

Burt Township

Ordinance Number 02 of 2022

An Ordinance to amend the Burt Township Zoning Ordinance, Article II: Rules of Construction and Definitions, Section 2.02, Definitions, and Article III: Zoning Districts and Map, Sections 3.02.3, 3.03.3, 3.04.3, 3.05.4, 3.06.3, 3.07.4, and 3.08.3, pertaining to Accessory Buildings as a Principal Use.

THE TOWNSHIP OF BURT HERBY ORDAINS:

Section 1. Amendment of Article II

Article II. Rules of Construction and Definitions, Section 2.02, Definitions, is hereby amended to read as follows:

Dwelling, Single-Family: A detached building containing exactly one dwelling unit designed for residential use.

Dwelling Unit: A building or portion of a building, either site-built or pre-manufactured which has sleeping, living, cooking and sanitary facilities and can accommodate one family, either permanently or transiently. In the case of buildings which are occupied in part, the portion occupied shall be considered a dwelling unit, provided it is in conformance with the criteria for dwellings. In no case shall a travel trailer, truck, bus, motor home, tent or other such portable structures be considered a dwelling unit. Except for guest houses, dwelling units must contain at least 800 square feet of livable floor area as defined in this ordinance.

Floor Area, Liveable: The sum of the horizontal areas of each story of a residential structure, or portion of a structure intended for residential use, measured from the exterior faces of the exterior walls, or from the centerline of walls separating two buildings.

Impervious Surface: Any surface or structure incapable or highly resistant to penetration by water including but not limited to buildings or structures, roofs of any type, concrete, asphalt, or bituminous paving, compacted gravel, flagstone, brick, or similar surface patios, decks, and driveways.

Lot Coverage: The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures and all impervious surfaces. The maximum lot coverage provisions in this ordinance shall exclude any impervious area directly associated with a public trail that crosses a property and connects to a larger trail system.

Shed: A small subordinate structure often purchased pre-built or as a kit in pre-fabricated sections. It is not designed to be served by heat, electricity or plumbing, or otherwise serve as a dwelling unit, and it does not need to be placed on a permanent foundation. A shed is primarily used for storage for lawn, garden, or pool care equipment. The height of the eaves of a shed shall not exceed eight (8) feet, and the floor area shall not exceed 200 square feet.

Section 2. Amendment of Article III

Article III. Zoning Districts and Map, Section 3.02, Waterfront Residential District (WR), is hereby amended to read as follows:

Section 3.02.3 - Dimensional Standards and Building Form

<i>Dimensional Standards & Building Form</i>		
<i>Lot Occupation</i>		
Minimum Lot Area		21,000 sq ft
Minimum Lot Width		100'
Maximum Lot Coverage (a) (b)		30%
<i>Principal Structure</i>		
Setback (c) (d) (e)	Front	75'
	Side	10'
	Rear	50'
	From Existing Structures	20'
Maximum Height		35'
Minimum Floor Area Per Dwelling Unit	Total	1,200 sq ft
	1 st Floor	800 sq ft
Minimum Dwelling Width		24'
<i>Accessory Buildings With Principal Use</i>		
Number of Accessory Buildings (f)		1
Setback (c) (d) (e)(f)	Front	75'
	Side	10'
	Rear	50'
	From Existing Structures	20'
Maximum Height at Eaves		12'
Maximum Building Footprint		1,200 sq ft

- (a) Maximum coverage shall include, but not be limited to, buildings or structures, roofs of any type, sidewalks, concrete, asphalt, or bituminous paving compacted gravel, patios or decks, and driveways.
- (b) The maximum lot coverage provisions in this ordinance shall exclude any impervious area directly associated with a public trail that crosses a property and connects to a larger trail system.
- (c) All auxiliary appliances, such as power generators or air conditioners shall comply with appropriate district setback requirements.
- (d) For all lakefront lots, the minimum structure setback on the waterfront side shall be seventy-five (75) feet from the ordinary high water mark.
- (e) A building eave may extend up to twenty-four inches into the required setback, provided the foundation is in compliance with the required setback.
- (f) A second accessory building or a single accessory building not exceeding 1.5 times either the maximum building footprint or max size as shown in the above table may be approved on lot sizes exceeding 60,000 sq. ft. provided all structures are in compliance with the district setback requirements.
- (g) A shed shall meet the front and rear yard setbacks of an accessory building.

Article III. Zoning Districts and Map, Section 3.03, General Residential District (R-1), is hereby amended to read as follows:

Section 3.03.3 - Dimensional Standards and Building Form

<i>Dimensional Standards & Building Form</i>		
<i>Lot Occupation</i>		
Minimum Lot Area		1 ac
Minimum Lot Width		200'
Maximum Lot Coverage (a) (b)		30%
<i>Principal Structure</i>		
Setback (c) (d) (e)	Front	50'
	Side (f)	25'
	Rear	50'
	From Existing Structures	20'
Maximum Height		35'
Minimum Floor Area Per Dwelling Unit	Total	800 sq ft
	1 st Floor	800 sq ft
Minimum Dwelling Width (h)		14'
<i>Accessory Buildings With Principal Use</i>		
Number of Accessory Buildings	Lots < 3 acres	1
	Lots ≥ 3 acres	2
Setback (c) (d) (e)	Front	50'
	Side	25'
	Rear	50'
	From Existing Structures	20'
Maximum Height at Eaves		16'
Maximum Building Footprint	Lots 1 – 4.99 acres	1,800 sq ft
	Lots 5 – 9.99 acres	3,600 sq ft
	Lots > 10 acres	4,400 sq ft
<i>Accessory Buildings As Principal Use</i>		
Number of Accessory Buildings		1
Minimum Lot Size		1 ac
Setback (c) (d) (e)(h)	Front	100'
	Side	50'
	Rear	50'
	From Existing Structures	20'
Maximum Height at Eaves		16'
Maximum Building Footprint	Lots 1 - 4.99 acres	1,800
	Lots 5 – 9.99 acres	3,600 sq ft
	Lots ≥ 10 acres	4,400

- (a) Maximum coverage shall include, but not be limited to, buildings or structures, roofs of any type, sidewalks, concrete, asphalt, or bituminous paving compacted gravel, patios or decks, and driveways.
- (b) The maximum lot coverage provisions in this ordinance shall exclude any impervious area directly associated with a public trail that crosses a property and connects to a larger trail system.
- (c) All auxiliary appliances, such as power generators or air conditioners shall comply with appropriate district setback requirements.
- (d) For all lakefront lots, the minimum structure setback on the waterfront side shall be seventy-five (75) feet from the ordinary high water mark.
- (e) A building eave may extend up to twenty-four inches into the required setback, provided the foundation is in compliance with the required setback.
- (f) Side yard setbacks for existing lots of record of one hundred twenty (120) feet in width or less shall be reduced to ten (10) feet.
- (g) Except within 800 feet of the shore of Burt Lake (measured from the ordinary high water mark), where the minimum dwelling width shall be 24 feet.

(h) A shed shall meet the front yard setbacks of an accessory building.

Article III. Zoning Districts and Map, Section 3.04 Rural Residential - Agricultural (RR) is hereby amended to read as follows:

Section 3.04.3 - Dimensional Regulations

<i>Dimensional Standards & Building Form</i>		
<i>Lot Occupation</i>		
Minimum Lot Area		5 ac
Minimum Lot Width		200
Maximum Lot Coverage (a) (b)		20%
<i>Principal Structure</i>		
Setback (c) (d) (e)	Front	50'
	Side	25'
	Rear	50'
	From Existing Structures	20'
Maximum Height (g) (h) (i)		35'
Minimum floor area per dwelling unit	Total	800 sq ft
	1 st Floor	800 sq ft
<i>Accessory Buildings With Principal Use</i>		
Setback (c) (d) (e)	Front	50'
	Side	25'
	Rear	50'
	From Existing Structures	20'
Maximum Height at Eaves		16'
Maximum Building Footprint		
	Lots 5 – 9.99 acres	3,600 sq ft
	Lots ≥10 acres	4,400 sq ft
<i>Accessory Buildings As Principal Use</i>		
Number of Accessory Buildings		2
Minimum Lot Size		5 ac
Setback (c) (d) (e)(i)	Front	100'
	Side	50'
	Rear	50'
	From Existing Structures	20'
Maximum Height at Eaves		16'
Maximum Building Footprint		
	Lots 5 – 9.99 acres	3,600 sq ft
	Lots > 10 acres	4,400 sq ft

- (a) Maximum coverage shall include, but not be limited to, buildings or structures, roofs of any type, sidewalks, concrete, asphalt, or bituminous paving compacted gravel, patios or decks, and driveways.
- (b) The maximum lot coverage provisions in this ordinance shall exclude any impervious area directly associated with a public trail that crosses a property and connects to a larger trail system.
- (c) All auxiliary appliances, such as power generators or air conditioners shall comply with appropriate district setback requirements.
- (d) For all lakefront lots, the minimum structure setback on the waterfront side shall be seventy-five (75) feet from the ordinary high water mark.
- (e) A building eave may extend up to twenty-four inches into the required setback, provided the foundation is in compliance with the required setback.
- (f) Exceptions to height standards for Agricultural Uses. The maximum height of permitted agricultural accessory structures that are essential and customarily used in agricultural operations associated with a farm shall be forty-five (45) feet, except that the maximum height of silos shall be one hundred (100) feet, provided that all such accessory farm structures shall be located at least one hundred (100) feet from any residential dwelling other

- than the dwelling on the lot or parcel where the accessory farm structures are located.
- (g) Telecommunication towers, alternative tower structures, transmission and communication towers, utility microwaves, and public utility T.V. or radio transmitting towers shall not be subject to the height regulations of this Section, but shall be regulated pursuant to Section 7.01.22 of this ordinance.
 - (h) Commercial Wind Turbine Generators or Anemometer Towers shall not be subject to the height regulations of this Section, but shall be regulated pursuant to Section 7.01.23 of this ordinance.
 - (i) A shed shall meet the front yard setbacks of an accessory building.

Article III. Zoning Districts and Map, Section 3.05 Mixed Residential District (MR) is hereby amended as to read follows:

Section 3.05.4 - Dimensional Regulations

<i>Dimensional Standards & Building Form</i>		
<i>Lot Occupation</i>		
Minimum Lot Area		1 acre
Minimum Lot Width		200'
Maximum Lot Coverage (a) (b)		30%
<i>Principal Structure</i>		
Setback (c) (d) (e)	Front	50'
	Side (h)	25'
	Rear	50'
	From Existing Structures	20'
Maximum Height		35'
Minimum floor area per dwelling unit	Total	800 sq ft
	1 st Floor	800 sq ft
Minimum Dwelling Width (f)		14'
<i>Accessory Building With Principal Use</i>		
Number of Accessory Buildings	Lots < 3 acres	1
	Lots > 3 acres	2
Setback (c) (d) (e)	Front	50'
	Side	25'
	Rear	50'
	From Existing Structures	20'
Maximum Height at Eaves		16'
Maximum Building Footprint	Lots 1 – 4.99 acres	1,800 sq ft
	Lots 5 – 9.99 acres	3,600 sq ft
	Lots ≥ 10 acres	4,400 sq ft
<i>Accessory Building As Principal Use</i>		
Number of Accessory Buildings		1
Minimum Lot Area		1 acre
Setback (c) (d) (e)(g)	Front	100'
	Side	50'
	Rear	50'
	From Existing Structures	20'
Maximum Height at Eaves		16'
Maximum Building Footprint	Lots 1 - 4.99 acres	1,800
	Lots 5 – 9.99 acres	3,600 sq ft
	Lots ≥ 10 acres	4,400 sq ft

- (a) Maximum coverage shall include, but not be limited to, buildings or structures, roofs of any type, sidewalks, concrete, asphalt, or bituminous paving compacted gravel, patios or decks, and driveways.
- (b) The maximum lot coverage provisions in this ordinance shall exclude any impervious area directly associated with a public trail that crosses a property and connects to a larger trail system.
- (c) All auxiliary appliances, such as power generators or air conditioners shall comply with appropriate district setback requirements.
- (d) For all lakefront lots, the minimum structure setback on the waterfront side shall be seventy-five (75) feet from the ordinary high water mark.
- (e) A building eave may extend up to twenty-four inches into the required setback, provided the foundation is in compliance with the required setback.
- (f) Except within 800 feet of the shore of Burt Lake (measured from the ordinary high water mark), where the minimum dwelling width shall be 24 feet.
- (g) A shed shall meet the front yard setbacks of an accessory building.
- (h) Side yard setbacks for existing lots of record of one hundred twenty (120) feet in width or less shall be reduced to ten (10) feet.

Article III. Zoning Districts and Map, Section 3.06 Local Commercial District (C-1) is hereby amended to read as follows:

Section 3.06.3 - Dimensional Regulations

<i>Dimensional Standards & Building Form</i>		
<i>Lot Occupation</i>		
Minimum Lot Area		--
Minimum Lot Width		--
Maximum Lot Coverage (a) (b)		40%
<i>Principal Structure</i>		
Setback (c) (d) (e)	Front	25'
	Side	25'
	Rear	50'
	From Existing Structures	20'
Maximum Height		35'
Minimum floor area per dwelling unit	Total	800 sq ft
	1 st Floor	800 sq ft
<i>Accessory Building With Principal Use</i>		
Number of Accessory Buildings (f)	Lots < 3 acres	1
	Lots > 3 acres	2
Setback (c) (d) (e)	Front	25'
	Side	25'
	Rear	50'
	From Existing Structures	20'
Maximum Height at Eaves		16'
Maximum Building Footprint	Lots < 5 acres	1,800 sq ft
	Lots > 5 acres	2,560 sq ft
<i>Accessory Building As Principal Use</i>		
Number of Accessory Buildings		1
Minimum Lot Area		1 acre
Setback (c) (d) (e)(f)	Front	100'
	Side	50'
	Rear	50'
	From Existing Structures	20'
Maximum Height at Eaves		16'
Maximum Building Footprint	Lots 1 - 1.99 acres	1,200 sq ft
	Lots 2 - 4.99 acres	1,800 sq ft
	Lots > 5 acres	2,560 sq ft

- (a) Maximum coverage shall include, but not be limited to, buildings or structures, roofs of any type, sidewalks, concrete, asphalt, or bituminous paving compacted gravel, patios or decks, and driveways.
- (b) maximum lot coverage provisions in this ordinance shall exclude any impervious area directly associated with a public trail that crosses a property and connects to a larger trail system.
- (c) All auxiliary appliances, such as power generators or air conditioners shall comply with appropriate district setback requirements.
- (d) For all lakefront lots, the minimum structure setback on the waterfront side shall be seventy-five (75) feet from the ordinary high water mark.
- (e) A building eave may extend up to twenty-four inches into the required setback, provided the foundation is in compliance with the required setback.
- (f) A shed shall meet the front yard setbacks of an accessory building.

Article III. Zoning Districts and Map, Section 3.07 Light Industrial District (I) is hereby amended to read as follows:

Section 3.07.4 - Dimensional Regulations

<i>Dimensional Standards & Building Form</i>		
<i>Lot Occupation</i>		
Minimum Lot Area		--
Minimum Lot Width		--
Maximum Lot Coverage (a) (b)		40%
<i>Principal Structure</i>		
Setback (c) (d) (e)	Front	25'
	Side	25'
	Rear	50'
	From Existing Structures	20'
Maximum Height (f)		35'
Minimum floor area per dwelling unit	Total	800 sq ft
	1 st Floor	800 sq ft
<i>Accessory Building With Principal Use</i>		
Number of Accessory Buildings	Lots < 3 acres	1
	Lots > 3 acres	2
Setback (c) (d) (e)	Front	25'
	Side	25'
	Rear	50'
	From Existing Structures	20
Maximum Height at Eaves		16'
Maximum Building Footprint	Lots < 5 acres	1,800 sq ft
	Lots ≥ 5 acres	2,560 sq ft
<i>Accessory Building As Principal Use</i>		
Number of Accessory Buildings		1
Minimum Lot Area		1 acre
Setback (c) (d) (e)(g)	Front	100'
	Side	50'
	Rear	50'
	From Existing Structures	20'
Maximum Height at Eaves		16'
Maximum Building Footprint	Lots 1 - 1.99 acres	1,200 sq ft
	Lots 2 - 4.99 acres	1,800 sq ft
	Lots > 5 acres	2,560 sq ft

- (a) Maximum coverage shall include, but not be limited to, buildings or structures, roofs of any type, sidewalks, concrete, asphalt, or bituminous paving compacted gravel, patios or decks, and driveways.
- (b) The maximum lot coverage provisions in this ordinance shall exclude any impervious area directly associated with a public trail that crosses a property and connects to a larger trail system.
- (c) All auxiliary appliances, such as power generators or air conditioners shall comply with appropriate district setback requirements.
- (d) For all lakefront lots, the minimum structure setback on the waterfront side shall be seventy-five (75) feet from the ordinary high water mark.
- (e) A building eave may extend up to twenty-four inches into the required setback, provided the foundation is in compliance with the required setback.
- (f) Telecommunication towers, alternative tower structures, transmission and communication towers, utility microwaves, and public utility T.V. or radio transmitting towers shall not be subject to the height regulations of this Section, but shall be regulated pursuant to Section 7.01.22 of this ordinance.
- (g) A shed shall meet the front yard setbacks of an accessory building.

Article III. Zoning Districts and Map, Section 3.08 Conservation Recreation District (CR) is hereby amended to read as follows:

Section 3.08.3 - Dimensional Regulations

<i>Dimensional Standards & Building Form</i>		
<i>Lot Occupation</i>		
Minimum Lot Area		40 ac
Minimum Lot Width (g)		500'
Maximum Lot Coverage (a) (b) (f)		2%
<i>Principal Structure</i>		
Setback (c) (d) (e)	Front	50'
	Side	100'
	Rear	50'
	From Existing Structures	20'
Maximum Height		35'
Minimum floor area per dwelling unit	Total	800 sq ft
	1 st Floor	800 sq ft
<i>Accessory Building With Principal Use</i>		
Number of Accessory Buildings		1
Setback (c) (d) (e)	Front	50'
	Side	100'
	Rear	50'
	From Existing Structures	20'
Maximum Height at Eaves		16'
Maximum Building Footprint		4,400 sq ft
<i>Accessory Building As Principal Use</i>		
Number of Accessory Buildings		1
Minimum Lot Area		40 acres
Setback (c) (d) (e)(h)	Front	100'
	Side	50'
	Rear	50'
	From Existing Structures	20'
Maximum Height at Eaves		16'
Maximum Building Footprint		4,400 sq ft

- (a) Maximum coverage shall include, but not be limited to, buildings or structures, roofs of any type, sidewalks, concrete, asphalt, or bituminous paving compacted gravel, patios or decks, and driveways.
- (b) The maximum lot coverage provisions in this ordinance shall exclude any impervious area directly associated with a public trail that crosses a property and connects to a larger trail system.
- (c) All auxiliary appliances, such as power generators or air conditioners shall comply with appropriate district setback requirements
- (d) For all lakefront lots, the minimum structure setback on the waterfront side shall be seventy-five (75) feet from the ordinary high water mark.
- (e) A building eave may extend up to twenty-four inches into the required setback, provided the foundation is in compliance with the required setback.
- (f) The Planning Commission may increase the lot coverage maximum to a total of five (5) percent, provided the Planning Commission finds the proposed project is for public benefit, located on public property. *(Amended 04/05/2012)*
- (g) Lot width for any waterfront lot shall be measured at the ordinary high water mark.
- (h) A shed shall meet the front yard setbacks of an accessory building.

Section 3. Effective Date.

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the Township.

By: _____
Harold Koviak, Supervisor
Adoption date: _____

By: _____
Christy Kozlowski, Clerk
Effective date: _____