

Bengal Township
Zoning Ordinance
Frequently Asked Questions (FAQs)
October 2020

Q: When are the Planning Commission (PC) meetings and can anyone attend?

A: The PC meetings are open public meetings that anyone can attend and are held on the first Wednesday of every month at 7:00 p.m. at the Bengal Township Hall located at 6586 West M-21, St. Johns. The PC is required to meet at a minimum each quarter. If there is no new business to address, the monthly meeting *may* be cancelled. Please check the information board which sits in front of the hall or the township's website for cancellation notices which are required to be posted 24 hours prior to the meeting.

Q: Where is the Zoning Compliance Application located?

A: The Zoning Compliance Application and other township forms can be found at the township's website at <http://www.bengaltownship.com/fireord.htm>

Q: Who is Bengal Township's Zoning Administrator (ZA)?

A: Bengal Township is currently under contract with McKenna Associates for ZA services. Our representative is Christopher Khorey, AICP. Christopher holds a Bachelor of Arts from University of Notre Dame and a Master of City Planning from University of Pennsylvania. Please see McKenna's website at <https://www.mcka.com> for more information.

Q: Does the PC get paid?

A: Yes, each PC member is compensated for every PC meeting he or she attends.

Q: Does the Township have an inspector?

A: Yes. The township has entered into a contract with Mr. Tom McComb to provide inspection services. In addition to inspections, Tom has also been contracted to assist with Ordinance compliance.

Q: How many acres are required to build a house?

A: As set forth in Section 3.05 Schedule of Area, Height, and Placement Regulations of the township ordinance, a minimum of 5 acres is needed to construct a home. To be buildable, all parcels shall not exceed the minimum depth to width ratio of four (4) to (one) 1 unless granted a variance from the Board of Appeals. See the township's Zoning Ordinance for additional requirements.

Q: If I want to build a structure, i.e. a pole barn or a house, what is the process?

A: The first step in the process is to access the township's ordinance at <http://www.bengaltownship.com/ZoneFinal.pdf> and familiarize yourself with the requirements. You may access the Zoning Compliance Application on the township's website and submit the application, all required documents and payment to Bengal Township's Clerk as indicated on the application.

Q: How much does it cost to get an inspection for my construction and is it required?

A: All construction in the township requires an inspection before the construction can begin and requires an inspection after the construction is complete. The total minimum fee is \$150 - \$75 for each inspection. Should the site require additional inspections, a \$75 fee will be assessed for each visit. Please see the township's current Fee Schedule at <http://www.bengaltownship.com/Fee.pdf> for additional information.

Q: Can I live in my pole barn while my primary residence is being built?

A: Yes, however the barn must be deemed uninhabitable upon completion of the primary residence. As stated in Section 4.18 - One Lot, One Building - In all districts allowing single-family residential as a permitted use, only one (1) principal building/structure shall be placed on a single lot of record. See Section 4.13 – Temporary Dwellings for additional information.

Q: Can I have an office in my home or pole barn?

A: Yes. The township's Zoning Ordinance allows for such use. Please see the definitions of home-based business and home occupation in Section 2.02 – Definitions and see Section 4.31 – Home Occupations for requirements.

Q: What are the height limits for a pole barn or other structure?

A: The requirements are set forth in Section 3.05 Schedule of Area, Height, and Placement Regulations of the Zoning Ordinance.

Q: What is the process to complete a land division?

A: The first step in the process is to familiarize yourself with Article 9 – Land Division in the township's Zoning Ordinance. Specific requirements regarding approval can be found in Section 9.04 - Minimum Requirements for Approval of Land Divisions. The application can be accessed via the township's website. The required information and ESCROW payment can be sent to Bengal Township's Clerk as indicated on the application.

Q: Does the township charge a fee to divide land?

A: Yes. The *minimum* amount charged is \$450. An ESCROW payment of \$600 must be submitted at the time the application is made. Should the approval process cost less than \$600, a check will be sent back to you for the difference.

Q: How many times can a parcel be divided?

A: A parcel can be divided up to four times with approval by the Zoning Administrator, as permitted under the State Land Division Act. Proposals for more than four splits must go through a plat or site condominium process and receive approval from the Planning Commission and Township Board, as well as Clinton County.

Q: Can I divide land which will result in a 1-acre parcel?

A: No. As set forth in Section 3.05 - Schedule of Area, Height, and Placement Regulations, Item E., Homestead Division, a parcel containing a single-family residence that was constructed prior to the year 2017 must have a minimum lot size of 2 acres. If there is no existing homestead, the resulting parcel must be 5 acres to construct a structure.

Q: Can I divide a parcel which has a homestead on it from an existing parcel?

A: Yes. However, as set forth in Section 3.05 - Schedule of Area, Height, and Placement Regulations, Item E., Homestead Division, a parcel containing a single-family residence that was ~~that was~~ constructed prior to the year 2017 must have a minimum lot size of 2 acres and a minimum lot width of one hundred and fifty (150) feet of frontage on a public road as measured at the right-of-way and must not exceed a lot width ratio of four (4) to one (1) so long as any remainder parcel conforms to all the requirements of the district.

Q: Do I need a Zoning Compliance Review for a pool?

A: A swimming pool on a residential lot does not require approval under the Zoning Ordinance but does require a Building Permit from Clinton County. A letter stating no zoning approval is required may be obtained from the Zoning Administrator at no cost to the applicant.

Q: Does the Township issue building permits?

A: No. Clinton County is the governing body for building permits. Once you have received approval for your project from the township's ZA, you must apply for a building permit with Clinton County.

Q: How will I know if my Zoning Application is approved?

A: Once, your application, required documentation and payment has been received, the review/approval process will begin. The ZA will review your application and contact you via email or phone if there is missing information. Once the review is complete, the ZA will either approve or deny the application. A letter will be sent to you via email or in the US Mail indicating next steps or reasons why the application was denied.

Q: If I disagree with the decision of the ZA, can I appeal it?

A: Yes. The appeal process is outlined in Article 19 – Zoning Board of Appeals of the township's Zoning Ordinance. Check the township's Fee Schedule for costs related to the appeal process. The link is provided above.

Q: Does all new construction require a Zoning Compliance Review?

A: Yes. As set forth in Section 14.04 – Zoning Compliance Permits - Any individual, corporation, association, officer, department, board or bureau of the Federal, State, County or Township; planning to erect a building or structure, or to alter any existing structure, requiring the use of more land area, or to establish a new use for any premises in any zoning district, shall file an application in writing with the Zoning Administrator for a Zoning Compliance Permit.

Q: Do I need to submit a Zoning Compliance Application to dig a pond?

A: Yes. As set forth in Section 14.04 – Zoning Compliance Permits – as stated above. See also, Section 4.33 – Creation of Manmade Ponds for additional zoning requirements related to pond construction.

Q: When is a land use considered agricultural?

A: For zoning compliance purposes, as set forth in Article 3 – Land Use Districts in the township's Zoning Ordinance, there are two districts: A-1 General Agricultural and I-1, Light Industrial. See Articles 10 & 11 for permitted uses for each district. There are other instances where land or structures can be deemed agricultural that are not related to the township's Zoning Ordinance such as tax or agriculture exemptions. You should contact the township's Assessor regarding a property tax question and the Clinton County Building Department regarding an agriculture exemption for a building permit.

Q: Does the township issue Agriculture (Ag) Exemptions?

A: Yes. In order to be considered for an Ag Exemption, the applicant must fill out an Affidavit of Use form located on the township's website at <http://www.bengaltownship.com/AffofUse.pdf>. Once the Affidavit, required documentation and \$75 fee are received by the Township Clerk, the request will be submitted to the township's ZA for review. The ZA will contact the applicant to indicate whether the Ag Exemption was approved or denied. This Ag Exemption is for Bengal Township only and allows exemption from the building requirements for the township's Zoning Ordinance only. The application must still make an application to apply for an Ag Exemption with Clinton County's Building Department.

Q: How do I report the presence of junk which may be violating the township's Zoning Ordinance?

A: Per the Zoning Ordinance, Junk is defined as "any motor vehicles, machinery, appliances, products or merchandise with parts missing, or other scrap materials that are damaged, deteriorated, or are in a condition which prevents their use for the purpose for which the product was manufactured." See Section 4.36 – Junk Prohibition for more information. If a resident would like to file a complaint, they may do so by contacting the Planning Commission Chair via email or US Mail and include the address of the potential violation. The Township Inspector will be dispatched to the site to assess whether a violation has occurred. If so, actions will be taken as set forth in Article 18 of the Zoning Ordinance.

Q: Does the township's Zoning Ordinance allow recreational marijuana businesses?

A: On November 6, 2018, Michigan voters approved Proposal 18-1, which legalized recreational marijuana and created the Michigan Regulation and Taxation of Marihuana Act (MRTMA). Each community was required to decide if it was going to allow or prohibit state-licensed recreational marijuana establishments. If a municipality intended to allow recreational marihuana businesses, then it did not need to take any action. Under this new Act, every municipality was "in" unless it took specific action to opt out. The Bengal Township Board adopted a Resolution which opted Bengal Township out of allowing state-licensed recreational marijuana establishments.

Q: Do I need a Zoning Compliance Review to put in a drain field or re-engineer an existing one?

A: No. As per Section 15.01 – Requirements for Site Plan - Site Plan Review and approval of all development proposals is required by the provisions of this Section. All single-family residential developments are exempt from site plan review, except as noted in A. If a site plan is required, The ZA shall forward any site plan received to the PC for review. Prior to any final decision, the PC may seek the recommendation of the Clinton County Inspections Department, Planning Director, appropriate community fire chief, the Clinton County Road Commission, Clinton County Health Department, Clinton County Drain Commissioner, the Department of Transportation, the Michigan Department of Environmental Quality, and any other agency or official deemed necessary and having jurisdiction in the area of the proposed development.

Q: What is the process if I do not receive the proper approvals and/or permits before moving forward with construction?

A: Action will be taken as set forth in Section 18.02 – Penalties of the Zoning Ordinance. This Section states, any person who violates any provision of This Ordinance or who fails to comply with any of the regulatory measures or conditions of the Board of Appeals adopted pursuant hereto shall be fined not to exceed one hundred dollars (\$100.00), per violation each day such violation continues shall be deemed a separate offense

Q: Who serves on Bengal's Township Board, Planning Commission and Zoning Board of Appeals?

A: Your elected Bengal Township Board members and Board Appointed Planning Commission members and Zoning Board of Appeals contact information can be found on the township's website at <http://www.bengaltownship.com/board.htm> and <http://www.bengaltownship.com/plan.htm>.