

**CHAPTER 3**  
**GENERAL PROVISIONS**

**SECTION 3.01 ACCESSORY BUILDINGS & STRUCTURES**

- A. **GENERAL REGULATIONS** In any zoning district, an accessory building (sheds, pole barns, attached garages and similar accessory structures) or accessory structure (decks, swimming pools, gazebos and similar accessory structures) as defined in this ordinance may be attached or detached from the permitted principal building. The size of all attached accessory buildings shall be limited by the size of the principal building as provided in Section 3.01 B. and shall comply in all respects with the requirements of this Ordinance applicable to the permitted building.
1. **ACCESSORY BUILDING EXCEPTIONS** - The following accessory buildings or accessory structures are permitted, and shall not be subject to a number limitation except as expressly noted below:
- a. One child's playhouse or child's treehouse not to exceed one hundred (100) sq. ft. A building permit is required for a treehouse exceeding one hundred (100) sq. ft. in size. A playhouse or treehouse is defined as a structure with no electrical or plumbing connections that is enclosed on three or more sides for the use of children's play. Such structure shall not be used for storage. A playhouse shall not be greater than 12 feet in height and cannot be located in the required front yard setback.
  - b. Play structure: jungle gym, swing set, slide, platform, or other similar unenclosed structure or device intended for the use of children's play. A play structure shall not be greater than 16 feet in height and cannot be located in the required front yard setback.
  - c. One gazebo not to exceed one hundred (100) sq. ft. A gazebo is defined as a free standing structure, with solid or trellis roof, usually open on the sides, used for outdoor living and not for storage purposes. A gazebo shall not be greater than 16 feet in height.
  - d. Doghouses, covered pens and other similar structures for the housing of household pets, but not including kennels. Such structures shall not be used for storage and cannot be located in the required front yard setback.
  - e. Below ground fallout shelters.
  - f. One school bus shelter, no greater than 50 sq. ft. in area. School bus shelters are permitted in the front yard provided they are ten (10) feet from the front property line and less than six (6) feet in height. Such structure shall not be used for storage.
  - g. Swimming pool accessory buildings and pump houses shall be less than 30 sq. ft., no more than 10 feet in height, and shall not be located within the required district setbacks.
  - h. Trellis: (Patio cover with an open roof less than 50 percent coverage) which is not enclosed on the side except for required roof supports. Such structure shall not be greater than 16 feet in height.
2. **ACCESSORY STRUCTURE EXCEPTIONS** - Swing sets, playground equipment, garden trellises and similar above-ground yard equipment accessories to a residential use are exempt from the provisions of this zoning ordinance, except height limitations as listed in each residential chapter, or unless specific provision is made to such equipment by this Ordinance.

3. AGRICULTURAL BUILDINGS – Buildings used in active commercial agriculture operations are not considered accessory buildings and shall not be subject to this Section, except that no agricultural buildings shall be located within a required setback and any agricultural building greater than 1,200 square feet in area shall be located at least 40 feet from any rear or side lot line.
4. ARCHITECTURAL STANDARDS - The architectural character, roof lines, materials and siding of all attached accessory buildings and detached accessory buildings over 200 square feet in area shall be compatible and similar to the principal building.
5. BUILDING PERMITS - A building permit is required for accessory buildings 200 square feet and greater in area.
6. CONSTRUCTION- If a detached accessory building or accessory structure and a principal building are being constructed concurrently, a building permit shall not be issued for any detached accessory building or structure until the construction of the principal building is at least fifty (50%) percent complete.
7. DRAINAGE - Any accessory building or accessory structure shall not adversely impact drainage on any adjoining properties.
8. EASEMENTS - Accessory buildings and accessory structures shall not occupy any portions of drainage, stormwater, or similar utility easement without approval from the benefiting party of said easement as recorded with the Kent County Register of Deeds. This provision does not permit occupation of public or private rights-of-way, sanitary sewer or public water easements.
9. HEIGHT DETERMINATION – Refer to SECTION 2.22.
10. LOT AREA – For the purpose of calculating accessory building size only, lot area is the total area within the property lines of a lot excluding street rights-of-way and street easements both public and private.
11. METHODS OF ATTACHMENT - Accessory buildings or accessory structures shall be considered attached to the principal building when the area between the two is wholly or partially covered by a continuous breezeway, portico, covered colonnade, or similar architectural device. Any accessory building sharing a common wall or access with another accessory building shall be considered a single building.
12. ORDINARY HIGH WATER MARK - On waterfront properties in all districts, setbacks shall be measured from the Ordinary High Water Mark (OHWM).
13. PRINCIPAL USE - An accessory building or accessory structure can only be constructed on a lot or parcel on which there is a principal building and it shall not be permitted to remain on the property if the permitted principal building is removed.
14. PORTABLE ACCESSORY BUILDINGS – Portable accessory buildings with or without a permanent foundation and capable of being moved intact shall meet all of the requirements applicable to accessory buildings, with the exception of Section 3.01A.4., which are not portable and/or temporary storage containers. In addition, portable accessory buildings shall be

permitted only in the rear yard, behind the principle building. Portable accessory buildings shall also be properly anchored in a method approved by the Building Official.

15. TEMPORARY STORAGE CONTAINERS. Temporary storage containers with or without a permanent foundation and capable of being moved intact shall meet all of the requirements applicable to accessory buildings which are not portable. In addition, temporary storage containers shall be properly anchored in a method approved by the Building Official.
16. SITE PLAN APPROVAL REQUIRED - Detached accessory buildings of 960 square feet or greater are subject to administrative site plan review by the Community Development Department, which may apply reasonable conditions to protect the natural environment, compliance with applicable law, the intent of this ordinance, the health safety and general welfare of the public, the conservation natural resources and to insure compatibility with existing and future land uses. The Community Development Department may apply conditions of site plan approval such as:
  - a. Landscaping/Screening
  - b. Drainage Plan and/or Stormwater Improvements
  - c. Protection of Natural Resources
  - d. Lighting
  - e. A recorded statement of the intended use of the building.
17. SEPARATION - Accessory buildings and accessory structures not attached to the principal building shall be at least ten (10) feet from any other building, accessory building or accessory structure. The separation setback measurement shall be measured from overhang to overhang. Accessory buildings in the R-1A zoning district may be located up to five (5) feet from a building, accessory building or accessory structure and shall be made fire resistant in such manner as is required for attached accessory buildings as per the Michigan Residential Code.
18. USE - Accessory buildings and accessory structures shall not directly involve any business, trade, occupation, profession or home occupation. No accessory building or accessory structure shall include residential or living quarters for human beings unless specifically authorized elsewhere in this Ordinance.
19. WALKOUTS - An attached or detached accessory building may include a walkout level provided any walkout level wall or door is not visible from any street. The square footage of the walkout level shall not be included as part of the permitted square footage of accessory buildings. The square footage of the walkout level accessory building cannot exceed sixty (60%) percent of the main floor area of the dwelling.
20. WALKWAYS – In the R-1 and R-1A Districts, there are lots, both improved and unimproved, under common ownership which are separated by unimproved platted walkways. Under Section 3.01, these lots shall be treated as a single lot except that the property owner(s) shall record a deed restriction requiring the removal of the accessory building(s) or structure(s) prior to the sale of the property (if sold separately) if the accessory building(s) or structures(s) are located on the lot without the principle structure. An accessory building or accessory structure need not be razed or removed under these conditions if the lot(s) are transferred to an adjacent lot or parcel

as part of a boundary change approved by the Community Development Department.

**B. SINGLE FAMILY AND TWO-FAMILY:** The following are additional requirements if the principal building is used as a single family or two family dwelling in the RP, RE, R-1, R-1A, R-2 or single-family residential PUD zoning districts:

1. **Size and Dimension:** Within any RP, RE, R-1, R-1A, R-2 or single family PUD zoning district, accessory buildings are permitted subject to the following requirements:

- a. The maximum allowable size of any individual attached accessory building shall not exceed 864 square feet for the first 1,300 square feet of habitable (finished) floor area contained in the dwelling. In no case shall an attached accessory building exceed 1,200 square feet.
- b. For each whole increment of five (5) square feet that the habitable floor area contained in the principal building exceeds 1,300 square feet, the floor area of the attached accessory building may be increased by one (1) square foot.

Example: Step 1: 1,500 sq. ft. of habitable floor area - 1,300 sq. ft. = 200 sq. ft.

Step 2: Divide 200 sq. ft. by 5 = 40 sq. ft. of additional attached accessory square footage.

Step 3: 864 sq. ft. (permitted attached square footage) + 40 sq. ft. = 904 sq. ft.

- c. On lots in the RP, RE, R-1, R-1A, R-2 or single family PUD zoning district, no single detached accessory building shall be greater than 2,400 square feet in area, except that on lots less than 20,000 square feet in size, no detached accessory building shall exceed 864 square feet or the size of the main floor of the principle dwelling, whichever is greater.
- d. To ensure harmonious relationships and to minimize conflicts between adjacent uses, any detached accessory building greater than 1,200 square feet in size shall require administrative approval subject to special conditions. This section does not apply to agricultural buildings. The Community Development Department staff shall consider the following when reviewing a permit application
  - (1.) The proposed characteristics and uses of the building in relation to existing land uses and to the future land uses as shown in the Master Plan.
  - (2.) Landscaping: Where an accessory building is visible from an adjacent property or public or private road a landscaped green strip of at least 10 feet in width is required.
  - (3.) Lighting: Devices shall be adequately shielded and screened so that no light will glare directly onto any public or private right-of-way or onto adjacent property.
  - (4.) Drainage: The Community Development Department may require. The accessory building shall not adversely impact drainage on any adjoining properties.

- (5.) The minimum rear yard setback shall be 20 feet.
- (6.) Additional requirements may be attached to such accessory building and its use when the Community Development Staff determines it necessary to avoid or mitigate adverse impacts on surrounding properties.

e. The combined size and height shall not exceed the size requirements found below in the following schedule:

Maximum Accessory Building Height	Lot Area (1 acre = 43,560 sq. ft.)	Minimum Building Side Yard Setback <sup>(1)</sup>	Minimum Building Rear Yard Setback <sup>(1)</sup>	Maximum Number of Accessory Buildings <sup>(2)(5)</sup>	Maximum Combined Size of All Buildings
14 ft.	21,780 sq. ft. or less	District Setback	5 ft	1 Attached And/or 2 Detached	1,200 sq. ft. <sup>(3)</sup>
16 ft.	21,781 sq. ft. to 43,560 sq. ft. (1 acre)	District Setback	5 ft	1 Attached And/or 2 Detached	1,500 sq. ft. <sup>(4)</sup>
16 ft.	43,561 sq. ft. to 87,120 sq. ft. (2 acres)	District Setback	5 ft	1 Attached And/or 2 Detached	1,800 sq. ft.
18 ft.	87,121 sq. ft. to 217,800 sq. ft (5 acres)	District Setback	10 ft	1 Attached And/or 2 Detached	3,000 sq. ft.
25 ft.	217,801 sq. ft. or greater	20 ft	20 ft	1 Attached And/or 2 Detached	5,000 sq. ft.

- (1) Accessory Buildings less than 200 square feet is size may be setback 3 feet from the side and rear property lines.
- (2) Also refer to Section 3.01B.1.a. and b.
- (3) In the required rear yard, accessory buildings shall cover no more than 10 percent of the required rear yard setback area.
- (4) In the required rear yard, accessory buildings shall cover no more than 15 percent of the rear yard setback area.
- (5) For lots 10 acres or greater in size, 1 attached and/or 3 detached accessory buildings are permitted.

2. Additional Yard Provisions:

a. Front Yard – Detached accessory buildings and accessory structures shall not be located in a front yard except:

- (1). An accessory building or accessory structure may be located in the front yard of a waterfront lot (area between leading edge of principal structure and street side) provided that it is located behind the required front yard setback line for the district in which it is located and;
- (2) In the RP, Rural Preserve, RE, Rural Estate, and R-1, Single Family districts, a detached accessory building or accessory

structure may be located in the front yard of a residentially zoned lot provided there is a minimum setback of 60 feet from the front lot line and 25 feet from any side lot line provided the accessory building or accessory structure is greater than 200 square feet.

- c. Rear Yard – Detached accessory buildings and accessory structures may be located in the rear yard subject to the following requirements:
    - (1.) No swimming pool shall be located closer than 10 feet from the rear lot line.
    - (2.) Decks may encroach an additional 10 feet into the district's required rear yard setback.
    - (3.) When a rear lot line adjoins a side yard of an adjacent lot, no part of an accessory building or other structure shall be nearer to the said side lot line than the side yard requirements of the district in which it is located.
    - (4.) No more than one detached accessory building or accessory structure no greater than 10 feet in height is permitted of a waterfront lot of less than 13,000 sq. ft.
    - (5.) The sum of all accessory building(s) shall not occupy more than 40 percent of the rear yard.
  - d. Side Yard – On corner lots, accessory buildings and accessory structures shall meet the minimum setback required for the principal building.
  - e. Substandard Lots - Any accessory building or accessory structure that is located on a parcel that does not meet ninety (90%) percent of the minimum lot area and/or lot width requirements may reduce the side yard setback requirements by the same percentage indicated in Section 4.09. Substandard lot and parcel reductions for the required side yard setback for an accessory building or accessory structure located in the front yard are not applicable unless it is a waterfront lot.
  - f. Door Height – In residential districts, no accessory building shall have a door opening greater than 14 feet in height.
- C. MULTI-FAMILY: The following are additional requirements for mobile home parks and multi-family residential developments within the R-3, R-4 or PUD zone districts. This does not pertain to individual mobile home units as regulated by the Mobile Home Commission Act, being Act 96 of 1987, as amended.
- 1. One accessory building is permitted per development provided it does not exceed 576 square feet and has a maximum height of 16 feet. Additional accessory buildings of the same size and height may be allowed with site plan approval from the Planning Commission.
  - 2. In the R-3 zoning district, one additional accessory building is permitted with a maximum of 864 square feet.
  - 3. Accessory structures, which may be approved administratively, include but are not limited to playground equipment, radio and television antennas, swimming pools, sport courts, decks and patios under 1,200 square feet and similar accessory structures.

4. Accessory buildings may be attached to and made an integral part of a dumpster enclosure.
  5. All accessory buildings and accessory structures located in the rear yard, shall not be closer than ten feet to any side or rear lot line and shall not be located within any required greenbelt area, except that accessory structures such as sport courts, community recreation, meeting facilities and similar uses may be located in the front yard and shall meet the setback requirements for the district within which it is located.
- D. COMMERCIAL, INDUSTRIAL AND OFFICE: The following are additional requirements if the use of the principal building is in a Commercial, Industrial, Office or Light Industrial, or non-residential PUD zoning district.
1. One accessory building is permitted per development provided it does not exceed 240 square feet and has a maximum height of 16 feet. Additional accessory buildings may be allowed with site plan approval from the Planning Commission.
  2. Accessory structures, which may also be approved administratively include, but are not limited to playground equipment, fences, light posts, utility poles, radio and television antennas and similar types of accessory structures. Swimming pools, sport courts, decks and patios over 1,200 square feet require Planning Commission approval.
  3. Accessory buildings may be attached to and made an integral part of a dumpster enclosure.
  4. All accessory buildings and other accessory structures located in the rear yard shall not be closer than ten (10) feet to any side or rear lot line and shall not be located within any required greenbelt area. Except that accessory structures such as sport courts, decks, patios community recreation or meeting facilities shall meet the setback requirements for the district within which it is located.

SECTION 3.02 ANIMALS. For the keeping of animals, the following shall apply:

- A. Domestic Animals. If an occupant or owner keeps or allows domestic animals within a dwelling, in a yard, in a structure, or upon a property, the occupant shall remove any odorous or unsanitary condition. The property owner shall be responsible for the repair of any damage to the dwelling, structure or yard caused by the animals and shall be responsible for any unsafe condition.
- B. Farm Animals. No farm animal shall be kept or allowed to be kept within any dwelling or dwelling unit or within 50 feet of any dwelling unit and must be kept in sanitary enclosures under sanitary conditions. Further, no accumulations of refuse, manure, or keeping of farm animals shall be permitted within 100 feet of any property line and the premises shall be so maintained as not to constitute a nuisance or source of pollution. Exception: Keeping of chickens is permitted within 25 feet from any dwelling unit or property line. Furthermore, keeping of roosters is prohibited.
- C. Wild Animals. Any animal not a domestic animal or farm animal, as defined in SECTION 2.08A and B., is a wild animal, and shall not be kept on any property in the Township.

The interpretation of whether a particular animal or class of animals and/or pets falls within the above classifications shall be determined by the Zoning Board of Appeals. The Zoning Board of Appeals shall consider the potential danger of keeping all animals within the Township and whether they pose a threat to the health, safety, and welfare of the residents of the Township.

**SECTION 3.03 AREA OR SPACE REQUIRED** No site, lot, or lots in common ownership shall be so divided, altered, or reduced that the yard, setback, open space, area, lot coverage, or parking space is less than the minimum required under this ordinance.

In determining lot and yard requirements, no area shall be ascribed to more than one main building, or use, and no area necessary for compliance with the space requirements for one main building shall be included in calculation of the space requirements for any other building or use.

**SECTION 3.04 MOTOR VEHICLE REPAIR** Normal and customary maintenance work (e.g. car washing, changing of oil, etc.) on motor vehicles shall be permitted on any lot on which there is a single family or two-family dwellings, provided such vehicles are not used primarily for racing. Such vehicle must be owned by the occupant of a dwelling on the premises. All major mechanical work (e.g. substantial engine or body repair) must be performed within a building, and no parts or vehicles not in legally operating condition may be stored outside.

**SECTION 3.05 BASEMENT AND ILLEGAL DWELLINGS** The use of any portion of a basement as a dwelling or as sleeping quarters is prohibited unless it meets the Township Building Code requirements for ingress and egress. The use of the basement of a partially completed building as a dwelling unit is prohibited. Buildings erected as garages or other accessory buildings shall not be occupied for dwelling purposes.

**SECTION 3.06 BUILDING HEIGHTS - EXCEPTIONS** Subject to other provisions of law, the height limitations of all districts shall be subject to the following exceptions: chimneys, spires, water tanks, lightning rods, monuments or other appurtenances usually required to be placed above roof level and not intended for human occupancy.

**SECTION 3.07 BUILDINGS, MOVING** The moving of a building to a new location shall be considered as the erection of a new building, and all provisions, regulations, or requirements relative to the erection of a new building shall be applicable thereto.

**SECTION 3.08 BUILDING, RAZING** No building shall be razed until a permit has been obtained from the Building Inspector who shall be authorized to require a performance guarantee in an amount equal to 120 percent of the Building Inspector's cost estimate for the razing. The guarantee shall be conditioned on the applicant completing the razing within such reasonable period as shall be prescribed in the permit and complying with such reasonable regulations as to health and safety as the Building Inspector may reasonably require and this ordinance may, from time to time, prescribe, including filling of excavations and proper termination of utility connections.

**SECTION 3.09 BUILDINGS AND STRUCTURES, TEMPORARY** Mobile offices, or other movable or erected structures intended for temporary use or occupancy incidental to construction work, or special events shall be situated or erected upon land or premises within the Township and used according to the following provisions.

Permits for temporary construction trailers, sheds and offices may be issued by the Building Inspector according to the following criteria:

- A. Unless involved with a major public improvements project, temporary structures may only be located in commercial districts, industrial districts or approved Planned Unit Developments.



- B. No temporary permit may be issued prior to the issuance of a building permit. Temporary permits shall expire when the building permit expires.
- C. A temporary structure shall be located on the same site as the construction.
- D. A temporary structure shall be located on the site such that:
  1. On and off-site traffic hazards are minimized.
  2. The negative aesthetic impacts are reasonably minimized.
  3. It is not closer than ten feet to any property line.
  4. All applicable safety, health and fire codes are met.
- E. No final inspection shall be issued until all temporary structures have been removed from the site.
- F. Where alternate on-site locations are available, no temporary structure shall be located next to developed residences.
- G. Any temporary drive or road which is necessary to provide access to a construction site must be approved by the Township Fire Department to assure that the site can be safely accessed by emergency vehicles.

**SECTION 3.10 DRIVEWAY PERMITS** Prior to the granting of a building permit for any construction involving a new driveway opening to a public street or private road, a permit for such driveway from the State and/or County agency and in the case of private roads, the Township Fire Department, shall be submitted to the Building Inspector. Driveways constructed on a public street or on a paved private road shall be paved for the first 50 feet from the property line and any area between the property line and the private easement or public right-of-way. Paving shall also be required where a new home is improved more than 25 percent of its market value as determined by the Township Assessor.

**SECTION 3.11 DWELLINGS – SINGLE FAMILY**

- A. It is recognized that there is a need for safe, attractive, economical single-family housing in the Community. It is also recognized that manufactured housing, including mobile homes, may, in part, satisfy this need. It is further recognized, however, that because it is factory-built, some types of manufactured dwellings may differ markedly in structure and appearance from traditional site-built dwellings. Therefore, it is the intent of this Section to provide specific conditions and standards, which must be met by dwellings intended to be located on individual lots. These standards are considered necessary to assure compliance with both minimum structural standards and reasonable compatibility of exterior appearance for dwellings either previously constructed, or which might be constructed, on lots in the same vicinity, while also avoiding monotony of appearance.

The term “vicinity”, as employed in this section, includes that area within 660 feet of the lot or parcel upon which a dwelling is proposed to be erected or assembled and occupied. Any determination of reasonable compatibility of appearance shall be based both upon the standards established herein and upon the character, design, and appearance for one or more appropriate single-family dwellings located within the vicinity of the lot, where 20 or more percent of the properties in the vicinity are developed with dwellings; or, in instances where the vicinity is not

developed to this extent, by the character, design, and appearance of single-family dwellings located throughout the Township.

- B. A single-family dwelling located on an individual lot must comply with the following requirements:
1. All of the requirements of the zone district within which the lot is located shall be met.
  2. There shall be a minimum habitable floor to ceiling height of seven one-half feet throughout the dwelling.
  3. There shall be a minimum width throughout the entire length of the dwelling of 24 feet.
  4. The minimum width of the front (street side) elevation of the dwelling shall be 30 feet.
  5. The roof of the dwelling shall be double pitched and shall have not less than three feet of rise for each 12 feet of run and shall have a minimum six inch overhang on all sides. The minimum distance from eaves to ridge shall be ten feet. The pitched roof shall be securely attached to and exclusively supported by the dwelling. Any type of roofing materials generally acceptable for, and applied in a manner resulting in appearance similar to dwellings in the vicinity, may be employed on the roof of the dwelling, attached additions, and detached accessory structures.
  6. The exterior siding shall consist of horizontal lap siding or other siding of the same materials as other dwellings in the vicinity and attached in the same manner as required by the Township Building code.
  7. Windows and other visible, exterior features of the dwelling shall be compatible with such features of other dwellings in the vicinity.
  8. The dwelling shall have no fewer than two exterior doors to provide a means of ingress and egress from the dwelling.
  9. Steps designed to provide safe, convenient access to each exterior door shall be provided to the door area, or to porches accessible to the door area, when required by a difference in elevation between the door sill and the surrounding grade. All steps and/or porches shall be securely attached to a permanent foundation and shall be constructed in conformance with the Township Building Code.
  10. Additions attached to the dwelling may be constructed if such construction is in conformance with the standards adhered to in the construction of the dwelling. If such additions are constructed on site, they shall be constructed in conformance with the Township Building Code with materials and workmanship similar in appearance and quality to the dwelling.
  11. It shall be constructed upon a basement or foundation around the entire perimeter of the dwelling constructed in compliance with the Township Building Code. The exposed portion of the basement walls or foundation

shall be a minimum of eight inches and a maximum of 16 inches above grade.

12. If the dwelling does not have a full basement, there shall be a crawl space below the entire dwelling of at least 18 inches in depth with a vapor barrier consisting of a minimum of two inches of concrete on the floor of the crawl space.
13. If the dwelling is a mobile home it shall be firmly attached to the foundation so as to be watertight in such a way as water will not enter and shall be anchored to said foundation by an anchor system designed and constructed in compliance with the Department of Housing and Urban Development regulations and with Mobile Home Commission standards.
14. All wheels and towing mechanisms, including the tongue, shall be removed and none of the undercarriage shall be visible from outside the mobile home.
15. The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development being 24 CFR 3280, and as from time to time such standards may be amended. Additional, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
16. Plan, floor plan layouts and certification of meeting HUD mobile home standards of the mobile home and foundation shall be presented along with a site plan showing compliance herewith and with all other requirements of the Zoning Ordinance, including but not limited to the requirement of the district in which it is to be located, to the Building Inspector prior to the issuance of a required building permit.
17. The dwelling is aesthetically compatible in design and appearance with other single family dwellings in the vicinity or throughout the Township, whichever is required.

#### SECTION 3.12 FRONT, SIDE, AND REAR YARD SETBACK REQUIREMENTS - BASIS OF DETERMINATION

- A. Measurement of the front and side yards shall be from the right-of-way line of the abutting street, whether public or private, to the nearest portion of the structure, except as provided in subsections E. and F. below. In the event the street has a right-of-way less than 66 feet, measurement shall be from a point 33 feet from the centerline of the street.
- B. When the lot contains all or a portion of an easement designated for the purpose of storm water retention or detention, the required yards and setbacks shall be measured from the edge of the easement. All easements shall be described in the legal description of the lot.
- C. The lot area computation shall not include a private road or easement providing access to the lot or other lots, a storm water retention or detention easement located on the lot or any area that is a designated wetland.

- D. When the lot contains all or a portion of a designated wetland, the required yards and setbacks shall be measured from the edge of the wetland, however, in no case shall a structure be closer than 25 feet from the edge of the wetland.
- E. Porches, terraces, handicap ramps and decks.
  - 1. Except as noted in subsection 2. below, an open, unenclosed and uncovered porch, paved terrace, handicap ramp or deck may project into a required front yard for a distance not exceeding ten feet.
  - 2. Any porch, terrace, handicap ramp or deck enclosed or covered by a fixed canopy or other structure shall be required to meet the setbacks for main buildings for the district in which it is located.
  - 3. A porch, terrace, handicap ramp or deck located within any front yard or rear yard setback area may be enclosed with ornamental railings, handrails or other similar guardrails not higher than 42 inches from the walking surface of the deck, slab or other similar construction.
- F. An architectural feature, not including a vertical projection, may extend or project into a required side yard not more than two inches for each one foot of width of the side yard setback, and may extend or project not more than two feet into a required front yard or rear yard setbacks.

**SECTION 3.13 GOVERNMENTAL BUILDINGS** In addition to other provisions of this ordinance, the following regulation shall apply to all districts: Municipal, State, or Federal administrative or service buildings shall be permitted: provided, however, that such use shall be permitted only upon approval of the Planning Commission after finding that such use will be in conformity with the character of the adjacent neighborhood and that they are essential to service the neighborhood or community. All governmental buildings shall be subject to site plan approval by the Planning Commission which may establish requirements such as architecture, landscaping, setback and other area regulations, and such other conditions as may be appropriate to ensure compatibility with the character of the district in which it is located.

**SECTION 3.14 GRADE LEVELS** All dwelling and business structures shall, subsequent to the adoption of this ordinance, conform to all established and determined grade levels. In areas where there are two or more structures in any one block, the average of the grade level thereof shall determine the grade level for that area. In all areas where no grade level has been determined or established by building thereon, before any building or structure shall be placed thereon the appropriate highway authority for that area shall determine a grade level and when so determined, it shall become the grade level thereof. After the adoption of this ordinance, it shall be unlawful to erect or construct a building in any district with the top of the foundation or basement walls together with the plates thereof, more than twenty-four inches above the established or determined grade level except that where the building is set back further than the required distance, an additional rise of one foot for each additional ten feet of setback shall be permitted.

Where lots have either extreme or unusual topographic conditions the Building Inspector has the authority to modify these provisions in order to establish a specific grade level that is appropriate with respect to the topographic conditions on a site-specific basis.

**SECTION 3.15 GREENBELTS** A greenbelt shall be required for any new or expanded commercial or industrial use that abuts a R-1, R-1A, R-2, R-3 or R-4 district or existing residential use as set forth in Chapter 30, Landscaping and Buffering Provisions.

SECTION 3.16 HOME OCCUPATIONS One home occupation is permitted as an accessory use to any residential use, provided that:

- A. No persons other than members of the family residing on the premises plus not more than one non-resident shall be engaged in such occupation.
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than twenty-five percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence, including signage, of the conducting of such home occupation.
- D. No home occupation shall be conducted in any accessory building or garage.
- E. There shall be no sale of products or services except as are produced on the premises by such home occupation. In addition that shall be no external display of any permitted sale of products or services.
- F. Not more than three motor vehicles shall be permitted on the premises where a home occupation is conducted, exclusive of motor vehicles stored in a completely enclosed building.
- G. No motors other than electrically operated motors shall be used in conjunction with the home occupation. The total horsepower of all electrical motors utilized in the home occupation shall not exceed three horsepower. No single electrical motor used in the home occupation shall exceed one horsepower. All electrical motors and equipment used in the conduct of the home occupation shall be shielded so as not to cause radio or television interference for adjoining properties. Provided further that only mechanical equipment which is similar to that used for household purposes and hobbies and does not affect insurance rates in the premises shall be allowed.
- H. If the home occupation is one involving the teaching of music, such home occupation shall be restricted to piano, organ, and unamplified instruments conducted in closed quarters.
- I. The home occupation shall not generate a greater amount of pedestrian or vehicular traffic than is generated by other homes in the neighborhood.

SECTION 3.17 KEYHOLE DEVELOPMENT The following restrictions are intended to limit the number of users of lake, river 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.

- A. In all zoning districts there shall be at least 50 feet of lake, river or stream frontage as measured along the normal high water mark of the lake, river or stream for each single-family home, dwelling unit, cottage, condominium unit, site condominium unit, or apartment unit utilizing or accessing the lake, river or stream frontage.
- B. Any multiple-unit residential development in any zoning district that shares a common lake, river or stream front area or frontage may not permit lake, river or stream use or access to more than one (1) single-family home, dwelling unit,

cottage, condominium unit, site condominium unit, or apartment unit for each 50 feet of lake, river or stream frontage in such common lake, river or stream front area, as measured along the normal high water mark line of the lake, river or stream.

- C. Any multiple-unit residential development shall have not more than one dock for each 50 feet of lake, river or stream frontage, as measured along the normal high water mark of the lake, river 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 and State regulations.
- D. The restrictions contained in this section shall apply to all lots on or abutting any lake, river or stream in all zoning districts, regardless of whether access to the lake, river or stream waters shall be by easement, park, common-fee ownership single-fee ownership, condominium arrangement, license or lease.
- E. In all zoning districts, no lake, river or stream access, boat ramp, shore station, dock, boat launch, or shoreline abutting a lake, river or stream shall be utilized for commercial, business, outdoor recreational (or entertainment) facilities, institutional or non-residential or non-agricultural uses or purposes unless such use is authorized pursuant to a special use approval or a planned unit development (PUD) approval.
- F. The lake, river and stream access and use regulations contained in this section shall be fully applicable to all planned unit development (PUD) and special use projects or developments.
- G. In addition to the above limitations, no easement, private park, common area, lot or access property abutting or adjoining a lake, river or stream shall be used to permit access to the lake, river 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 planned unit development (PUD).
- H. For purposes of meeting the minimum required water frontages mentioned above, water frontage around the shore of an island shall not be included as part of the mainland.
- I. These water access regulations shall be in addition to and shall not negate any of the restrictions or other requirements of this Zoning Ordinance or the zoning district involved.
- J. The non-conforming use provisions of Chapter 4 of this Zoning Ordinance shall be applicable to this Section, except the following shall be permissible notwithstanding the provisions of Chapter 4 of this Zoning ordinance:
  - 1. Any lot of record having frontage on a body of water may have one dock even though the lot has less than 50 feet of frontage on the water. This Section shall not be construed to prevent docks, even if docks have not been installed, where recorded vested rights were granted prior to the adoption of this Zoning Ordinance.
  - 2. Any easement, park, common area or access property having frontage on a body of water which lawfully exists as of the date of the adoption of this Section may have one dock even though it has less than 50 feet of frontage on the water.

3. If a given property, easement, park, common area or access property has a right to have a dock under this Section or Chapter 4, that right to utilize a dock shall continue even if the dock is seasonal in nature, has to be repaired or replaced or is not utilized every year.
- K. Although the owner of a property with frontage on a lake, river or stream may permit family members and occasional invitees to use the water frontage, dock and watercraft owned by the owner as incidental to the residential use of the property, the owner shall not permit anyone other than a family member of a person co-owning or residing on the property fronting on the water to moor a watercraft overnight at the dock on the property or in the waters adjacent to the property. Nor shall the owner of such a property enter into an agreement to permit anyone to use the shoreline (or dock thereof) of water unless such person is leasing a residence on the property and is in possession of the entire waterfront property. This subsection shall apply only to the residential zoned districts.

**SECTION 3.18 MOBILE HOMES** Except as hereinafter specified, it shall be unlawful for any person to park or cause to be parked, any mobile home, house trailer, motor home, travel trailer, truck camper, or camping trailer, for purposes of a dwelling, either temporarily or permanently, outside of parks and facilities licensed and lawfully operating for such purpose.

- A. Any one of the aforesaid vehicles or any combination of them may be occupied without a permit on the premises of an occupied dwelling for a total period not to exceed ten days in any twelve-month period.
- B. Any one of the aforesaid vehicles or any combination of them may be occupied on the premises of a dwelling unit of the applicant for a period in excess of ten days in any twelve month period, but not longer than four months in said period, if a permit from the Building Inspector is first obtained, provided that such applicant can demonstrate to the Building Inspector that damage to a principal dwelling has resulted from fire, wind, direct impact or an act of God which would result in an extreme hardship to the applicant were such permit to be denied. Proof also shall be submitted showing that proper and adequate water and sanitary facilities are available for use, that no fire hazard will be created, and that no overcrowding therein will result from such use for residence purpose at the location desired. Said permit shall be valid only for the location designated thereon and for only the 12 month period when issued. The permit may be revoked by the Building Inspector if the above requirements are not maintained.
- C. Single family mobile home dwellings that comply with the requirements of Section 3.11.
- D. Any of the units described above which are twenty feet or more in length and used for dwelling purposes under the preceding conditions, shall be provided with two exits sufficiently spaced to insure a means of exit in the event of fire.

**SECTION 3.19 OUTDOOR STORAGE IN RESIDENTIAL DISTRICTS** The outdoor storage of any trailer or equipment used for residential or recreational purposes such as: airplane, boat, float, camping or travel trailer, pickup campers, snowmobiles, motor homes, motorcycles and other equipment or vehicles of a similar nature shall be prohibited for a period greater than 72 hours within any 30 day period in the RP, RE, R-1, R-1A, R-2, R-3, and R-4 zone districts except where otherwise permitted by this ordinance, unless the following minimum requirements are met:

- A. All such vehicles and equipment shall be stored within a completely enclosed building or located behind the front face of the main building, but no closer than five feet to any side or rear lot line. No storage of such vehicle shall be permitted on a corner lot in the required yards adjacent to the streets.
- B. All storage or parking shall be limited to a lot upon which is located an inhabited dwelling unit and the vehicle or equipment so stored or parked is owned by an occupant of the dwelling unit.

SECTION 3.20 PARKING OF TRUCKS Parking or storage of commercial vehicles exceeding a rated capacity greater than one ton, truck-tractors and construction or excavating equipment of any kind is prohibited within the RP, RE, R-1, R-1A, R-2, R-3 and R-4 zone districts except as may otherwise be permitted as part of a permitted use or approved special use. This shall not be deemed to prevent the temporary location of any such vehicle in said districts where engaged in a delivery, pick up, or service call to the premises where located.

SECTION 3.21 PRINCIPAL USE No lot shall be devoted to more than one principal use and no more than one principal building shall be erected on any individual lot except as herein permitted.

SECTION 3.22 PUBLIC SERVICES - ESSENTIAL Essential public services shall be permitted in all districts, provided that in R-1, R-1A, R-2, R-3 and R-4 districts all above-grade erection and construction consisting of required buildings shall be subject to approval by the Community Development Department. However, the Community Development Department may also require approval by the Planning Commission. In either case, the Community Development Department or Planning Commission may prescribe conditions as to architecture, landscaping, setback, and such other conditions as may be appropriate to insure conformity with the character of the vicinity in which the facilities are to be located.

SECTION 3.23 REAR BUILDINGS PROHIBITED AS DWELLINGS No building in the rear of a principal building on the same premises shall be used for residential purposes.

SECTION 3.24 REGISTRATION OF PROPERTY The legal description and deed for every lot shall be required to be on record with the Kent County Register of Deeds, prior to the authorization of any use of the lot by the Township.

SECTION 3.25 USE – UNLAWFUL USE NOT AUTHORIZED Nothing in the Ordinance or any amendment shall be interpreted as authorization for or approval of the continuance of the unlawful use of a structure, land or premises on the effective date of this Ordinance or any amendment.

SECTION 3.26 USE – CONTINUATION OF EXISTING LAWFUL USES Any building, structure or use, lawfully in existence at the time of the effective date of this Ordinance may be continued except as provided in “Chapter 4 NONCONFORMING USES & STRUCTURES”.

SECTION 3.27 WALLS AND FENCES This Section shall apply to all boundary fences, walls, hedges, gatehouses and entrance gates which are not specifically exempted herein. This Section shall not apply to seawalls as regulated by the Michigan Department of Natural Resources.

- A. Construction
  - 1. All fences and walls shall be of sound construction.
  - 2. No barbed wire, spire tips, sharp objects, or electrically charged fences shall be erected in or abutting any R-1, R-1A, R-2, R-3 or R-4 zoned district.



3. Bona fide agricultural uses may use barbed wire or charged fences to control livestock when located in the RP Rural Preservation or RE Rural Estate zoning district.
  4. Fence posts and vertical supports must be inside of the fence and facing inside of the property on which the fence is located.
- B. Location and Height
1. Within the RP, RE, R-1, R-1A, R-2, R-3 or R-4 districts, all walls or fences in the front yard shall be limited to a maximum height of four feet at final grade. The maximum fence or wall height in the side yard or rear yard shall be limited to six feet in height, with the exception for lots with a side yard or rear yard that abuts a road with four or more lanes, the maximum fence or wall height shall be limited to eight feet.
  2. All Other Zoning Districts – All walls or fences in these zoning districts shall be limited to a maximum height of eight feet. The use of barbed wire strands is permitted provided the strands be restricted to the uppermost portion of the fence and shall not extend lower than a height of six feet from the average grade.
  3. Architectural Features – Fences, walls and hedges for residential, office or commercial use may include architectural features such as columns, cupolas, fountains, parapets, etc. at a height not exceeding 1.5 times the permitted wall or fence height. Such features must be compatible with the project and abutting properties.
- C. Location Requirements – Except as specified below, fences, walls and hedges may be erected, placed and maintained along any property line provided:
1. It shall be unlawful to construct any wall or fence in any public right-of-way, within the right-of-way easement for private roads or access easements.
  2. No wall, fence, structure or planting over 30 inches in height shall be erected or planted on a corner lot within a 20 foot radius of the corner property lines so as to interfere with traffic visibility across the corner.
- D. Additional Requirements For All Zoning Districts – An entrance gate or gatehouse not approved as part of a Planned Unit Development (PUD) may be permitted by right for security purposes to any development provided the gate or gatehouse is:
1. Not located within a public street right-of-way.
  2. Located a minimum of 100 feet back from any public right-of-way or easement.
  3. Designed in such a manner that a minimum of three vehicles can pull safely off the public street while waiting to enter.
  4. Access for emergency vehicles shall be provided. Should an emergency necessitate the breaking of an entrance gate, the costs of repairing the

gate and the emergency vehicle (if applicable) shall be the responsibility of the owner and/or operator of the gates.

**SECTION 3.28 YARD SALES** Yard or garage sales, including auctions, are permitted on the same premises not more than two times in any calendar year in RP, RE, R-1, R-1A, R-2, R-3 or R-4 districts. Any sign used to advertise such sales shall be removed immediately upon the conclusion of the sale. No such sale shall last longer than three days.

**SECTION 3.29 WIRELESS COMMUNICATION FACILITIES.** It is the general purpose and intent of the Township to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. It also is the purpose of this section is to establish general guidelines for the siting of wireless communication support structures and antennas which authorizes their use in a manner that will retain the integrity of neighborhoods and the aesthetic quality of the overall community.

More specifically, it is the further purpose and intent of this section to: generally locate wireless communication support structures in non-residential areas; minimize the number of wireless communication support structures throughout the Township; facilitate adequate and efficient provision of sites for needed facilities; promote the public health, safety and welfare; minimize the adverse impact of technological obsolescence of wireless communications facilities; encourage the joint use of existing and new wireless communication support structure sites; enable wireless communication support structure and antenna users to provide facilities and services to the Township quickly, efficiently and effectively; and ensure that facilities are situated in appropriate locations with respect to other land uses, structures and buildings.

**A. PERMITTED WIRELESS COMMUNICATION FACILITIES**

There are three methods by which Wireless Communication Facilities are permitted within the Township, as follows:

1. The following types of Attached Wireless Communication Facilities are permitted within any zone district subject to the Community Development Department granting Site Plan Review approval in accordance with the provisions of Chapter 32:
  - a. Wireless Communication Facilities, which are to be located on an existing wireless communication support structure which was designed for collocation and was previously approved by the Planning Commission.
  - b. Wireless Communication Facilities which are to be located on a lawfully existing building or structure and which will not extend above the highest point of the building or structure more than 30 feet or 50 percent of the height of the existing building or structure, whichever is less.

All applications shall include a Site Plan and shall be reviewed in accordance with the following standards and conditions, and, if approved, shall be constructed and maintained in accordance with such standards and conditions:

- a. The applicant shall submit a grid map illustrating existing and proposed service areas and demonstrating why the proposed facility is required at the specific proposed location.
- b. Facilities shall not be injurious to neighborhoods or otherwise detrimental to the public health, safety and welfare.

- c. The maximum height of the new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for communication by the applicant. Any building necessary to enclose switching or other related equipment shall be limited to the maximum height permitted for other buildings within the zone district in which the facility is being proposed.
- d. There shall be unobstructed access to the support structure, for operation, maintenance, repair, and inspection purposes, which may be provided by an easement. All access drives shall have a minimum:
  - (1). Surface Width of 14 feet.
  - (2). 12 inch sand sub-base with a sub-base drainage system.
  - (3). Six inch gravel base with a minimum crown of two-tenths (0.2) of one foot from the centerline of the access drive to the outside edge.
  - (4). 30 foot by 40 foot turn-around not including the width of the drive.

The location of the drive shall be determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the wireless communication support structure and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and the type of equipment which will need to access the site.

- e. The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning and land division requirements and conditions are met.
- f. If an attached wireless communication facility is proposed on the roof of a building and the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be proposed as a separate building. If proposed as a separate building, it shall conform to all district yard setback requirements for principal buildings.
- g. The Planning Commission or Community Development Department shall, with respect to the support structure and all accessory buildings, review and approve the application so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly manner.
- h. No signs or advertising of any kind shall be allowed on any wireless communication support structure or antenna except as may be required by a governmental agency with the authority to require a sign.
- i. A maintenance plan and any applicable maintenance agreement shall be submitted as part of the required Site Plan for the proposed facility to be approved by the Planning Commission. At a minimum, it shall include provisions for maintaining the wireless communication facility, all of the premises, the access drive and all landscaping. The plan shall be sufficient to ensure the safety of the facility, to keep the access drive accessible by

emergency vehicles at all times and to keep the facilities and landscaping from becoming a blight on the neighborhood.

j. The Planning Commission may require a performance bond, irrevocable bank letter of credit, cash deposit or other surety to guarantee the removal of the facility in the event its removal is required in accordance with Section 3.29 C.

2. Wireless Communication Facilities are permitted as a principal or accessory use within any Rural Preservation, Rural Estate or Industrial zone district, subject to the issuance of a Special Use Permit by the Planning Commission in accordance with the procedures contained in Chapter 27, and the Site Design Standards contained in Section 27.05 EE.

3. Wireless Communication Facilities are permitted as a principal or accessory use within any zone district except Rural Preservation, Rural Estate or Industrial, subject to the issuance of a Special Use Permit by the Planning Commission in accordance with the procedures contained in Chapter 27 and the Site Design Standards contained in Section 27.05 FF.

**B. FACTORS TO BE CONSIDERED IN GRANTING SPECIAL USE PERMITS UNDER SECTION 3.29A.2. AND SECTION 3.29A.3.**

In addition to any standards for consideration of special use permit applications pursuant to Chapter 27 of the Zoning Ordinance, the Planning Commission shall consider the following factors in determining whether to issue a special use permit, although the Planning Commission may waive or reduce the burden on the applicant of one or more of these criteria if the Planning Commission concludes that the goals of this ordinance are better served thereby:

1. Height of the proposed wireless communication support structure;
2. Proximity of the wireless communication support structure to residential structures and residential district boundaries;
3. Nature of uses on adjacent and nearby properties;
4. Surrounding topography;
5. Surrounding tree coverage and foliage;
6. Design of the wireless communication support structure, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
7. Proposed ingress and egress; and
8. Availability of suitable existing wireless communication support structures. No new wireless communication support structure shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing wireless communication support structure can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing wireless communication support structures. Evidence submitted to demonstrate that no existing wireless communication support structure can accommodate the applicant's proposed antenna may consist of any of the following:

No existing wireless communication support structures are located within the geographic area, which meet applicant's engineering requirements.

Existing wireless communication support structures are not of sufficient height to meet applicant's engineering requirements.

Existing wireless communication support structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing wireless communication support structure, or the antenna on the existing wireless communication support structure would cause interference with the applicant's proposed antenna.

The fees, costs, or contractual provisions required by the owner in order to share an existing wireless communication support structure or to adapt an existing wireless communication support structure for sharing are unreasonable.

The applicant demonstrates that there are other limiting factors that render existing wireless communication support structures unsuitable.

C. REMOVAL OF ABANDONED OR UNUSED WIRELESS COMMUNICATIONS FACILITIES.

1. A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility from the site by users and owners upon the occurrence of one or more of the following events:
  - a. When the facility has not been used for six months or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.
  - b. Upon a determination by the Building Inspector, any wireless communication support structure that is in use or out of use for any period of time, but due to obsolescence, damage or lack of maintenance may pose a threat to public safety.
  - c. Failure to maintain the facilities in accordance with the requirements of this and any other applicable ordinances.
2. The situations, in which removal of a facility is required, as set forth in Section 3.29C.1. above, may be applied and limited to portions of a facility.
3. Upon the occurrence of one or more of the events requiring removal, specified in Section 3.29C.1. above, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with the complete removal and restoration of the premises to an acceptable condition as reasonably determined by the Township Building Inspector.
4. If the required removal of a facility or a portion thereof has not been lawfully completed within 60 days of the applicable deadline, and after at least 30 days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge

to be drawn or collected and/or enforced from or under the security posted at the time application was made for establishing the facility.

### SECTION 3.30 GRADING AND ADEQUATE LOT DRAINAGE

- A. No No lot shall be filled or graded so as to discharge surface water runoff onto abutting lots in such a manner as to cause flooding, ponding or surface accumulation of such runoff thereon.
- B. Where a lot is to be filled or graded for the development or expansion of a single family dwelling, two-family dwelling or similar use in a residentially zoned district on a lot that is not part of an overall development with an approved drainage plan, the Community Development Department may require a written or engineered drainage plan drawn to a readable scale that provides for positive site drainage and prevents soil erosion.
  - 1. The plan shall provide for appropriate and reasonable steps to prevent erosion, which may include the construction of silt traps, the mulching and temporary or permanent planting of all areas exposed by grading, the construction of diversions, channel linings, grade stabilization structures, and bank protection structures, and shall limit, insofar as is practical, the area of land exposed to erosion resulting from grading at any one time and the length of time that any area is exposed, and shall, upon completion of operations, leave the area in a condition where further erosion will not take place.
  - 2. When requiring a plan the Community Development Department shall consider the existing soil conditions, time of year, steep slopes, and similar physical or environmental conditions.
  - 3. Required drainage improvements shall be constructed prior to the issuance of an occupancy permit.
  - 4. Where necessary, the Community Development Department may require the applicant to provide financial security in one or a combination of the following arrangements:
    - i. Performance bond. A performance or surety bond issued by an acceptable bonding company authorized to do business in the State of Michigan.
    - ii. Escrow fund. A cash deposit or by certified check.
    - iii. Irrevocable letter of credit. An irrevocable letter of credit issued by a bank authorized to do business in the State of Michigan.

SECTION 3.31 AMATEUR RADIO STATIONS In order to reasonably accommodate licensed amateur radio operators as required by Federal Code of Regulations, 47 CFR Part 97, as amended, and Order and Opinion (PRB-1) of the Federal Communication Commission of September, 1985, a licensed amateur radio operator may locate a tower not to exceed 70 feet in height in any district, provided the following requirements are met:

- A. The tower and any antennas located thereon shall not have any lights of any kind on it and shall not be illuminated either directly or indirectly by any artificial means.
- B. The color of the tower and any antennas located thereon must all be the same and such that it blends into the sky, to the extent allowed under requirements set forth by either the Federal Aviation Administration or the Michigan Department of Transportation, Bureau of Aeronautics.
- C. No advertising logo, trademark, figurines or other similar marking or lettering shall be placed on the tower or any attachments thereto or any building used in conjunction therewith.

- D. The tower shall be located a distance equal to or greater than its height from any existing residential structure located on adjacent parcels of property including any attached accessory structures.
- E. Towers must be at least three quarters ( $\frac{3}{4}$ ) of its height from any property line on the parcel of property on which it is located, unless a licensed engineer certifies that the tower will not collapse or that it is designed in such a way that in the event of collapse, it falls within itself, and in that event, it must be located at least on-third ( $\frac{1}{3}$ ) of its height from any property line.
- F. No signs shall be used in conjunction with the tower, except for one (1) sign not larger than 8 ½" high and 11" wide and as required by Federal regulations.
- G. Towers may be located upon a site where there is another principal use and shall not constitute a second principal use.
- H. Structures built and operated under this provision shall not be leased or rented to commercial users and shall not otherwise be used for commercial purposes.
- I. All towers must meet all applicable state and federal statutes, rules and regulations.
- J. Preexisting towers and preexisting antennas shall not be required to meet the requirements of this Article, other than the following:
  - 1. Antenna Color: An antenna and its supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
  - 2. Lighting: Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design options shall be presented to the Planning Commission and must cause the least disturbance to the surrounding views. The lighting options may directly impact Tower Finish requirements.

**SECTION 3.32 RESIDENTIAL RECEIVING SYSTEMS:** This Ordinance shall not govern any tower, or the installation of any antenna, (i) that is under seventy (70) feet in height and (ii) is operated for the sole use of residential, consumer based services, including AM/FM/TV/Satellite audio and video entertainment and Broadband Internet. Tower and antennas under this Paragraph must be setback 100% of its height from adjacent residential dwellings and their attached accessory structures. Dish antennas 24" in diameter or less and typical TV antennas less than 10 feet in height, may be mounted directly to the dwelling without regard to setback.

**SECTION 3.33 MINIMUM FLOOR AREA REQUIREMENTS:** The following minimum floor area requirements apply to each single family residence hereafter erected:

**MINIMUM FLOOR AREA REQUIREMENTS**

	WITH A FULL BASEMENT	WITHOUT A FULL BASEMENT
TYPE OF RESIDENCE	(sq. ft.)	(sq. ft.)
1 story	960	1,040
1 ½ story (expansion attic)	880	960
1 ½ story (2 <sup>nd</sup> floor)	240	240
2 story 1 <sup>st</sup> floor	720	780
2 story 2 <sup>nd</sup> floor	720	720

Minimum floor area requirements for tri-levels shall be computed using the total square footage of the (2) uppermost levels. Minimum floor area requirements for bi-levels shall be computed using the total square footage of that floor at or above the approximate grade of the address street. The total square footage so computed for a tri-level or bi-level shall equal at least the minimum square footage requirement for one-floor residence in the same district.

The minimum width of any single family dwelling shall be 22 feet for at least 67 percent of its length, measured between the exterior walls having the greatest length.

SECTION 3.34 MARIJUANA DISPENSARIES It is unlawful to establish or operate a medical marijuana dispensary, as defined in Section 2.86A in this Ordinance.



