

**ARTICLE 21.00
SCHEDULE OF REGULATIONS**

**FOOTNOTES TO ARTICLE 21.00
SCHEDULE OF REGULATIONS**

- a. If **one or both** public sanitary sewers and/or public water supply are not available minimum lot size shall be 14,500 square feet, subject to valid County Health Department permit prior to home construction. If **both** public sanitary sewers and public water supply are available, minimum lot size shall be square feet as established in the Schedule of Regulations Table, subject to valid County Health Department permit prior to home construction.
- b. No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for the district in which the building is located. See Section 4.26.1 & 4.26.2 for exceptions for schools, churches, farm buildings, elevators, stairways etc.
- c. One-half the right-of-way of an abutting alley may be counted towards rear yard setback required.
- d. In no case may a building or a parking area encroach onto an existing or proposed public right-of-way or street set-back area.
- e. Where a front yard of lesser depth than specified in the Schedule of Regulations exists in front of dwellings on more than sixty (60) percent of the lots of record on one side of the street in any one block in a Single Family Residential District, the depth of the front yard for any building thereafter erected or replaced on any lot in such block need not be greater than the average depth of the front yards of such existing buildings.

Where a front yard greater in depth than specified in the Schedule of Regulations exists in front of dwellings on more than sixty (60) percent of the lots of record on one side of the street in any one block in a Single Family Residential District, the depth of the front yard for any building thereafter erected or replaced on any lot in such block shall not be smaller than the average depth of the front yards of such existing buildings.

Amended November 10, 2016 by Zoning Ordinance Amendment No. 200-127.

- f. All yards abutting upon a public street shall be considered a front yard, except for lake lots. In the case of Lake Lots or Parcels the following shall apply:

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1. The front lot line shall be that line designated as the ordinary high water mark by a surveyor licensed by the State of Michigan.
2. The required front yard setback for a lake lot shall be a minimum of 50 feet. The front yard shall be open space extending the full width of the lot as measured as the horizontal distance between the front lot line and the nearest line of a building.
3. The required rear yard setback for a lake lot shall be a minimum of 20 feet. The rear yard shall be open space extending the full width of the lot as measured as the horizontal distance between the street setback line and the nearest line of a building.

Amended October 24, 2006 by Zoning Ordinance No. 200-85
[Amended March 26, 2001 by Zoning Ordinance No. 200-48]

- g. Reserved For Future Use.

Amended July 8, 2008, by Zoning Ordinance Amendment No. 200-95.

- h. An unenclosed porch, paved patio, or terrace may project into a required front or rear yard for a distance not to exceed twelve (12) feet. See Section 4.07.5
- i. The total minimum floor area, usable residential, is set forth in the Schedule of Regulations. The minimum ground level floor area, usable residential shall be not less than six hundred (600) square feet.

Amended January 17, 2006, by Zoning Ordinance Amendment No. 200-80.

- j. Each side yard shall be a minimum of ten (10) feet and this space shall be increased beyond ten (10) feet by two (2) feet for each ten (10) feet or part thereof by which said dwelling structure exceeds forty (40) feet in overall dimension along the adjoining lot line. Where any multiple family use abuts a single family residential district or where the proposed multiple family dwelling units face or back to a side parcel line, the side yard shall not be less than thirty-five (35) feet.

Maximum building length of any building housing a multiple family dwelling or dwellings shall not exceed two hundred (200) feet.

Where two (2) or more multiple, row or terrace dwelling structures are erected on the same lot or parcel, a minimum distance between any two (2) structures shall be thirty (30) feet plus one (1) foot for each ten (10) feet, or part thereof, by which the total length of that portion of the two structures lies opposite each other.

In the R-3-B District, the required front or rear yard setback shall be equal to the height of the building, but in no instance less than thirty (30) feet.

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- k. In the case of housing for the elderly, the maximum density permitted shall be thirty-two (32) bedrooms per acre and the floor area ratio may be increased up to fifty (50) per cent.
- l. In the case of two-family detached dwelling units, the minimum lot size and width per dwelling unit shall be seven thousand eight hundred (7,800) square feet and forty (60) feet, respectively. The minimum yard setbacks required for such units shall be twenty-five (25) feet front, eight (8) feet one side, seventeen (17) feet side total of two sides, and forty (40) feet rear. The minimum floor area per dwelling unit shall be eight hundred (800) square feet.
- m. The minimum required floor space per dwelling unit in each multiple-dwelling structure shall be:

Efficiency	350 square feet
One-bedroom apartment	600 square feet
Two-bedroom apartment	800 square feet
Three-bedroom apartment	1,000 square feet

plus an additional 80 square feet for each bedroom in excess of three bedrooms in any dwelling unit.
- n. No building shall be located closer than one hundred (100) feet to a perimeter property line which abuts a Residential District.
- o. Side yards are not required at interior side lot lines if walls are of fireproof masonry construction, excepting that when such walls of buildings facing such interior side lot lines have windows or similar openings, side yards of at least fifteen (15) feet shall be provided. A side yard of twenty (20) feet is required on all corner lots and whenever adjacent to a residential use.
- p. Side yards abutting a street shall not be less than the front yard required for the zoning district in which lot is located.
- q. All yards abutting a street shall be measured from the street setback line. See Section 37.01.292 and Section 4.09.2
- r. Required off-street loading/unloading areas shall not be provided in the front yard.

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- s. All storage of building contracting, or plumbing materials; sand, gravel, stone, lumber, equipment, and other supplies, shall be located within an area not closer than one hundred and fifty (150) feet from any street right-of-way line. The storage of lumber, coal or other combustible material shall not be less than twenty (20) feet from any interior lot line, and a roadway shall be provided, graded, surfaced, and maintained from the street to the rear of the property to permit free access of fire trucks at any time. All such open storage shall be screened from all streets, and on all sides which abut any residentially zoned district, by a solid eight (8) foot wall or fence sufficient to serve as a permanent retaining wall or fence.
- t. The minimum distance between any dwellings shall not be less than twelve (12) feet.
- u. For multiple family lots with less than 400 feet of frontage, the length to width ratio may not exceed 2 to 1. For each multiple family dwelling unit a minimum of 400 square feet of open space shall be provided exclusive of:
 - (1) All vehicular parking and movement areas,
 - and
 - (2) The required front yard.
- v. See ARTICLE 22.00 AND 23.00 for exceptions as to yard setbacks, density etc.
- w. All swimming pools shall be located a minimum of six (6) feet from any property line and from any other structure. Swimming pools shall be required to be located in the rear yard. For the purpose of determining required yard spaces and maximum lot coverage, a swimming pool shall be considered as an accessory building or structure.
- x. Any development creating 2 or more lots, including any subdivision or condominium project, but excepting lot splits along the frontage of an existing public road, shall be subject to the following:
 - 1. Site plan and/or Plat approval pursuant to the requirements of this Ordinance shall be required.
 - 2. An Association shall be created in perpetuity and all lot owners, within the development, shall be required to be members of said Association. The Association shall be created by deed restriction and filed with the County Recorder's Office.
 - 3. A "community onsite sewage treatment system" or "system" shall be required in lieu of individual septic systems for each lot. The system shall meet all Township, County and state agency approvals, as applicable.

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4. The Association shall be responsible, in perpetuity, for the maintenance and upkeep of the approved sewage treatment system. A licensed operator, as defined by rules promulgated under the Department of Environmental Quality Environmental Assistance Division Sewerage Systems, by authority conferred on the Department of Environmental Quality by Act No. 451 of the Public Acts of 1994, as amended shall be contracted to maintain said system. A record of this contract and all maintenance activity shall be maintained by the Association and shall be filed yearly with the Township Clerk and the Township Building Official.
5. A maintenance/replacement fund “fund” shall be established by the Association through the development of monthly or yearly dues. This fund shall have sufficient funds in place in order to conduct regular maintenance to the system and sufficient reserve funds in order to replace the system or perform major renovation to the system, within a fixed time period, as determined by the governmental agency, as set forth in item 6 below and as approved by the Township Engineer and Township Attorney. Said proof of funds shall be filed yearly with the Township Clerk and the Township Building Official.
6.
 - A. A contract with a local governmental agency, other than the Township, shall be provided to and approved by, the Township, which designates said agency as the default agency responsible for the maintenance and continual upkeep of the sewage treatment system. This agency shall take ultimate responsibility for the maintenance and replacement of the system. The agreement shall require that said agency shall take over said maintenance and upkeep of the sewage treatment system if the Association does not adequately perform said duties and shall ultimately take over and take appropriate action if a failure occurs.
 - B. If a contract with such other local governmental agency is not provided to the Township, then the Developer shall be required to provide sufficient assurances to the Township that the Association will be established and will provide for the operation, maintenance and/or replacement of the system, as is or may be required by the State and/or other local agency including the Township. The Developer and the Association shall be required to enter into an agreement with the Township to clearly establish the ownership of the system in the Developer and the Association and to allocate the burdens of ownership, operation, maintenance and repair or replacement among the Developer, the Association and the users of the system. The agreement shall provide for the establishment of an escrow “fund” and establish to the satisfaction of the Township, the mechanisms necessary to further finance the fund in the future and in perpetuity. The Agreement shall provide that the Township has the authority and right but not the duty to incur expenses it deems necessary with regard to the system and shall provide the

manner for the assessment and enforcement of assessment for the cost, expenses, or fees incidental thereto against the users of the system whether it be as a “user fee” or otherwise in the same manner as permitted by the General Property Tax Act. The terms of the agreement shall require the approval of the Township and shall be incorporated by reference or attachment into all subdivision, condominium or other documents and shall be provided to all purchasers and recorded at the County Register of Deeds Office.

7. Provisions must be put in place within the Association’s deed restrictions or covenants that would require that the private system be tied into a “Public System” in the event that a Public System should become available for connection and located within 400 ft of any part of the subject property in the future.
8. The sewage system shall be designed as a traditional gravity system with approved sewer pipes, manholes, castings and other appurtenances meeting the requirements of the recommended standards for wastewater facilities (Ten States Standards) and Frenchtown Charter Township. In addition, the sewage system shall be designed in such a manner as to allow for the normal connection of this system into the public sewage system without modifying the internal sewage system within the development, should a public system become available. This shall not preclude the purchase and installation of an approved lift station by the Association, in order to tie the internal sewage system into the public system.

Amended September 28, 2004, by Zoning Ordinance No. 200-67.

- y. Unenclosed ramps and chairlifts meeting Building Code standards and constructed for the purpose of providing a person with a physical disability access to a single family dwelling may be permitted to encroach into a required yard setback to the extent necessary to perform its proper function upon approval by the Township. An application for such approval must be filed with the Township Building Official by the property owner and shall provide information regarding the needed accommodation. If granted, the approval for the accommodation shall be valid only for such period of time as the accommodation is reasonably necessary. The portion of the structure intruding into the setback shall be removed by the property owner within 30 days after the accommodation is no longer necessary for the reason that the occupant requiring the accommodation no longer resides on the property or as a result of a change in ownership. It shall be the responsibility of the property owner to provide notice to successors in ownership of the removal requirement.

Amended November 25, 2014, by Zoning Ordinance No. 200-116.