

## **General Provisions**

These general provisions shall apply to all zoning districts except as otherwise noted.

### **SECTION 1201. SUPPLEMENTARY USE REGULATIONS**

#### **1201.1 BUILDING PERMITS REQUIRED.**

Any construction related to any type of zoning administrative approval shall be commenced only after a building permit has been obtained.

#### **1201.2 PENDING APPLICATIONS FOR BUILDING PERMITS.**

Any building permit issued prior to the effective date of this ordinance shall be valid, notwithstanding the provisions hereof, provided construction is commenced by the effective date of this ordinance.

#### **1201.3 REQUIRED WATER SUPPLY AND SANITARY SEWER FACILITIES.**

There shall be provided for every building or structure hereafter erected, altered or moved upon any premises and used in whole or in part for human habitation or congregation, including dwellings, business, recreational, general business or other purposes, a safe and sanitary means of collection and disposal of sewage and industrial waste and a safe and sanitary water supply system in accordance with the requirements of Lake Township, the Huron County District Health Department, the Public Health Department, the State of Michigan, and the Federal Government Environmental Protection Agency.

#### **1201.4 DRIVEWAY, SEPTIC AND SOIL EROSION PERMITS.**

Prior to the issuance of a building permit, there shall be submitted to the Zoning Administrator the following approved permits in all cases where such permits are required, or applicable:

- A. Driveway permit including approved culverts, where necessary, approved by the Huron County Road Commission or the Michigan Department of Transportation;
- B. Septic system permit approved by the Huron County Health Department;
- C. Soil erosion and sedimentation control permit from the Huron County Building and Zoning Department; and

- D. Flood Plain Wetland permits and High Risk Erosion Area (HREA) permits, as applicable.

#### **1201.5 ACCESSORY USES.**

Nothing in this Ordinance shall be construed to prohibit the following accessory uses.

- A. Customary refreshment and service uses and buildings which are incidental to the recreational use of any park or recreation area.
- B. Building or structures necessary for provision of essential services.
- C. Gardens, garden ornaments and usual landscape features within required yard space.
- D. Fences within required yard space, provided they meet the standards cited below.
- E. Public playgrounds

#### **1201.6 ESSENTIAL SERVICES.**

Essential services are defined in Chapter 2 as permitted in any Zoning District subject to the following conditions.

- A. Electrical substations and/or gas regulator stations shall be enclosed with a fence or wall six (6') feet high and adequate to obstruct passage of persons or materials and shall meet all of lot area, setback and yard requirements for the district in which they are located.
- B. Public utility facilities in any Zoning district are required to be constructed and maintained in a neat and orderly manner. Any building which is constructed shall be landscaped and shall conform with the general character of the architecture of the surrounding neighborhood and shall meet all of the lot area, setback and yard requirements for the district in which they are located.

## **1201.7 UNDERGROUND POWER LINES AND PIPELINES.**

The installation, use and maintenance of electric power lines and underground pipelines shall be permitted in any zoning district. However, all such pipelines shall be buried at least three (3') feet below the surface of the ground and shall pass under all existing drain tile unless the owner of the land of any affected drain tile or untiled land shall consent in writing to the installation of said pipeline above said drain tile or at a depth of less than three (3') feet. In no case shall power lines or pipelines be installed at a depth of less than two (2') feet below the surface of the ground or within six (6") inches above or below existing drain tiles.

Where a pipeline or power line is proposed to pass through a land not previously so used as a site for power lines or pipelines, the location, erection and use shall first be approved by the Planning Commission. A public notice shall be given in a newspaper of general circulation in the Township containing a statement of the proposed use and location and time for a hearing thereon, which shall not be less than seven (7) days from the date of publication. If, on such hearing, it shall appear that the proposed location, erection or use will be detrimental to the public health, safety or general welfare, then such use shall forthwith be denied.

## **1201.8 FENCES AND WALLS.**

- A. **Construction, Replacement or Repair of Fences Generally.** No person shall erect, construct, replace or substantially repair any fence, except in accordance with the provisions of this chapter. Any fence existing on or before the adoption date of this section, and not in conformance with the requirements of this chapter, shall not be altered or modified except to make it more conforming.
- B. **Permit to Construct, Replace or Repair Fence, Wall or Retaining Wall.** No person shall erect, construct, replace or substantially repair any fence, wall or retaining wall, except an ornamental fence, without a land use permit therefore. Written application for such permit shall be filed with the Township, on forms to be furnished by that office, setting forth the location, type, construction detail, and other information as required by that office, together with a permit fee. The fees for a permit under this division shall be those fees on file with the Township Clerk. If it shall appear to the Zoning Administrator that the proposed fence, wall or retaining wall is in accordance with this chapter and other applicable ordinances and statutes, he shall issue a permit specifying the fence/wall authorized.

- C. **Construction Requirements for Fences.** All fences shall be constructed, with posts made of either iron pipe with one and five-eighths ( $1\frac{5}{8}$ ) inches outside diameter, or wood posts four (4") inches in diameter, or other material, with footings or post holes at least three (3') feet in depth and firmly set in concrete, sand, or other compacting material. The fencing material shall be firmly and securely fastened to the posts. Only sound material shall be used.
- D. **Determination of Property or Lot Lines when Fence Erected.** It shall be the obligation and sole responsibility of persons obtaining fence permits under this chapter and erecting fences to determine the location of property or lot lines. At the Zoning Administrator's discretion, the property owner shall have the fence line locations surveyed by a registered land surveyor and the corners shall be staked. The township shall not determine property or lot lines, and the issuance of a fence permit shall in no way be construed as a determination of the correct, valid or legal location for the fence, or prejudice in any way the rights of an adjacent or abutting property owner.
- E. **Location of Fence on Street or Sidewalk and Curb.** It shall be unlawful to construct any fence or barrier in any public street in the township or between the sidewalk and curb, except in conjunction with the excavation for a building or similar structure as provided in the building code of the township.
- F. **Maintenance of Fences, Walls and Retaining Walls.** All fences, walls and retaining walls shall be maintained in a sound and safe condition.
- G. **Prohibited Fences.**

1. It shall be unlawful for any owner or occupant of land in the township, other than on land used for agricultural purposes, to build or maintain any fence constructed wholly or in part of barbed wire, or any fence, guard wall, or other protection upon which there shall be fixed, attached, or placed in any manner any spike, nail, or pointed instrument of any kind or description, or any fence electronically charged; provided, however, barbed wire or similar instruments may be used along the top of such fences surrounding industrial plants and real estate appurtenant thereto, if such barbed wire or similar instruments are fastened to a portion of the fence extending at an angle over the property enclosed and not over other private property and not projecting on the opposite side or the side adjacent to a sidewalk or public way.
2. There shall be no fences on the beach between May 1 and September 30.
3. There shall be no fences, barriers or other obstruction on the beach at any time other than as erosion control barriers between October 1 and May 1.
4. No structures are permitted to cross the beach area.
5. There shall be no fences allowed in the water front yard area, i.e. the area facing the water.
6. No chain link fence shall be allowed in any front yard of any R District.

H. **Height in Residential Zones.** The following restrictions shall apply to fences located within residential zones as established in zoning ordinance:

1. All fences, except ornamental fences, shall be at least three (3') feet in height above grade.
2. Fences located in required front yards shall not exceed four (4') feet in height above grade.
3. Fences within ten (10') feet of the property or lot line, abutting on a street, shall not exceed four (4') feet in height above grade.

4. Where no other restriction applies, a fence shall not exceed six (6') feet in height above grade.
  5. No retaining wall shall exceed four (4') feet in height from the lowest point. Additional retaining walls shall be terraced.
- I. **Height in Nonresidential Zones.** The following restrictions shall apply to fences located in an area other than a residential zone:
1. No fence shall exceed eight (8') feet in height measured from its tallest point.
  2. Fences located between a building and a street shall not exceed four (4') feet in height above grade; provided that this restriction shall not apply to clear vision fences.
- J. **Height in Sight Zones.** Within the limits of sight zones, fences shall not exceed three (3') feet in height above grade, except that such restriction shall not apply to clear vision fences. Such sight zones shall be determined as follows:
1. Street corners: The triangle formed by legs measured twenty feet on each side of a street corner lot, measured on the property or lot line. Where a sidewalk exists, the inside edge of the sidewalk may be considered the property line for his purpose.
  2. Driveways: The right triangles formed on each side of driveways, measured ten (10') feet along the property or lot line on one (1) leg, and along the outside edge of the driveway for the other leg. Where a side walk exists, the inside edge of the sidewalk may be considered the property line for this purpose.
- K. **Nuisances.** Any fence which, through lack of repair, type of construction, location, deterioration, or for any other reason imperils life or property, shall be deemed a nuisance. Where any fence is in such a condition as to constitute a nuisance, the nuisance shall be abated.
- L. **Exceptions for Chapter.**
1. The height restrictions of this chapter shall not apply to schools, public or private, or to public recreational areas, or to public utility installations where higher fences are required for the safety and protection of the public.

2. This chapter shall not apply to construction fences as authorized and required in the building code.

### **1201.9 PRINCIPAL BUILDING ON A LOT.**

In the Agricultural, R-R, R-1 and R-2 Zoning Districts, no more than one (1) residential dwelling shall be placed on a lot. No residential dwelling shall be erected in the Business District, except as a Special Approval.

### **1201.10 KEEPING OF ANIMALS.**

- A. The keeping of household pets, including dogs, cats, rabbits, fish, birds, hamsters and other animals generally regarded as household pets is permitted as an accessory use in any agricultural or residential zoning district. However, no more than three (3) dogs or cats, six (6) months of age or older, in any combination, and no more than a total of five (5) animals over one (1) pound in weight shall be kept or housed in or at one (1) dwelling unit in a residential district.
- B. The keeping of horses, ponies and other equine on a residential lot is only permitted in the Agricultural and Rural Residential Districts on lots of at least five (5) acres in size. The keeping of horses, ponies, other equine and livestock is prohibited in all other zoning districts. There shall be five (5) acres for the first horse or pony kept on a lot and one and one half (1½) acres for each thereafter. The keeping of a maximum of three (3) housed animals or livestock or up to fifteen (15) fowl on a residential lot less than five (5) acres is permitted in the Agricultural District providing that said lot is more than five hundred (500') feet from any residential district, including Rural-Residential. These provisions do not apply to farms in the Agricultural district which are at least ten (10) acres in size, provided that all other applicable state and county requirements are met.
- C. All grazing areas shall be fenced. An accessory structure shall be provided to house such animals. Any barn or stable structure and any outdoor feed (non-grazing) area, training or exercising corrals shall be setback at least one hundred (100) feet from any occupied dwelling or any adjacent building used by the public. All stables shall be enclosed by a suitable fence and shall be maintained so that odor, dust, noise or water drainage shall not constitute a nuisance or hazard to adjoining premises.

- D. The keeping of exotic animals and/or reptiles not normally considered farm livestock (horses, cattle, bison, sheep, goats, pigs, chickens, rabbits, ducks, etc.), or household pets is prohibited.

#### **1201.11 HOME OCCUPATIONS.**

A home occupation, where permitted, shall be regulated according to the following conditions:

- A. No stock in trade may be kept or articles sold or offered for sale in the dwelling except such as are produced by such home occupation.
- B. No display of goods or "for sale" signs pertaining to such use are visible from the street and no persons are employed other than the dwelling occupants.
- C. A home occupation may not be conducted in an accessory building or garage; a home occupation shall not exceed the use of one (1) room of the dwelling or more than twenty-five (25%) percent of the total floor area of a dwelling, whichever is the most restrictive.

#### **1201.12 PARKING AND STORAGE OF CAMPERS, TRAVEL TRAILERS AND BOATS.**

Campers, travel trailers, motorized homes, trailers of any type and boats may be parked or stored outdoors in any Residential Zoning District on occupied lots subject to the following requirements:

- A. No more than one (1) camper or travel trailer, and not more than one (1) boat may be parked on a lot of record which is zoned and used for residential purposes and ownership of same must be in the name of a member or the immediate family of the lot's owner, tenant or lessee.
- B. Campers and travel trailers may be parked anywhere on the premises for loading or unloading purposes for a period not to exceed forty-eight (48) hours.



- C. Campers, travel trailers, snowmobiles, trailers, boats and the like, where parked or stored, shall be located only in the rear yard and in addition, shall conform to the required yard space requirements for accessory buildings in the Zoning District wherein located. In instances where the Zoning Administrator determines that there is no access available to the rear yard, they may be located in the side yard with a waiver of the side yard requirements for accessory buildings.
- D. All campers, travel trailers, boats and the like shall be locked or secured at all times when not in use so as to prevent access thereto by children.
- E. A suitable covering (e.g., tarpaulin) shall be placed over all boats, wherever they are not enclosed, in order to prevent vandalism by, or injury to children.
- F. Recreational equipment parked or stored shall not be used for living, lodging or housekeeping purposes, except as authorized by the Zoning Administrator.
- G. All recreational equipment must be kept in good condition and have a current year's license and/or registration.
- H. The parking or storage of a mobile home unit outside of a mobile home park, under the provisions of this ordinance, is expressly prohibited.

#### **1201.13 CONTROL OF HEAT, GLARE, FUMES, DUST, NOISE, VIBRATION AND ODORS.**

Every use shall be so conducted and operated that it is not obnoxious or dangerous by reason of heat, glare, fumes, orders, dust, noise or vibration beyond the lot on which the use is located.

#### **1201.14 FLOODPLAINS AND WETLANDS.**

Such areas of the Township shall be governed by the applicable Township ordinance, as amended, in addition to the rules governing zoning district uses contained herein.

## **1201.15 ALLIED CODES.**

When required, other codes have an impact upon the activities being undertaken or planned, such as, but not limited to:

- A. Maintenance codes for residential structures and property should meet those standards as contained in the International Building Maintenance Code provisions. New construction and renovations shall meet the requirements of the International Building Code.
- B. Areas subject to flooding are regulated and subject to the regulations of the Lake Township Flood Areas Ordinance.
- C. Condominiums and declaration of condominiums for sale shall be subject to the Condominium Act, Public Act 59 of 1978, as amended.