SECTION 2.16 - GENERAL LOT AND YARD AREA REQUIREMENTS FOR ALL ZONE DISTRICTS *(Amendment effective July 28, 2017*)

A. NONDUPLICATION. In determining lot and lot line setback requirements, no area shall be counted as setback area to more than one principal structure or use, and no area necessary for compliance with the open space requirements for one structure or use shall be counted in the calculation of requirements for any other structure or use.

B. FRONT, SIDE, & REAR LOT LINE SETBACK AREA USES.Every part of every front, side and rear lot line setback area shall be open and unobstructed by structures from the ground up to the sky. No structure may be located within 50 feet of the water’s edge of Torch Lake or within 50 feet of the Ordinary High-Water Mark of Lake Michigan. The following exceptions apply to these setback requirements. (*Amendment effective March 19, 2021*)

1. One stairway per parcel with a maximum width of 48 inches is allowed in setback areas. The stairway may include landing(s) with a width not exceeding 48 inches and an area(s) not exceeding 48 square feet.

2. Ground level walkways with a maximum width of 48 inches are allowed in setback areas. Walkways may reasonably traverse gullies, ditches, dune ridges, and other such depressions at a height more than ground level if they meet Antrim County building code requirements for safety and do not impede pedestrian travel along the shore of Lake Michigan.

3. So as to not impact the dark night sky, lighting on decks, walkways and stairways shall only be illuminated by shielded, downwardly directed types of tread lighting.

C. DWELLING PER LOT. No more than one (1) dwelling shall be erected on a lot in the R-1 or V zones. In all other zones where residential uses are allowed, a second dwelling may be constructed provided sufficient land is present to meet all frontage, lot area, parking, and setback requirements for each dwelling should the parcel be split at a later date. Where a lot is being developed as a Site Condominium Project, more than one Building Site may be located on a lot provided that sufficient land is present to meet all requirements as though each Building Site were a separate lot.

SECTION 2.27: FENCES (*Effective June 1, 2018)*.

Purpose. Fences are meant to protect the Township’s rural character, protect property values and provide privacy, protection and security.

SECTION 2.27.1 General requirements:

A. For Commercial, Village Business and Industrial Districts, when located outside of a building, support equipment including air conditioning and heating devices, water and gas meters, but not including plumbing or exhaust vents, or chimneys, are to be screened to the height of the particular piece of equipment, as follows:

* 1. Roof-Mounted Equipment: To be screened by architectural features from the view of abutting streets and parcels.
  2. Equipment at Grade: When located on, or close to the ground adjacent to a building, mechanical equipment is to be screened by landscaping, a solid wall or fencing from the view of the street or surrounding properties.

B. For districts within which outdoor storage is allowed, it must be screened on all sides by a solid wall or fencing.

C. Public utility substations where allowed shall be screened on all sides by a solid wall or fencing, and landscaping.

D. All fences in all zoning districts shall be well-maintained, kept in good condition and repaired as necessary.

E. The outer face of fences (i.e., the face away from the use which is to be fenced-in) shall be the smooth side of the fence with posts, supports, etc. on the interior.

SECTION 2.27.2 Residential (R1& R2), Multi-family Residential (R3) and Village Residential (VR) Districts (*Amendment effective March 19, 2021*):

A. No side lot fence, gate or screen shall be placed closer than fifty (50) feet from the water’s edge of Torch Lake or the federal ordinary high-water mark of Lake Michigan.

B. Side yard fences and gates may be continuous or in sections and shall not be greater than eight (8) feet in height. Vegetation should not be removed to conform to the foregoing setback requirement.

C. A continuous gate across a driveway is permitted. Such fences and gates shall be constructed of “see-through” materials/style, i.e., shall not be solid and shall possess 40 percent or more opacity.

D. When a residential lot borders a lake shore, a side lot fence shall not exceed four (4) feet in height and shall be constructed of “see-through” materials/style, i.e., shall not be solid and shall possess 40 percent or more opacity.

E. Solid fencing, not to exceed eight (8) feet in height, is permitted along the side of a lot bordering a public road that ends at the water’s edge or ordinary high-water mark. If a natural fence is planted in this location, its height is not limited.

F. Fences and gates adjacent to private or public road easements shall not be closer than ten (10) feet from a road easement and shall not be greater than four (4) feet in height.

CHAPTER IV

NONCONFORMING LOTS, USES OF LAND, STRUCTURES AND PREMISES

SECTION 4.01 – NONCONFORMING LOTS AND PARCELS

A. Legal nonconforming lots and parcels are those which do not conform to the provisions of this ordinance but resulted from property having been divided prior to the zoning ordinance being originally adopted or by action of the Township to alter the land area requirements of the zoning district or by rezoning of the parcel of property from one zone district to another.

B. Legal nonconforming lots and parcels may be occupied by conforming structures and/or use or by legal nonconforming structures and/or legal nonconforming uses.

C. Reasonable variances shall be granted if no reasonable conforming structure can be located on the legal nonconforming parcel. In addition, the standards of Section 20.06 of this ordinance must be met.

D. A legal nonconforming lot or parcel may be joined with other lots or parcels of property to form a more conforming lot or parcel. No legal nonconforming lot or parcel shall be altered in any manner that will result in a parcel which is less conforming to the requirements of this ordinance.

E. Conforming lots and parcels shall not be altered in any manner which would result in the creation of a nonconforming lot or parcel.

SECTION 4.02 – NONCONFORMING STRUCTURES (*Amendment effective March 19, 2021*)

A. Legal nonconforming structures are those which do not conform to the provisions of this ordinance but resulted from structures having been constructed prior to the zoning ordinance having been originally adopted, or by action of the Township to alter the dimensional or setback requirements of the zoning district, or by rezoning of the parcel of property upon which the structure is located from one zone district to another.

B. Legal nonconforming structures may be occupied by a conforming use or by legal nonconforming use.

C. The Zoning Administrator may authorize a property owner to expand a legal nonconforming structure provided the following criteria are met:

1. The use occurring in the structure is a conforming use.
2. Any expansion will result in the building being no less conforming (i.e., closer to meeting the minimum structure size requirements of the zone district), or the expansion will not encroach into the required setbacks or result in exceeding the maximum percentage of lot coverage of the zone district in which it is located.

D. The Zoning Administrator may authorize a property owner to replace a legal nonconforming mobile home with another more conforming mobile home provided the following criteria are met:

1. Approval of the Zoning Administrator must be obtained prior to removing the existing mobile home.
2. The replacement mobile home must be more conforming than the mobile home it is replacing.
3. The replacement mobile home must have an appearance of proper care, maintenance and upkeep.
4. The location of the replacement mobile home shall not increase the intrusion into the setbacks.
5. The replacement would not be contrary to the public Health, Safety, or Welfare, or to the spirit of this Ordinance.
6. The replacement mobile home would not be likely to depress the value of nearby properties.

E. Any structure nonconforming because of the building itself or the way it is located upon the lot or parcel of property, may be reconstructed in its original configuration in the event it is destroyed or partially destroyed by explosion, fire or other acts of God, provided restoration is completed within eighteen (18) months.