

## **ARTICLE III GENERAL PROVISIONS**

### **Sec. 20-300 Building Permits Issuance**

A building permit shall be obtained from the building inspector before any construction, erection, alteration, or addition to any structure is relocated into or within the township. No permit shall be valid until the required fee has been paid. For each building permit so issued, a fee shall be paid to the township treasurer, based on an affidavit of construction value as provided by the building inspector, in accordance with a schedule established by the Township Board and posted in a conspicuous place in the township office. In applying the schedule of fees, the physical value of the work shall be determined by the building inspector on the basis of current costs. If, upon the completion of the building, it is found by the building inspector that the estimated fee was insufficient to cover the actual cost, the applicant shall forthwith pay any additional fee for which he would initially have been liable and, in default thereof, shall not be entitled to receive a certificate of occupancy and compliance until such additional fee is paid. In the event that a building permit is not issued, the fee so paid shall be returned to the payer thereof. Failure to obtain a building permit before beginning construction will constitute a violation per Section 20-301 of this code and further construction will be stayed until the permit has been obtained. The fee for the permit will be twice the normal fee. A building permit shall become void unless operations are commenced within six (6) months from the date of issuance, unless such time is extended by the building inspector. All building permits shall expire one (1) year after the date of issuance, provided that the building inspector may, on application, extend a permit for not to exceed one (1) year from start of construction, without additional charge, if a satisfactory degree of progress in construction is shown. All permits or extensions thereof shall be in writing.

### **Sec. 20-301 Building Permits Violations and Cancellation of Permit**

(a) Should the building inspector determine that the construction is not proceeding according to plan filed or is in violation of any provision of this Code or any other applicable ordinance, regulation or law, he shall so notify the permit holder and further construction shall be stayed until correction has been effected and approved by the building inspector upon notice and request for re-inspection duly made.

(b) Should the permit holder fail to comply with the requirements of any stage of construction the building inspector is hereby empowered to cancel the building permit issued and shall cause notice of such cancellation to be securely posted upon such construction. Posting of such notice shall be considered sufficient notification to the permit holder of cancellation thereof. No further work shall be undertaken or permitted upon such construction until building permit shall thereafter have been issued.

(c) Any permit holder whose construction shall have been stayed under subsection (a) above, or whose building permit shall have been canceled under subsection (b) above, shall not be granted any building permit for any other construction or any type whatever until correction has been effected and approved as provided in subsection (a) above, or until a valid building permit shall have been issued to replace the canceled building permit, as provided in subsection (b) above.

**Sec. 20-302 P Required Plans**

All applications for building permits shall be accompanied by two (2) sets of plans, unless such plans are waived by the building inspector by so marking the application and attesting to same by his signature on each copy. Plans shall be drawn to a scale of one (1) inch equals twenty (20) feet showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of structures already existing, if any; and the location and dimensions of the proposed structure or alteration. The application shall include such other information as lawfully may be required by the building inspector.

**Sec. 20-303 Building Permits Subdivision Control Act**

No building permit shall be issued for the construction of any structure on any lot, tract, or parcel of land subdivided in violation of Act No. 288 of the Public Acts of Michigan of 1967 (MCL 560.101 et seq., MSA 26.430(101) et seq.).

**Sec 20-304 Common Driveways**

(a). A single 33 foot right-of-way may serve as ingress and egress for not more than two residences lacking sufficient frontage on a public road as required by this ordinance by administrative action of the Zoning Administrator. The right-of-way shall be excluded when calculating lot width or area. All setbacks shall be measured from the edge to the right-of-way. (Amended by adoption July 25, 2002)

(b). Prior to issuing a zoning permit for construction of a structure whose source of access is off a common driveway, the Zoning Administrator shall find that:

- (1) The owner of the land upon which the common driveway is to be constructed, records with the Genesee County Register of Deeds an easement granting rights of ingress and egress for the benefit of both residences served by the common drive.
- (2) A written maintenance agreement signed by the owners of each lot or residence to be served by the common driveway shall be recorded with Genesee County Register of Deeds. The agreement shall allocate the responsibility to maintain the common driveway between or among the owners, and shall be binding upon the successive owners of the lots or residences. It shall be the responsibility of the owners to enforce the terms of the agreement.
- (3) A staked boundary survey showing the location of the driveway easement.

(c) Any common driveway in legal use as of the effective date of Section 20-304 shall not be subject to the requirements of the Section 20-304. Any increase in the existing use of such a common driveway shall require a special use permit to be considered by the planning commission in accordance with Sections 20-1800, 1801 and 1802 of the Charter Township of Flushing Zoning Ordinance. The planning commission shall have the sole discretion to allow modification of the existing use of the common drive and may impose any conditions that are reasonably necessary to achieve the objectives set forth in Sections 20-1800, 1801 and 1802. Except as expressly amended

by this subsection (c) all provisions of Section 20-304 shall remain in full force and effect. (Adopted on the 14<sup>th</sup> day of July 2005 by the Charter Township of Flushing Board of Trustees.)

**Sec 20-305 Private Roads**

- (a) A private road is a road that provides direct access to a parcel and which is not dedicated to and accepted by an authorized governmental road agency. A common driveway as used in this ordinance does not constitute a private road.
- (b) Application, review, and approval of a proposed, private road shall follow the same procedures, as conditional use permits with regards to notice and timing.
- (c) Application for approval of a private road shall include a site plan sealed by a professional engineer showing:
  - (1) Existing and proposed lot lines.
  - (2) The location of existing and proposed structures.
  - (3) The width and location of the private road easement.
  - (4) A cross section of the proposed road, showing the types of material the road base and surface will consist.
  - (5) Utility plans including the location and size/capacity of storm water drainage systems, sewer or septic systems, water lines or private wells, and private utilities such as telephone, electrical or cable service..
  - (6) Proposed locations of driveways off the private road
  - (7) Any existing or proposed structures, trees or other obstructions within the proposed right-of-way.
  - (8) All division of land shall be in compliance with the Subdivision Control Act
- (d) The proposed private road shall meet the following standards:
  - (1) The minimum right-of-way width shall be sixty-six (66) feet, provided that an applicant can request a reduction in right-of-way width in order to protect natural features provided that in no case may the right-of-way be less than 50' or as a result of space saving features such as curb and gutter..
  - (2) The minimum grade for roadways shall be 0.5%. The maximum grade shall be 6%. The maximum grade within 100' of an intersection shall be 3%.
  - (3) No fence, wall, sign, screen or any planting shall be erected or maintained in such a way as to obstruct vision between a height of three (3) and ten (10) feet within the triangular area formed by the intersection of a road right-of-way line and a private road right-of-way line and a line connecting two (2)

points which are located on those intersecting right-of-way lines, thirty (30) feet from the point of intersection.

- (4) The maximum number of residences permitted on a cull-de-sac is 20, but in no instances may a cull-de-sac be over 1,000' in length.
  - (5) Any driveways off of a private road shall be at least 40' from the intersection of the private road right-of-way and a public road right-of-way.
  - (6) Intersections of private roads with public roads shall be at an angle as close to 90° as possible, but in no case shall it be less than 80° or more than 100°.
  - (7) The width of the roadway shall be a minimum of 18' with 3' shoulders provided for bicycle and pedestrian traffic for roads servicing lots over 100' in width. Roads serving lots 100' wide or less shall provide a 24' wide roadway with 3' wide shoulders.
  - (8) The minimum radius for circular cull-de-sacs roadway is 40'. An interior island is permitted in the center of the cull-de-sac, provided that the roadway within the cull-de-sac is no less than 25' wide.
  - (9) Private roads shall meet the recording and maintenance requirements outlined for common drives in Section 20-304 (b).
  - (10) Private roads shall be paved with bituminous asphalt or concrete if any of the following occur:
    - a. The road serves more than 10 residential dwelling units.
    - b. The lots are an average of 100' or less in width.
    - c. The road provides access to multiple family developments.
  - (11) Sight distances on horizontal and vertical curves shall be a minimum of 200' measured at a point 10' from the edge of the traveled road-way at a height of 42" to an object height of 42".
  - (12) Parcels fronting on private roads shall meet the required front yard setback and lot width for their district.
  - (13) The private road shall be constructed with a minimum 10" of 22-A aggregate.
- (e) Any road that provides connection to any other (two) 2 public roads, provides access to industrial or commercial property shall be constructed to county road standards, and inspected and approved by the Genesee County Road Commission.
- (f) Any private road in legal use as of the effective date of Section 20-305 shall not be subject to the requirements of Section 20-305. Any increase in the existing use of such private road shall require a special use permit to be considered by the planning commission in accordance with Sections 20-1800, 1801 and 1802 of the Charter

Township of Flushing Zoning Ordinance. The planning commission shall have the sole discretion to allow modification of the existing use of the private road and may impose any conditions that are reasonably necessary to achieve the objectives set forth in Sections 20-1800, 1801 and 1802. Except as expressly amended by this subsection (f), all provisions of Section 20-305 shall remain in full force and effect. (Adopted on the 14<sup>th</sup> day of July 2005 by the Charter Township of Flushing Board of Trustees).

**Sec. 20-306 Construction or Contracts under Previous Permits**

Any building or structure for which a building permit has been issued and construction of the whole or a part of which has been started, or for which a contract or contracts have been entered into pursuant to a building permit issued prior to April 8, 1983, may be completed and used in accordance with the plans and applications on which such building permit was granted.

**Sec. 20-307 Essential Services**

Essential services shall be permitted or authorized or regulated by law and other ordinances of the township in any use district, it being the intention hereof to except such erection, construction, alteration and maintenance from the application of this chapter. Electrical receiving and transmission stations or gas regulator substations or telephone exchange buildings shall require prior issuance of a special use permit in all districts except manufacturing districts. This section shall not permit public utility service or pole yards except in those districts specifically permitting the same.

**Sec. 20-308 Governmental Construction Authority**

Nothing in this chapter shall be construed as prohibiting further construction or use of land by any government body for public purposes where consistent with the zones and regulations of this chapter.

**Sec. 20-309 Non Conforming Use Generally**

(a) Any use of land or structure, which use was lawful on April 8, 1983, may be continued; provided, however, such use shall have continued in operation, does not constitute a nuisance, and shall not be enlarged, altered, or changed in area, activity, or content during its continuance, except as provided otherwise by proper authority.

(b) Any non conforming use which has ceased its usual conduct of such business for a period of one (1) year or more shall be considered to have terminated, and may not thereafter commence operation.

**Sec. 20-310 Non Conforming Structure**

(a) The use of or occupancy of a non conforming structure, which was a lawful structure on April 8, 1983, may be continued; provided, however, no enlargement, change, or alteration shall be permitted upon such non conforming structure, except upon a finding by the building inspector that such enlargement, change or alteration will

bring such structure into conformance with this chapter, and that the use within such structure is in conformity with the requirements of this chapter. No enlargement, change, or alteration of a non conforming structure housing a non conforming use shall be permitted, except upon a finding by the board of zoning appeals that such enlargement, change, or alteration will permit greater compliance with the provisions, as required by the board of zoning appeals, and are installed or instituted to minimize the detrimental effects of the non conforming use upon adjoining conforming use.

(b) Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any structure, or part thereof, declared to be unsafe by any official charged with providing for the public safety, and which strengthening or restoration is ordered by such official.

**Sec. 20-311 Non Conforming Lot**

(a) Any lot which was lawful on April 8, 1983, but does not comply with all the provisions of this chapter may be continued in use; provided, however, the change in use of, or the location, modification, or construction of any structure on such lot shall not be permitted, unless all side, front, and rear setbacks can be satisfied or except upon a variance approved by the board of zoning appeals based upon a finding that such a variance is warranted, and subject to such conditions as the board may find necessary to provide for the public health, safety, morals, and general welfare.

(b) No building permit shall be issued for the construction of any structure upon any lot within any zoning district, which lot cannot meet the dimensional standards and requirements of such district and which lot was created after the enactment of this zoning ordinance, or after the enactment of any amendment which affects such standards or requirements, except as provided above.

**Sec. 20-312. Destruction of Structure**

Nothing in this chapter shall prevent the restoration, rebuilding, or repairing of any non conforming structure, or a structure housing a non conforming use, which structure has been damaged by fire, acts of God, or any act of a public enemy, subsequent to December 5, 1989, in amount up to and including sixty-five (65) percent of the replacement value of the structure as determined by an assessment board consisting of a qualified appraiser appointed by the Township Board, another by the owner of the structure, and a third appointed by the first two (2) appointees, with the cost of such appraiser shared equally by the township and the owner, and provided that the restoration or repairing shall have commenced and is diligently pursued within one (1) year after the date of destruction. Any non-conforming structure, or a structure housing a non-conforming use which has been damaged by fire, acts of God, or any act of a public enemy in an amount greater than sixty-five (65) percent of replacement value may be rebuilt only if it meets existing zoning regulations and any use housed by the structure must also conform to the existing regulations.

**Sec. 20-313 Maintenance of Non Conforming Uses**

Nothing in this chapter shall prevent the renovation or repair of non structural members, or the maintenance of a non conforming structure made necessary by ordinary wear and tear, provided the cost per year of such repair or maintenance does not exceed twenty-five (25) percent of the value of the structure as determined by its state-equalized valuation.

**Sec. 20-314 Non Conventional Dwellings**

No cellar, garage, or incompletely constructed such structure constructed after December 5, 1989, shall be used as a dwelling unless such structure has been completed as a dwelling and an occupancy permit issued for such structure.

**Sec. 20-315 Nuisance**

(a) No structure, excavation, or land shall be permitted to become or to remain in a dangerous, noxious, hazardous or offensive condition. The accumulation of junk, refuse, garbage, brush, or weeds shall be a violation of this chapter. No existing structure or land shall be permitted to deteriorate, fall down, become in disrepair, or in the event of damage, be allowed to remain or become dangerous, hazardous or an attractive nuisance. Any structure which is unoccupied shall be securely locked and closed against all unauthorized persons and no such structure shall be permitted to become an attractive nuisance.

(b) The owner or occupant or person entitled to possession or any principal or subcontractor, contributing to any of the above described conditions or under whose direction or control such conditions develop may each or all or any of them be charged for violation of this section. Continued failure to correct such condition shall constitute a separate violation of each day that such conditions shall not be corrected. The township building inspector, or agent, may in the event of violation of this section, notify the owner or occupant of such premises described herein of the violation and instruct such owner or occupant to correct such condition within seven (7) days. In the event of failure to correct such condition within the time limited, the township may correct such condition itself and charge the cost thereof to the owner or occupant, or both. In the event of failure to pay such cost, the township then may bring such action for the collection of the same against such persons individually as it may deem necessary or may assess such costs against the land in the same manner as general property taxes or take both such remedies. In the event of assessment against the land, the same shall become a lien against the land in the same manner as provided for under general tax assessment. Provided, however, that notice as provided above shall not be necessary before any of the above-named persons may be charged for a violation of this section. In addition to the above penalties, the township building inspector may, whenever such conditions become applicable, attach to such structure a notice of noncompliance with this chapter and not occupancy of any kind, temporary or permanent, shall be permitted until the conditions are corrected.

**Sec. 20-316 Personal Construction Authority**

Nothing in this chapter shall be construed as prohibiting an owner, tenant, occupant, or land contract vender from doing his own building, erecting, altering, plumbing, electrical installation, etc., provided the minimum requirement of the state electrical and plumbing codes of the state and the applicable county health department regulations are complied with.

**Sec. 20-317 Permanent Structure Completion**

All structures shall be completed on the outside in conformance with the building code and with finish material, such as wood, brick, or brick veneer, shingle, concrete or similar performance-tested material within one (1) year after construction is started unless an extension is granted by the Zoning Board of Appeals. When part of the structure is ready for occupancy a temporary occupancy permit may be issued, provided that the premises comply with health and fire standards.

**Sec. 20-318 Temporary Dwelling Structure, Fixed or Movable**

No temporary structure, whether of a fixed or movable nature, may be erected, altered, or moved upon any premise and used for dwelling purposes, unless approved by issuance of a non-discretionary special use permit by the Zoning Administrator as elsewhere provided.

**Sec. 20-319 Temporary Travel Trailer or Recreational Vehicle Parking**

(a) No person shall park, or cause to be parked, any travel trailer or other recreational vehicle over forty-eight (48) hours on any street, alley, highway or other public place or any site, lot, field or tract of land not specifically licensed as a travel trailer or recreational vehicle park without a Temporary Trailer Special Use Permit as outlined in Article XIX, Section 20-1800 (c).

(b) No travel trailer or other recreational vehicle shall at any time be parked between the established setback line and the curb line on any lot.

(c) No travel trailer or other recreational vehicle shall be used or occupied unless there is a clear unoccupied space of at least ten (10) feet on all sides thereof.

(d) No person shall park, or permit the parking on, any occupied travel trailer or other recreational vehicle, or use, occupy or permit the use or occupancy of any travel trailer or other recreational vehicle on any site, lot, field or tract of land not specifically licensed as a travel trailer or recreational vehicle park, except as otherwise provided in this chapter.

(e) No person shall remove or cause to be removed the wheels or tires from any occupied travel trailer or other recreational vehicle, except for the purpose of repair, nor shall any person elevate, block, or stabilize any trailer or vehicle other than with jacks designed, provided, and intended for that purpose. No parked travel trailer or other recreational vehicle shall be occupied for sleeping purposes by a greater number of

persons in any one (1) twenty-four-hour period than such vehicle is designed and arranged to accommodate at one (1) time.

(f) No person shall spill or drain any waste water or liquid waste of any kind upon the surface of the ground or upon any paved area.

(g) The township building inspector shall have the authority to enter at any reasonable time any premises upon which a travel trailer or other recreational vehicle is parked, used, or occupied for the purpose of ascertaining that the owner, operator, or occupant thereof is complying with all the statutes, ordinances, and rules and regulations governing the same.

(i) No permanent or movable accessory walled structure shall be attached to any trailer; and no trailer shall be parked in front on the setback line established by this ordinance.

(l) For those travel trailers and other recreational vehicles shall have properly designed and approved self-contained waste disposal and/or containment facilities, or shall have access to and unlimited use of the sanitary facilities of the dwelling located on the same zoning lot.

**Sec. 20-320 Miscellaneous Temporary Uses**

(a) Nothing in this chapter shall prevent the use of a travel trailer, or mobile home, or other similar structure, in any district as a temporary construction field office as an accessory use for a period not to exceed the period of construction; provided, however, such structure is not used for overnight sleeping accommodations and adequate arrangements for sanitary facilities are made and provided further, that the temporary field office has been certified as such and conforming to this chapter by the building inspector.

**Sec. 20-321 Zoning Districts**

For the purpose of this chapter, all of the incorporated area of the township is divided into the following zoning use districts:

RSA	Residential suburban agricultural
RU-1	Residential urban single-family
RU-2	Residential urban multiple-family
RU-3	Residential urban transient
RU-4	Residential urban mobile home park
SR	Sports and recreational
C-1	Local commercial
C-2	General commercial
C-3	Shopping center
M-1	Light manufacturing
M-2	Heavy manufacturing

**Sec. 20-32 District Boundaries**

The boundaries of these districts are hereby established as shown on a map entitled, "Zoning Map, Flushing Township, Genesee County, Michigan," which accompanies and is hereby made a part of this chapter. Except where specifically designated on such map, the district boundary lines are intended to follow lot lines, the centerlines of creeks, streams, or rivers, the centerlines of streets or alleys, the centerlines of streets or alleys projected, railroad right-of-way lines, section lines, one-quarter section lines, one-eighth section lines or the corporate limit line, all as they existed on December 5, 1989; except as otherwise specifically described; but, where a district boundary line does not coincide with rear lot lines, such boundary lines shall be dimensioned on the zoning map.

**Sec. 20-323 Zoning District Map**

The boundaries of the zoning districts are shown on the official map on file in Flushing Township Office and made part of this chapter, such map being designated as the official zoning district map showing use districts and building districts in the unincorporated portions of township, and such map and the proper notations, references, and other information shown thereon shall be as much a part of this chapter as if the matters and information set forth by such map were all fully described therein.