exceed fifty (50) percent of the gross parcel acreage.
4. **Unified Control**  
The proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.
5. **Protection from Development in Perpetuity**  
The applicant shall guarantee to the satisfaction of the Township and the Planning Commission that all Open Space Preservation Areas will remain perpetually in an undeveloped state.
6. **Cohesive Neighborhood**  
The proposed development shall be designed to create a cohesive neighborhood through common open space areas for passive and/or active recreation and resident interaction. All open space areas should be equally available to all residents of the open space community. Where appropriate, the development should incorporate future connections to adjacent parcels, through greenways, pedestrian trails, or roadways to provide to ensure the development of integrated neighborhoods.
7. **Density Impact**  
The proposed type and density of use shall not result in an unreasonable increase in the need for or impact upon public services, facilities, roads, and utilities in relation to the use or uses otherwise permitted by this Zoning Ordinance, and shall not place an unreasonable impact upon the subject site and surrounding land, surrounding property owners and occupants, and/or the natural environment.
8. **Compliance with Applicable Regulations**  
The proposed open space community shall comply with all applicable Federal, State, and local regulations.

## B. **Regulatory Flexibility**

To encourage flexibility and creativity, the Planning Commission may grant specific departures from the requirements of the Zoning Ordinance for yard, lot, and bulk standards as a part of the approval process, provided that such modification results in enhanced buffering from adjacent land uses or public rights-of-ways, or further preservation of natural features.

Any regulatory modification shall be approved through a finding by the Planning Commission. Regulatory modifications are not subject to variance approval of the Zoning Board of Appeals (ZBA). No part of an open space community plan may be appealed to the ZBA. Any deviation of an approved plan shall require approval from the Planning Commission. This provision shall not preclude an individual lot or dwelling unit owner from seeking a variance following final approval of the open space community, provided such variance does not involve alterations to open space areas as shown on the approved open space community site plan.

## C. **Project Design Standards**

A proposed open space community shall be reviewed and approved in accordance with the approval procedures identified within the Subdivision Control Ordinance and Zoning Ordinance and must comply with the following project design standards:

### 1. **Permitted Uses**

Single family detached residential dwelling units and accessory uses and buildings incidental to the principal permitted uses are allowed. Accessory uses may include recreational activities that are passive and occur on common open space areas only.

### 2. **Density**

The number of dwelling units permitted within an open space community shall be determined through the review of a parallel plan prepared by the applicant. The parallel plan for the project shall be consistent with all State, County, and Township requirements and design criteria identified within Subdivision Control Ordinance. The parallel plan shall meet all standards for lot size, lot width and setbacks normally required for development in the applicable zoning district, public road improvements, and contain an area that conceptually would provide sufficient area for storm water management. Lots in the parallel plan shall provide sufficient building envelope size without impacting wetlands regulated by the Michigan Department of Environmental Quality (MDEQ).

The Planning Commission shall review the parallel design and determine the number of lots that could be feasibly constructed and be economically viable following the parallel plan. This number, as determined by the Planning Commission, shall be the maximum number of dwelling units allowable within open space development.

### 3. **Water and Sewer Service**

All open space communities shall connect to the public water and sanitary sewer systems, when deemed feasible by the Township.

### 4. **Open Space Requirements**

All Open Space Preservation Areas shall meet the following provisions:

- a) Grading in the open space shall be minimal and limited to those areas where accessory uses and/or the Planning Commission has approved structures. Existing topography shall be preserved to the extent feasible.

- b) Stormwater management ponds may be included and/or constructed within the open space area provided such basins or ponds shall be designed compatible with the open space areas. These stormwater management facilities shall appear as though they are part of the natural landscape. Fencing adjacent to basin areas shall be prohibited.
- c) Allowable Structures: Any structure(s) or building(s) accessory to a recreation, conservation or agriculture use may be erected within the open space, subject to approval by the Planning Commission.

5. **Open Space Location**

The location of the Open Space Preservation Areas shall meet the following standards to the greatest extent feasible:

- a) Open space shall be provided within sensitive environmental areas, including but not limited to wetlands and other watercourses and woodlands, as well as along the public street rights-of-way to provide additional buffering from the traffic and enhance views from the roadway provided the open space along such rights-of-way shall generally have a depth of at least fifty (50) feet. The open space along a right-of-way shall be either preserved in a natural wooded condition, or landscaped. The open space shall contain native species and shall have a minimum of one (1) evergreen tree, two (2) shrubs, and one (1) large deciduous tree for each forty (40) linear feet of road frontage. Such plantings shall be planted in staggered rows or clustered into groupings to provide a natural appearance. Preservation of existing trees may be credited, towards meeting the requirement for number of trees listed in this subsection.
- b) The open space, where feasible, should provide an ecological link to permanent open space in surrounding lands and is located to connect open spaces, public parks, or bicycle /pedestrian paths throughout the community;
- c) The open space should be designed and located in a central position or in close proximity to all or most of the dwelling units;
- d) All sensitive environmental feature areas, natural features and animal and plant habitats of significant value are included in the Open Space Preservation Areas and are adequately protected.

C. **Guarantee of Open Spaces**

The Open Space Preservation Areas shall be set aside by the developer through an irrevocable conveyance that is found acceptable to the Planning Commission, such a conservation easement. Such conveyance shall assure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall not be changed to another use

D. **Internal Roads**

Internal roads within an open space community shall generally be public roads where feasible. Roads shall comply with Bay County Road Commission standards for public roads. If significant natural features would be preserved by a reduction in road width, the Planning Commission may reduce the required pavement width of private roads to a minimum of twenty-two (22) feet within an easement of at least forty-five (45) feet.

Both sides of all internal roads shall be landscaped with street trees. For road frontages of individual lots or condominium sites, a minimum of two (2) canopy trees shall be provided per dwelling. One (1) canopy tree shall be provided on each side of the internal road for every forty (40) feet or fraction thereof of road frontage. Existing trees to be preserved within five (5) feet of the road right-of-way or easement may be credited towards meeting this requirement.

**E. Pedestrian Circulation**

The open space community plan shall provide safe and convenient pedestrian access to all open space areas from the following: all residential areas including lots not adjoining open space areas; connections between open space areas; public thoroughfares; open space areas, trails, or pathways on adjoining parcels; and connections between appropriate on-site and off-site uses.

Trails within the open space community may be constructed of gravel, wood chips or other similar material, provided they meet applicable barrier-free standards, however the Planning Commission may require construction of ten (10) foot wide paved bicycle paths through portions of the development or along any public rights-of-way abutting the open space community. The Planning Commission may require the construction of sidewalks for open space communities on both sides on the road. Sidewalks shall only be required on one (1) side of single loaded roads.

## **Section 5.25 Building Numbering**

**A. Purpose**

The purpose of this section is to protect the public health, safety, and general welfare of the persons and property within the Township of Bangor by requiring proper identification numbers to be located upon buildings and premises within the Township so that the same can be readily identifiable for proper and efficient fire and police protection; for mail delivery services, and for the convenience of all members of the public having any need to determine or describe the location of such building or premises.

**B. Regulations**

The owner or owners of all premises within the Township of Bangor improved with buildings or occupied for public business purposes shall securely affix thereon a proper identification number as determined and assigned by the Township which can be easily read from the abutting street upon which the property front.

Where multiple number of buildings are assigned one identification number, each building shall be assigned a further number or letter by the Township in the event the owner or owners of the same have not located an appropriate identification number or letter upon the premises occupied by each such building. Such identification of a multiple number of buildings shall not, however, apply to outbuildings which are subordinate and incidental to the principal building upon the premises and which do not exceed three in number.

Residential buildings are required to have address numbers (Arabic) a minimum of six (6) inches in height with a minimum stroke width of one (1) inch that contrast to the exterior of the building.

Commercial properties are required to have address numbers (Arabic) a minimum of twelve (12) inches in height with a minimum stroke width of one and a half (1½) that contrast to the exterior of the building.

**Section 5.26 Non-Dedicated Road Provisions**

- A. Prior to the issuance of a building permit, any residential building built more than 800 feet from any fire hydrant measured by the roadway, shall have a fire hydrant installed or have an approved alternative means of fire suppression.
  
- B. Any non-dedicated roads shall have a street sign as approved by the Bay County Road Commission.
  - 1. Property owner must request in writing to the Bangor Township Supervisor the installation of a street sign and its location and also agree to incur the expense of the sign and its installation.
  
  - 2. After receiving the request, the Township shall request an estimate for the installation of the sign from the Bay County Road Commission.
  
  - 3. After receipt of the estimate, the Township will require payment prior to the sign installation.