

ARTICLE 3
General Use Provisions

§ 170-3.1. Regulations regarding uses of land or buildings.

- A. Each developed lot shall be in compliance with the dimensional requirements of this chapter. All requirements of this chapter shall be located on a single lot; an adjacent lot shall not be used to meet any portion of the requirements.
- B. Each zoning district provides for "similar uses". If a proposed use is not explicitly listed as a permitted or special land use in any of the zoning districts, an application for determination of similar use shall be made to the planning commission. If a use is determined to be similar to a use listed in a particular zoning district, the proposed use shall comply with the standards that apply to the similar use. If the Planning Commission determines a proposed use is not similar to a use in a particular zoning district, the applicant may petition for an amendment to the chapter, as described in § 170-40.7. Based on information provided by the applicant, the Planning Commission shall determine if the use is similar by considering factors such as, but not limited to, peak hour use, nature of use, aesthetics, traffic generated, noise, vibration, dust, smoke, odor, glare and other impacts in terms of health, safety and welfare.
- C. Only one (1) principal structure or use is permitted per lot, except for an approved manufactured housing community, condominium or multiple-family development or related commercial, office, industrial or public buildings contained within a single, integrated complex and sharing parking, access, signs, detention and other similar features.
- D. Prior to commencing any site grading or clearing, the activity shall be reviewed for compliance with Article 23, Tree and Woodland Replacement. This standard does not apply to individual residential lots containing an existing house.
- E. A clear vision zone shall be maintained at all intersections as defined by the following.
 - (1) The clear vision zone refers to the triangular area created by the intersection of two public or private roads, a public road and a private road or a public or private road and a driveway and a straight line connecting two points measured 25' along the intersection of the road right of way or easement. The triangle area shall also include the road right-of-way or private road easement area. When a right-of-way or easement is not provided, the point of intersection shall be determined a distance of ten (10) feet beyond the edge of pavement or road surface.
 - (2) No obstructions are permitted within the clear vision zone between a height of 30" and six (6) feet above the established grade of the road.

F. Parking, storage, repair, restoration or maintenance on vehicles, equipment, trailers and other similar items shall comply with the following.

- (1) Items shall be located on an improved driveway surface, licensed and operable.
- (2) Inoperable items and parts shall be stored within an enclosed building.
- (3) Recreation vehicles or trailers may be parked in the front yard for up to 48 hours for the purpose of loading, unloading, cleaning and maintenance.
- (4) Parking or storage is permitted within a garage or the rear yard. This restriction shall not apply to vehicles used exclusively for farming.
- (5) Within residential zoning districts, commercial vehicles, equipment, trailers or other similar items shall not be used to advertise or parked or stored for commercial purposes.
- (6) Within non-residential zoning districts, the storage of vehicles, equipment, trailers or other similar items is prohibited when they are not associated with the primary business located on the property.
- (7) Storage or parking of semi-trucks, semi-trailers, bulldozers, earth movers, cranes or any other similar machinery shall only be permitted when being used in conjunction with an active construction project.
- (8) Vehicles or objects such as but not limited to golf carts, riding lawn mowers or extra vehicles may not be parked, stored or advertised for sale, lease or other similar situations. This standard shall not apply to passenger vehicles customarily parked in an improved driveway.

G. Performance standards.

- (1) Odor. Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped or modified to remove the odor. Such odors shall be prohibited when perceptible at any point along the property line.
- (2) Gases. The escape or emission of any gas which is explosive or injurious, destructive or harmful to persons or property is prohibited.
- (3) Airborne emissions. It shall be unlawful for any person, firm or corporation to permit the emission of any smoke or air contaminants that violates applicable State and Federal air quality standards.

- (4) Glare and radioactive materials.
 - (a) Glare from any process, such as or similar to arc welding or acetylene torch cutting, that emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line and as not to create a public nuisance or hazard along lot lines.
 - (b) Radioactive materials and wastes, including electromagnetic radiation such as x-ray machine operation shall not be emitted to exceed quantities established as safe by the United States Bureau of Standards, when measured at the property line.
 - (c) Glare from automobile, commercial or industrial vehicle headlights shall not be directed into any adjacent property so as to become a nuisance.
- (5) Vibration. Operations that cause vibration shall not be perceptible at any abutting property line. This requirement shall not apply to construction activities undertaken between the hours of 7:00 a.m. to 7:00 p.m.
- (6) Hazardous substances.
 - (1) Any person, firm, corporation or other legal entity operating a business or conducting an activity which uses, stores or generates hazardous substances shall obtain the necessary permits and/or licenses from the appropriate Federal, State or County authority having jurisdiction and shall operate in in compliance with all applicable Federal, State and local laws, rules, regulations, orders and directives pertaining to said hazardous substances. The Township shall be informed of any and all inspections conducted by a Federal, State or local authority in connection with a permit and/or license.
 - (2) Any person, firm, corporation or other legal entity operating a business or conducting an activity which uses, stores or generates hazardous substances shall complete and file a hazardous materials survey in conjunction with the following.
 - (a) Upon submission of a site plan.
 - (b) Upon any change of use or occupancy of a structure or premise.
 - (c) Upon any change of the manner in which such substances are used, handled, stored and/or in the event of a change in the type of substances to be used, handled or stored.

- (7) Waste and rubbish dumping. No garbage, sewage, filth, rubbish, waste, trash, debris or any other offensive or obnoxious matter shall be kept in open containers, or piled, placed, stored or dumped on any land in the township in such a manner as to constitute a nuisance or create a hazard to health, safety, morals and general welfare of the residents in the township.

§ 170-3.2. Accessory structures and uses.

- A. Accessory structures and uses shall be subject to the following regulations except as otherwise permitted in this chapter.
- B. A building permit or compliance permit is required in order to review plans for compliance with applicable township standards.
- C. Accessory structures and uses are only permitted in connection with, incidental to and on the same lot as a permitted principal structure or use.
- D. An accessory structure or use shall not be occupied or utilized unless the principal structure is occupied or utilized.
- E. The placement and design of an accessory structure or use shall not create a negative impact of stormwater runoff. Grading plans may be required to ensure compliance with this provision.
- F. Parking for an accessory structure or use shall be provided in accordance with Article 26, Off-Street Parking and Loading.
- G. When an accessory structure is structurally attached to a principal building, it shall be subject to the regulations applicable to principal buildings, except where otherwise noted herein.
- H. Accessory buildings shall not be occupied for dwelling purposes. Up to 50% of an accessory structure may be used for a home occupation provided all other applicable regulations pertaining to home occupations are met.
- I. Setbacks
- (1) On lots two (2) acres or greater, an accessory structure or use may be permitted in the non-required front yard provided the accessory structure or use is setback a distance equal to the setback of any residential dwellings on adjacent properties, including those directly across the street and located within the township.

- (2) On lots less than two (2) acres, accessory structures or uses shall not be located in any front yard (required or non-required).
 - (3) Accessory structures or uses are not permitted in the required side yard.
 - (4) Accessory structures or uses shall be at least five (5) feet from a rear lot line.
 - (5) Setback limitations shall not apply to developments containing detached parking garages or carports provided the Planning Commission approves elevation drawings and materials. The Planning Commission shall consider the impact of headlights and views from nearby public streets on adjacent properties.
- J. Buildings shall be at least 25' from the shoreline of any lake, pond, stormwater pond, treatment basin, watercourse or wetland regulated by the Michigan Department of Natural Resources or United States Environmental Protection Agency. A boathouse, deck or patio may be located along the shoreline.
- K. Detached accessory structures shall comply with the following standards.
- (1) Lots less than two (2) acres.
 - (a) Up to three (3) detached accessory structures are permitted.
 - (b) The cumulative square footage shall not exceed one-half (½) the occipital square footage of the main structure. Occipital square footage shall be defined as all living areas excluding a basement or garage.
 - (2) Lots two (2) acres and greater.
 - (a) The number of accessory structures shall be limited by the maximum size and maximum lot coverage requirements pertaining to accessory structures.
 - (b) The cumulative square footage of the accessory structure(s) shall not exceed two (2) times the occipital square footage of the principal structure. The Zoning Board of Appeals may modify the maximum size standard for accessory buildings related to a bona fide farming operation or raising livestock in consideration of the size of the property, conformance with other standards and the character of adjacent uses.
 - (3) The combined square footage of all accessory structures, excluding swimming pools, may occupy up to 25% of the required rear yard. Swimming pools and their associated structures (decks, patios, etc.) may occupy up to 50% of the required rear yard.

- K. Structures shall be at least 10' from a principal building, street right-of-way or private road easement, unless otherwise regulated herein.
- L. Height shall not exceed 14' measured from the finished floor elevation to the average height between the eaves and the ridge.
- M. Decks, porches, patios, terraces or other similar hardscape structures that are open, unenclosed, uncovered and attached or unattached to a principal structure, shall comply with the following standards.
- (1) Structures shall not extend more than 16' into the required rear yard setback. Stairs may extend beyond the end of the structure for the minimum distance necessary to meet the established grade in the rear yard. If the structure is at the maximum projection of 16', the stairs must be parallel to the structure.
 - (3) Structures shall not extend into the required side yard setback, except a walkway up to 3' 6" is permitted to allow access from a side door to the back of the house.
 - (4) Structures shall not extend more than 12' into a required front yard setback, including steps and stairs.
 - (5) The height of railings or walls shall not exceed three (3) feet.
 - (6) A minimum 15' setback shall be provided between a structure and the edge of any lake, pond, stormwater facility, watercourse or wetland regulated by the Michigan Department of Natural Resources or United States Environmental Protection Agency.
 - (7) A separate deck or patio may be permitted along a shoreline subject to the following.
 - (a) The maximum length measured along the shoreline does not exceed 10'.
 - (b) The width does not exceed six (6) feet.
 - (c) A walkway, up to five (5) feet wide, is permitted within the required 15' buffer to the water's edge.
- N. A garden structure such as a gazebo, pergola, arbor or other similar structure attached to a deck or patio shall comply with the following standards.
- (1) The size of the structure may not exceed 150 square feet.

- (2) The structure may extend beyond the 16' permitted encroachment into the rear yard setback.
 - (3) Structure may not be located in the required side yard setback.
- O. Mechanical equipment (permanent or temporary), including but not limited to air conditioning units, HVAC equipment, transformers, generators, electrical boxes and other similar devices shall comply with the following standards.
- (1) In residential zoning districts, equipment may not extend more than 10' into the rear yard setback and may be permitted within the side yard setback, provided a minimum four (4) foot setback is provided to the property line.
 - (2) In non-residential zoning districts, equipment shall be setback a minimum of 10' from any property line.
 - (3) In non-residential zoning districts, equipment shall be screened from public view by a wall, fence, berm and/or landscape.
 - (4) Noise from the equipment shall not exceed the township's noise level standard at the lot line.
- P. Swimming pools, spas, hot tubs and other similar facilities shall comply with the following standards.
- (1) Facilities are not permitted in a front yard.
 - (2) Decks, walks or other accessory items surrounding the facility shall be setback at least 10' from any property line.
 - (3) A minimum 10' separation is required between a facility and the principal structure.
 - (4) Mechanical equipment shall be setback at least five (5) feet from any property line.
 - (5) An enclosure is required for any facility containing 24" or more of water. Enclosures, including the gate, lock and fence must be approved by the Building Official.
 - (6) Hot tubs or other similar facilities must be enclosed by a fence or shall provide a locking lid.

- Q. Site entrance features, including but not limited to walls, columns, lighting and other similar decorative elements used to define entrances to residential developments shall comply with the following standards.
- (1) The corner clearance standards of this article.
 - (2) Low-intensity lighting is required and shall comply with the lighting requirements of Article 21.
- R. Private boat docks shall be permitted as an accessory structure on a lot that is occupied by a residential dwelling. One (1) dock is permitted per dwelling unit.
- S. Waste receptacles
- (1) Waste receptacles may be located in a required rear or side yard setback, provided it is not located in front of the front building line.
 - (2) Waste receptacles must be conveniently accessible to servicing vehicles.
 - (3) The concrete base shall extend six (6) feet beyond the front edge of the receptacle pad or gate, to support the front axle load of a refuse vehicle. The pad shall be constructed with six (6) inches of reinforced concrete and designed to prevent any liquid or other matter from draining into adjacent areas.
 - (4) An enclosure shall comply with the following.
 - (a) Enclosed on three (3) sides and a gate on the fourth side.
 - (b) Constructed of brick or decorative concrete material to match or complement the primary building material.
 - (c) The height shall be at least six (6) feet or one (1) foot above the height of the enclosed waste receptacle, whichever is greater.
 - (d) A three (3) foot clear area shall be provided between the waste receptacle and screen wall.
 - (e) A change to a larger or taller waste receptacle may require modifications to the screening to retain compliance with these standards.
 - (f) The waste receptacle must have a lid or cover.
 - (g) The enclosure shall be located as far as practical, but not less than 20', from a residential property line or district.

T. Electric vehicle infrastructure.

- (1) Permitted in all zoning districts when accessory to a principal use and when fees are not collected to recharge.
- (2) Permitted in any zoning district except single family districts when fees are collected for recharge.
- (3) May be included in the minimum number of required parking spaces.
- (4) Except when located in conjunction with a single family use, charging stations shall be reserved for parking and charging of electric vehicles only.
- (5) Battery charging stations outlets and connector devices shall be between 36” and 48” from the surface they are mounted. Equipment mounted on pedestals, light posts, bollards or similar devices shall be designed and located as to not impede pedestrian travel, create trip hazards or conflict with vehicles.
- (6) Equipment shall be protected by bollards, curbs or other similar protective device. Where possible, equipment shall be located within landscape islands. Equipment shall be setback at least 24” from a curb or bumper block.
- (7) Signage
 - (a) Information shall be posted identifying classification of the equipment (voltage and amperage levels), hours of operation, fees, safety information or any other applicable information related to the charging station.
 - (b) Sign shall indicate the parking space is for electric vehicle charging purposes only.
 - (c) A phone number or other contact information shall be provided on the equipment to report malfunction or other problems.

U. Wind Energy Turbines.

- (1) General Standards
 - (a) Permitted in all zoning districts when accessory to a principal use.

- (b) One (1) turbine is permitted.
 - (c) The turbine is only permitted in the rear yard.
 - (d) A wind energy system shall not generate a noise level of 55dB(A) or greater, measured at the property line, for more than three minutes in any hour of the day. If the ambient sound level exceeds 55 dB(A), measured at the base of the wind turbine, the sound of the turbine shall not exceed the ambient dB(A) plus 5 dB(A) for more than three minutes in any hour of the day.
 - (e) A shadow flicker analysis is required to demonstrate the locations where shadow flicker will occur at sunrise and sunset, along with measures the applicant will take to eliminate or mitigate the effects on adjacent or affected properties.
 - (f) Lighting is not permitted, unless required by the Federal Aviation Administration.
 - (g) The system shall have in a non-reflective finish and shall be maintained in the color or finish that was originally applied by the manufacturer.
 - (h) All signs other than the manufacturer or installer's identification or appropriate warning signs are prohibited.
 - (i) All electrical wires shall be located underground except for the wire necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box and grounding wires.
- (2) Tower mounted systems
- (a) A minimum two acre lot is required.
 - (b) The minimum setback from a property line, easement or R.O.W shall be the height of the turbine plus 10'.
 - (c) The maximum height shall not exceed 45' or the height requirement of the zoning district, whichever is greater.
- (3) Roof mounted systems
- (a) The system shall be mounted on the back of the structure and in a location that minimizes its appearance to the greatest extent possible.

- (b) The system shall be setback at least 30' from any property line.
- (c) The height of the system shall not extend more than 10' above the ridge or peak of the roof or the maximum height of the zoning district in which it is located, whichever is greater.

V. Antenna and satellite dish structures.

- (1) The provisions of this section are intended to achieve the following objectives.
 - (a) Promote safety and prevent hazards to persons and property resulting from accidents involving antenna and satellite dish structures.
 - (b) Maintain architectural integrity, preserve aesthetic qualities and preserve property values by minimizing visibility of antenna or satellite dish structures.
 - (c) Balance regulations on the placement, manner of reception and installation to the minimum required to demonstrate compliance with the objectives contained herein.
 - (d) Comply with the Federal Communications Commission regulations.
- (2) Antennas and satellite dishes 3.28' or less in diameter are permitted provided units are not attached to a pole or tower and do not encroach into required setbacks.
- (3) Antennas and satellite dishes 6.56' or less in diameter and located in a non-residential zoning district are exempt from the regulations contained in this section.
- (4) Conventional AM and FM radio antennas, amateur ("HAM") radio antennas, citizen band ("CB") antennas and Digital Audio Radio Service ("DARS") signals that are less than 11.25' in diameter and do not extend higher than 10' above the ridge and/or peak of the roof are permitted provided they are located on the portion of the roof facing the rear yard and they do not exceed the height limitation of the zoning district.
- (5) An antenna or satellite dish that cannot meet the location requirements of (3), (4) or (5) above may obtain a permit from the Building Official when the it can be determined that the requirements unreasonably delay or prevent installation, maintenance or use, unreasonably increase the cost of installation, maintenance or use or preclude reception or transmission of an acceptable quality signal.

- (6) The Building Official may require the facility be placed subject to conditions which further the objectives of this section, such as requiring the facility be painted in such a way as to be compatible with the primary structure or surrounding landscaping, requiring the facility be screened with landscape or other appropriate measure to minimize the visibility and impact of the structure.
- (7) All other antenna and satellite dish structures not otherwise addressed by subsections (3), (4) and (5) shall be subject to the following requirements.
 - (a) A permit shall be required from the Building Official.
 - (b) Structures shall be located to minimize visibility to the greatest extent possible
 - (c) The diameter of the antenna shall not exceed eight (8) feet.
 - (d) The height shall not exceed 14' if ground mounted.
 - (e) The height shall not exceed 17' if mounted on a structure.
 - (f) The antenna structure shall be perforated, mesh or rod and/or pole construction and shall not be solid sheet or panel construction.
 - (g) An antenna structure within 100' of a residential property line or street right-of-way/easement shall be screened from view by a wall or fence, berm, evergreen plantings or a combination of these elements. If there is no conforming location on the property where the structure may be screened from view, screening shall be accomplished to the extent reasonably feasible, as approved by the Building Official. A reception antenna which is intended to serve more than one (1) unit in a residential development complex shall be screened from residential dwelling units in accordance with these provisions.
 - (h) The color of all antennas or satellite dishes shall be similar to the surrounding environment. The surface of the antenna shall be painted or treated to prevent glare.
 - (i) Advertising is not permitted.
 - (j) The antenna shall be located in the rear yard, subject to the setback requirements of the zoning district.
 - (k) All wiring shall be placed underground.

- (l) Up to two units are permitted per lot.

W. Sidewalks and pathways.

- (1) Sidewalks and pathways shall be provided in accordance with the following.
 - (a) Where sidewalks or pathways are identified on the Township's Pathway Plan, Township Master Plan, zoning ordinance or other planning documents.
 - (b) To connect high pedestrian generators such as neighborhoods, schools, parks, public buildings, places of worship, multiple family residential, offices and uses serving the aforementioned.
 - (c) Within developed parcels to achieve connection between buildings, uses and separation from vehicles.
 - (d) Within any development where the Planning Commission determines sidewalks and pathways are appropriate in consideration of the use, project density, design, relationship to the public pathway system and adjacent facilities.
 - (e) To provide access to, or through, common areas. The minimum width of the open space containing a sidewalk or pathway shall be 20'. The Planning Commission may require landscaping, fence or wall to buffer walkways from adjacent uses.
 - (f) When located adjacent to a public or private road, an easement for the location and maintenance of the non-motorized facility shall be provided and recorded.
- (2) Sidewalks shall have a minimum width of five (5) feet.
- (3) Pathways shall have a minimum width of 10'.