

**Burt Township**  
**Ordinance Number \_\_\_\_\_ of 2009**

An Ordinance to amend Article VI: General Provisions of the Burt Township Zoning Ordinance, pertaining to the reconstruction of structures on existing non-conforming lots; regulation of accessory structures; regulation of fire pits; regulation of waterfront setback and the associated natural vegetation strip; and regulation of fences, walls and hedges.

**The Township of Burt Ordains:**

**Section 1. Amendment of Article VI, Section 6.02.4**

Article VI, Section 6.02, subsection 4 of the Burt Township Zoning Ordinance is hereby amended to read in its entirety as follows:

4. Reconstruction of building(s) and/or structures on an existing non-conforming lot may be permitted, with a zoning permit, after applying for and receiving any necessary variances from the Zoning Board of Appeals.

**Section 2. Amendment of Article VI, Section 6.04.1**

Article VI, Section 6.04, subsection 1 of the Burt Township Zoning Ordinance: *Accessory Buildings or Property with Principal Use*, the chart is hereby amended to specify the maximum size of accessory buildings in all districts except Waterfront Residential on properties with a principal use shall be 1,800 square feet in size.

**Section 3. Amendment of Article VI, Section 6.04.1 (a)**

Article VI, Section 6.04, subsection 1(a) of the Burt Township Zoning Ordinance is hereby amended to read in its entirety as follows:

- (a) A second accessory building or a single accessory building not exceeding 1.5 times the maximum 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 and a minimum distance of twenty (20) feet is required between structures.

**Section 4. Amendment of Article VI, Section 6.04.2**

Article VI, Section 6.04.2 of the Burt Township Zoning Ordinance is hereby amended to add subsection 2 to read in its entirety as follows:

2. Additional accessory buildings shall be allowed, provided the following standards are met: An additional accessory building shall be approved, if the parcel is of a size that the ratio of accessory buildings to acres will not exceed one accessory building per ten acres; all structures shall comply with the accessory building setback, height and size requirements of Section 6.04.2.1A; and shall have a minimum distance of twenty (20) feet between structures. No more than four (4) accessory structures shall be allowed on any parcel.

### **Section 5. Amendment of Article VI, Section 6.04.3 (3)**

Article VI, Section 6.04.3, subsection 3 of the Burt Township Zoning Ordinance is hereby amended to read in its entirety as follows:

3. A fire area, defined as a fire pit and surrounding buffer zone, shall be permitted in any residential district in compliance with required district setbacks, except on waterfront parcels. Such fire areas shall also be permitted within the front (lakefront) setback. In the lakefront setback, fire area shall be limited to a total footprint of no more than sixty four (64) square feet, and buffer zone shall be totally permeable surface. The fire pit shall not exceed nine (9) square feet. The fire area shall not exceed a height of one (1) foot above finished grade.

### **Section 6. Amendment of Article VI, Section 6.12.4**

Article VI, Section 6.12, subsection 4 of the Burt Township Zoning Ordinance is hereby amended to read in its entirety as follows:

4. Within twenty-five (25) feet of the ordinary high water mark, a natural vegetation strip shall be established or maintained on a least seventy percent (70%) of the lake or stream frontage for any new construction or any renovation that results in an increase of the structure footprint by five hundred (500) square feet or greater. Once installed or established (either as required or voluntarily), the natural vegetation strip may be modified in accordance with the requirements, but shall not be removed. The natural vegetation strip shall be installed within 2 years of issuance of the zoning permit. The natural vegetation strip shall consist of trees, shrubs or herbaceous plants, excluding lawn. The establishment of a natural vegetation strip is encouraged, but not required for the construction of an accessory building.

### **Section 7. Amendment of Article VI, Section 6.13**

Article VI, Section 6.13 of the Burt Township Zoning Ordinance is hereby amended to read in its entirety as follows:

#### **Section 6.13 - Fences, Walls and Hedges**

1. Notwithstanding other provisions in this Ordinance, fences, walls, or hedges may be permitted on any property in any District, provided that no fence or wall exceed a height of six (6) feet and shall be no closer than five (5) feet to the front property line or road right of way except provided below. Further provided such fence, wall or hedge shall not obstruct sight distances needed for safe vehicular traffic, nor create a hazard to traffic or pedestrians. Fences shall be setback two (2) feet from the side or rear property line, unless an agreement signed by both property owners is provided, shall the fence be allowed to be placed on the property line.
2. Where a lot borders a lake fencing shall not be constructed on the waterfront side within the required seventy-five (75) foot waterfront setback.
3. Barrier fences containing barbed wire, electric charges or sharp materials at the top of a fence or wall less than six (6) feet in height are prohibited except for

properties in agricultural use or unless needed to protect the public safety and approved by the Planning Commission.

4. Notwithstanding the height limitations for fences and walls set forth in paragraph 1 of this section 6.13, an obscuring wall or fence shall be permitted to be eight (8) feet high, or a hedge of a minimum of eight (8) feet high, shall be required to screen open storage yards or areas used for the storage of salvage materials.
5. No fence shall be approved which constitutes a fire hazard either of itself or in connection with the existing structures in the vicinity, nor which will interfere with access by the Fire Department in case of fire to buildings in the vicinity or which will constitute a hazard to street traffic or to pedestrians.
6. No gate, when fully extended, shall encroach on any neighboring property or road right of way.
7. Finished side of fence shall face neighboring property.

### **Section 8. Severability.**

If any section, clause, or provision of this Ordinance be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance. The Township Board hereby declares that it would have passed each part, section, subsection, phrase, sentence, and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences, or clauses be declared invalid.

### **Section 9. Conflicts.**

If any provision of the Burt Township Zoning Ordinance conflicts with this Zoning Ordinance Amendment, then the provisions of this Zoning Ordinance Amendment shall control.

### **Section 10. Effective Date.**

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

## **Township of Burt**

By:

Harold Koviak, Supervisor

Adoption date: \_\_\_\_\_

By:

Donna McDougall, Clerk

Effective date: \_\_\_\_\_