

Article 20 SUPPLEMENTAL PROVISIONS

Section 20.1 Purpose

The purpose of this Article is to recognize that there are certain conditions concerning land uses that warrant specific exceptions, regulations, or standards in addition to the regulations contained elsewhere in this Ordinance, and to establish such exceptions, regulations, and standards. The following supplemental provisions apply to all uses and all zoning districts unless otherwise indicated.

Section 20.2 Conditional Approvals

A. Conditions on Discretionary Decisions: The Zoning Administrator, Planning Commission, Zoning Board of Appeals, and Township Board may attach conditions to the approval of a site plan, special land use, zoning permit, variance or other discretionary or nondiscretionary zoning approvals and permits. Such conditions shall be based on standards in this Ordinance and imposed to:

1. Ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
2. Protect the natural environment and conserve natural resources and energy.
3. Insure compatibility with adjacent uses of land.
4. Promote the use of land in a socially and economically desirable manner.
5. Ensure that the use, building or structure is reasonable.

B. Requirements for Valid Conditions: Conditions imposed shall meet all of the following requirements:

1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
3. Be reasonably necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

C. Record of Conditions and Changes: Any conditions imposed shall be recorded in the record of the approval action. These conditions shall not be changed, except upon the mutual consent of the approving authority and the property owner.

D. Performance Guarantees: Performance guarantees may be required to ensure compliance with conditions on discretionary decisions pursuant to the requirements of Section 3.6.

E. Violation: A violation of a condition shall also constitute a violation of this Ordinance.

Section 20.3 Moving Buildings

No existing building or structure within or outside of the Township shall be relocated to or on any lot in the Township unless the use and the building or structure meets all provisions of this Ordinance and the Michigan Construction Code and a zoning permit has been issued for such relocation.

Section 20.4 Essential Services

Essential services as defined in this Ordinance shall be permitted as authorized and regulated by law and other ordinances of the Township, it being the intention hereof to generally exempt such essential services from the application of this Ordinance. This essential services exception shall not apply to buildings, communication towers, wind energy systems, public utility storage yards, substations and similar above-ground structures and uses associated with such essential services, and shall be subject to all requirements of this Ordinance including minimum lot area and setbacks. The site plan approving body may require fencing, landscaping and/or other measures to minimize negative impacts of such facilities on surrounding uses as part of required site plan review proceedings. All such facilities shall be maintained in a neat condition and free of litter.

Section 20.5 One Dwelling Unit / Principal Use per Lot

A. Dwellings: No more than one (1) dwelling unit shall be established on a lot except as otherwise authorized by this Ordinance, such as in the case where Tables 3-2 or 3-3 of Article 3 authorizes two-family or multiple family dwellings, or where a temporary dwelling may be authorized (Section 20.7, Temporary Dwellings).

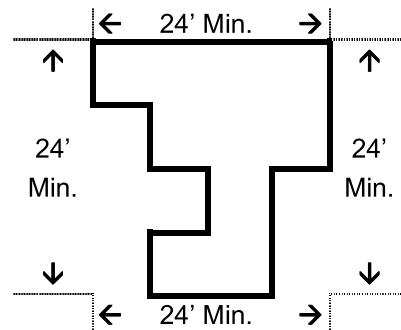
B. Principal Uses: No more than one (1) principal use shall be established on a lot except within a Business or Industrial District, in compliance with all provisions of this Ordinance and according to an approved site plan pursuant to Article 14. This Section shall not prohibit a dwelling on the same lot on which agriculture is occurring.

Section 20.6 Single Family Dwelling Standards

A. All single family dwellings (and modifications thereto) shall comply with all of the requirements of this Ordinance including the following standards, provided that the foregoing standards shall not apply to temporary dwellings authorized according to Section 20.7, and mobile homes located in a licensed manufactured housing community, except to the extent required by State and Federal law.

1. The dwelling shall have a cumulative finished floor area of all stories of a minimum of seven hundred twenty (720) square feet, exclusive of an attached garage, and shall have sufficient overall elevational dimensions to ensure compliance with subsection (2).

2. The dwelling shall have a minimum straight line dimension of at least twenty-four (24) feet across each of its front, side and rear elevations. See figure illustrating the required minimum 24' elevational dimension along front, side and rear sides of the dwelling. A square dwelling of 24' by 24' is insufficient to meet the minimum required 720 sq. ft. of floor area.



3. The dwelling and all modifications thereto shall comply with the Michigan Construction Code and any Township fire codes. Where a dwelling is required by law to comply with federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by such codes, then such federal or state standard or regulation shall apply.
4. The dwelling shall be firmly attached to a permanent foundation constructed on the site in accordance with the building code and shall have a wall of the same perimeter dimensions of the dwelling, except in the case of cantilever architecture, and constructed of such materials and type as required by the building code for such dwelling. In the case of a mobile home as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device, and shall be set on a concrete footing with a masonry wall extending from the perimeter wall of the dwelling to ground, or on a concrete footing with fireproof supports and shall have a continuous skirt extending from perimeter to ground, made of commercial quality or equivalent, and comply with the rules and regulations of the Michigan Mobile Home Commission, the Public Health Department, and HUD Regulations 24 CFR 3280, being the "Mobile Home Construction and Safety Standards". No dwelling shall have exposed wheels, towing mechanism, undercarriage, or chassis.
5. Any additions or modifications to a dwelling shall be constructed of similar or better quality workmanship as the original structure, including permanent attachment to the principal structure and foundation.
6. The dwelling shall contain storage area equal to ten percent (10%) of the square footage of the dwelling or one hundred (100) square feet, whichever shall be less, and shall be located in a basement part of the dwelling, in a readily accessible attic area, in closet areas, or in a separate building on the same lot constructed of similar or better quality workmanship as the dwelling. Such required storage area shall be in addition to any interior storage area used for the parking or storage of vehicles.
7. The dwelling shall be connected to a public sewer and water supply or to such private facilities as are approved by the County Health Department.
8. The dwelling shall have a finished surface that is non-reflective or glare-producing. The finished surface shall be of weather-protecting materials such as brick, wood, vinyl, concrete and similar protective materials commonly used by the housing industry and designed to resist deterioration and damage from weather conditions. Such surfacing shall be maintained to ensure an effective protective covering for the more interior parts of the dwelling's walls and roof and more interior areas and shall be promptly repaired upon deterioration or other damage.

9. All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity. Compatibility shall be determined by the Zoning Administrator upon review of the plans submitted for a particular dwelling. Determination of compatibility shall be based on the standards in this Section and the character, design and appearance of one or more dwellings that comply with the standards set forth in subsections (1) – (8) and located within one (1) mile of the subject dwelling but outside of manufactured housing communities. The one (1) mile distance shall be measured along road right-of-ways. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as view, unique land contour, or relief from the common or standard designs.

Section 20.7 Temporary Dwellings

A. Authorization/Application: Temporary dwellings are prohibited except as expressly approved by the Zoning Administrator according to this Section.

B. Temporary Dwelling for Emergency Housing or New Home Construction: An application for and authorization of a temporary dwelling according to this subsection (B) shall require the submittal of a completed zoning permit application to the Zoning Administrator including any required fee and a plot plan prepared according to Section 2.4(B). Temporary dwellings authorized under this subsection) and any required fee and shall comply with the following purposes and standards:

1. Purpose:
 - a. A temporary dwelling may be authorized by the Zoning Administrator to allow a recreational vehicle or mobile home to be placed on the lot while the existing permanent dwelling on the same lot is under repair due to destruction by fire, collapse, explosion, Acts of God, or acts of a public enemy, to the extent that it is no longer safe for human occupancy, and for which repairs a zoning permit and building permit have been issued.
 - b. A temporary dwelling may be authorized by the Zoning Administrator to allow a recreational vehicle or mobile home to be placed on the lot while a permanent dwelling on the same lot is under new construction and for which a zoning permit and building permit have been issued.
2. Standards:
 - a. A temporary dwelling may be placed in any yard and shall comply with the setback standards of the District for the permanent dwelling unless the Zoning Administrator determines that the location or intended location of the permanent dwelling, or other features of the lot, prohibit compliance with such setbacks, in which case the Zoning Administrator may approve a reduction of up to fifty percent (50%) of the normally required setback.
 - b. A temporary dwelling shall comply with county health department rules and regulations for potable water and sewage disposal. The temporary dwelling shall be connected to a county-approved on-site septic system, or sewer system unless the Zoning Administrator determines that the permanent dwelling continues to provide necessary potable water and sewage disposal.
3. Permit Duration and Removal:
 - a. No permit issued under this Section shall be issued for a duration exceeding one (1) year.
 - b. The Zoning Administrator may renew a temporary dwelling permit no more than once and for a period not to exceed one hundred eighty (180) days, upon the applicant adequately demonstrating that construction delays have been beyond the control of the applicant and that construction completion is continuing in an earnest manner.
 - c. A temporary dwelling shall be removed from the lot no later than the termination date of the permit or within thirty (30) days of the issuance of a certificate of occupancy for the permanent dwelling, whichever comes first.
4. Conditions: The Zoning Administrator may attach conditions to a permit issued hereunder including that the applicant enter into a written agreement with the Township to ensure compliance with this Section.

C. Temporary Dwelling on Vacant Lot: A recreational vehicle may be used as a temporary dwelling on a vacant lot for reasons not delineated in subsection (B) subject to all of the following limitations and requirements:

1. Setbacks: The recreational vehicle shall comply with the setback requirements for dwellings according to the District in which it is located.
2. Duration: The recreational vehicle shall not be located on the lot for more than fourteen (14) days during any four (4) consecutive calendar months.
3. Number: No more than two (2) recreational vehicles shall be located on the lot at any one (1) time.
4. Licensing/Registration: If the recreational vehicle relies on its own means of travel, as in the case of a self-contained engine, the vehicle shall be operational and comply with state licensing and registration requirements.

5. Annual Permit: An annual zoning permit is required for the placement of a recreational vehicle for temporary dwelling purposes on a lot on which a permanent dwelling is not present. The Zoning Administrator may approve such a permit upon finding that the application and supporting materials demonstrate conformance with all requirements of this Section.
6. Posting: A zoning permit granted by the Zoning Administrator under this Section shall be posted by the applicant in a conspicuous location on the lot on which the recreational vehicle is to be located.

D. Temporary Visitation Exception: Nothing in this Section shall be construed to prohibit a recreational vehicle being used as a temporary dwelling on any lot on which a permanent dwelling is located and which permanent dwelling includes operational water and sewage disposal facilities accessible to the occupants of the recreational vehicle, for visitation purposes. No such lot shall have a recreational vehicle used as a temporary dwelling for more than fourteen (14) days in any calendar two-month (2-month) period. A zoning permit is not necessary for such temporary dwelling.

Section 20.8 Accessory Buildings and Structures

A. Scope:

1. Applicability: Accessory buildings and structures shall be subject to the regulations of this Section except where expressly regulated otherwise by this Ordinance.
2. Compliance with Definitions: No provisions of this Section shall be interpreted as authorizing accessory buildings, structures or uses that do not conform to the definitions of Article 21 pertaining to the same.
3. Clarification of "Accessory Building": For the purposes of this Section, a building shall be considered an accessory building if such building is not structurally attached to the principal building by either shared wall construction of a minimum five (5) feet in length or by a fully and structurally enclosed corridor.
4. Fences and Walls: This Section shall not apply to fences and walls. See Section 20.9.

B. Permit Required: No accessory building or structure shall be erected prior to the issuance of a Zoning Permit for such building or structure, provided however that a permit is not required in the case of a building or structure that is no more than two-hundred (200) square feet in area but such building or structure shall comply with all requirements of this Ordinance including height and setback standards. A building permit may be necessary for an accessory building or structure. Applications for accessory buildings and structures shall be administered and reviewed as part of the original or proposed revised plot plan according to Section 2.4(B)) or site plan according to Article 14.

C. Placement and Setbacks:

1. Front Yard: No accessory building or structure shall be located in a front yard except as follows:
 - a. In the case of a lot adjacent to Lake Huron, accessory buildings and structures may be erected in the front yard, that being the yard adjacent to the road right-of-way.
 - b. In the case of a lot not adjacent to Lake Huron, one (1) accessory building or structure may be erected in the front yard provided that it shall not exceed one hundred (100) sq. ft. in area and is of open construction including railings not exceeding four (4) feet in height, such as in the case of an independent deck, gazebo or play structure.
2. Rear Yard: Accessory buildings and structures are permitted in a rear yard and shall be subject to the provisions of this Section including the following:
 - a. In the case of a lot adjacent to Lake Huron, one (1) accessory structure, excluding a building, may be erected in the rear yard, that being the yard adjacent to the lake, provided that it shall not exceed one hundred (100) sq. ft. in area, is of open construction including railings not exceeding four (4) feet in height, such as in the case of an independent deck, gazebo or play structure, shall not extend more than thirty (30) feet from the primary wall of the dwelling generally oriented toward Lake Huron, and there is compliance with all other standards of this Ordinance including the setback standards of subsection (4) and state requirements for High Risk Erosion Areas.
 - b. In the case of a through-lot, accessory buildings and structures are permitted in the rear yard, subject to the provisions of this Section.
3. Side Yard: Accessory buildings and structures are permitted in a side yard, subject to the provisions of this Section.
4. Setbacks
 - a. Accessory buildings and structures shall comply with the principal building setback standards for the District in which it is located except that in the case of an accessory building in the R-1 District in a front or side yard of a lot, the minimum setback from the respective lot line shall be a minimum of five (5) feet provided the accessory building or structure is no greater than sixty-four (64) square feet in area and eight (8) feet in height.
 - b. In the case of a double-frontage lot, the required front yard setback shall also apply to the rear yard.

- c. In the case of an accessory building or structure with a side wall in excess of ten (10) feet in height in the R-1, R-2 or R-3 District, the setback for such wall shall comply with the District's setback standards for the principal building, plus an additional two (2) feet of setback for each one (1) foot the side wall height exceeds ten (10) feet. "Wall height" shall be measured from the point where the wall joins with the roof to the lowest ground elevation adjacent to the wall.
5. Separation Distances: An accessory building shall not be located within ten (10) feet of another building or structure except as may be permitted by the State Construction Code according to properly rated fire walls, but in no case shall the separation distance be less than three (3) feet.
6. Utilities: An accessory building or structure shall not be located so as to interfere with the proper functioning of utilities including existing and proposed back-up septic drain fields.

D. Height: Accessory buildings and structures in all Districts shall comply with the following maximum height standards. Height shall be measured from the ground elevation to the roof ridge or other top surface of the roof.

1. Business and Industrial Districts: The maximum height permitted for the principal building according to the District in which the accessory building or structure is located.
2. Agricultural Districts: Thirty-five (35) feet except that this limitation shall not apply to buildings and structures used in association with commercial agriculture.
3. Residential Districts: Thirty (30) feet in the RR District and twenty-five (25) feet in all other Residential Districts.

E. Number, Area, Size and Lot Coverage

1. Maximum Number
 - a. No more than two (2) accessory buildings and/or roofed structures shall be established on a lot except in the case where the lot is a minimum of two (2) acres in area, in which case one (1) additional building and/or covered structure may be established for each additional whole two (2) acres comprising the lot, up to a total maximum of four (4) such buildings and/or covered structures.
 - b. Gazebos and other covered structures designed for outdoor seating or gathering, including play structures for children, shall not be included in the calculation of the number of such permitted buildings or roofed structures provided each roofed area does not exceed two hundred (200) sq. ft. in area and the total cumulative roofed area of all such buildings and structures shall not exceed two hundred fifty (250) sq. ft.
2. Maximum Yard Area
 - a. The total area of all accessory buildings in a rear yard shall not exceed thirty-five percent (35%) of the area of the rear yard, but need not be less than 864 sq. ft.
 - b. The total area of all accessory buildings in a side yard shall not exceed twenty-five percent (25%) of the area of the side yard, but need not be less than 864 sq. ft.
3. Maximum Single Building Size: No single accessory building in the R-1 and R-2 Districts shall exceed twelve hundred (1,200) sq. ft. in area.
4. Maximum Lot Coverage and Maximum Total Area of All Accessory Buildings: The maximum total square foot area of all accessory buildings for a dwelling shall comply with the area limitations of the following table, provided:
 - a. An accessory building or structure shall not be erected that results in noncompliance with the lot coverage standards of the District in which it is located, according to Table 3-4 of Article 3 or as may be otherwise regulated by this Ordinance.
 - b. The maximum total square foot area of all accessory buildings on a lot shall not exceed fifty percent (50%) of the permissible maximum lot coverage for all principal and accessory buildings on the lot, according to Table 3-4 of Article 3 or as may be otherwise regulated by this Ordinance.

District	Maximum Total Square Foot Area of All Accessory Buildings ¹
AG	3,000 sq. ft., plus an additional 500 sq. ft. for each one (1) acre of lot area in excess of the first three (3) acres, but not to exceed 6,000 sq. ft. This limitation shall not apply to buildings and structures used in association with commercial agriculture.
RR	3,000 sq. ft., plus an additional 500 sq. ft. for each one (1) acre of lot area in excess of the first three (3) acres, but not to exceed 6,000 sq. ft.
R-1	1,200 sq. ft. plus an additional 200 sq. ft. for each 5,000 sq. ft. of lot area in excess of the first 10,000 sq. ft. acre, but not to exceed 2,000 sq. ft. and not to exceed more than 125% of the first floor area of the dwelling.
R-2	1,200 sq. ft. plus an additional 200 sq. ft. for each 5,000 sq. ft. of lot area in excess of the first 10,000 sq. ft. acre, but not to exceed 3,000 sq. ft. and not to exceed more than 125% of the first floor area of the dwelling.
RB, R-MF, R-MHC	15% of lot area.

- 1) In the case of a nonconforming lot due to deficient lot area, the maximum permitted total square foot area of all accessory buildings shall be reduced by the same percentage (%) as the percentage by which the lot area is less than the minimum required lot area for the District.

F. Habitation of Accessory Buildings or Structures: No accessory building or structure shall be used or occupied as a dwelling except as may be authorized pursuant to Section 20.7, Temporary Dwellings, or elsewhere in this Ordinance.

G. Prior to a Principal Structure: Buildings and structures typically accessory in nature to a principal use authorized in the District, according to Tables 3-2 and 3-3, shall not be erected on a lot in such District prior to the establishment of the approved principal use except according to the following conditions. Nothing in this subsection (G) shall be interpreted as authorizing a use, building or structure not otherwise in compliance with other requirements of this Ordinance.

1. Contiguous Lots: In the case of a lot occupied by a dwelling, an accessory building or structure may be established on a separate adjacent lot in the same District only after the adjacent lots are combined to form a single lot with a single tax identification number prior to the erection of such accessory building or structure, and subject to subsection (2). "Adjacent lots" shall not be construed to include lots separated by a public or private road.
2. Required Foundation and Framing of Principal Building: An accessory building and/or structure may be established on a lot prior to the establishment of a principal building only after the erection of the principal building's foundation and the completion of the roof framing, and subject to subsection (1) as may apply.

H. Items Prohibited as Accessory Uses, Buildings and Structures: The following are prohibited as an accessory use, building or structure:

1. Mobile homes, irrespective of how the home may be used including for storage purposes, except as authorized by Section 20.7, Temporary Dwellings.
2. Tractor trailers, storage crates or canisters designed for hauling by motor vehicle, and similar vehicles and vehicle parts, converted or otherwise, except as may be authorized in association with the principal use of the lot and upon site plan approval.
3. Tent-like structures, or shelters for a vehicle, equipment or other item or material, consisting of a roof supported on posts or similar shelter devices including those commonly referred to as a carport.
4. Any use, building or structure or other aspect of a lot that does not conform to the definitions of Article 21 pertaining to accessory uses, buildings and structures.

I. Materials/Construction: Accessory buildings and roofed structures shall comply with the following standards irrespective of the size of such buildings and structures.

1. A residential accessory building or roofed structure shall incorporate exterior materials commonly employed by the residential construction industry and which shall withstand local wind and other weather conditions, and which shall not be subject to rust, rot, or other degradation. In no case shall the exterior of an accessory building consist of exposed untreated wood, plywood or particle board, or wood scraps. No exterior surfaces shall be comprised of insulation or other materials not designed for and commonly considered as an exterior surface by the residential construction industry.
2. All accessory buildings and structures shall be of the same or better construction workmanship as the principal building on the premises.
3. A garage that exceeds a wall height of twelve (12) feet, whether attached or not attached to the dwelling on the same lot, and within forty (40) feet of a lot line, shall incorporate design features to effectively minimize the perceived bulk of the garage such as in the case of an external horizontal trim to suggest a lower ceiling height, the inclusion of windows within the wall similar in size, height and configuration as the balance of the building, differing exterior materials comprising the wall portion less than eight (8) feet in height, and/or other similar design features. "Wall height" shall be measured from the point where the wall joins with the roof to the lowest ground elevation adjacent to the wall.

Section 20.9 Fences, Walls and Retaining Walls

A. Application and Permit Required: No person shall erect, construct or replace any fence, wall or retaining wall except in accordance with the provisions of this Section and only after the issuance of a zoning permit for the same. In the case of a fence, wall or retaining wall in association with the use of a lot for single-family or two-family dwelling purposes, application for such permit shall be according to Section 2.4(B). In the case of a fence, wall or retaining wall in association with a use subject to site plan approval according to Article 14, application for such permit shall be according to Article 14. In all cases, the application and required plot plan or site plan shall delineate the fence, wall or retaining wall type, location, length, height, materials, and construction details, and other information as may be required to adequately portray the intended fence, wall or retaining wall.

1. Nonconforming Fence, Wall or Retaining Wall: A fence, wall or retaining wall lawfully existing on or before the effective date of this Ordinance or amendment thereto, and not in conformance with the requirements of this Section, shall be subject to the nonconforming structure provisions of Section 6.4 of this Ordinance.

B. General Construction Features and Maintenance.

1. Materials: Fences, walls and retaining walls shall be constructed of materials designed and intended for such purposes and in good condition. In no case shall a fence, wall or retaining wall be constructed of rotting lumber, scrap metal, pallets, glare-producing materials, tires, trash or any materials that encourage habitation by pests or vermin. Fences shall be constructed with posts made of either iron pipe with one and five-eighths (15/8) 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.
2. Finished Side: In the case where a proposed fence or wall is within twenty (20) feet of a dwelling on an abutting lot, the finished side of the fence or wall shall face the abutting lot.
3. Barbed Wire, Spikes and Pointed Instruments: Except for fences used for agriculture, no fence or wall shall include barbed wire, spikes, projecting nails, or pointed instruments of any kind or description, or include an electrical charge. This restriction on barbed wire and pointed instruments shall not apply to fences and walls surrounding or otherwise used within industrial facilities if such barbed wire or similar instruments do not extend over a lot line and project at an angle away from an adjacent sidewalk or public way.
4. Double-Frontage Lots: In the case of a double-frontage lot, the front yard height restrictions of this Section shall apply to both yards having such frontage unless provided otherwise.
5. Setbacks: Fences, walls and retaining walls shall not be subject to setback requirements except where otherwise required by this Section or the site plan approving body determines a setback is necessary to minimize negative impacts on adjacent property.
6. Maintenance: Fences, walls and retaining walls shall be maintained in good exterior and structural condition and reasonable repair at all times and shall not pose hazards to public safety.

C. Location Restrictions:

1. Lakefront Lot: In the case of a lakefront lot, no fence, wall or retaining wall shall be located in any portion of the lot between the lake and the nearest façade or façade corner of the principal building on such lot. This restriction shall not prohibit the erection of a fence between the lake and the principal building, between October 1 and May 1, intended to serve as an erosion control measure, provided such fence does not exceed a height of three (3) feet above the ground surface.
2. Public Right-of-Way and Private Road Easements: No fence, wall, retaining wall or other barrier shall be erected within or extended into a public road right-of-way or private road easement, except in conjunction with temporary construction activities for which a building permit has been granted by the Township. No fence, wall, retaining wall or other barrier shall be erected or extended within five (5) feet of the improved roadway or shoulder of a public or private road.

D. Height and Design Standards in Residential Districts: The following standards shall apply to fences, walls and retaining walls located in a Residential District. Where a fence or wall is located on a berm, the height of the berm shall be included in the measurement of the height of the fence, wall or retaining wall.

1. Front Yard Fences and Walls:
 - a. No fence or wall located in a front yard shall exceed four (4) feet in height above the ground below. If any portion of such fence or wall is located within twenty-five (25) feet of a public road right-of-way or private road easement, such portion shall be of unified open construction, so as to permit the free flow of air through a minimum of fifty percent (50%) of the fence.
 - b. No wire-weave fencing, commonly referred to as chain-link fencing, shall be located in a front yard of a Residential District.
2. Side and Rear Yard Fences and Walls: No fence or wall located in a side or rear yard shall exceed six (6) feet in height above the ground below, except as follows:
 - a. See Section 20.22 regarding clear vision zones.
 - b. In the case of a double-frontage lot, a fence or wall in the yard that functions most like a rear yard shall comply with the front yard restrictions in (1) above except that the fence or wall height shall be no greater than six (6) feet, measured from the ground below, where the fence or wall is setback a minimum distance of twenty-five (25) feet from the road right-of-way.
3. Retaining Walls:
 - a. No retaining wall shall exceed five (5) feet in height. This restriction shall not prohibit the retaining of ground for a height in excess of five (5) feet provided no one (1) wall shall exceed 5' in height and in the event multiple walls are used above one another, such as in a terraced manner, each wall shall be set back a minimum of five (5) feet from the nearest wall below.
 - b. If a retaining wall, earth buildup or other structure or condition is created within one hundred (100) feet of a dwelling and has on one or more sides a drop of more than thirty (30) inches, the designated approving body for the use shall have the discretion to require the installation and maintenance of a railing, fence or other restraint device to prevent children and others from falling, if such body determines that a restraint is reasonably necessary for safety. Any party aggrieved by such a determination by the Zoning Administrator in the case of a use subject to plot plan approval according to Section 2.4(B) may appeal that decision to the ZBA pursuant to the time limits and procedures specified in Article 16 of this Ordinance.
 - c. If the natural grade within twenty (20) feet of a building, whether existing or under construction, is built up and is partially or wholly retained or kept in place by a retaining wall, retention wall, landscaping timbers, or similar items, in order to allow access to a door, entry, or exit for the building, such buildup and retaining items shall be deemed a structure for purposes of setback requirements.
 - d. Retaining walls located between a lake and a dwelling shall have either incorporated landscaping to partially screen the view of the retaining wall from the lake or have a rock, brick or similar façade on the surface facing the lake.

E. Height and Design Standards in Non-Residential Districts: The following restrictions shall apply to fences, walls and retaining walls located in any District other than a Residential District. Where a fence or wall is located on a berm, the height of the berm shall be included in the measurement of a fence's height.

1. Clear Vision Zones: See Section 20.22 regarding additional restrictions in association with clear vision zones.
2. Front Yard Fences and Walls: No fence or wall located in a front yard shall exceed four (4) feet in height above the ground below except in the case of a clear vision fence, in which case the height shall not exceed eight (8) feet.
3. Side and Rear Yard Fences and Walls: No fence or wall in a side yard or rear yard shall exceed six (6) feet in height measured from the ground below.
4. Retaining Walls: The provisions of subsection (D)(4) shall apply to retaining walls in Non-Residential Districts.

F. Property Line Determinations: It shall be the obligation and sole responsibility of applicants seeking a permit under this Section to determine the exact location of property lines and ensure construction activities are limited to the lot of the applicant. The Zoning Administrator may require the applicant to submit a certified survey prepared by a registered land surveyor and have the lot corners staked by the surveyor. The Township shall not be responsible for establishing or verifying lot line locations and the issuance of a permit shall not be construed as a determination that the staked corners are accurate and that the proposed fence or wall is properly located on the applicant's lot, or otherwise prejudice in any way the rights of another property owner.

G. Exceptions:

1. Public Welfare: The designated site plan approving body may permit and/or require fence or wall heights greater than otherwise provided in this Section upon finding that such a greater height shall have a substantial impact in more effectively protecting the public safety and/or welfare.
2. Construction Fences: This Section shall not apply to temporary construction fences in association with construction for which a building permit has been issued.

Section 20.10 Home Occupations/Businesses

A. Definitions: For the purpose of this Section and Ordinance, the following phrases and definitions shall apply:

1. Home Occupation: An occupation, profession or other activity resulting in some form of monetary compensation or benefit, conducted on the same lot as an occupied dwelling and by an occupant of the dwelling, accessory to and incidental to the principal residential use of the lot. Agriculture, as defined in this Ordinance, shall not be construed to be a home occupation.
 - a. Class 1 Home Occupation: A home occupation that is conducted entirely within the dwelling, including an attached garage, and complies with the provisions of this Section.
 - b. Class 2 Home Occupation: A home occupation that is conducted wholly or in part in one (1) or more accessory buildings, or otherwise outdoors on a lot in the AG District, and complies with the provisions of this Section.

B. Authorization: The operating or conducting of a home occupation is allowed according to the regulations and standards of this Section.

1. Class 1 Home Occupation: A Class 1 Home Occupation is permitted as an accessory use to the principal residential use of a lot. A zoning permit is required for the establishment of such a home occupation and such occupation shall comply with the standards of subsection (C) below.
2. Class 2 Home Occupation: A Class 2 Home Occupation is classified as a special land use and allowed in the AG and RR Districts only, and shall be subject to the provisions of Article 15 and the standards of subsection (C) below. A permit issued for such home occupation shall clearly delineate any conditions upon which such approval is granted. In addition to the information required by Article 15, an application for a Class 2 home occupation shall also include a detailed description of the character of the home occupation such as service or product offered; the number of full-time and part-time employees of the business and the frequency at which such employees will be present at the site; the type and frequency of vehicular traffic to be generated by the home occupation; the location of all parking, delivery and storage areas; and proposed landscaping/screening in association with any outdoor area, including parking and storage areas, to minimize negative impacts on nearby properties.

C. Standards: All home occupations shall comply with all of the following standards:

1. Secondary and Incidental: The occupation shall be clearly secondary and incidental to the use of the dwelling as a place of residence, and shall not result in a change to the essential residential character of the premises including both the dwelling and yard areas. The dwelling shall have no exterior evidence of the home occupation except for a sign as permitted by Article 9.
2. Nuisance Conditions: The occupation shall not produce any noise, odors, vibration, vapors, fumes or smoke detectable to normal sensory perception beyond the lot lines. No equipment or process shall be used which creates electrical interference in any radio, television, or communication receivers off the premises, or cause fluctuations in line voltage off the premises.
3. Management: A resident of the dwelling on the lot shall be actively and personally engaged in and be responsible for all home occupation operations.
4. Hazardous Materials: The home occupation shall not involve the use or storage of explosive, flammable, or otherwise hazardous materials and waste not otherwise of a customary household nature, except as may be authorized in the case of a Class 2 home occupation. Refuse generated by a home occupation shall be safely and properly disposed of.
5. Size: A Class 1 home occupation shall be fully contained within a single room of the dwelling, which may include an attached garage, or may occupy an area no greater than twenty-five percent (25%) of the gross floor area of the dwelling excluding a basement, whichever is less. A Class 2 home occupation shall not occupy a total combined indoor and outdoor area greater than fifty percent (50%) of the gross floor area of the dwelling excluding a basement.
6. Employees: In the case of a Class 1 home occupation, no employee shall be present on the premises during the ordinary course of business excluding employees residing in the dwelling. In the case of a Class 2 home occupation, no more than two (2) persons shall be present on the premises during the ordinary course of business, excluding employees residing in the dwelling, provided this provision shall not prohibit the arrival of up to three (3) additional employees to the premises for the purpose of

receiving daily instructions for work to be performed elsewhere and provided there is compliance with subsection (7) below.

7. **Traffic:** All traffic to and from a home occupation shall not result in more than ten (10) pedestrian or vehicular arrivals during the daily course of business, including those by customers, salesmen, delivery persons, or other business visitors.
8. **Outdoor Activities:** No portion of a Class 1 home occupation shall be located outdoors including the storage of equipment and materials. No portion of a Class 2 home occupation shall be located outdoors, including the storage of equipment and materials, except as may be expressly authorized by the designated approving body on a lot of a minimum two (2) acres in area and one-hundred fifty (150) feet in width, located in the AG District, and the approving body determines adequate setback and/or screening measures are to be in place to minimize visual and audio impacts on nearby roads and lots. The limits of such outdoor area shall be clearly identified on the site plan.
9. **Outdoor Retail Sales:** No retail sales shall be part of an outdoor portion of a Class 2 home occupation except in the case of the sale of firewood, as may be expressly authorized by the designated approving body where the approving body determines adequate measures are to be in place to prohibit nuisance conditions for nearby lots and uses and the avoidance of traffic hazards. For the purposes of this Subsection 9, "firewood" shall be defined as pre-cut timber in a ready-to-use form for campfires, fireplaces and/or furnaces, without the need for further processing. Such retail sales area shall comply with the following:
 - a. Shall not exceed twenty (20) sq. ft. in area.
 - b. Shall be setback a minimum distance of twenty-five (25) feet from a front lot line.
 - c. Shall be setback a minimum distance of fifty (50) feet from a rear lot line.
 - d. Shall be setback a minimum distance of ten percent (10%) of the lot's width from the side lot line but not less than ten (10) feet.
 - e. Shall accommodate the parking of a minimum of two (2) vehicles a minimum distance of fifty (50) feet from all lot lines.
 - f. All firewood shall be neatly stacked and the stacking of wood shall not exceed a height of four (4) feet.
 - g. No parking shall be permitted in a road right-of-way including M-25.
10. **Indoor Retail Sales:** No retail sales shall be part of an indoor portion of a Class 1 or Class 2 home occupation except in the case of products produced on such lot. This subsection shall not prohibit phone sales, internet sales, and similar sales where the general public does not typically arrive on the home occupation lot to acquire the product.

Section 20.11 Setback Exceptions for Residential Outdoor Living Areas (Patios, Decks, Porches, etc.)

A. Definition: For the purpose of this Section, "residential outdoor living area" shall be defined as an area designed or used for outdoor gathering, lounging, dining, and/or similar use, in association with a dwelling, constructed of wood, concrete, brick, stone, or similar surface. An outdoor living area may be commonly referred to as a patio, deck, or porch.

B. Standards: Outdoor living areas shall comply with the dwelling setback requirements of the District in which the dwelling is located, except that an outdoor living area may be set back a minimum distance of fifty percent (50%) of the normally required setback for the dwelling, but a minimum of fifteen (15) from the front lot line, when there is compliance with all of the following conditions:

1. Within the R-1 District, the outdoor living area shall have a walking surface no greater than six (6) inches above the ground elevation of the ground surface below. Within all other Districts, the outdoor living area shall have a walking surface no greater than eighteen (18) inches above the ground elevation of the ground surface below.
2. No fixed feature of an outdoor living area, including railings, shall exceed thirty-six inches (36") in height above the surface of such outdoor living area.

C. Exception: The exceptions provided by this Section shall not apply to lakefront lots.

Section 20.12 Shoreline Alteration

A. Definition: For the purpose of this Section, “shoreline alteration” shall be defined as the changing, transforming or otherwise varying of the shoreline or shoreline bank along a lake, pond, river or stream, including the erection of a retaining wall, the depositing of boulders, and similar modifications including soil erosion control measures.

B. Requirements: Shoreline alteration is prohibited except where a zoning permit is issued by the Zoning Administrator upon finding that all of the following conditions have been met:

1. The applicant has submitted satisfactory evidence demonstrating the need for such shoreline alteration to stabilize erosion.
2. The applicant has submitted satisfactory evidence demonstrating that all necessary permits and approvals have been obtained from the Michigan Department of Environment, Great Lakes and Energy and all other pertinent bodies including as required under the Michigan Inland Lakes and Streams Act.

Section 20.13 Keeping of Animals as an Accessory Residential Use

A. Definitions: For the purpose of this Section, the following phrases shall have the following definitions:

1. “Household pets” shall be defined to include dogs, cats, fish, birds, hamsters and other types of commonly domesticated animals maintained in a residence.
2. “Large livestock” shall be defined as horses, ponies, cattle, ostrich and other livestock that can be reasonably expected to grow to a weight greater than (300) pounds upon maturity.
3. “Medium livestock” shall be defined as sheep, goats, swine, and other livestock that can be reasonably expected to grow to a weight of between forty (40) and three hundred (300) pounds upon maturity.
4. “Small livestock” shall be defined as rabbits, chickens, fowl, bees and other livestock that can be reasonably expected to grow to a weight of less than forty (40) pounds upon maturity, but excluding roosters.
5. “Vicious animal” shall be defined as any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals.
6. “Wild animal” shall be defined as any animal that is not considered widely and commonly domesticated by humans within the State of Michigan including, but not limited to, opossum, raccoon, bear, deer, moose, elk, wolf, coyote, elephants, and wild cats such as tiger, lion, and ocelot.

B. Keeping of Wild and Vicious Animals: No wild or vicious animal shall be kept permanently or temporarily on any lot in any District.

C. Keeping of Household Pets: The keeping of household pets as an accessory use in association with any residentially-used and occupied lot is permitted provided such activities do not constitute a kennel as defined in this Ordinance, unless approval for such kennel has been granted pursuant to this Ordinance. The keeping of household pets shall comply with the following:

1. Front Yard Limitations: No outdoor pen or enclosure for such pets shall be located in a front yard.
2. Noise: Pets shall be managed so as to prohibit nuisance conditions associated with excessive noise including excessive dog barking.
3. Waste: The retention or storage of animal waste shall be managed so as not to create a nuisance due to odors, flies, fleas or other nuisance-generating conditions. The retention or storage of animal waste shall not occur within fifty (50) feet of a lot line.
4. Containment: Pets shall be contained within the dwelling or otherwise on the lot. Unrestricted or otherwise free-roaming pets are prohibited.

D. Keeping of Livestock: The keeping of livestock as an accessory use to the principal residential use of a lot shall be permitted according to the requirements of this subsection (D). This subsection (D) shall apply only to the keeping of livestock as accessory to the principal residential use of a lot, including private stables, and shall not apply to a farm.

1. Small Livestock:
 - a. The keeping of small livestock is permitted in Agricultural and Residential Districts only.
 - b. The keeping of small livestock shall occur only on lots of one (1) acre or greater except that the minimum lot size for the keeping of bees shall be ten thousand (10,000) sq. ft. and the minimum lot size for the keeping of chickens shall be five thousand (5,000) sq. ft.
 - c. Any building or structure housing small livestock shall be set back no less than fifty (50) feet from a lot line except as follows:
 - 1) In the case of the keeping of bees, no bee hives shall be located within twenty (20) feet of a lot line and within fifty (50) feet of an existing dwelling on another lot.

- 2) Chicken containment areas in an R-1 or R-2 District shall be setback from all lot lines a minimum distance equal to the required setback for the dwelling according to the District in which it is located.
- d. At no time shall the density of such livestock exceed one (1) animal per five-thousand (5,000) sq. ft. for a lot in the AG and RR Districts and one (1) animal per ten-thousand (10,000) sq. ft. for a lot in the R-1, R-2 and R-3 Districts. This subsection (d) shall not apply to beekeeping.
- e. The keeping of chickens shall also comply with the following restrictions:
 - 1) No rooster may be maintained on a lot except between the hours of 11:00 a.m. and 4:00 p.m.
 - 2) In the case of a lot less than ten thousand (10,000) sq. ft. in area, within an R-1 or R-2 District, chickens shall be maintained within a roofed containment area.
 - 3) In no case shall more than six (6) chickens, in excess of ten (10) days old or three-quarter (3/4) pounds in weight, be located on a lot.
2. Medium Livestock:
 - a. The keeping of medium livestock is permitted in the AG and RR Districts only.
 - b. The keeping of medium livestock shall occur only on lots of five (5) acres or greater but in no case shall such livestock be kept within a platted subdivision or site condominium.
 - c. At no time shall the density of medium livestock exceed one (1) animal per one-quarter (1/4) acre for a lot in the AG District and one (1) animal per one-half (1/2) acre for a lot in the RR District.
 - d. Any building or structure housing medium livestock shall be set back no less than fifty (50) feet from a lot line.
3. Large Livestock:
 - a. The keeping of large livestock is permitted in the AG and RR Districts only.
 - b. The keeping of large livestock shall occur only on lots of ten (10) acres or greater comprising a lot in the AG District and one (1) animal per five (5) acres for a lot in the RR District, but in no case shall such livestock be kept within a platted subdivision or site condominium unless approved as an equine community.
 - c. At no time shall the density of such livestock exceed one (1) animal for the first two (2) acres for a lot in the AG District and one (1) animal for the first five (5) acres for a lot in the RR District, and one (1) animal per each additional acre for the lot in such Districts.
 - d. Any building or structure housing large livestock shall be set back no less than fifty (50) feet from a lot line and one-hundred (100) feet from an existing dwelling on another lot.
4. Regulations Applicable to All Livestock Maintained as a Residential Accessory Use:
 - a. Livestock shall be managed by the occupants of the premises, and shall be maintained in a healthy condition.
 - b. Newly born horses, cows, donkeys, mules and other animals that exceed forty pounds (40 lbs.) in weight at birth may be maintained on said lot for up to six (6) months irrespective of whether such maintenance would increase the permitted number of animals beyond the animal density limitations of this Section. Newly born animals that do not exceed forty pounds (40 lbs.) in weight at birth may be maintained on said lot for no more than sixty (60) days if such maintenance would increase the permitted number of animals beyond the animal density limitations of this Section.
 - c. All livestock, excluding bees, shall be completely enclosed by measures of adequate design and construction to contain the livestock.
 - d. The retention or storage of animal waste shall be managed so as not to create a nuisance, and in no case shall the storage of animal waste occur within one hundred (100) feet of a lot line.
 - e. The facility shall be constructed and maintained so that dust and drainage from a stable or other animal containment area shall not create a nuisance or hazard to nearby property or uses.

Section 20.14 Farm Markets (Roadside Stands)

A. Standards:

1. Farm markets are only allowed in the AG and RR Districts. Farm markets shall comply with the most current Generally Accepted Agricultural Management Practices as published by the Michigan Agriculture Commission, including limitations on the range of products sold. All products sold shall be farm products.
2. No building or structure part of a farm market shall be located within fifty (50) feet of a public road right-of-way.
3. All parking shall be out of the public road right of way. An area shall be provided for the orderly accommodation of a minimum of one (1) parking space for each fifteen (15) sq. ft. of display area but need not exceed eight (8) spaces. Parking areas need not be paved but shall be adequately identified to ensure orderly circulation.
4. Access drives shall be wide enough to accommodate two vehicles side-by-side.

5. Suitable containers for rubbish shall be placed on the premises for public use, and the farm market area shall be kept free of litter.
6. Farm markets shall be located no closer than one hundred (100) feet from any lot line that abuts a Residential District.

B. Exemption:

1. The standards and other requirements of this Section shall not apply to roadside stands that have a product display area no greater than thirty-two (32) square feet in area.

Section 20.15 Outdoor Residential Swimming Pools

A. Permit/Application: No outdoor swimming pool shall be erected prior to the issuance of a zoning permit from the Zoning Administrator, and the necessary building permits from the Building Inspector. Application for a zoning permit shall be made to the Zoning Administrator on a form for such purpose and in the case of a residential lot, shall be accompanied by a plot plan (Section 2.4(B)) that identifies the location of the pool, pool decks, adjacent buildings, fencing, and gates.

B. Standards

1. No pool or pool fencing shall be located in a front yard.
2. Pools shall be setback a minimum distance of ten (10) feet from side and rear lot lines, as measured from the interior wall surface. Setbacks for pool deck areas shall comply with Section 20.15.
3. No pool shall be located under electrical wires and similar utility devices.
4. All swimming pools shall be designed, constructed and maintained in compliance with all building codes and the rules and regulations of county and state health departments, including cleanliness, fencing, gates, and other safety measures.
5. No swimming pool shall be occupied prior to receiving approval from the Building Inspector.
6. All swimming pools shall be surrounded by a wall or fence at least 4 feet tall, with self-latching security access gates, except where building codes or the rules and regulations of county and state health departments present more stringent fencing/access requirements.

Section 20.16 Condominiums

A. Intent: The intent of this Section is to provide regulatory standards for condominiums similar to those required for projects developed under other forms of ownership. This section is not intended to prohibit or treat condominiums different than similar projects developed under another form of ownership.

B. Applicability of District Regulations: A condominium project, including single family and two-family dwellings, and multiple family developments, shall comply with all standards of the District in which it is located including use, setback, height, lot coverage, lot area, and lot width requirements, and all other provisions of this Ordinance. A condominium lot in a site condominium project is that portion of the project intended to function generally similar to a platted subdivision lot and shall comply with the use, setback, height, lot coverage, lot area, and lot width requirements of the District within which it is located and all other provisions of this Ordinance.

C. Review and Approval Procedures:

1. Zoning Permit Required: No grading or any other form of construction shall be initiated for a condominium prior to the approval of a final site plan and issuance of a zoning permit. The future erection of any dwelling or other structure or building in the condominium, not expressly approved as part of the final site plan, shall require an additional zoning permit prior to erection.
2. Site Plan Approval Required: The issuance of a zoning permit shall require the submittal and approval of a site plan pursuant to Article 14, Site Plan Review, and master deed and bylaw documents.
 - a. In addition to the site plan information required by Article 14, the applicant shall also submit information constituting a condominium subdivision plan, including the size, location, area, width, and boundaries of each condominium unit; building locations; the nature, location, and approximate size of common elements; and other information required by Section 66 of Michigan Public Act 59 of 1978, as amended.
3. Master Deed/Bylaws Approval Required: The applicant shall include as part of the zoning permit application a copy of the proposed master deed and bylaws. These shall be reviewed by the Township for compliance with Township ordinances and to ensure that an assessment mechanism has been included to guarantee adequate funding for maintenance of all common elements. The common area funding responsibility of the association shall include any necessary drainage-ways and the cost to periodically clean out such drainage ways to keep them functioning as intended in the approved plans. The master deed shall clearly state the responsibility of the owner and co-owners and shall state that all amendments to the master deed must conform to Township, County, and state laws and regulations.

The master deed shall also include any variances granted by Township, County, or State authorities and include a hold harmless clause from these variances. All provisions of the condominium subdivision plan that are approved by the Township Board shall be incorporated, as approved, in the master deed for the condominium subdivision.

4. **Issuance of Zoning Permit:** Upon approval of the final site plan, by-laws and master deed by the Township, the applicant shall furnish the Zoning Administrator with a recorded copy of the final bylaws and master deed, and a copy of the approved site plan. Upon the satisfactory submittal of these documents, the Zoning Administrator shall issue a zoning permit.
5. **Changes:** Any changes to an approved condominium including changes in the by-laws, master deed, or site plan, including changes in lot line or road configuration and the addition or relocation of buildings, shall require approval by the Township Board prior to such change.

D. Building Permit: No building shall be erected prior to the issuance of a zoning permit by the Zoning Administrator, and a building permit by the Building Inspector.

E. Public Utilities: The condominium shall provide for the conveyance of easements to the appropriate agencies for the purposes of construction, operation, maintenance, inspection, repair, alteration, replacement and/or removal of pipelines, conduits, mains and other installations of a similar character for the purpose of providing all public utility services.

F. Roads: All roads within a condominium shall be designed and constructed in conformance with the standards of the Huron County Road Commission for public roads unless private road approval has been granted under this Ordinance.

G. As-Built Plan and Occupancy: Submission of as-built plans of a condominium to the Township is required. The Township Board may allow occupancy of the project before all required improvements are installed provided that a financial performance guarantee is posted pursuant to Section 2.6.

H. Monuments: All condominium lots that are building sites shall be marked with monuments as if such lots were within a platted subdivision, and such monuments shall comply with the requirements of Public Act 288 of 1967, as amended, the Land Division Act.

Section 20.17 Outdoor Furnaces

A. Outdoor Furnace Defined: For the purpose of this Section and Ordinance, "outdoor furnace" shall be defined as an accessory structure intended not to be located within a building occupied by humans or domestic animals, which is designed for heating spaces or liquids within such occupied buildings through the burning of fuel.

B. Approval Procedure: Outdoor furnaces are classified as an accessory structure and shall be subject to Zoning Administrator approval according to Section 2.4. The Zoning Administrator shall issue a zoning permit for such furnace upon finding that the application complies with the standards and regulations of this Section and this Ordinance.

C. Standards: An outdoor furnace shall be installed and used only in accordance with all of the following provisions:

1. **Construction:** An outdoor furnace shall comply with all building codes of the Township and all other regulations and requirements of county, state and federal agencies. An outdoor furnace shall meet the manufacture's specification for erection and operation and shall exceed such specifications where local codes, state or federal regulations require so.
2. **Districts, Lot Area, Yards and Setbacks:**
 - a) An outdoor furnace shall be located in an AG or RR District only, on a lot of a minimum two (2) acres.
 - b) An outdoor furnace shall not be located in a front yard and shall be setback from all lot lines a minimum distance of fifty (50) feet.
3. **Chimney Height:** The furnace shall have a chimney that meets manufacturer's specifications for height and in no case shall a chimney be less than two (2) feet above the peak of all buildings on any other lot within one-hundred fifty (150) feet of the furnace.
4. **Fuel:** No outdoor furnace shall rely on any fuel except wood, wood pellets, corn, and agricultural seeds, provided such materials include no additives such as paints, varnishes, preservatives, resins, and glues. For clarification purposes, prohibited fuels include, but are not limited to, rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses or waste, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes, asphalt and products containing asphalt; plywood, composite wood or pressure

treated woods; any plastic material including but not limited to nylon, PVC, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers; rubber including tires and synthetic rubber-like products; and newspaper, corrugated cardboard, container board, office paper and other similar materials.

Section 20.18 Medical Marihuana

A. Definitions: For the purpose of this Section, the following terms and phrases shall have the following meanings except where the context clearly indicates a different meaning:

1. IHRA: The Industrial Hemp Research Act, 2014 PA 547, MCL 286.841 et seq.
2. Marihuana: As defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106.
3. Marihuana establishment: As defined in the MRTMA.
4. Marihuana facility: As defined in the MMFLA.
5. MMFLA: Medical Marihuana Facilities Licensing Act, 2016 PA 281, as amended.
6. MMMA: Michigan Medical Marihuana Act, 2008 IL 1, as amended.
7. MRTMA: Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, as amended.
8. Primary caregiver: A person who is at least 21 years old and who has agreed to assist with a patient's medical use of marihuana, who has been issued and possesses a registry identification card to do so according to the MMMA and who otherwise meets the definition of a primary caregiver under the Act.
9. Qualifying patient: A person who has been diagnosed by a physician as having a debilitating medical condition, as defined by the MMMA and who has been issued and possesses a registry identification card according to the Act.

B. Authorization: The growing, distribution and use of marihuana is prohibited except as provided in this Section. The growing, possession and medical use of marihuana in accordance with the MMMA is permitted only as a Class 1 home occupation though the growing and possession of the medical marihuana may occur in an accessory structure on the premises. Such home occupation may operate within a closet, room, or other enclosed area equipped with locks or other security devices that permit access only by a registered primary caregiver or registered qualifying patient, and which may be located within the dwelling or within an accessory building or structure on the same lot as the dwelling.

1. Nothing in this Section shall be construed as authorizing any retail store, store front, office building, or other building or structure or any type of mobile unit or entity that dispenses, facilitates, stores, sells, or provides, in any manner, marihuana or cannabis or any product containing marihuana or cannabis, or any facility used to grow or otherwise cultivate marihuana, except as a Class 1 home occupation according to the requirements of this Section.
2. Nothing in this Section shall be construed as authorizing any use of a lot for a club or other entity whose purpose includes the gathering of qualified patients to smoke or otherwise ingest marihuana.
3. Nothing in this Section shall be construed as authorizing any use that is subject to licensing under the Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016, including a "grower," a "processor," a "secure transporter," a "provisioning center," or a "safety compliance facility," as defined in such Act.
4. No medical marijuana dispensary, grower operation (as defined by Michigan law), provisioning center (as defined by Michigan law), secure transporter (as defined by Michigan law), safety compliance center (as defined by Michigan law), processing facility or similar facility, use or business shall occur, be established, be conducted or be present within Lake Township.
5. Pursuant to Section 6 of the MRTMA, marihuana establishments are prohibited within the boundaries of the Township.
6. Marihuana facilities are prohibited within the boundaries of the Township.

C. Rights Unaffected by this Ordinance:

1. This Section shall not affect the rights or privileges of any individual or other person under Section 5 of the MRTMA.
2. This Section shall not affect the rights or privileges of a marihuana facility outside of the Township to engage in activities within the Township that it is permitted to engage in under the MMFLA within a municipality that has not authorized marihuana facilities to operate within its boundaries.
3. This Section shall not affect the rights or privileges of registered qualifying patients or registered primary caregivers under the MMMA or the MMFLA.
4. This Section shall not affect the rights or privileges of any individual or other person under the IHRA.
5. This Section shall not affect the rights or privileges of any individual or other person under any other federal or state law, rule or regulation related to the medical use of marihuana.

D. Standards and Conditions: The following standards and conditions shall apply in addition to the standards of Section 20.10 for Class 1 home occupations, except where expressly provided otherwise. Where the following standards and conditions are more stringent than those of Section 20.10, the more stringent standards and conditions shall apply.

1. No medical marihuana home occupation shall be operated except in a single family dwelling or accessory building or structure thereto.
2. No medical marihuana home occupation shall be operated by anyone other than a primary caregiver. Such primary caregiver shall reside in the dwelling on the lot where the home occupation is occurring.
3. No more than one (1) primary caregiver residing in a dwelling shall operate a medical marihuana home occupation.
4. The growing of marihuana shall be contained in a closet, room, or other enclosed area equipped with locks or other security devices that permit access only by a registered primary caregiver according to the Medical Marihuana Act, MCL 333.26421 et seq., and such containment area shall not exceed six hundred (600) square feet in floor area.
5. No more than seventy-two (72) marihuana plants shall be grown on the lot at any one time.
6. There shall be no sign erected pertaining to the home occupation.
7. All aspects of a medical marihuana home occupation shall comply at all times with the provisions of the Michigan Department of Community Health and the Michigan Medical Marihuana Act, MCL 333.26421 et seq.

Section 20.19 Temporary Non-Residential Buildings and Uses

A. Authorization: Temporary non-residential uses and buildings are prohibited except as authorized by this Section, upon approval of an application for such temporary condition. Such temporary uses and buildings may include, but shall not be limited to, field offices and tool sheds associated with new construction projects; temporary mobile homes and other buildings associated with school and religious facilities; temporary real estate offices part of a multi-unit residential development; and outdoor circuses, carnivals, theatrical exhibitions, and musical festivals.

B. Application: An applicant shall submit a completed application for a temporary non-residential building or use to the Zoning Administrator on a form established for that purpose. The application shall include a detailed description of the proposed temporary building and use, and a scaled drawing delineating the proposed location of all temporary buildings and uses, their locational relationship to existing and proposed permanent buildings and uses and required principal building setbacks, and measures to be employed to ensure the public health, safety and welfare including potable water and sewage disposal facilities, and traffic circulation. This requirement shall not be interpreted to require the submittal of a full site plan for the temporary condition, meeting the requirements of Article 14, unless the approving body finds such submittal information to be necessary.

C. Review and Action: The Zoning Administrator shall be responsible for the review and approval of temporary non-residential buildings and uses, except that the Township Board shall be the approving body for temporary conditions associated with a special land use or any events anticipated to attract more than one-hundred fifty (150) persons during any single twenty-four (24) hour period. The Zoning Administrator may also refer an application to the Township Board for action in the case where, in the reasonable judgment of the Zoning Administrator, the application presents complexities or public health, safety and welfare issues that can most adequately be reviewed and acted upon by the Township Board. The approving body may require the submittal of additional information to adequately evaluate the merits of the request. The Township Board or Zoning Administrator may refer an application to building, police and fire officials to solicit comments regarding public health, safety and welfare concerns.

D. Permit Duration, Performance Guarantee and Removal: The zoning permit shall specify the date by which the removal of the temporary use and associated facilities shall occur, and the approving body may require a performance guarantee according to Section 2.6. A Certificate of Occupancy shall be required for buildings according to the State Construction Code.

1. No zoning permit issued under this Section shall be authorized for a period exceeding thirty (30) days except in the case where the applicant demonstrates to the satisfaction of the approving body that the nature of the temporary building or use requires a longer duration, such as in the case of a model home in a subdivision serving as a real estate office for the sale of homes or lots in the subdivision. However, in no case shall such initial authorization exceed a six (6) month period and in no case shall more than one (1) additional authorization period be granted, not to exceed six (6) months. The temporary condition shall be removed from the lot no later than the termination date of the permit or upon the temporary condition becoming no longer necessary, whichever comes first.
2. Reasonable conditions may be attached to any permit issued hereunder.

E. Approval Standards: Temporary buildings and uses shall comply with the site plan approval standards of Article 14, including setbacks, except where the approving body finds that specific standards need not apply due to the temporary nature of the use and provided the approving body determines the waiving of such standards shall not undermine the public health, safety and welfare including compatibility with surrounding land uses. In ensuring the public health, safety and welfare, the approving body shall consider demands for and accommodations for public services including police, fire, and other emergency services, and utility services, can be adequately provided. Costs for providing such services, to the extent they exceed the normal operating costs of the Township, shall be the responsibility of the owner or operator. The following additional standards and conditions shall apply:

1. In the case of a use that is intended to attract more than one-hundred fifty (150) persons during any single twenty-four (24) hour period, or where the nature of the temporary use involves the sale of outdoor items including Christmas trees, the area of the lot on which any temporary activities shall occur, including access drives, parking, restroom facilities, and lighting, shall not be located within one-hundred fifty (150) feet of a dwelling on another lot, and the permit shall not exceed thirty (30) days in duration.

F. Garage/Yard Sales: Garage sales and similar events shall comply with the Lake Township Garage Sale Ordinance, Ordinance No. 2015-01, as amended.

Section 20.20 Outdoor Recreational Vehicle/Motorized Watercraft Storage

A. General Restrictions: The outdoor storage of recreational vehicles and/or motorized watercraft on any lot is prohibited except as may be authorized by the District in which the lot is located according to Table 3-2 or 3-3 of Article 3 or is otherwise authorized by this Section. For the purpose of this Section, “motorized” watercraft are watercraft designed to be powered by a motor, whether attached to or an integral part of the watercraft.

B. Residential Lot: The outdoor storage of recreational vehicles and/or motorized watercraft on any lot on which a dwelling is located is permitted subject to the following restrictions:

1. Number: No more than one (1) recreational vehicle and no more than one (1) motorized watercraft shall be parked on a lot.
2. Registration: All recreational vehicles and/or motorized watercraft shall be currently titled or registered to an occupant or an immediate family member of an occupant of the dwelling, or titled or registered to the lot owner if the owner is not the occupant.
3. Yard Restrictions: A recreational vehicle and/or motorized watercraft shall be located in a rear yard only and shall be subject to the rear yard setback requirements for accessory buildings. The Zoning Administrator may waive this rear yard restriction upon a finding that there is no practical means of access to the rear yard and in such case, the recreational vehicle and/or motorized watercraft shall be permitted in a side yard subject to the side yard setback requirements for accessory buildings.
 - a. This subsection shall not prohibit the temporary parking of a recreational vehicle and/or motorized watercraft in any yard, for a period no greater than forty-eight (48) hours in any seven (7) day period, for loading or unloading purposes.
4. Maintenance: The exterior of such recreational vehicles and/or motorized watercraft shall be maintained in good condition.
5. Mobile Home Prohibited: Nothing in this Section shall be construed as authorizing the placement of a mobile home on a lot.
6. Occupancy Prohibited: No recreational vehicle and/or motorized watercraft shall be used as a dwelling, temporarily or otherwise, except as may be authorized according to Section 20.7.

Section 20.21 Outdoor Display, Sales and Storage

A. Definition of Materials and Products: For the purpose of this Section, “materials and products” shall include lumber piles, crates, boxes, building supplies, discarded items, trash, junk, and similar items; finished or partially finished items intended for subsequent use or sale including pipes, logs, fire wood, and figurines; and motor vehicles, items intended for tow, landscape supply materials, and other items customarily stored outdoors.

B. Display and Sales: Outdoor display or sales of materials and products in association with a commercial or industrial use authorized in the respective District is prohibited except where expressly authorized pursuant to an approved site plan. Such display or sales area shall not extend into a required setback for the principal building. The maximum permitted outdoor display or sales area shall be ten percent (10%) of the use's indoor retail sales floor area except that this limitation shall not apply to the display and sales of plant nursery stock, motor vehicles, items intended for tow, or other items customarily stored outdoors.

1. Exception: Nothing in this subsection shall prohibit a commercial use dedicated principally to retail

sales from displaying items for sale provided the display area and items do not extend more than five (5) feet from the wall of a building dedicated to such use and shall not exceed five (5) feet in height.

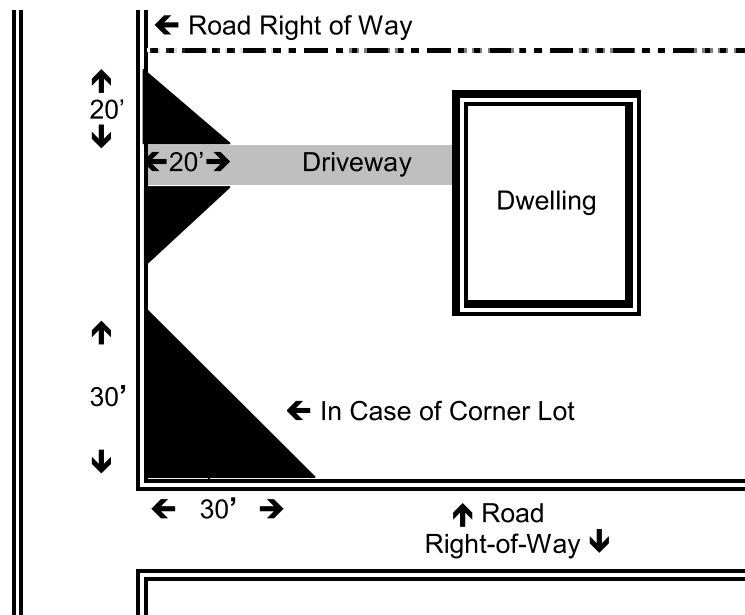
C. Non-Residential Storage: The outdoor storage of materials and products in association with a commercial or industrial use, or other non-residential use, not otherwise comprising outdoor display and sales as determined by the site plan approving body, is prohibited except where the site plan approving body finds that proposed screening or enclosure of such storage area adequately minimizes negative impacts upon existing and planned surrounding land uses. Such enclosure or screen shall be subject to site plan approval. No outdoor storage of materials and products shall be located in a front yard and shall not constitute a fire hazard or contribute to unsanitary conditions.

D. Fences and Walls: See Section 20.9.

E. Junk Yards: Nothing in this Section shall be construed as authorizing a junk yard as defined in Article 21.

Section 20.22 Clear Vision Zone

No fence, wall, hedge, screen, sign, structure, vegetation or other obstruction shall be located as to impede vision between the height of two and one-half (2 ½) and eight (8) feet above road elevation on any corner lot, within thirty (30) feet of the intersecting public road right-of-way or private road easement lines. No fence, wall, hedge, screen, sign, structure, vegetation or other obstruction shall be located so as to impede vision between the height of two and one-half (2 ½) and eight (8) feet above road elevation within twenty (20) feet of a driveway edge and the intersecting road right-of-way line. The restrictions of this Section shall not apply in the case of a fence that is transparent across a minimum of eighty percent (80%) of its face within the above measurement areas unless otherwise determined necessary by the approving body due to the fence's configuration and/or location that unreasonably undermines public safety.



(Section amended 10-21-24, Ord. #2024-4)

Section 20.23 Side Yard Wall Configurations in R-1 and R-2 Districts

A. The following provisions shall apply to all buildings erected in the R-1 or R-2 Districts where a wall within a side yard is a minimum of twenty (20) feet in horizontal length and exceeds eighteen (18) feet in height as measured from its lowest point exposed to view to its highest point:

1. Such wall shall exhibit design features to effectively minimize the perceived bulk of the wall. Features may include, by example, changes in exterior materials, the use of trims or roof overhangs to break up an otherwise homogeneous façade appearance, the inclusion of windows, and/or other design features.
2. In no case shall any portion of such wall reflect a homogeneous façade that exceeds a ten (10) foot by ten (10) foot imaginary square area.
3. Where the Zoning Administrator is the approving body for the building, the Zoning Administrator may defer judgment on compliance with this requirement to the Planning Commission.

Section 20.24 Division of Land

A. No lot, parcel of land, or access easement shall be created that does not fully comply with the minimum area, dimension, width, frontage, and other minimum requirements of this Ordinance. All land divisions, land splits, and property boundary reconfigurations shall also comply with all applicable requirements of this Ordinance and the Michigan Land Division Act.

B. No land division, lot split, creation of an access easement, or reconfiguration of property boundary lines shall occur unless and until a land division permit has been obtained from the Zoning Administrator or such other person as may be designated for such purpose by Township Board resolution. No permit for a land division shall be issued unless and until the Township determines that the land division, lot split, access easement, or boundary reconfiguration, as well as the resulting lots, parcels of land, or access easements, fully complies with the requirements of this Ordinance and all other applicable Township ordinances. Fees for a land division permit shall be established from time to time by resolution of the Township Board. No land division permit shall be approved or issued unless the application for such permit is accompanied by a survey prepared by a registered land surveyor or engineer showing all resulting lots or parcels of land, easements (if any), and legal descriptions thereof. The Township may waive the requirement of a survey, for good cause shown by the applicant. No permit for division of a platted lot or lots, shall be issued unless and until such land division is approved by the Township Board. No platted lot shall be partitioned or divided into more than four parcels of land.

Section 20.25 Certain Large Scale Residential Developments

Certain large scale residential developments (being those which include 11 or more lots or site condominium units in the RR, R-1 and R-2 Districts) shall be developed only as planned unit developments ("PUD"). The regulating of such development on a PUD basis will enable the Township to control and moderate the size, scope and impact of such development, in accordance with the Township Master Plan and the purposes of the Ordinance. The requirements of this section shall apply whether such development involves simple land divisions, platted subdivisions, site condominium units or any other type of land division, conveyance or development resulting in a number of lots, site condominium units or other land divisions greater than ten as provided in the RR, R-1 and R-2 Districts.

Section 20.26 Damage During Construction

During the construction process, both the owner of the property involved and the contractor doing the work shall be jointly and severally responsible and liable for any damage to roads, littering, flooding, or other damage or casualty caused by or attributable to such construction. No construction or supply equipment or other equipment or vehicles associated with construction on a particular property shall block roads or present a safety hazard. The Zoning Administrator shall have the authority to suspend or revoke a zoning compliance permit should the requirements of this section be violated. No such suspended or revoked zoning compliance permit shall be reinstituted until the property owner posts monetary security with the Township as determined by the Zoning Administrator.

Section 20.27 No Zoning Applications, Approvals or Permits for a Property That Is in Violation of This Ordinance or a Court Order or Judgment

Should a lot be in material or substantial violation of any provision of this Ordinance (or a court order or judgment regarding this Ordinance or the use of the land), then the Township shall not accept, process or approve any request or application by the landowner(s) of the lot in violation (or anyone else with an interest in the property in violation) unless and until the existing violation or violations of this Ordinance (or the violation or violations of a court order or judgment regarding this Ordinance or the use of the land) have been fully corrected and the lot complies fully with this Ordinance (and any applicable court order or judgment). The prohibition contained in this Section shall also apply to any zoning request, application or petition, including requests for a zoning approval, rezoning, variance, special land use, temporary use, site plan, permit or other approval that is unrelated to the violation or violations of this Ordinance (or of any applicable court order or judgment) on the lot involved. The prohibition contained in this Section shall be in addition to (and not exclusive of) any other remedies available to the Township for the enforcement or administration of this Ordinance (or any court order or judgment) and shall be in addition to any other penalties, sanctions or proceedings available at law or equity against the landowner(s) or any other person, firm or entity in violation of this Ordinance (or any court order or

Section 20.28 Channels and Canals

A. No channel, canal or similar waterway or device shall be dug, constructed, dredged, enlarged or created out of or that connects to any lake in the Township. Nor shall the size or surface area of any lake be increased by digging, dredging or excavation upland from the ordinary high water mark of the lake; provided, however, that this section shall not apply to the following:

1. Any lawful dredging occurring on existing lake bottomlands which are lakeward of the ordinary high water mark of the lake.
2. Lawful dredging upland from the ordinary high water mark of a lake so as to create not more than two boat wells (i.e., a mooring area for boats) so long as the water surface area dredged, excavated or otherwise created does not exceed 25 feet in width along the lake frontage and 20 feet of depth from the ordinary high water mark of the lake.
3. The lawful creation or enlargement of a pond which does not abut or connect into an existing lake.
4. The lawful dredging of an existing canal or channel pursuant to applicable state laws and permit requirements, so long as such channel or canal is not enlarged or expanded.

Section 20.29 Lake Access and Frontage

A. Restrictions: The following restrictions are intended to limit the number of users of lake or stream frontage in order to preserve the quality of the waters, to promote safety, and to preserve the quality of recreational use of all waters within the Township.

1. In all zoning districts, there shall be at least one hundred (100) feet of lake or stream frontage as measured along the normal high water mark of the lake or stream for each single family home, dwelling unit, cottage, condominium unit, site condominium unit, or apartment unit utilizing or accessing the lake or stream frontage.
2. Any multiple-unit residential development in any zoning district that shares a common lake or stream front area or frontage may not permit lake or stream use or access to more than one single family home, dwelling unit, cottage, condominium unit, site condominium unit, or apartment unit for each 80 feet of lake or stream frontage in such common lake or stream front area, as measured along the normal high water mark line of the lake or stream.
3. Any multiple-unit residential development shall have not more than one dock for each one hundred (100) feet of lake or stream frontage, as measured along the normal high water mark of the lake or stream, in any zoning district in the Township. All such docks and docking or mooring shall also comply with all other applicable Township ordinances.
4. The above restrictions shall apply to all lots on or abutting any lake or stream in all zoning districts, regardless of whether access to the lake or stream waters shall be by easement, park, common-fee ownership, single-fee ownership, condominium arrangement, license, or lease.
5. In all zoning districts, no lake access, boat ramp, shore station, dock, boat launch, or shoreline abutting a lake shall be utilized for commercial, business, outdoor recreational (or entertainment) facilities, institutional or nonresidential or nonagricultural uses or purposes unless such use is authorized pursuant to a special use approval (and meets the requirements of the zoning district involved) or a planned unit development (PUD) approval.
6. The lake access and use regulations contained in this section shall be fully applicable to all planned unit development (PUD) and special use projects or developments.
7. Refer to other applicable Township ordinances for other keyhole development regulations.
8. In addition to the above limitations, no easement, private park, common area, lot or access property abutting or adjoining a lake or stream shall be used to permit access to the lake or stream for more than one single family home, dwelling unit, condominium unit, site condominium unit, apartment unit or any other use unless such additional access use is approved as a special use (and meets the requirements of the zoning district involved) or as a planned unit development (PUD).
9. The minimum water frontage requirements of this section shall be doubled if more than fifty percent (50%) of the water frontage of the property involved is comprised of or adjoins a wetland as defined by Michigan law.
10. If a property is located within a zoning district where the minimum lot width requirement is greater than one hundred (100) feet, the minimum water frontage requirements of subsections (1), (2) and (3) hereof shall be increased so as to equal the minimum lot width requirement of the zoning district in which the property is located.

(Section amended 10-21-24, Ord. #2024-4)

Section 20.30 Road Ends

Docks, boat hoists and similar structures shall not be kept, installed or used at or on private road ends or public road ends that terminate or end roughly perpendicular to Lake Huron or any lake. Furthermore, no boat, watercraft or vessel shall be moored, kept or docked at such lake road end overnight. Docks or piers owned and maintained by a governmental unit are allowed.

Section 20.31 Short-Term Rentals

Short-Term Rentals are prohibited in all zoning districts except for the B-1 Local Business and RB Residential Business zoning districts. Notwithstanding such prohibition, a lawful single-family dwelling may be rented or leased to one (1) family at a time, with the total of such rentals or leasing not to exceed fourteen (14) consecutive days during a calendar year for the lot or parcel involved (i.e. in no event shall a lot or parcel be rented or leased for more than fourteen (14) days in total during a calendar year and such fourteen (14) days must be done in a row or consecutively).

(Section amended 9-18-23, Ord. #2023-2)

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End of Article 20

(Article amended 9-18-23, Ord. #2023-2; 10-21-24, Ord. #2024-4)

Article 21 DEFINITIONS

Section 21.1 Explanation of Terms / Construction of Language

For the purpose of this Ordinance, certain rules of construction apply to the text as follows:

A. Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.

B. The word "person" includes a corporation, limited liability company, association, partnership, trust, firm, or similar entity as well as an individual.

C. The word "building" includes the word "structure" and both include any part thereof.

D. The word "lot" includes the word "plot", "tract", "site condominium unit," or "parcel".

E. The term "shall" is always mandatory and not discretionary; the word "may" is permissive.

F. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended to be used or occupied," "arranged to be used or occupied," "maintained to be used or occupied," or "designed to be used or occupied."

G. The words "this Ordinance" means the text of this Ordinance as well as any part thereof and any and all maps, tables, graphics, and schedules, as included or attached as enacted or subsequently amended.

H. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:

1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
2. "Or" indicates the connected items, conditions, provisions or events may apply singly or in any combination.
3. "Either/or" indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination.

I. The "Township" is the Township of Lake in the County of Huron, State of Michigan. The "Township Board", "Zoning Board of Appeals" and "Planning Commission" are, respectively, the Board of Trustees, Zoning Board of Appeals, and Planning Commission of the Township.

J. Any word or term not interpreted or defined by this Ordinance shall be used with a meaning of common or standard utilization. A dictionary may be consulted.

K. Where a specific agency, department, law, or rule is referred to in this Ordinance, such reference shall include any successor agency, department, law or rule.

Section 21.2 Definitions

Abandonment: A Solar Energy System is abandoned if it has not been in operation for a period of one (1) year. This includes a Solar Energy System that was never operational if construction has been halted for a period of one (1) year.

Abutting: The sharing of a lot line, or portion thereof, between the subject lot and another lot, easement or other feature.

Adjacent: To abut.

Accessory Building or Structure: A building or structure customarily incidental and subordinate to the principal building, and located on the same lot as the principal building except where this Ordinance expressly specifies otherwise. An accessory building is not part of or attached to the principal building.

Accessory Use: A use customarily incidental and subordinate to the principal use of the lot, and located on the same lot as the principal use except where this Ordinance expressly specifies otherwise.

Adult Foster Care Facility: An establishment licensed under Public Act 218 of 1979, as amended, that provides to adults, for compensation, supervision, personal care, and protection in addition to room and board, for 24 hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks, including facilities for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. A foster care facility does not include a home for the aged licensed under Article 17 of Public Act 368 of 1978, as amended, a nursing home licensed under Public Act 139 of 1956, as amended, or adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.

- a. **Family Home:** An adult foster care facility consisting of a private residence with the approved capacity to receive six (6) or fewer adults, the licensee for which shall be a member of the household and an occupant of the residence.
- b. **Group Home:** An adult foster care facility with the approved capacity to receive seven (7) but no more than twenty (20) adults.

Agricultural Operation: Activities part of the carrying on of agriculture including the operation of machinery and equipment, field preparation, the care and management of livestock, and the management of by-products including animal waste.

Agriculture: The cultivating or use of land, including associated buildings and machinery, for the commercial production of farm products including but not limited to forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan commission of agriculture. "Agriculture" shall not be interpreted to include kennels, commercial stables, and similar activities that do not comprise the commercial production of farm products.

Agritourism: The use of land in association with and on the same lot as an active agricultural operation, that links agricultural production and/or processing with tourism in order to attract visitors to an active agricultural production lot and which may be generally referred to as a farm, for the purposes of entertaining and/or educating the visitors or otherwise providing a pastoral venue for special events. For the purposes of this definition, an "active agricultural operation" shall be construed as an agricultural operation consisting of more than twenty (20) acres devoted to crop cultivation and/or livestock raising during the previous calendar year and continues for a minimum time period equal to the duration that agritourism occurs on the same lot. Examples of agritourism include pumpkin picking patches, corn mazes, farm animal petting and feeding, hay rides, farm tours, cooking classes that rely principally on food items harvested on-site, the serving of meals that rely principally on food items harvested on-site, and the conducting of special events such as weddings and other celebrations.

Airport: A facility for the landing, takeoff, shelter, supply, and repair of aircraft, licensed by the Michigan Department of Transportation, Bureau of Aeronautics and available to serve the general public.

Alter/Alteration: Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls or partitions, columns, beams or girders; or any change which may be referred to herein as altered or reconstructed.

Approving Body: The Township official, body, board or commission charged by this Ordinance for a specific zoning matter, review or approval.

Arcade: Any business within which are located ten (10) or more amusement devices. For purposes of this Section, amusement devices shall mean any device, machine or apparatus operated by a patron which plays, exhibits, emits, produces or displays, entertainment or amusement in the form of a game, motion picture, music, performances or similar entertainment. The term does not include vending machines used to dispense items, kiddy rides, jukeboxes, bowling alleys, or pool tables, or establishments otherwise defined as sexually oriented businesses.

Assisted Living Facilities: Any facility licensed by the State of Michigan that provides residential services to adults in addition to any other services essential for sustaining the activities of daily living, and not otherwise constituting an adult foster care facility or nursing home as defined in this Ordinance. Such additional services may include, but need not be limited to, the provision of meals including congregate meals, transportation services, entertainment, nursing care, and day trips.

Attached Garage: A garage structurally attached to a building by either shared wall construction or by a fully and structurally enclosed corridor or similar fully enclosed space.

Basement: See "Story-Related Definitions."

Battery management system: An electronic regulator that manages a Utility-Scale Battery Energy Storage System by monitoring individual battery module voltages and temperatures, container temperature and humidity, off-gassing of combustible gas, fire, ground fault and DC surge, and door access and capable of shutting down the system before operating outside safe parameters.

Bed and Breakfast: See "Tourist Home."

Bedroom: A room in a dwelling unit for or intended to be used for sleeping purposes by human beings.

Berm: A mound of earth graded and shaped in such a fashion as to be used for visual or audible screening purposes, or for general landscaping purposes.

Billboard: See Article 9 for definitions pertaining to billboards and other signs.

Building: Any structure having a roof supported by columns, walls, or any other supports, which is used for housing, sheltering, storing, or enclosing persons, animals, or personal property, or carrying on business or other activities. This definition includes but is not limited to dwellings, garages, and greenhouses. A building may be divided into two (2) or more separate areas for use by separate tenants, and similar arrangements.

Building Code: Codes adopted by the County or Township pursuant to the Michigan Construction Code and independent of the Zoning Ordinance, that establish minimum standards for construction such as, but not limited to, standards pertaining to foundations, footings, framing, roof loads, plumbing systems, electrical systems and fire protection.

Building Coverage: The amount of a lot, stated in terms of percentage, which is covered by all buildings located thereon and measured from the buildings' exterior wall faces. Where a roof extends more than three (3) feet from the building wall, the building area shall be measured from the outer limits of the roof.

Building Height: The vertical distance measured from the average finished ground surface elevation along the front of the building where it abuts the front yard to the highest point of the roof surface, unless specified otherwise in this Ordinance including in certain cases for dwellings in the R-1 and R-2 Districts according to Table 3-4 of Article 3, Footnote 3.

Building Inspector: An individual or entity retained by the County or Township to administer the Michigan Construction Code.

Building Integrated Photovoltaics (BIPVs): A small Solar Energy System that is integrated into the structure of a building, such as solar roof tiles and solar shingles.

Building Permit: Written authority by the building inspector confirming that proposed construction is in compliance with the Michigan Construction Code.

Campground: A facility where sites are offered for use by the public, either free of charge or for a fee, for the establishment of temporary living quarters. Temporary living quarters means a tent, recreational vehicle, or any portable temporary housing designed to be carried or towed by a vehicle and placed for temporary living quarters. "Campground" shall not be construed to include any facility or portion of a facility where such temporary housing sites are purchased by users or not owned by the facility owner, including but not necessarily limited to condominium ownership.

Cemetery: Property, including crematories, mausoleums, and/or columbariums, used or intended to be used solely for the perpetual interment of deceased human beings or customary household pets.

Certificate of Occupancy: A document issued by the building inspector certifying that the described property and/or construction on such property complies with the provisions of the Building Code and may be legally occupied.

Church: A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. "Church" shall not be construed to mean an undertaker's chapel or funeral home.

Club: An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics, agriculture or similar activities, but not operated for profit nor open to the general public, and does not provide merchandise, vending, or services customarily offered on a commercial basis except incidentally for the membership and purpose of such club.

Commercial Solar Energy System: A Solar Energy System in which the principal design, purpose, or use is to provide energy to off-site uses or the wholesale or retail sale of generated electricity to any person or entity.

Condominium: A project consisting of two (2) or more condominium units established and approved in conformance with the Condominium Act (Public Act 59 of 1978, as amended).

Condominium Master Deed: The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project.

Condominium, Site: A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision, wherein in the condominium units function largely as lots within a platted subdivision.

Condominium Subdivision Plan: The drawings attached to the master deed for a condominium project which describe the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the condominium project, as well as the nature, location and size of common elements. A site condominium may not necessarily have vertical or volumetric limits.

Condominium Unit: That portion of a condominium designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. A condominium unit may consist of either vacant land as in the case of a site condominium, or space which either encloses or is enclosed by a building. A condominium unit in a site condominium shall be equivalent to the term "lot" for the purposes of determining

compliance of the site condominium with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, setbacks, maximum lot coverage, and similar dimensions and standards pertaining to lots.

Convalescent Home: A facility that houses persons who receive a wide range of health and support services including the provision of meals and nursing care (also referred to as a nursing home).

Cottage Resort: A single lot in the Residential Business District on which two (2) or more single-family dwellings are located, where such dwellings are available for occupancy on a temporary basis only, for a fee or other financial arrangement. A cottage resort may be operational year-round but the dwellings within are for occupancy on a temporary basis only, not to exceed one-hundred eighty (180) days in a calendar year, except that a cottage resort may include one (1) year-round occupied dwelling in which the property owner or manager resides. A condominium or platted subdivision shall not be construed to be a cottage resort.

Day Care Center: A facility, other than a private residence, receiving one (1) or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Day care center includes a facility which provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Day care center does not include a Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization or a facility operated by a religious organization where children are cared for comparatively short periods of time while persons responsible for the children are attending religious services.

Day Care, Family Home: A private home in which the operator permanently resides as a member of the household in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

Day Care, Group Home: A private home in which the operator permanently resides as a member of the household in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to more than six unrelated minor children for more than 4 weeks during a calendar year.

District: A portion of the Township that is subject to certain land use, site development and other restrictions, requirements and standards, as delineated in Article 3 and elsewhere in this Ordinance. A "District" may also be referred to as a "zoning district."

Drive-In / Drive-Through Establishment: A business establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles. A vehicle wash facility shall not be construed as a drive-in/drive-through establishment.

Driveway: A means of access for vehicles from a public road or approved private road or alley, across a lot, to a parking or loading area, garage, dwelling or other building or structure or area on the same lot, that is located and constructed in accordance with the requirements of this Ordinance and any requirements of the County Road Commission, and which is intended to serve only the occupants of the lot. A driveway is entirely located on the lot which it serves. A driveway shall not be construed as a public or private road as defined in this Ordinance.

Dwelling, Multiple Family: A building containing three (3) or more dwelling units for three or more families living independently of each other, but excluding a motel or hotel.

Dwelling, Single Family: A detached building or portion thereof designed and used exclusively by one family for living, cooking and sleeping purposes, which meets the standards of Sec. 21.6.

Dwelling, Two Family (Duplex): A building containing two separate dwelling units.

Dwelling Unit: One or more rooms with bathroom and principal kitchen facilities designed as a self-contained unit for occupancy by one family for living, cooking, sleeping and ingress/egress purposes. In cases of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit and shall comply with the provisions of this Ordinance pertaining to dwellings. A recreational vehicle shall not be construed as a dwelling unit.

Easement: A legally recorded grant of one or more of the property rights of a property owner to the public or another person or entity. Sometimes also called a "right-of-way."

Equestrian Center: A building, structure or land use where horses are kept and does not meet the definition requirements of a private stable including a facility that is available for horse shows, training exhibitions, or any other horse-based activity typically characterized by the gathering of spectators or observers.

- Erected:** Anything built, constructed, reconstructed, moved upon, or any physical operations upon a lot required for such activities. Excavations, fill, grading, drainage, and the like, shall be considered a part of "erection."
- Essential Services:** The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface or overhead gas, communication, telephone, electrical, steam, fuel or water transmission or distribution systems, collections, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare, but not including communication or other towers, buildings, substations, wind generating systems, electrical or other substation with a ground area over 200 square feet, the storage of or shelters for service equipment, maintenance depots, and similar above ground facilities.
- Excavation:** Any breaking of ground, except common household gardening, agriculture and ground care.
- Extraction Operation:** The removal of any earthen material, including top soil, sand, gravel, stone or any other earthen material, for the purpose of sale or use or disposition on another lot, including crushing, sorting, washing, and other activities directly relating to the extraction operation. Extraction operations shall not be construed to include excavation activities that are necessitated by and part of the construction of a building, parking lot, or other construction project on the same lot and for which all necessary permits have been granted.
- Family:**
- An individual or group of two (2) or more persons in a long-term familial relationship related by blood, marriage, or adoption, including foster children and servants, together with not more than two additional persons not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit; or
 - A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, boarding room arrangement, association, lodge, motel, hotel, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period. This definition shall not apply in instances of group care centers, or state licensed residential facilities as established under P.A. 395 of 1976, as amended.
- Farm Market:** A place or an area where transactions between a farm market operator and customers take place on a seasonal or year-round basis, where at least 50 percent of the products marketed and offered for sale at the farm market including processed products, measured as an average over the farm market's marketing season or up to a five-year timeframe, are produced on and by a farm which is under the same ownership as the farm market itself. A farm market need not be located on the farm where the products for sale are produced, but the farm market site shall be under same ownership or lease as such farm and located in a District that authorizes agriculture. A farm market need not necessarily include a physical building or structure and may be commonly referred to as a roadside stand. The Farm Market GAAMPS prepared by the Michigan Commission of Agriculture and Rural Development shall be used as guidelines where a question may arise as to whether a particular activity or use constitutes a farm market under this definition.
- Fence:** An accessory structure intended to serve as an obscuring screen, physical barrier, and/or decorative landscape element. A fence is typically constructed of wood, metal, iron, brick, stone and/or plastic, and/or other materials designed to replicate or appear similar to such materials. "Fence" shall be construed to include a screen, barrier and/or decorative element commonly referred to as a "wall."
- Filling:** The depositing or dumping of any matter into or onto the ground.
- Floor Area, Dwelling:** See Section 20.6.
- Floor Area, Gross:** Unless provided for elsewhere in this Ordinance, the sum of all horizontal areas of all floors of a building or buildings, measured from the exterior faces of exterior walls. See figures below.
- Floor Area, Usable:** Unless provided for elsewhere in this Ordinance, and for the purposes of computing parking requirements, usable floor area shall be considered as that area to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or for restrooms and janitorial service rooms, shall be excluded from the computation of usable floor area. Usable floor area shall be measured from the interior faces of the exterior walls and includes the sum of the usable floor area for all floors unless expressly specified otherwise. In the case of a half-story, the useable floor area shall be considered to be only that portion having a ceiling height of five (5) feet or more. See figures below.