

## **ARTICLE 17 GENERAL PROVISIONS**

### **17.01 ACCESS TO A STREET**

All lots created after the effective date of this ordinance shall have frontage on a street for a distance equal to the minimum lot width requirement of the district in which it is located. In the case of a lot abutting the turnaround area of a dead-end street, the frontage on a street shall be a minimum of 50 feet, provided that the lot width at the building setback shall meet the lot width requirements of the district in which it is located.

### **17.02 ACCESSORY BUILDINGS OR STRUCTURES**

- A. In any zoning district, an accessory building or structure may be erected detached from the permitted principal building or as an integral part of the permitted principal building. When erected as an integral part of the permitted principal building, it shall comply, in all respects, with the requirements of this ordinance applicable to the permitted principal building.
- B. Detached accessory buildings or structures shall not be located closer than 5 feet to the rear or side lot line. They shall not be located closer to the front lot line than the principal building is permitted.
- C. The distance between a detached accessory building and any principal building shall not be less than 10 feet. Accessory buildings shall be considered as attached to a principal building when the distance between the two buildings is solidly covered by a breezeway, portico, covered colonnade, or similar architectural devise.
- D. Detached accessory buildings in residential and commercial districts shall not exceed 14 feet in height, provided that the maximum height may be increased to 16 feet if 1 additional foot of setback is provided for each foot in excess of 14 feet.
- E. No accessory building or structure shall include residential or living quarters for human beings, except as permitted in industrial districts for watchman, public, or security purposes.

**17.03****BASEMENT DWELLINGS**

The use of any basement as a residence or dwelling unit is prohibited in all districts. The temporary use of a basement during construction work may be authorized by permit by the ordinance enforcement officer after issuance of a building permit for the proposed structure. The temporary permit shall terminate 12 months after the date of its issuance. The ordinance enforcement officer may renew the permit for one additional 12-month period if construction of the principal structure has been progressing in a reasonable manner.

**17.04****DWELLING UNITS**

All dwelling units located outside of a mobile home park shall comply with the following conditions:

- A. All dwelling units shall meet the height and area requirements of the district in which it is located.
- B. There shall be a minimum width throughout the entire length of the dwelling unit of 20 feet, measured between the outside walls having the greatest length.
- C. All wheels, towing mechanisms, and tongues of mobile homes shall be removed; and none of the undercarriage shall be visible from outside the mobile home.
- D. Exterior building materials of all dwelling units shall extend to the foundation on all sides.
- E. All dwellings shall be firmly attached to the foundation so as to be watertight, as required by the construction code adopted by the city; or, if it is a mobile home, it shall be anchored to the foundation by an anchor system designed and constructed in compliance with the United States Department of Housing and Urban Development's regulations entitled "Mobile Home Construction and Safety Standards".
- F. All additions to dwellings shall meet all of the requirements of this ordinance.
- G. All mobile homes must meet standards for mobile home construction as contained in the United States Department of Housing and Urban Development's regulations entitled "Mobile Home Construction and Safety Standards", effective June 15,

1976, as amended. All other dwellings shall meet the requirements of the construction code adopted by the City.

## **17.05            ESSENTIAL SERVICES**

The erection, construction, alteration, or maintenance by public utilities or governmental units, boards, or commissions of overhead or underground gas, electrical, steam or water distribution, transmission, collection, communication, or supply systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electrical substations, gas regulator stations, utility pump and metering stations, and other similar equipment and accessories in connection therewith that are reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission for the public health, safety, or general welfare is permitted in any zoning district.

## **17.06            FENCES AND WALLS**

Fences and walls shall be permitted, subject to the following conditions:

### **A.        Fences in All Districts:**

1.        All fences and walls shall be constructed of durable, weather-resistant, rustproof, and easily maintained materials.
2.        All fences shall be erected with all fence posts and supports on the interior side.
3.        Under no circumstances shall a fence be constructed of materials, such as but not limited to pallets, tree trunks, trash, tires, junk, or other similar items.
4.        Fences may be located on the property line but may not extend into only right-of-way.
5.        Fence heights shall be measured from the surface of the ground immediately below the location of the fence.
6.        All fences shall be such design and location that they do not obstruct the vision of motorists on adjacent roads or the vision of pedestrians or motorists leaving the premises.
7.        Retaining walls are exempt from these fence and wall provisions.

B. Fences in Residential Districts:

1. Fences not greater than 6 feet in height are permitted in side or rear yards and shall not extend beyond the front of the principal structure or the required building setback, whichever is furthest from the road right-of-way.
2. Fences not more than 4 feet in height are permitted in the front yard if they are not more than 25 percent solid.
3. fences not more than 3 feet in height are permitted in the front yard if they are more than 25 percent solid.
4. Fences shall not contain barbed wire, razor wire, spikes, or electric current.

C. Fences in Commercial and Industrial Districts:

1. A chain-link, protective fence not in excess of 6 feet in height is permitted in all yards.
2. Fences in "C-1" Districts shall not contain barbed wire, razor wire, or electric current.

**17.07**

**HEALTH DEPARTMENT APPROVAL**

A permit shall not be issued for the construction of a building to be located on a lot that is not served by both public water and sewer facilities if the water supply and/or sewage disposal facilities for the lot are not authorized by the Osceola County Health Department.

**17.08**

**HOME OCCUPATION REQUIREMENTS**

All home occupations shall meet all of the following conditions:

- A. The home occupation must be operated, in its entirety, within the principal dwelling or accessory building located upon the premises.
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants.
- C. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home

occupation other than one non-illuminated sign, not greater than 4 square feet in area, mounted flat against the wall of the principal building.

- D. The occupation shall not involve any alteration or construction not customarily found in dwellings.
- E. No radios, televisions, computers, or other equipment or process that creates noise, vibration, glare, fume, odors, or electrical interference detectable to the normal senses off the premises shall be used in such home occupation.

#### **17.09 PRINCIPAL BUILDING ON A LOT**

In all R-1, R-2, and R-3 Districts, no more than one principal single-family or two-family dwelling shall be placed on a lot.

#### **17.10 SCREENING – REQUIRED**

- A. All uses with the required screening shall be screened by walls, fences, vegetation, and berming or a combination of any of these as approved by the planning commission.
- B. Fences and walls used for screening purposes shall meet the following conditions:
  - 1. Fences and walls shall have no openings for vehicular traffic or other purposes except as otherwise provided in the ordinance and except such openings as may be approved by the planning commission.
  - 2. Fences and walls shall have no openings for vehicular traffic or other purposes except as otherwise provided in this ordinance and except such openings as may be approved by the planning commission.
  - 3. Fences and walls may not be constructed with openings that exceed 20 percent of the surface. The openings shall not reduce the obscuring effect and shall not reduce the minimum height requirement.
  - 4. The height of the required fence or wall shall be as follows:

Use	Required Height
Buildings in Commercial Districts	4'6"

Buildings in Industrial Districts	6'0"
Multiple-Family Dwellings	4'6"
Outdoor Storage Areas	6'0"
Off-Street Parking Area	4'6"
Loading and Unloading Areas	6'0"

C. Vegetation used for screening purposes shall meet the following conditions:

1. Vegetation shall be comprised of one or more of the following upright conifers: blue, green, white, or Serbian spruce; Douglas fir; Austrian pine; juniper; hemlock; or cedar.
2. Trees shall be planted 15 feet on center and may have up to 30-degree spacing.
3. Trees shall not be less than 5 feet in height at the time of planting.
4. Existing plant material that complies with the standards of this section, as determined by the planning commission, shall be credited toward meeting the screening requirements.
5. All required plant units shall be maintained in a healthy, growing condition. Any required plant units that are destroyed, removed, diseased, or die, shall be replaced within 6 months with plant units that meet the requirements of this section. Failure to maintain required plant units in such a manner, including the removal and replacement of dead or diseased plant materials, shall constitute a violation of this ordinance.
6. The plantings shall be maintained in a neat and attractive manner commensurate with the adjoining areas and shall maintain their density and screening effect throughout the calendar year.

D. Berming used for screening purposes shall meet the following conditions:

1. Berms shall be at least 4 feet 6 inches in height, constructed with 1 foot of rise for each 3 feet of horizontal rise.

2. Berms shall be seeded with perennial rye and an appropriate grass seed and shall be covered with an organic mulch.
3. Berms shall be landscaped with shrubbery and trees to enhance the screening effect and aesthetic appearance of the berm and shall be maintained in a neat and attractive manner.

## 17.11

### SITE CONDOMINIUM SUBDIVISIONS

This section requires preliminary review by the planning commission, followed by final review and approval by the city council, of site condominium subdivision site plans to ensure that site condominium projects comply with the zoning ordinance. Site condominium projects may be approved as provided by this section in any zoning district for the uses permitted by the zoning ordinance in the zoning district in which the project is located. All site condominium subdivisions shall comply with the following requirements and procedures.

- A. Prior to final review and approval of a site condominium subdivision site plan by the city council, a preliminary site condominium subdivision site plan shall be reviewed by the planning commission in accordance with the procedures, standards, and requirements provided by this section.
- B. All site condominium, subdivisions shall require site plan approval by the planning commission in accordance with Article 20 of this ordinance. To the extent not provided in connection with the sit plan as required by Article 20 of this ordinance, the following documents and information shall also be included for site condominium subdivision site plan review.
  1. The documents and information required by Section 66 of the Condominium Act for condominium subdivision plans.
  2. All information as required for preliminary and final plat review by the City of Evert Subdivision Regulations, as amended.
  3. The use and occupancy restrictions and maintenance provisions for all general and limited common elements that will be included in the master deed.

4. A storm drainage and a storm water management plan, including all lines, swales, drains, basins, and other facilities and easements granted for installation, repair, and maintenance of all drainage facilities.
5. A utility plan showing all water and sewer lines and easements granted for installation, repair, and maintenance of all utilities.
6. A narrative describing the overall objectives of the proposed site condominium project.
7. A narrative describing the proposed method of providing potable water supply, waste disposal facilities, and public and private utilities.
8. Documented proof of review by the Osceola County Road Commission, the drain commissioner, the health department, the Michigan Department of Transportation, and the Michigan Department of Natural Resources.

C. The planning commission shall review the preliminary site condominium subdivision site plan in accordance with the standards and requirements contained in Article 20 of this ordinance and in accordance with the following additional standards and requirements:

1. In its review of a site condominium site plan, the planning commission may consult with the ordinance enforcement officer, the city attorney, the city engineer, the city fire chief, the city planner, or other appropriate officials and persons regarding the adequacy of the proposed common elements and maintenance provisions, use and occupancy restrictions, utility systems and streets, project layout and design, or other aspects of the proposed project.
2. The building site for each site condominium unit shall comply with all applicable provisions of this ordinance, including minimum lot area; minimum lot width; required front, side, and rear yards; and maximum building height for the district in which the property is located. For example, the area and width of the building site shall be used to determine compliance with the minimum lot area and lot width requirements. Compliance with required front, side, and rear yards shall be determined by measuring the distance from the equivalent front, side, or rear yard



boundaries of the building site to the closest respective front, side, or rear boundary of the building envelope.

3. The planning commission shall require that portions of the site plan, as relevant to the reviewing authority in question, be submitted to the applicable county health department, county road commission, county drain commission, Michigan Department of Natural Resources, Michigan Department of Public Health, and other appropriate state and county review and enforcement agencies having direct approval or permitting authority over any aspect of the proposed site condominium project.
  4. All site condominium subdivisions shall meet the subdivision design layout standards and subdivision improvement requirements of the City of Evart Subdivision Regulations, as amended.
- D. After reviewing the preliminary site plan, the planning commission shall prepare a written statement of recommendations regarding the proposed site condominium project, including any suggested or required changes in the site plan. The planning commission shall provide a copy of its written recommendations to the applicant and to the city council.
- E. After receiving the planning commission's recommendations on the preliminary site plan, the applicant shall submit, to the city council, a final site condominium subdivision plan that complies with the requirements of this section. The final site condominium project plan submitted by the applicant shall incorporate all of the recommendations, if any, made by the planning commission based on its prior review of the preliminary plan. If any of the planning commission's recommendations are not incorporated in the final plan, the applicant shall clearly specify, in writing, which recommendations have not been incorporated and the reasons why those recommendations have not been incorporated. Except for changes made to the plan as necessary to incorporate the recommendations of the planning commission, the final plan shall otherwise be identical to the preliminary plan that was reviewed by the planning commission. Changes made to the plan, other than those necessary to incorporate the recommendations of the planning commission, shall be reviewed by the planning commission as provided by this article prior to approval of the plan by the city council.

- F. After receiving the planning commission's recommendations on the preliminary plan and a final site plan from the applicant, the city council shall proceed to review and may approve, deny, or approve with conditions the plan is accordance with the applicable standards provided by this section and Article 20 of this ordinance.
- G. The city clerk shall be furnished with a copy of the recorded master deed for the project, if approved, as defined in Section 8 of the Condominium Act. The master deed must ensure that the City of Evart will not be responsible for maintenance or liability of the non-dedicated portions of the site condominium subdivision, that snow removal will be provided, and that there is adequate access and turnaround for emergency vehicles. Responsibility for the maintenance to storm water retention areas, drainage easement, drainage structures, lawn cutting, and other general maintenance of common areas must be clearly stated.
- H. No buildings or structures shall be constructed nor shall any other site improvements or changes be made on the property in connection with a proposed site condominium project except in compliance with a final site plan as approved by the city council, including any conditions of approval and other applicable requirements of local, state, or federal laws and regulations.
- I. No building or grading permits shall be issued by the city for a site condominium project until a final site plan has been approved by the city council, all conditions to commencement of construction imposed by the city council have been met, and all applicable approvals or permits from appropriate county and state review and enforcement agencies have been obtained for the project. The ordinance enforcement officer shall be furnished with two copies of all "as-built" drawings for review by the city engineer for compliance with all city ordinances prior to the issuance of any building permits. Fees for this review shall be established by resolution of the city council.
- J. Approval of a final site plan shall not constitute approval of expandable or convertible portions of a site condominium project unless the expandable or convertible areas were specifically reviewed and approved by the city council in compliance with the procedures, standards, and requirements of this section.
- K. Any change proposed in connection with a project for which a final site condominium subdivision site plan has previously been approved by the city council shall be subject to review as required for the original application as provided by this section.

- L. The approval of a site condominium subdivision site plan by the city council shall be effective for a period not to exceed 1 year unless construction of the project commences within that 1-year period and is diligently pursued to completion in accordance with the terms and conditions of the approval. This 1-year period may be extended by the city council for additional periods of time as determined appropriate by the council if the extension is applied for by the applicant within the effective period of the approval.

#### **17.12 SWIMMING POOLS**

Swimming pools may be installed in any district as an accessory use to any principal permitted use if the following conditions are met:

- A. There shall be erected and maintained a good quality fence not less than 4 feet in height, with posts embedded in concrete at intervals of not more than 8 feet, enclosing the entire portion of the premises upon which such pools shall be installed or entirely surrounding an area in which such pool is located.
- B. Pools may be installed only in the side and rear yards of lots in residential districts.
- C. Pools shall not be erected closer than 10 feet from the rear and side property lines of the lot.
- D. Pools may be installed in the front or the rear yard of lots occupied by motels or hotels.

#### **17.13 TEMPORARY STRUCTURES INCIDENTAL TO CONSTRUCTION WORK**

Temporary accessory structures for uses incidental to construction work may be authorized by permit from the ordinance enforcement officer after issuance of a building permit for the proposed structure. The temporary permit shall specify the location of the temporary accessory structure and shall terminate 12 months after the date of its issuance. The ordinance enforcement officer may renew the permit for one additional 12-month period if construction of the principal structure has been progressing in a reasonable manner.