

CHAPTER 4 GENERAL PROVISIONS

Section 4.01. Scope. These general provisions shall apply to all zoning districts unless stated otherwise. The provisions of this Ordinance shall be held to be the minimum requirements for the promotion of public health, safety and general welfare in the Township.

Section 4.02. Effect of Zoning. Zoning applies to every building, structure or use. No building, structure or land shall be used or occupied, and no building or structure or part thereof shall be erected, moved, placed, reconstructed, extended, enlarged or altered, except in conformity with this Ordinance.

Section 4.03. Effect of Other Regulations. The regulations of this Ordinance shall be in addition to any other regulations in effect in the Township. All building, subdividing and uses within any district shall satisfy all building, planning, platting, zoning and other applicable regulations.

Section 4.04. Restoration of Unsafe Buildings. Subject to the provisions of the nonconforming uses chapter, nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure which is unsafe.

Section 4.05. Required Area or Space. A lot or lots in common ownership or a yard, court, parking area or other space shall not be divided, altered or reduced so as to make it not in conformance with the minimum requirements of this Ordinance. If already less than the minimum requirements of this Ordinance, a lot or lots in common ownership or a yard, court, parking area or other space shall not be divided, altered or reduced so as to increase its noncompliance with such minimum requirements.

Section 4.06. Existing Lots of Record.

- (a) A lot which is platted, or a lot or other parcel of land which is otherwise lawfully of record as of the effective date of this Ordinance, may be used as stated in the district in which the lot or parcel is located, provided that the lot or parcel complies with all requirements of the County Health Department with regard to on-site sanitary sewage disposal. The principal building on such lot or parcel shall, however, be located such that the side yard setbacks on the lot or parcel are at least 80 percent as wide as the side yard requirements of this Ordinance for the district in which the lot or parcel is located. In all cases, the minimum front and rear yard setback requirements of this Ordinance shall be complied with.
- (b) If two or more lots of record or a combination of lots and portions of lots of record, in existence at the time of adoption of this Ordinance are held in common ownership and individually do not comply with the minimum lot width or minimum lot area requirements of the district in which they are located, the lands involved shall be considered to be a single, undivided parcel for the purposes of this Ordinance. Such parcels shall be combined into a lot or parcel complying with the minimum lot width

and minimum lot area requirements of this Ordinance. No portion of such parcel shall be used or divided in a manner which diminishes compliance with the minimum lot width and minimum lot area requirements of this Ordinance.

Section 4.07. Unlawful Buildings and Uses. Any building, use or lot which has been unlawfully constructed, occupied or created prior to the date of adoption of this Ordinance shall continue to be unlawful, unless expressly permitted by this Ordinance. Such unlawful buildings, uses or lots shall not be considered to be nonconforming buildings, uses or lots under the terms of this Ordinance.

Section 4.08. Height Exceptions. The maximum height requirements of buildings and structures may be exceeded by parapet walls, chimneys, silos, stacks, monuments, cupolas, mechanical appurtenances, television and radio antennas attached to buildings, fire towers, grain elevators and elevated water towers.

Section 4.09. Required Yards or Lots.

- (a) All lots, yards, parking areas or other spaces created after the effective date of this Ordinance, or any relevant amendment thereof, shall comply with the minimum requirements of the zoning district in which they are located.
- (b) Computations for minimum lot area and minimum lot width shall not include lands used for private easements that are granted to other properties for the purpose of establishing and maintaining private streets.
- (c) Required yard setbacks shall be measured from the lot lines, except for lots which derive access from a private street, or which have an easement for a private street on the property, in which case the setbacks shall be measured from the easement line.

Section 4.10. Principal use or Principal Building. In all districts not more than one principal use or main building shall be placed on a lot, except for groups of related commercial or industrial buildings or multiple family dwellings, contained within a single, unified complex or grouping, that shares parking, access and other site features.

Section 4.11. Minimum Street Frontage.

- (a) A building, dwelling unit or structure shall be erected only on a lot or parcel which has frontage on a public street or Township-approved private street. The length of such frontage shall be equal to at least the minimum lot width in the zoning district in which the lot or parcel is located; provided, however, that buildings and structures that are accessory to farm operations in the AG District shall be exempt from this requirement.
- (b) Any lot created after the effective date of this Ordinance shall have frontage upon a public street or Township-approved private street equal in lineal distance to at least the minimum lot width in the district in which the lot or parcel is located.

Section 4.12. Double Frontage Lots. Buildings on lots having frontage on two intersecting or non-intersecting streets shall comply with the front yard requirements on both such streets.

Section 4.13. Cul-de-sac Lots. In the case of lots abutting cul-de-sac streets, the minimum required lot width shall be measured at the minimum required front setback distance for buildings and structures. Such cul-de-sac lots shall have a minimum lot width of 40 feet at the front lot line. A lot shall be considered to be a cul-de-sac lot if the lot has more than one-half of its required frontage on the cul-de-sac. The cul-de-sac shall be deemed to commence at the intersection of the radius of the cul-de-sac with the street right-of-way line.

Section 4.14. Essential Services. The erection, construction, alteration or maintenance by public utilities or governmental units of overhead or underground gas, electrical, communication, steam, water, sanitary sewer or storm sewer, distribution, transmission or collection systems and other similar equipment and structures in connection therewith, and which are reasonably necessary for the furnishing of adequate service, are permitted in any zoning district. The erection and use of buildings for such purposes shall take place only if approved by the Planning Commission as a special land use.

Section 4.15. Accessory Uses.

- (a) In any zoning district, accessory uses, incidental to a permitted use or other approved use, shall be permitted when located on the same lot or parcel of land; provided that such accessory uses shall not involve the conduct of any business, trade or industry.
- (b) Point-of-use electric power generation shall be a permitted accessory use in the AG, R-R, R-1, LR, R-2, R-PUD, FR-PUD, C-1, C-2 and I Districts if and to the extent permitted by the terms of this Ordinance.

Section 4.16. Accessory Buildings.

- (a) In any zoning district accessory buildings are permitted, the architectural character, roof lines, materials, and siding of accessory buildings used as private garages shall be generally compatible with those of the principal building.
- (b) In any zoning district accessory buildings are permitted, one (1) private garage not to exceed 30 percent of the floor area of the principal building, attached or detached, will not count towards the total number of allowed Accessory Buildings.
- (c) No accessory building shall be built upon any parcel on which there is no principal building, except accessory buildings to a principal structure located on a nearby lot shall be permitted in the LR District with the following conditions:
 - (1) Not more than one such building, or structure may be located on a lot across a public or private street which is either directly across or substantially adjacent and across from a lot improved with a principal dwelling, if both lots are under common ownership.

- (2) A restrictive deed covenant shall be imposed against both such lots, prohibiting their separate sale unless the accessory building or structure is removed, or the lot on which it is located is improved by a principal dwelling, in compliance with the Zoning Ordinance.
- (d) In the case of a proposed accessory building to be constructed on a parcel of land on which the principal building is being or will be constructed, a building permit for any such accessory building shall not be issued until the construction of the principal building has proceeded to the point at which the Township Building Official has inspected and approved the building-foundation stage of construction.
- (e) No accessory building shall include residential or living quarters, unless permitted elsewhere by the terms of this Ordinance.
- (f) The distance between an accessory building and any principal building shall not be less than ten (10) feet.
- (g) No mobile home, trailer, shipping container, vehicle, tank, junk object or salvage materials or similar items shall be utilized as an accessory building or storage structure unless it has been approved as a Special Land Use; provided, however, that this requirement shall not apply to agricultural storage or other agricultural activities on bona fide farms, nor shall it apply to temporary tool sheds or similar temporary storage structures used during the construction of buildings or other structures on the land where such temporary tool sheds or other temporary storage structures are located.
- (h) The roof overhang on any side of an accessory building shall not exceed twelve (12) feet in width, as measured from the building wall to the roof supports, if any; provided however, that a roof overhang exceeding twelve (12) feet in width may be permitted if the portion of the overhang that extends beyond, a point twelve (12) feet away from the building wall is counted in determining the total area of the accessory building.
- (i) **Yard Restrictions.**
- (1) Accessory buildings shall meet the minimum required building setbacks for a principal building as required by the zoning district in which it is located, except for the following;
- (i) In the AG, R-R, R-1, and R-2 Zoning Districts, an accessory building that has an area of 200 square feet or less may be located within five (5) feet of a rear or side lot line.
- (ii) In the LR Zoning District, an accessory building that has an area of 200 square feet or less may be located within five (5) feet of a side lot line.

- (2) Private garages shall be considered as an integral part of the principal building when the structures are solidly covered and connected by a breezeway, portico, covered colonnade, or similar architectural device; and shall comply in all respects with the requirements of this Ordinance applicable to the principal building.
 - (i) The connected distance between a principal building and a Private Garage shall not exceed 30 feet.
- (3) An Accessory Building shall not occupy more than thirty (30) percent of the area of the yard in which it is located.
- (4) An Accessory Building may be constructed, erected, or placed in the front yard of any lot if it meets one of the following criteria:
 - (i) The Accessory Building is setback at least 200 feet from the front lot line and meets all other setback requirements.
 - (ii) The Accessory building is located not less than the required setbacks for a principal building in the zoning district within which the property is located. No portion of the detached accessory building facing the street, measured drip line to drip line, may be located in the area between the principal building and the street, where the area is formed by lines drawn from the opposite ends of the principal building facing the street, when the lines form right angles with the front lot line adjacent to the street right-of-way.

(j) Size and Dimensional Requirements.

- (1) An accessory building in R-1, R-2 and LR Districts which is larger than 200 square feet in area may be erected only if the Zoning Administrator or other designated official finds:
 - (i) That the intended use of the building is consistent with the nature of the permitted uses.
 - (ii) That the size, proposed location, type and kind of construction, and general architectural character of the building is consistent with existing permitted uses.
 - (iii) That the type and kind of the accessory building is similar in nature to structures located on the adjoining properties and in the same neighborhood.
 - (iv) That the building will not adversely affect the light and air circulation of any adjoining properties.

(v) That the reason the applicant has requested a larger accessory building is consistent with the intent of this Ordinance.

(vi) That the building will not adversely affect the view of any adjoining property.

(2) In addition to the requirements of Section 4.16(F)(1) accessory buildings in AG, R-R, R-1, R-2, and LR Districts shall comply with the following:

Lot Size	Number of ABU allowed	Max area of an ABU	Max area of combined ABUs	Max Door Height	Max Eave Height	Max ABU Height	Length to Width
Less than one (1) acre	2	896 sqft	1200 sqft	13 ft	15 ft	24 ft	no more than 2x
More than one (1) acre, less than two (2) acres	2	1200 sqft	1200 sqft	14 ft	16 ft	24 ft	no more than 2x
More than two (2) acres, less than four (4) acres	2	1600 sqft	1600 sqft	14 ft	16 ft	25 ft	no more than 2x
More than four (4) acres, less than eight (8) acres	2	2400 sqft	2400 sqft	14 ft	16 ft	25 ft	no more than 2x
More than eight (8) acres, less than twenty (20) acres	2	3000 sqft	5000 sqft	14 ft	16 ft	25 ft	no more than 2x
Twenty (20) acres or more	2	6000 sqft	12000 sqft	14 ft	16 ft	25 ft	no more than 2x

(3) Accessory buildings larger than permitted by Section 4.16(F)(1) and (2) may be permitted by the Planning Commission as a special land use if the Planning Commission finds all of the following:

- (i) That the parcel is an unplatted parcel.
- (ii) That the parcel contains at least four (4) acres in area.
- (iii) That the parcel is at least 330 feet wide, as measured at the front main wall of the accessory building located on the parcel.
- (iv) That the conditions of Section 4.16(f)(1)(iii)(I) through (VI) are satisfied.
- (v) That the accessory building will comply with the applicable yard and height regulations of the zoning district.
- (vi) That no commercial use shall be conducted within the accessory building.
- (vii) That the accessory building will be consistent with the character of the area and the existing accessory buildings within one-quarter mile of the proposed building site.
- (viii) The provisions of Chapter 19 – Special Land Uses have been met.

(k) Certain Existing Accessory Buildings; Conditions for Lawful Nonconformity.

- (1) A formerly lawful accessory building in existence at the effective date of this subsection but which no longer complies with this Ordinance as a result of an approved land division and conveyance which causes the accessory building to be located on a lawful parcel of land on which there is no principal building, shall nevertheless be and remain a lawful nonconforming accessory building if all of the conditions stated in this subsection below are satisfied.
- (2) The accessory building shall be used only for a lawful accessory use under the terms of the zoning district in which it is located.
- (3) The accessory building shall not be expanded or enlarged, but it may be maintained, repaired, restored and modernized to such extent as may be necessary or convenient for a lawful accessory use of the building.
- (4) The accessory building shall comply with all current minimum required accessory building setbacks and separation distances for the zoning district in which it is located.
- (5) The nonconformity of the accessory building by reason of the absence of a principal building on the same parcel of land shall be lawful for only one year from the date of the conveyance of the parcel; provided, however, that if a lawful principal building has not been constructed and completed within one year from the date of such conveyance, by reason of extenuating and unavoidable circumstances specified in writing by the property owner, the Zoning Administrator may grant an additional period, of up to one additional

year, for the construction and completion of a lawful principal building. In addition:

- (i) The owner of the resulting parcel that includes the accessory building shall submit to the Township, within 30 days after the conveyance, cash or an acceptable irrevocable letter of credit conditioned upon the construction and completion of a lawful principal building on the resulting parcel, within one year (or within such greater period of time as permitted under (5) above) after the above-stated conveyance.
 - (ii) The irrevocable letter of credit shall name the Township as the obligee or other benefitted party, and shall be in that amount, determined by the Zoning Administrator, which would be sufficient to defray the entire cost of the tearing down and removal of the accessory building and the restoration of the land by the Township, if a principal building is not constructed and completed within the time period permitted.
 - (iii) The owner of the resulting parcel that includes the accessory building shall prepare and record, within 30 days after the above-stated conveyance, a restrictive covenant, in form and content satisfactory to the Township, whereby there shall be imposed as a covenant running with the land, (1) the owner's obligation to construct and complete a principal building on the resulting parcel within the time-period as stated above, and (2) the right of the Township under the terms hereof to tear down and remove the accessory building and restore the land if a principal building is not constructed and completed on the resulting parcel within the above-stated time-period.
- (1) The restrictive covenant shall include the consent of the owner of the resulting parcel to the Township obtaining an order of a court having jurisdiction, whereby the Township is authorized to enter upon the land, tear down and remove the accessory building and restore the land, upon the failure of construction and completion of a principal building within the time specified herein; but the Township shall not be obliged to seek such an order, nor shall the same be necessary to the exercise of the rights granted to the Township in the circumstances described herein.
 - (2) The restrictive covenant shall be subject to the approval of the Township Attorney prior to recording, as to compliance with this subsection (g)(5) and as to its legal effectiveness in imposing the above-stated restrictions on the land and in binding all subsequent owners thereof.
 - (3) If required by the Township, the owner shall submit for Township review a last owner of record search covering the resulting parcel and prepared by a land title insurance company, for the purpose of assuring to the Township that the

restrictive covenant is executed by all of the parties in interest in the land, including mortgagees and other lien holders of record.

- (6) Upon the failure of construction and completion of a principal building on the resulting parcel, as required in subparagraph (g)(5), the Township may execute upon the cash or irrevocable letter of credit, enter upon the land without notice and tear down and remove the accessory building and restore the land thereafter; the Township may expend the proceeds of the cash or irrevocable letter of credit for such purpose. Prior thereto, the Township may seek other available legal relief in the circumstances with the cash or irrevocable letter of credit but shall not be required to do so. No person shall split a lawful parcel of land which causes an existing accessory building or buildings to become nonconforming by way of setback, area, or other dimensional requirements.

Section 4.17. Control of Heat, Glare, Fumes, Dust, Noise, Vibration and Odors. Every use shall be so conducted and operated that it does not result in serious adverse effects by reason of heat, glare, fumes, odors, dust, noise, vibration or the presence of large quantities of insects, rodents, vermin, bats or birds beyond the lands on which the use is located.

Section 4.18. Moving of Buildings. The moving of a building to a new location shall be considered as the erection of a new building, and all provisions and requirements relating to the erection of a new building shall apply.

Section 4.19. Razing of Buildings. No building shall be razed until a permit has been obtained from the Zoning Administrator who shall be authorized to require a performance bond in any amount not to exceed \$1,000 for each 1,000 square feet or fraction thereof of floor area of the building to be razed. Said bond shall be conditioned on the applicant completing the razing within a period not to exceed six months and complying with such regulations as to health and safety as the Zoning Administrator may, from time to time, prescribe, including filling of excavations and proper termination of utility connections.

Section 4.20. Swimming Pools.

- (a) Pools used for swimming or bathing shall be in conformity with the requirements of this section; provided, however, these regulations shall not be applicable to any such pool less than 24 inches deep.
- (b) Pools shall meet all setback requirements. No pool shall be located under any electrical wiring or in a front yard.
- (c) Each pool shall be entirely enclosed by a fence or wall with a height of at least four feet above the ground. In the case of an above-ground pool, the fence shall fully enclose the stairs or other means of access to the pool. All gates and fences enclosing pools shall be self-latching.

- (d) All swimming pool installations shall comply with the State Construction Code and all standard codes referred to therein.
- (e) Pools may not occupy more than 40 percent of the yard area.
- (f) If a public water supply system is available, only public water shall be used to supply water for such pool.

Section 4.21. Outdoor Storage and Waste Disposal.

- (a) All outdoor storage facilities shall be enclosed by a fence or wall adequate to conceal such facilities from adjacent property.
- (b) All materials or wastes which might cause fumes, odors or dust which constitute a fire hazard or which may be edible by rodents or insects shall be stored outdoors only in closed containers and screened from the street or adjacent property.
- (c) No materials or wastes shall be deposited on the premises in such form or manner that they may be moved off the premises by natural causes or forces.
- (d) Waste materials shall not be allowed to accumulate on the premises in such manner as to be unsightly, constitute a fire hazard, or contribute to unsanitary conditions.

Section 4.22. Clear Vision Corners. On any corner, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of 30 inches and eight feet above the established abutting road grade within a triangle formed by the two street right-of-way lines and a line connecting them to points 25 feet from the intersection of the right-of-way lines.

Section 4.23. Fences.

- (a) Fences not more than three feet in height and retaining walls are permitted in the front yards of all zones, provided, however, that such fences shall not be more than 25 percent solid.
- (b) Solid fences and solid non-retaining walls of not more than six feet in height are permitted only in the side yards or rear yards in any district, but in lakefront lots in the LR District, such fences shall not exceed three feet in height and they shall not be more than 25 percent solid.
- (c) A well-maintained wire protective fence shall be permitted in the front yard of the C-2 and I-1 Districts.
- (d) Special purpose fences, such as tennis court fences and baseball diamond backstops may be permitted if approved by the Planning Commission as a special land use. Such special purpose fences shall not be installed on boundary lines.
- (e) Fences enclosing swimming pools shall be an exception from the provisions of this section, but shall be regulated by the terms of Section 4.20.

- (f) Fences shall not be erected within any public right-of-way.
- (g) Fences shall not be erected or maintained in such a way as to obstruct the clear vision of vehicle drivers at intersections.
- (h) Fences located in a side yard shall not extend beyond the front line of the dwelling or the front line of other principal building, except as permitted in subsection (a) of this section.
- (i) Fences shall at all times be maintained in good condition and repair.

Section 4.24. Street Access. Every principal building or principal structure erected, used, occupied, enlarged or maintained shall be on a lot or parcel adjacent to a public street or adjacent to an approved private street. The lot or parcel shall have the minimum street frontage as stated in Section 4.11. An approved private street shall mean a private street complying with Section 4.25. All structures shall be located on lots or parcels so as to provide safe and convenient access for motor vehicles, including fire, law enforcement and other emergency vehicles and safe and convenient access to approved off-street parking areas.

Section 4.25. Private Streets, Driveways.

- (a) The Township has determined that it is in the best interest of the public health, safety and welfare to regulate the construction, improvement, extension, relocation and use of private streets, so as to assure the following matters:
 - (1) That private streets are designed with adequate width, surface, grade and drainage facilities, so as to assure safe passage and maneuverability of private and emergency vehicles, and as required by the Township Engineer and, with regard to drainage, by the County Drain Commissioner.
 - (2) That private streets are constructed of suitable materials so as to ensure minimal maintenance and safe passage of vehicles.
 - (3) That private streets will be constructed so as to protect against or minimize soil erosion and to prevent damage to the lakes, streams, wetlands and other significant natural features of the Township.
- (b) For purposes of this section, and where applicable, elsewhere in this Ordinance, driveways and private streets shall be defined as follows:
 - (1) A private street is a road or street which provides or is intended to provide the primary means of access to more than two buildings, dwellings or parcels of land. A private street may be established by deed, easement, right-of-way agreement or other written instrument.
 - (2) An existing private street is a private road or street which is being used to provide access to existing buildings, existing dwellings or existing parcels of land, as of the effective date of this Ordinance.

- (3) A driveway is an improved or unimproved road or other route of access extending from a public street or a private street to not more than two buildings, dwellings or parcels of land, and which is intended to provide the primary means of access to not more than two buildings, dwellings or parcels of land.
- (c) All private streets shall be designed and constructed in accordance with the following minimum design, construction, inspection, approval and maintenance requirements:
- (1) The private street right-of-way shall be at least 66 feet in width.
 - (2) The area in which the private street is located shall have a minimum cleared width of 28 feet.
 - (3) The private street serving five or fewer parcels shall have a minimum roadbed width of 16 feet; private roads serving six or more parcels shall have a minimum roadbed width of 22 feet.
 - (4) Unpaved private streets shall have a minimum sub-base of 12 inches of sand and six inches of gravel; all gravel used shall comply Road Commission of Montcalm County specifications.
 - (5) Private streets which are paved shall be paved with a total of two inches of bituminous aggregate pavement complying with Road Commission of Montcalm County specifications.
 - (6) Private streets serving 16 or more parcels shall be paved.
 - (7) Any private street which terminates at a dead end shall have a cul-de-sac with a minimum radius of 40 feet.
 - (8) No private street shall extend for a distance of more than 2,000 feet in length from the nearest public street right-of-way as measured along the centerline of the private street, unless direct access is provided thereto from another public street.
 - (9) The private street surface shall have minimum grade of .2 feet from the centerline of the private road to the outside edge thereof.
 - (10) A street shoulder shall be provided on each side of the private street surface with a minimum width of two feet, containing a slope of .22 feet from the outside edge of the street surface to the toe of the slope.
 - (11) The maximum longitudinal street grade shall not exceed 6 percent, provided the Township may allow up to a 10 percent grade provided the Township is satisfied that such increase in street grade will not adversely public safety or cause undue erosion.

- (d) All parcels utilizing a private street shall have frontage on the private street for a distance equal to or greater than the minimum lot width required for the district in which the parcel is located.
- (e) All private streets shall have direct access to a public street.
- (f) All private streets shall have a recorded permanent right-of-way or easement. The right-of-way or easement shall expressly permit public or private utilities to be installed within the right-of-way.
- (g) The layout of the private street and the intersections of the private street with either a public or private street shall be such that clear vision, safe turning and travel in all directions at the posted speed limit is reasonably assured. The minimum distance between intersections of public and/or private street rights-of-way shall not be less than 150 feet, as measured along the right-of-way lines thereof.
- (h) All private streets shall be named and identified by use of appropriately located street name signs. Street names shall not duplicate any existing street name in Montcalm County, except in the case of the continuation of an existing street. All lots fronting on a private street shall have an address on the private street. A stop sign conforming to the requirements of the County Road Commission shall be provided at the exit point from the private street to the public street, if required by the County Road Commission.
- (i) The provisions of this section shall not apply to existing private streets, except that if an existing private street is extended, so as to serve one or more additional buildings, dwellings or parcels of land, the extended portion of such private street shall comply with the provisions of this section. Such extended portion of an existing private street shall include an additional turnaround area or cul-de-sac, as well as an additional length of private street.
- (j) All private roads shall be maintained, repaired, improved and snowplowed in such a manner and to such extent that the private road shall be safe and convenient for travel in all weather conditions and, in particular, such maintenance, repair and improvement shall be sufficient to assure that the private road shall be safe and convenient for the travel of emergency vehicles in all weather conditions.
- (k) All owners or parties in interest in a proposed private street shall submit to the Township a recordable private street maintenance agreement, signed by all owners of the easement or right-of-way for the private street and by all other parties having any interest therein. Such agreement shall provide that the private street shall be regularly maintained, repaired and snowplowed so as to assure that the street shall be safe and convenient for travel at all times. The agreement shall also provide for the payment of all costs and expenses of such maintenance, repair and snowplowing by all or any of the parties in interest.

- (1) All buildings constructed or parcels of land established along or at the end of the private street shall be subject to the private street maintenance agreement.
 - (2) The agreement shall run with the land and shall be recorded with the county register of deeds. A copy of the agreement as recorded shall be promptly furnished to the Township office after recording.
 - (3) The agreement shall be in a form and shall have such content as is satisfactory to the Township. A copy of the agreement shall be submitted to the Township for review prior to recording.
 - (4) The private street maintenance agreement shall be so prepared as to legally constitute a restrictive covenant, binding upon all current and future owners and other parties in interest as to the lands occupied by the private street and any right-of-way or easement therefor, and also as to all lots and other parcels of land served or to be served by the private street.
- (1) Procedures for approval of an application for a private street shall be prepared and submitted to the Township office, on a form provided by the Township. The applicant shall pay, with the filing of the application, such application fee as may be required by resolution of the Township Board. The applicant shall also make the required cash deposit under the Township zoning escrow fee resolution, and shall make any required subsequent deposits in accordance with the terms of that resolution.
- (1) An application for a private street shall be considered by the Zoning Administrator, after the application and other required materials are complete, and the application shall be subject to the approval of the Zoning Administrator. In the Administrator's discretion, the application may be referred to the Planning Commission for review and comment.
 - (2) If a private street is included in a proposed planned unit development, special land use, site condominium or other land development that requires Planning Commission consideration and approval, then approval of the private street shall be accomplished by action of the Planning Commission, as a part of its approval of the land development, if it approves such development.
 - (3) The Zoning Administrator or, in the circumstances noted above, the Planning Commission, shall review the application for the private street, and shall make the following findings, if appropriate in the facts and circumstances:
 - (i) That the private street complies with all requirements of this section and other applicable provisions of this Ordinance.
 - (ii) That the private street would not create conditions which may be detrimental to the health, safety or welfare of persons or property, through the creation of hazardous or potentially hazardous situations.

- (4) In approving an application for a private street, the Zoning Administrator (or, in the circumstances described above, the Planning Commission) may require that the applicant comply with reasonable terms and conditions relating to the placement, design, construction and use of a private street, consistent with the terms of this section and other applicable provisions of this Ordinance.
- (5) The review and approval of a proposed private street shall be in the form of a construction permit for the private street, to be issued by the Zoning Administrator.
 - (i) No private street shall be constructed until the construction permit has been issued.
 - (ii) The construction permit shall include any special terms and conditions relating to the placement, design, construction and use of the private street. If such terms and conditions were determined by the Planning Commission in its consideration of a land development requiring Planning Commission approval, then such terms and conditions may be included in the construction permit by means of attaching to the permit the minutes of the relevant Planning Commission meeting or an excerpt from the ordinance, resolution or other written form of approval of the land development.
 - (iii) In issuing a private street construction permit, the Zoning Administrator may also include or attach other terms and conditions relating to inspection of a private street, any required escrow account deposits, contact with the Township Engineer or other matters pertaining to procedures and inspections with respect to the private street.
- (6) Certificate of Compliance.
 - (i) At a particular stage or stages during construction of a private street, the Zoning Administrator or the Administrator's designee (including the Township Engineer) may inspect the construction of the private street, as it has progressed to that point, to determine whether the construction complies with this section. If the construction permit specifies Township inspection of the street at particular construction stages, the applicant shall notify the Zoning Administrator (or if directed, the Township Engineer) when the work is ready for inspection, and the applicant shall not proceed further until the work has been inspected and until Township approval has been given for the work to proceed further.
 - (ii) Upon completion of construction of a private street, the Zoning Administrator, or the Administrator's designee (including the Township Engineer) shall inspect the completed construction to determine whether it complies with the approved plans for the street, the construction

permit, any written comments or requirements made as a result of prior inspections, the terms of this section and other applicable provisions of this Ordinance.

- (iii) Following inspection of the completed private street, and the approval thereof, the Zoning Administrator shall prepare and issue to the applicant a certificate of compliance, stating that based upon the inspection of the construction, the private street complies with this section, the construction permit, previously inspection requirements and other applicable provisions of this Ordinance. Upon receiving such certificate of compliance, the applicant may proceed to open and use the private street.
 - (iv) In the Zoning Administrator's discretion, the certificate of compliance may be given prior to the application of the final surface material for the street, if the Administrator concludes that such final surfacing may be deferred to a later time, so as to avoid interim damage to the final surface by construction vehicles, or because of inclement weather or for other reasons. In such event, however, the certificate of compliance shall include as a condition the time or stage at which the final surface shall be applied to the street, and inspection thereof shall be required after the final surface has been applied. The final surface shall then be inspected by the Administrator or the Administrator's designee, and if it is satisfactory under the terms of this section, the Administrator shall issue a supplemental certificate of compliance, specifying that the completed surface and other aspects of the private street are in compliance with this section, all previous inspections and other applicable provisions of this Ordinance.
 - (v) If upon final inspection, the private street does not satisfy the requirements of this section, the requirements of previous approvals or other applicable provisions of this Ordinance, the Administrator shall notify the applicant in writing of such noncompliance (or such notification shall be given by the Township Engineer), and the applicant shall then have a reasonable period of time in which to correct the stated deficiencies.
- (7) Building Permits.
- (i) No building permits or other permits shall be issued for any dwelling, or other building, structure or use, the primary access to which would be provided by a private street, until the private street has been approved in accordance with this section and until a certificate of compliance has been issued, except as stated in subparagraph (ii) of this subsection (7).

- (ii) If a private street has not yet been completed and approved in accordance with this section, but the applicant has submitted to the Township a performance bond, with a surety acceptable to the Township, or a letter of credit, conditioned upon the timely and full completion of the private street in accordance with this section, and all required inspections of this street, then a building permit may nevertheless be issued for a dwelling or for other building, structure or use to be served by the private street; provided, however, that no such permit shall be issued unless the Zoning Administrator also determines that persons and vehicles, including emergency vehicles, may traverse the incomplete private street in sufficient safety.

In accepting a performance bond or letter of credit, the Township may impose requirements as to the completion date of the private street, or other terms and conditions, and if so, such terms, requirements and conditions shall be set forth in a letter or other writing prepared by the Administrator, accepting the bond or letter of credit upon the terms there stated.

In all cases where a performance bond or letter of credit has been given and accepted by the Township, the further construction of the private street shall nevertheless be pursued diligently until completion.

- (8) An occupancy permit for a dwelling or other building to be served by a private street shall not be issued until the private street has been laid out and constructed with sufficient width, surface and grade so as to assure the safe passage and maneuverability of fire, law enforcement, ambulance and other emergency service vehicles.
- (9) If the private street is proposed as a part of a planned unit development or a special land use, the provisions of this section may be modified by the Planning Commission (and the Township Board, where Township Board approval is also required), in the approval of the planned unit development or a special land use, upon a determination that modifications in the provisions of this section are justified and appropriate, based upon the design, layout, construction or other aspects of the planned unit development or special land use, or the land use objectives to be achieved thereby.
- (10) As a condition of approval of a private street and the issuance of a construction permit therefor, the Township may require that the applicant provide a performance bond, with a surety acceptable to the Township, or a letter of credit, conditioned upon the timely and faithful performance by the applicant under the terms of this section and under the terms of any approvals given by the Zoning Administrator. Such conditions of approval may include a required period of time for the construction and proper completion of the

private street, and may also include a provision stating that the Township may enforce the performance bond or letter of credit in the event that any such deadline for completion is not complied with.

Section 4.26. Natural Buffer Strip Required. A buffer or green belt of natural vegetation measuring 25 feet in width shall be maintained along the bank or border of every natural stream or natural creek. Clear cutting of trees, shrubs and weeds in the buffer area shall be prohibited, except if found to be dead, diseased, unsafe, fallen or noxious. This does not apply to minor pruning of trees and shrubs. This section shall not apply to governmentally-established drains.

Section 4.27. Access to Lakes and Streams.

- (a) Definitions. For purposes of this section:
 - (1) "Access property" means a property, parcel of land or lot abutting a lake, stream or other body of water either natural or man-made and used or intended to be used for the providing of access to a lake or other body of water by pedestrian or vehicular traffic to and from off-shore land, regardless of whether access to such body of water is gained by easement, fee ownership of land by one or more owners, lease, license, gift, business invitation or any other form of conveyance, dedication, approval or consent.
 - (2) "Dwelling unit" means a dwelling structure designed for use by one family or other occupancy, whether for seasonal, all-season, temporary or other use, and it shall include, but not be limited to single family dwellings, mobile homes, recreational units, hotels and motels, apartments, condominium units, cooperative units, attached residential unit or other residence unit, however located. Each separate dwelling unit within a multiple family dwelling structure shall be a separate dwelling unit for purposes of this section.
- (b) Limitation on Waterfront Access. No land shall be used or provided for use as access property from off-shore lands to or for a lake, stream or other body of water, either natural or artificial, unless there shall be provided access property that has
 - (1) A water frontage of not less than 50 feet for each dwelling unit using such access property, or as to which the right or privilege of access is granted, approved, extended, conveyed or dedicated, with such water frontage to be measured along the water's edge of the normal high water mark of the lake, stream or other body of water.
 - (2) A minimum land area of 5,000 square feet for each dwelling unit using such access property, or as to which the right or privilege of access is granted, approved, extended, conveyed or dedicated.
 - (i) The minimum depth for an access property shall be 100 feet.

- (ii) No access property shall have less than 200 feet of water frontage as measured along the water's edge of the normal high water mark of the lake, stream or other body of water.
 - (iii) Water frontage of an access property shall not include a swamp, wetland, marsh or bog. No swamp, wetland, marsh or bog shall be altered by dredging, the addition of earth or fill material or by the drainage of water for the purpose of altering or increasing the length of water frontage required by this section, or for the purpose of otherwise attempting to comply with this section.
 - (iv) An access property shall not abut an artificially-made canal or channel. No canal or channel shall be constructed, dredged or excavated for the purpose of altering or increasing the length of water frontage required by this section, or for the purpose of otherwise attempting compliance with this section.
 - (v) An access property, irrespective of its total area, shall not be used for residential, commercial or other purposes.
- (3) The provisions of this section shall not apply to existing actual access occurring from non-frontage lands, to lakes, streams and other bodies of water, where such existing access is occurring at the effective date of this section, from non-frontage lands that are platted or otherwise of record at the effective date of this section.

Section 4.28. Antennas and Towers Not Exceeding 30 Feet in Height. Freestanding radio, television or communications antennas or towers (including satellite dish antennas) not exceeding 30 feet in height, are permitted in all districts upon compliance with the following requirements:

- (a) The antenna shall be permanently secured to a stable foundation.
- (b) No portion of the antenna shall conduct or display any advertising, message or other graphic representation other than the manufacturer's name.
- (c) No freestanding antenna shall exceed a height of 30 feet above grade, or have any dimension exceeding 30 feet, including its mounting structure, except that freestanding antennas or towers exceeding such height or other dimension may be permitted by the Planning Commission as a special land use under Chapter 15.
- (d) Except in the AG and the R-R Districts, an antenna or tower (including a satellite dish antenna) shall be located only in the rear yard or the side yard and shall not be closer to a property line than its height or the depth of the required rear or side yard setback, whichever is the greater.

- (e) An antenna may be mounted on the roof of a principal or accessory building, provided it shall not exceed a height of 20 feet, as measured from its foundation.
- (f) All antennas must be grounded to protect against damage from lightning.
- (g) An antenna or tower shall not be so located or constructed as to have a serious adverse effect on adjacent or nearby land uses.
- (h) Amateur radio antennas (being antennas operated for the purpose of receiving or transmitting communications by a radio station described in Section 153(q) of Title 47 of the U.S. Code) and operated under a license issued by the Federal Communications Commission shall be subject to the provisions of this section, but if the effect of any such provision upon the operation of an amateur radio antenna would be to preclude or prevent the operation of such an antenna, then such provisions shall not apply.

Section 4.29. Maximum Lot Width to Depth Ratio.

- (a) In all zoning districts, a building shall not be constructed or occupied on a lot or parcel if the depth of the lot or parcel exceeds four times its width.
- (b) The Planning Commission may permit the creation of a lot or parcel to be used for the construction of a building which does not comply with this section, through the granting of a special land use under the terms of Chapter 15 or within a planned unit development. In determining whether to grant such special land use, or to approve such lot or parcel within a planned unit development, the Planning Commission shall find that the greater depth is necessitated by conditions of the land, such as topography, road access, soils, wetlands, or flood plain, and that the creation or use of the lot will not conflict with other Township ordinances, unless appropriate variance or waiver from such other ordinances is obtained.

Section 4.30. Recreational Vehicle Parking.

- (a) The use, parking and storage of recreational vehicles that are located outside of approved or otherwise lawful campgrounds shall be regulated by the terms of this section.
- (b) It shall be unlawful for any person to park or cause to be parked any recreational vehicle on any street, alley, highway or other public place in the Township and to use the same as a dwelling while so located.
- (c) In the R-1 District, a recreational vehicle shall not be parked in the front yard, except on a temporary basis, not exceeding seven days, except as provided in subsection (d).
- (d) In the R-1 District, no boat, boat trailer, snowmobile, snowmobile trailer, jet ski or other motorized watercraft or utility trailer shall be parked in the front yard, except on a temporary basis, not exceeding seven days.

- (e) During the construction of a dwelling, one, but not more than one, recreational vehicle or mobile home not complying with the definition of a dwelling as stated in this Ordinance, may be temporarily located, used and occupied on the premises, during the actual construction of a principal dwelling; provided, however, that written approval of the same, issued by the Zoning Administrator, shall be obtained prior to the placement of the recreational vehicle or mobile home, for such purpose. In such a case, the recreational vehicle or mobile home shall be removed from the premises within six months of the effective date of the written approval, except that an additional extension of time, not exceeding six months, may be granted by the Zoning Administrator, upon proof that such additional time is needed for the completion of the principal dwelling.
- (f) No recreational vehicle shall be parked at such location or in such manner as to be a traffic hazard or otherwise to create an unsafe situation by interference with the view of pedestrians or the drivers of vehicles on public or private streets or otherwise within street rights-of-way.

Section 4.31. Minimum Requirements for Dwellings Outside Mobile Home Parks. All dwelling units located outside of mobile home parks shall comply with the following requirements:

- (a) All dwelling units shall provide a minimum height between the interior floor and ceiling of seven and one-half feet or if a mobile home, it shall meet the requirements of the United States Department of Housing and Urban Development Regulations, entitled Mobile Home Construction and Safety Standards, effective June 15, 1976, as amended.
- (b) The minimum width of any single family dwelling unit shall be 16 feet, measured between the exterior part of the walls having the greatest length.
- (c) All dwellings shall be firmly attached to the foundation so as to be watertight as required by the construction code adopted by the Township or, if a mobile home, shall be anchored to the foundation by an anchor system designed and constructed in compliance with the United States Department of Housing and Urban Development Regulations entitled "Mobile Home Construction & Safety Standards."
- (d) The wheels, pulling mechanism, and tongue of any mobile home shall be removed prior to placement on a foundation.
- (e) All dwellings shall be connected to a sewage disposal system and water supply system approved by the Township and the County Health Department.
- (f) All additions to dwellings shall meet all the requirements of this Ordinance.
- (g) All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity. The compatibility of design and appearance shall be

determined in the first instance by the Building Inspector upon review of the plans submitted for a particular dwelling. An appeal by an aggrieved party may be taken to the Zoning Board of Appeals. Any determination of compatibility shall be based upon the standards set forth in this section as well as the character, design and appearance of residential dwellings located outside of mobile home parks within 500 feet of the subject dwelling. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

- (h) Prior to issuance of a building permit for any dwelling unit, construction plans, including a plot plan adequate to illustrate compliance with the requirements of this Ordinance, shall be submitted to the Building Inspector. If the dwelling unit is a mobile home, there shall also be submitted adequate evidence to assure that the dwelling complies with the standards applicable to mobile homes set forth in this section.
- (i) All mobile homes shall meet the standards for mobile home construction contained in the United States Department of Housing and Urban Development Regulations entitled "Mobile Home Construction & Safety Standards" effective June 15, 1976, as amended. All other dwellings shall meet the requirements of the construction code adopted by the Township.
- (j) A minimum of 100 square feet of enclosed storage space, excluding closets, shall be provided for each dwelling. Said enclosed storage space may consist of a basement, garage, shed or other structure approved by the Zoning Administrator.

Section 4.32. Temporary Dwellings. No cabin, garage, basement, tent, recreational vehicle, or other temporary structure shall be used in whole or in part for dwelling purposes in any district provided that such structure may be used for a temporary dwelling for a period not to exceed six months upon application to and approval of a permit for such occupancy by the Zoning Administrator upon determination that the following conditions exist and are met:

- (a) The permanent dwelling of the resident applicant has become uninhabitable due to damage caused by fire, wind or other natural calamity or emergency.
- (b) Due to undue hardship, the applicant is unable to obtain another dwelling unit as a temporary residence.
- (c) The structure is constructed so as to meet the minimum requirements for the health, safety and welfare of the occupants and the surrounding neighborhood.

Section 4.33. Projections into Required Setbacks. Certain architectural features, such as cornices, bay windows (or windows without foundations), gutters, chimneys, pilasters, unenclosed porches and similar features may project no further than ten feet into a required front or rear setback, but may not project into a required side setback.

Section 4.34. Health Department Approval.

- (a) No permit shall be issued for the construction of a building or structure which is to have drinking water and/or sanitary facilities located therein and which is to be located on a lot which is not served by both public water and sewer facilities if its water and/or sewage disposal facilities, as the case may be, does not comply with the rules and regulations of the state and county health departments governing waste and sewage disposal.
- (b) No permit shall be issued for the construction of a building with sanitary facilities and not served by public sewer, unless there has been obtained from the county health department and submitted to the Township a permit for two separate locations for private drainfield or other private sewage disposal facility on such lot or parcel.
- (c) No building or structure shall be erected, constructed or placed on any designated location for a private drainfield or other private sewage disposal facility.

Section 4.35. Trash, Litter or Junk. It shall be unlawful for any person to accumulate, place, store, or allow or permit the accumulation, placement or storage of trash, litter or junk on premises in the Township, except in a lawful sanitary landfill, a lawful junkyard, or not to exceed eight days storage in watertight storage receptacles designed for the temporary accumulation of trash. Waste receptacles shall not be left unattended in the front yard (or on the street side of a lakefront lot) longer than a period of 48 hours, unless they are kept or enclosed in a permanent structure designed to prevent disturbance of such receptacles by animals or severe weather conditions.

Section 4.36. Home Occupations.

- (a) For purposes of this section, a home occupation is a gainful occupation traditionally or customarily carried on in the home or in a building accessory to the home, as a use incidental to the use of the home as a dwelling place and conducted entirely within a residential building used as a dwelling or in a building that is accessory to a residential building being used as a dwelling.
- (b) A home occupation may be permitted in the AG, R-R, R-1, LR, R-2, R-3, and PUD Districts in accordance with this section.
- (c) All home occupations shall be subject to the following restrictions and regulations:
 - (1) Home occupations may be conducted only by a person resident in the home, except that not more than one person may be employed who is not a resident of the home.
 - (2) The home occupation may employ only mechanical equipment which is similar in power and type to that use for household purposes and which does not cause radio or television interference.

- (3) There shall be no exterior alteration in the residential character of the premises in connection with such home occupation and no more than 25 percent of the living area of the dwelling shall be devoted to such home occupation.
- (4) A home occupation shall have no sign other than one stating the name of the occupant and the home occupation. Any such sign shall not be lighted and shall not be more than 16 square feet in area.
- (5) All articles or materials used in connection with such home occupation shall be stored in the main and accessory buildings. No outside storage is permitted.
- (6) No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and for parking generated by the conduct of such home occupation shall be provided off the street and not within the required front yard.

Section 4.37. Keeping and Raising of Animals for Non-Farm Related Purposes. The keeping and raising of animals for any purpose other than as a part of a bona fide farm operation shall be permitted in the Township only as stated in this section.

For purposes of this section, a bona fide farm operation is defined as a land use or activity consisting of the commercial production of farm products, where such activity is engaged in as an occupation or for a livelihood. Farm operations may include the raising of livestock, dairying, the cultivation, growing and harvesting of crops, turf and tree fanning, the raising of other animals generally regarded as farm animals and other activities associated with the commercial production of farm products, but not including such activities when engaged in as a leisure-time activity, an avocation or for hobby purposes.

- (a) The keeping and raising of animals customarily kept as household pets, such as dogs, cats, guinea pigs and hamsters, is permitted in all zone districts; provided, however, that the caretaker of such animals is an occupant of the premises; and provided further that the keeping and raising of dogs in accordance with the terms of this section or otherwise shall not preclude the requirement for the property owner or other responsible party to obtain a kennel license issued by the appropriate county agency, if such a kennel license is required under the terms of state law or county regulations.
- (b) The keeping and raising of animals other than household pets is prohibited in the L-R, R-2, R-3, C-1, C-2 and I Districts.
- (c) Keeping of Poultry. Notwithstanding the provisions of Section 4.37(b), the keeping of poultry shall be permitted within the R-1, L-R, R-2, and R-3 Districts if kept in compliance with the following requirements:
 - (1) The property on which the poultry is kept shall contain a single-family detached dwelling.
 - (2) Number of Poultry Allowed:

- (i) L-R, R-2, and R-3 Districts:
 - (1) No more than six (6) hens may be kept at any time.
 - (2) Roosters and crowing chickens shall be prohibited.
- (ii) R-1 District:
 - (1) On a property one acre or less in area:
 - (a) No more than six (6) hens may be kept at any time.
 - (b) Roosters and crowing chickens shall be prohibited.
 - (2) On a property more than one (1) acre but less than three (3) acres in area, no more than twenty (20) poultry may be kept at any time.
 - (3) On a property more than three (3) acres but less than ten (10) acres in area, no limit to number of poultry kept as long as it is in compliance with all other regulations contained within this Section.
 - (4) On a property ten (10) acres or more, see Section 4.37.d
- (3) Poultry shall be provided and kept within an enclosure that includes both a coop and connected fenced run at all times. The total size of the enclosure shall meet all Township ordinances pertaining to accessory buildings. The enclosure shall not be constructed of tarps, plastic, fabric, rubber, paper, cardboard or other non-traditional building materials.
- (4) Poultry shall be kept in the rear yard and setback a minimum of ten (10) feet from any side or rear lot line and 40 feet from any residential structure on adjacent property.
- (5) The enclosure shall be constructed and maintained to prevent rats, mice, or other rodents or vermin from being harbored.
- (6) Appropriate feeder containers shall be used for all feeding and watering. All feed and other items associated with the keeping of poultry shall be secured and protected in sealed metal containers to prevent access by rats, mice or other rodents or vermin.
- (7) Sanitary conditions shall be maintained. Any person keeping poultry shall keep or cause to be kept all manure, or offal therefrom, deposited or accumulated from such animals securely and closely confined to or buried upon their premises and in such a manner as will prevent it from being scattered from such place or deposited into or upon any street, sidewalk, alley,

gutter, storm drain, ditch, lake, wetland, or waterway, and such person shall so cover and care for the animal manure, offal and waste as to prevent any malodorous or offensive condition to exist and prevent any nuisance to arise therefrom, except that persons shall be permitted to use chicken manure as compost on their property provided that such composting is done in a manner that does not create an offensive or malodorous condition.

- (8) Any person keeping poultry shall remain subject to public nuisance and other associated codes and ordinances, including, but not limited to, noise, odor and blight.
- (9) Poultry shall be kept in compliance with the Michigan Department of Agriculture & Rural Development Generally Accepted Agriculture and Management Practices for the Care of Farm Animals, as it related to laying chickens, as amended except as otherwise provided in this section.
- (d) In the R-1 District the keeping and raising of domesticated animals not customarily kept as household pets, such as horses, cattle, goats, poultry and pigs, is permitted on parcels of ten (10) acres or more in area.
- (e) The keeping and raising of domesticated animals not customarily kept as household pets, such as horses, cattle, goats and pigs, is permitted in the AG District and the R-R District; provided, however, that on parcels of ten acres or less in area, the number of domesticated animals (other than household pets) shall not exceed one animal for the first two acres of land area plus one additional animal for each additional acre of land area.
- (f) Any building or confined feeding area in which domesticated animals other than household pets are confined or fed (not including feeding by grazing) shall be at least 100 feet away from the nearest property line or street right-of-way line, and it shall be so constructed and maintained that odor, dust, noise, or drainage shall not constitute a nuisance or hazard to adjoining or nearby parcels.
- (g) All animals kept and raised within the Township shall be kept under sanitary conditions and, where enclosed, in sanitary buildings or enclosures.

Section 4.38. Home Based Business.

- (a) A home based business may be permitted in the AG, R-R, R-1, R-2 and R-3 Districts, in accordance with this section.
- (b) A home based business shall be carried on by one or more members of a family residing on the premises, plus not more than one additional non-resident employee.
- (c) No mechanical equipment shall be installed on the premises, except such as is normally used for domestic and household purposes.

- (d) Not more than 25 percent of the total floor area of any story of the dwelling, or not more than 50 percent of an on-site accessory building shall be used in the operation of the home based business.
- (e) No outdoor storage shall be permitted in connection with a home based business.
- (f) No goods or commodity other than those customarily associated with the home based business shall be sold on the premises.
- (g) There shall be no change in the outside appearance of the dwelling or any accessory building, or other part of the premises, as a result of the conducting of the home based business, except that limited outdoor signage may be permitted, but such signage shall comply with the applicable sign requirements of the zone district in which the use is located.
- (h) An accessory building used in a home based business shall not be larger in area than as follows: in the AG District, 1,200 square feet; in the R-R District, 1,200 square feet; in the R-1 District, 576 square feet; in the R-2 and R-3 Districts, as determined by the Planning Commission.
- (i) There shall be only incidental or occasional sale of goods, merchandise, supplies or products on the premises.
- (j) No combustible, toxic or hazardous material may be used or stored on the premises, except in a safe manner and in full compliance with all federal, state and local requirements concerning the use, handling, storage, transport and disposal of any such materials; provided, however, that the safe storage of pesticides and herbicides by landscaping enterprises shall be permitted if otherwise lawful.
- (k) There shall be no activity that would interfere with radio or television transmission in the area, nor shall there be any offensive noise, vibrations, smoke, dust, odors, heat or glare resulting in an adverse effect beyond the property where the home based business is located.
- (l) Any motor vehicle traffic generated by the home based business shall be only to such limited extent that the number of vehicles, the frequency of vehicle trips, the noise of vehicles and other resulting impacts shall have no serious adverse effects on adjacent or nearby lands.
- (m) If the parking of motor vehicles will result from the home based business, an adequate off-street parking area shall be provided on the parcel of land where the home occupation is conducted; such off-street parking area shall not be located in a required front yard setback area, except that vehicles generated by the home based business may be parked in a driveway that is used to provide vehicle access to the dwelling.
- (n) Permitted home based businesses include, but are not limited to the following:

- (1) Beauty salons and barber shops.
 - (2) Photography Studios.
 - (3) Furniture upholstery.
 - (4) Small engine repair.
 - (5) Cabinet making and carpentry work.
 - (6) Television and other appliance repair.
 - (7) Organized classes with not more than six students at one time.
 - (8) Catering business.
 - (9) Indoor storage of boats and recreational vehicles, not to exceed a total of ten stored boats and/or recreational vehicles, except that no such storage shall take place in the R-2 and R-3 Districts.
 - (10) Turf services and landscaping enterprises, except that they shall not be permitted in the R-2 and R-3 Districts.
 - (11) The indoor or outdoor convenience parking of a business-related truck or other business-related motor vehicle, with a capacity less than that of a semi-trailer truck, owned by a resident of the dwelling. The truck or other business-related motor vehicle shall be parked in a safe and adequate off- street parking area, but such vehicle shall not be parked within any required side yard.
 - (12) The occasional, temporary convenience storage of inventory, supplies and minor equipment used in an occupation, whether or not the occupation is a home-based business conducted on the premises, where such storage takes place only in a dwelling or in a permitted accessory building and where the delivery, storage and removal of such inventory, supplies and minor equipment do not have serious adverse effects upon adjacent or nearby lands.
 - (13) Garage and yard sales, consignment sales and auctions lasting not more than three consecutive days, but not longer than ten days in total (whether or not consecutively) in any 12-month period.
- (o) No home based business shall be permitted without the prior issuance of a home based business permit, in accordance with this subsection.
- (1) A person shall apply for a home based business permit on a form provided by the Township and shall pay the required application fee or other charge, if any. The application shall be submitted to the Zoning Administrator.

- (2) If requested by the Zoning Administrator, the application shall include a site plan, drawings or other additional information showing the location of buildings, driveways, parking areas and other features of the home based business and the buildings and land devoted thereto.
- (3) A home based business permit shall be issued for a proposed home based business if the business complies with the requirements of this section, based upon the application and the materials and other information provided. No public hearing shall be required. Once the application is complete, the Zoning Administrator shall issue, or shall decline to issue, the permit within a reasonable time. If the Administrator declines to issue the permit, the reasons therefor shall be stated in writing.
- (4) In determining whether a proposed home based business not listed in this section nevertheless qualifies as a home-based business under this section, the Zoning Administrator shall consider the following:
 - (i) The extent to which the proposed home based business is reasonably similar to those listed in this section.
 - (ii) Whether the major features and characteristics of the proposed home based business cause the proposed business to qualify under the requirements stated in this section.
 - (iii) Whether the home based business is reasonably included within the definition of home based business, as stated in this Ordinance.
 - (iv) The extent to which the proposed home based business involves only limited business activity, would have no serious adverse effects on adjacent or nearby lands and would be of such nature that its commercial aspects would not seriously impinge upon the residential character of adjacent and nearby lands.
- (5) In issuing a home based business permit, the Zoning Administrator may include reasonable terms and conditions, pertaining to the following matters, among others:
 - (i) The size and location of any accessory building to be used in the home based business
 - (ii) The means of access to the home based business and the expected frequency of vehicle trips to and from the home based business, by customers, delivery vehicles, and others.
 - (iii) The distance between the location of the home based business and dwellings on adjacent or nearby lands; any landscaping or screening

proposed to be installed for the purpose of shielding the view of the home based business from other lands.

- (iv) The number of persons to be engaged in the home based business.
 - (v) The area and location of any off-street parking area and any off- street loading area.
 - (vi) Proposed signage, if any, and proposed outdoor lighting, if any.
 - (vii) The expected hours of operation of the home based business.
 - (viii) The nature and type of the equipment, materials and processes to be used in the home based business, and the likelihood that any such equipment, materials or processes may generate noise, vibration, fumes, odors, glare or electrical interference.
 - (ix) Other aspects of the home based business, in relation to adjacent and nearby land uses and the adjacent and nearby streets.
- (6) A home based business permit shall remain in effect for a period of three years, so long as the terms of the permit and of this section are complied with and so long as the permit is not revoked. The permit may be revoked by the Township for non-compliance, by the issuance of a stop work order and an order revoking the permit, issued by the Zoning Administrator or other Township representative having responsibility for enforcement of Township ordinances.
- (7) A home based business permit may be renewed for unlimited successive periods of three years each. A permit holder need not apply for renewal, but shall cooperate with the Township in providing pertinent requested information sufficient-for the Township to determine compliance with the permit and with this section, and otherwise to ascertain the scope, nature and impact of the home based business at the time of renewal. The failure of a permit holder to cooperate on a timely basis with the Township in the renewal process shall be grounds for non-renewal of the permit.
- (8) Upon the cessation of a home based business for a period of 90 days, the home based business permit shall be of no further effect.
- (9) A home based business shall at all times comply with the minimum requirements of this section and all other applicable requirements. The expansion or enlargement of a home based business, or its departure from any required conditions or limitations, shall be grounds for the revoking of the home based business permit. Upon the revoking of the permit, the applicant shall no longer engage in the home based business.

- (p) A home based business lawfully in existence at the time of adoption of this section may continue in the same manner and to the same extent as was the case at the time of adoption of this section, but the persons engaged in the existing lawful home based business shall nevertheless cooperate with the Township in providing requested, non-proprietary information about the home based business, for purposes of Township records.
- (q) A lawful home based business in existence at the time of adoption of this section may not be enlarged, expanded or increased in use intensity except in compliance with this section, including the permit provisions hereof.

Section 4.39. Outdoor Lighting.

- (a) All outdoor light fixtures shall be shielded, except those specified below as exempt from this section. Such shielding shall be sufficient so that light is not directed off the property and so that light sources are not directly visible from beyond the boundaries of a property.
- (b) The use of search lights, except by law enforcement agencies and civil authorities, is prohibited.
- (c) The lighting of signs shall be subject to applicable provisions of the sign chapter of this Ordinance.
- (d) Lighting intensity shall not be greater than ten foot-candles at the property boundary line closest to the directed path of any light source.
- (e) There shall be no blinking or flashing outdoor lights, including changes in light intensity, brightness or color; provided, however, that time and temperature signs shall be permitted, if lawful under the terms of the sign chapter of this Ordinance.
- (f) Outdoor light poles, including the light fixture at the top of the pole, shall not exceed a height of 23 feet.
- (g) In the case of buildings or developments requiring site plan approval under the terms of Chapter 17, the site plan shall include an outdoor lighting plan that includes, at a minimum, the following:
 - (1) The location of outdoor lights on the premises and detail concerning the type of lights, fixtures, lamps, supports, reflectors and other lighting elements and devices.
 - (2) A description of the outdoor lights and associated equipment.
 - (3) Photometric data, such as that furnished by manufacturers, showing the angle of cut off of light emissions, or other information indicating that light will not produce glare or otherwise spill onto adjacent or nearby properties or streets.

- (h) The provisions of this section shall not apply to the following:
 - (1) Decorative residential lighting, such as porch lights or low level lawn or sidewalk lights.
 - (2) Outdoor light fixtures installed prior to the effective date of this section; provided, however, that when there is a change in the use of the property, or any replacement or substantial alteration of the outdoor light fixture, then the fixture shall thereafter conform to the provisions of this section.
 - (3) Street lights located within a public street or private street right-of-way.
 - (4) Outdoor light fixtures which use a light bulb of 150 watts or less, except where such fixtures create a hazard or nuisance from glare or spillage of light.
 - (5) Outdoor lighting necessary for road or utility construction or for emergencies.
- (i) Outdoor light fixtures for off street parking lots shall be turned off no later than one hour after the ending of the use on the site, except for lights which are necessary for security purposes, and except for off street parking lots that provide parking for uses that are open 24 hours per day.
- (j) Any application for a building or electrical permit for a commercial or industrial use which includes the installation of one or more outdoor lighting fixtures shall, as a part of the application for such permit, include evidence that the proposed outdoor lighting fixtures and the work relating thereto will comply with this section.
- (k) No colored lights shall be used at any location or in any manner if there is a likelihood of such lights being confused with traffic control devices.

Section 4.40. Medical Marijuana Regulations.

- (a) Purpose and Intent.
 - (1) The voters of Michigan adopted the Medical Marijuana Act, Initiated Law 1 of 2008, which become effective December 4, 2008. The Act does not regulate or even address many important matters associated with the possession and use of marijuana for medical purposes, including but not limited to the cultivation, distribution, sale and use of medical marijuana. The Township Board finds that there are many adverse effects associated with the cultivation, sale, distribution and use of marijuana, including medical marijuana, which can include illegal sales of marijuana, burglaries, increased vandalism, the use of marijuana by minors and other persons without medical need and other adverse impacts. Moreover, the unregulated cultivation, sale, distribution and use of medical marijuana can result in adverse land use impacts on lands adjacent to and near the locations of medical marijuana cultivation, processing, distribution and use, including threats to the public

peace and interference with important Township efforts to safeguard the health, safety and welfare of the residents and property owners of the Township and the public at large.

- (2) It is not the purpose or intent of this section to prohibit any use or activity permitted by the Michigan Medical Marijuana Act, but rather to adopt regulations which may prevent or avoid the possible adverse secondary effects of facilities and locations used for the cultivation, processing, sale, distribution and use of medical marijuana; to ensure that such facilities and locations are not covertly used for unlawful purposes not authorized by the Act; and to ensure that such facilities and locations do not cause adverse effects that may contribute to the blighting of surrounding or nearby lands.
- (b) **Scope of this Section.** The cultivation, acquisition, possession, use and distribution of marijuana and paraphernalia relating to the administration of marijuana to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the condition, as defined by the Act, shall take place only in accordance with this section. No provision of this section shall permit, or shall be construed to permit, a violation of any state or federal law.
 - (c) **Definitions.** The following words, terms and phrases shall have the following meanings respectively stated in this subsection.
 - (1) "Act" means the Michigan Medical Marijuana Act, Initiated Law 1 of 2008, and any amendments thereto and including other laws enacted to implement the Act.
 - (2) "Medical use of marijuana," "medical marijuana" or "medical marijuana use" means the acquisition, possession, cultivation, use, delivery, transfer or transportation of marijuana, or paraphernalia relating to the administration of marijuana, to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined by the Act.
 - (3) "Primary caregiver" means a person who is at least 21 years old and who has agreed to assist with a patient's medical use of marijuana, who has not been convicted of a felony involving illegal drugs and who has been issued a registry identification card.
 - (4) "Qualifying patient" means a person who has been diagnosed by a physician as having a debilitating medical condition, as defined by the Act and who has been issued a registry identification card.
 - (5) "Registry identification card" means a document issued by the State Department of Community Health that identifies a person as a registered qualifying patient or registered primary caregiver.

- (6) "Usable marijuana" means the dried leaves and flowers of the marijuana plant, including any mixture or preparation thereof.
- (d) Medical Use of Marijuana in the AG, R-R, R-1, LR, R-2, R-3, PUD, C-1, C-2 and I Districts.
- (1) The medical use of marijuana in the AG, R-R, R-1, LR, R-2, R-3, PUD, C-1, C-2 and I Districts shall be permitted as stated in this subsection (d).
- (2) Medical marijuana use shall be permitted only by a qualifying patient or primary caregiver, neither of whom shall possess usable marijuana in any quantity greater than that permitted by the Act. A qualifying patient shall possess marijuana plants only if the qualifying patient has not specified a primary caregiver to cultivate marijuana for the qualifying patient. Neither a qualifying patient nor a primary caregiver shall cultivate that number of marijuana plants in excess of the number permitted by the Act. A primary caregiver may assist not more than five qualifying patients with their medical use of marijuana, but subject to the following requirements:
- (i) In the AG, R-R, R-1, LR, R-2, R-3 and PUD Districts, a primary caregiver may assist a qualifying patient with the patient's medical marijuana use, including the cultivation of marijuana for medical purposes, but the primary caregiver may do so only in the single-family, detached dwelling of the qualifying patient, and may not transport or deliver medical marijuana to the qualifying patient's dwelling from some other location.
- (ii) In the C-1, C-2 and I Districts, a primary caregiver may assist a qualifying patient with the patient's medical marijuana use, including the cultivation thereof, in a principal building, subject to other applicable requirements of this subsection (d).
- (3) Marijuana plants in the possession or under the control of a qualifying patient or primary caregiver shall be kept in an enclosed, locked facility consisting of a closet, room or other fully enclosed area equipped with locks or other security devices that permit access only by the qualifying patient or the primary caregiver; provided, however, that in the AG, R-R, R-1, LR, R-2, R-3 and PUD Districts, such enclosed, locked facility shall consist of or be located entirely within the single-family, detached dwelling of the qualifying patient, not in any accessory building or other structure or location outside or apart from such dwelling nor in the dwelling or other premises of the primary caregiver in the above-stated zone districts.
- (4) A primary caregiver shall engage in medical marijuana use only to assist the qualifying patients who have specified that primary caregiver to assist them with medical marijuana use.

- (5) Medical marijuana use by a qualifying patient and a primary caregiver shall be subject to the issuance of a medical marijuana use permit issued by the Township under the provisions of subsection (e) of this section.
- (6) Medical use of marijuana in the C-1, C-2 and I Districts shall take place only in the principal building, and not in any accessory building or other structure or place located outside of or apart from the principal building. Marijuana plants, up to the maximum number permitted by the Act, shall be kept in an enclosed, locked facility consisting of a closet, room or other fully enclosed area within the principal building and equipped with locks or other security devices that permit access only by the qualifying patient or the primary caregiver.
- (7) Only one primary caregiver shall engage in medical marijuana use in or associated with a dwelling or other principal building, as permitted by the terms of this section, and subject to the restrictions thereof.
- (8) A qualifying patient and a primary caregiver shall engage in medical marijuana use only to the extent permitted by the Act and this section. Any dwelling or other principal building shall be the location of medical marijuana use only to the extent permitted by the Act and this section. Medical marijuana use shall not take place in a social setting or occasion, or among a group of persons or otherwise in a group or social environment.
- (9) Medical marijuana use as permitted in this section in the C-1 and C-2 Districts shall be subject to site plan review and approval under the terms of Chapter 17.
 - (i) In considering a site plan for a medical marijuana use, the Planning Commission shall consider the standards for site plan review and approval stated in Section 17.04.
 - (ii) In approving a site plan, the Planning Commission may impose stricter terms, conditions and requirements than those specified in the applicable district, for the purpose of preventing or avoiding potential adverse effects as a result of the use. Such stricter requirements may include terms and conditions as to screening, signage, outdoor lighting, prohibition of exterior uses, off-street parking, separation from other principal uses and other land use matters.
 - (iii) In addition to the standards of site plan review stated in Section 17.04, the Planning Commission shall consider whether the site plan and the proposed use would comply with the requirements of this Section and the Act and, among other matters, shall consider the proximity of the proposed medical marijuana use to an existing medical marijuana use, a

school, a place of religious worship, a park or other recreation area or a residential zone or residential use.

- (10) Neither a qualifying patient nor a primary caregiver shall engage in offering to sell, or the sale, of medical marijuana paraphernalia as a business or commercial activity or as a part of any other business or commercial activity; a qualifying patient or a primary caregiver shall not distribute or provide, as a business or commercial activity, written or graphic information or material about medical marijuana use.
- (11) Medical marijuana use in a dwelling in the districts in which such use is permitted by the terms of this section shall take place only in a single- family, detached dwelling.
- (12) In the agricultural and residential districts, not more than 25 percent of the finished floor area of a dwelling shall be occupied or used for medical marijuana use. There shall be no visible changes to the outside appearance of a dwelling of a qualifying patient or primary caregiver, as a result of medical marijuana use therein, nor other visible evidence of medical marijuana use occurring on the premises.
- (13) In all districts, no marijuana, marijuana plants, marijuana paraphernalia or plant-growing apparatus shall be visible from the exterior of the dwelling or other principal building, as the case may be.
- (14) In the agricultural and residential districts, no sale or distribution of merchandise or products associated with medical marijuana shall be conducted on, within or from the authorized dwelling of a qualifying patient or primary caregiver.
- (15) No equipment or process shall be used in growing, processing or handling medical marijuana which creates noise, vibration, glare, light, fumes, odors or electrical interference detectable to the normal senses outside a dwelling unit or other principal building. In the case of electrical interference, no equipment or process shall be used which created visual or audible interference with any radio, television or similar receiver off the premises or causes fluctuation of electric line voltage off the premises. The dwelling or other principal building of the qualifying patient or primary caregiver, if used for a purpose authorized by this section, shall comply with all building, housing and fire code requirements and applicable state laws.
- (16) In the case of an authorized dwelling in which medical marijuana use takes place, no sign identifying the dwelling as a place of such use or activity shall be visible outside of the dwelling or within or through any of the windows of the dwelling.

- (e) Medical Marijuana Use Permit. A medical marijuana use permit (the "permit") issued by the Township shall be required for medical marijuana use in the Township.
- (1) The permit shall be issued only to a qualified patient or a primary caregiver.
 - (2) A qualified patient or primary caregiver shall apply for the permit by completing and submitting an application on a form provided by the Township. The applicant shall pay any application fee established by the Township Board. The application shall include a true copy of the applicant's registry identification card.
 - (3) The permit shall be issued by the Township Clerk, upon the Clerk's determination that the application form is complete and in compliance with this subsection and that the proposed medical marijuana use would comply with this section and the Act. The Clerk shall have a reasonable time in which to review and consider the application. If necessary to determine compliance with this section, the Clerk may request further information from the applicant; the providing of such additional information shall be required for the issuance of the permit. If the permit is denied, the Clerk shall set forth the reason or reasons for the denial in a letter or other writing given to the applicant.
 - (4) The permit shall authorize medical marijuana use for one year from its date of issuance, but not thereafter. The permit may be renewed annually. An applicant seeking an annual renewal shall complete and submit the Township form provided for that purpose, and shall pay any established fee. The application for renewal shall be submitted to the Township not later than ten days after expiration of the previous permit. The application shall include a true copy of the applicant's registry identification card. Annual renewals of the permit shall be issued by the Township Clerk, after completing the same review and evaluation as is required for an original permit. If an application for a renewed permit is denied, the reason or reasons for such denial shall be set forth in a letter or other writing given to the applicant.
 - (5) A qualifying patient, a primary caregiver and any other person shall comply at all times with the Act and the medical marijuana rules of the Michigan Department of Community Health, and as they may be amended.
 - (6) It shall be unlawful to give, sell, dispense or otherwise distribute medical marijuana (or any marijuana) to any person other than a qualifying patient or primary caregiver.
 - (7) It shall be unlawful to purchase or otherwise obtain medical marijuana (or any marijuana) from any person or source other than a primary caregiver who is authorized under the Act to dispense or provide medical marijuana to a specified person.

- (f) No provision in this section is intended to grant, nor shall any such provision be construed as granting, immunity from prosecution for the cultivation, sale, consumption, use, distribution or possession of marijuana which is not in compliance with the Act and the applicable rules of the Michigan Department of Community Health.
- (g) Inasmuch as federal laws are not affected by the Act or this section, no provision of this section is intended to grant, nor shall any such provision be construed as granting, immunity from prosecution under the laws of the United States. The Act and this section do not protect qualifying patients, primary caregivers or others from federal prosecution or from seizure of their property by federal authorities under the Federal Controlled Substances Act, in cases in which such statute may apply.

Section 4.41. General Stormwater Provisions

Storm water detention, retention or any drainage system shall be designed so that the removal of surface waters will not adversely affect neighboring properties or public storm water drainage systems.

Section 4.42. Solar Energy Systems (SES)

The following requirements apply to all SES:

- (a) Any connection to the public utility grid must be inspected by the appropriate public utility.
- (b) If battery storage is included as part of the SES approval, they must be placed in a secure container or enclosure meeting the requirements of the State of Michigan Building Code, currently in effect, when in use. Any solar storage batteries that are no longer used shall be disposed of in accordance with the laws, regulations and ordinances of the State of Michigan and the Township or any other applicable enforcing agency.

Section 4.43. Roof-Mounted And Building-Integrated Solar Energy Systems (Ses)

Roof-Mounted SES and Building-Integrated SES are permitted in all zoning districts where structures of any sort are allowed, and shall meet the following requirements:

- (a) ROOF-MOUNTED SES
 - (1) Height: Roof-Mounted SES shall not exceed four (4) feet above the finished roof and are exempt from any rooftop equipment or mechanical system screening.

- (2) Nonconformities: A Roof-Mounted SES or Building-Integrated SES installed on a nonconforming building, structure, or use shall not be considered an expansion of the nonconformity.
- (3) Application: All SES applications must include a site plan. Applications for Roof-Mounted SES must include horizontal and vertical elevation drawings that show the location and height of the SES on the building and dimensions of the SES.

(b) BUILDING-INTEGRATED SES

- (1) Building-Integrated SES are subject only to zoning regulations applicable to the structure or building and not subject to accessory ground or roof-mounted SES permits.

Section 4.44. Stationary Fuel Cells.

- (a) Stationary fuel cells for the purpose of Point-of-Use Electric Power Generation through chemical processes are a permitted accessory use; provided, however, that such fuel cells shall have zero emissions, except for only limited amounts of carbon dioxide emissions.
 - (1) Such fuel cells shall comply with the Township Construction Code. All required construction permits shall be obtained.
 - (2) Emissions resulting from the operation of such fuel cells shall comply with applicable air-pollution regulations of the Michigan Air Pollution Control Commission. An air quality permit shall be obtained, if required by law.
 - (3) All equipment and facilities shall not be located in any required front, side or rear yard building setback.
 - (4) All such fuel cells, whether roof-mounted or ground-mounted, shall comply with the maximum building and structure height limitation of the zone district in which the fuel cells are located, but in any event a roof-mounted or ground-mounted system shall not have a height above grade that is greater than the lineal distance from the solar energy system to the nearest property line.
 - (5) Any noise resulting from the operation of the fuel cells shall comply with the noise regulations stated in Township Ordinance No. 93-2.

- (6) The installation, operation, maintenance and removal of such fuel cells shall be carried out so as to have no serious adverse effect on adjacent or other lands.