

Article 21 SUPPLEMENTAL PROVISIONS

Section 21.1 Purpose

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

Section 21.2 Conditional Approvals

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

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

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

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

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

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

Section 21.3 Moving Buildings

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

Section 21.4 Essential Services

Essential services as defined in this Ordinance shall be permitted as authorized and regulated by law and other ordinances of the Township, it being the intention hereof to exempt such essential services from the application of this Ordinance. This exception shall not apply to administrative buildings, communication towers, public utility storage yards, substations and similar above-ground structures and uses associated with such essential services.

Section 21.5 One Dwelling Unit / Principal Use per Lot

A. Dwellings: No more than one (1) single family dwelling unit shall be established on a lot except as otherwise authorized by this Ordinance, such as in the case where Table 4-2 of Article 4 authorizes two-family or multiple family dwellings, or where a temporary dwelling may be authorized (Section 21.7, Temporary Dwellings).

B. Principal Uses: No more than one (1) principal use shall be established on a lot except as may be authorized in a Commercial or Industrial District and according to an approved site plan pursuant to Article 15.

Section 21.6 Single Family Dwelling Standards

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

1. The dwelling shall have a minimum floor area of 720 square feet, provided that a two-story dwelling shall have a minimum of 720 square feet of floor area on the first floor and a minimum of 400 square feet of floor area on the second floor.
2. **With the exception of mobile homes**, the dwelling shall have a minimum width across its front, side and rear elevation of twenty (20) feet.
3. The dwelling and all modifications thereto shall comply in all respects with the Michigan Construction Code and applicable fire codes. Where a dwelling is required by law to comply with federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by such codes, then and in that event such federal or state standard or regulation shall apply.
4. The dwelling shall be firmly attached to a permanent foundation constructed on the site in accordance with the building code and shall have a wall of the same perimeter dimensions of the dwelling, except in the case of cantilever architecture, and constructed of such materials and type as required by the building code for such dwelling. In the case of a mobile home as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device, and shall be set on a concrete footing with a masonry wall extending from the perimeter wall of the dwelling to ground, or on a concrete footing with fireproof supports and shall have a continuous skirt extending from perimeter to ground, made of commercial quality or equivalent, and comply with the rules and regulations of the Michigan Mobile Home Commission, the Public Health Department, and HUD Regulations 24 CFR 3280, being the "Mobile Home Construction and Safety Standards". No dwelling shall have exposed wheels, towing mechanism, undercarriage, or chassis.
5. The dwelling shall have steps connected to exterior door areas, or to porches connected to exterior door areas, where the difference in elevation exceeds twelve (12) inches.
6. Any additions or modifications to a dwelling shall be constructed of similar or better quality workmanship as the original structure, including permanent attachment to the principal structure and foundation.
7. The dwelling shall contain storage area equal to 10% of the square footage of the dwelling or 100 square feet, whichever shall be less, and shall be located in a basement under the building, in an attic area, in closet areas, or in a separate structure constructed of similar or better quality workmanship as the principal dwelling.
8. The dwelling shall be connected to a public sewer and water supply or to such private facilities approved by the Clare County Health Department.

Section 21.7 Temporary Dwellings

A. Authorization/Application: Temporary dwellings are prohibited except as approved by the Zoning Administrator according to this Section. Application for and authorization of such a temporary dwelling shall require the submittal of a zoning permit application available from the Zoning Administrator including a plot plan prepared according to Section 3.4(B). A temporary dwelling may be authorized for the following purposes only:

1. Emergency Housing: To allow a recreational vehicle or mobile home to be placed on the lot while the permanent dwelling on the same lot is under repair for which a zoning permit and building permit has been issued, where such repair is due to destruction by fire, collapse, explosion, Acts of God, or acts of a public enemy, to the extent that it is no longer safe for human occupancy.
2. New Home Under Construction: To allow a recreational vehicle or mobile home to be placed on the lot while the permanent dwelling on the same lot is under construction and for which a zoning permit and building permit has been issued.
3. Care of an Elderly or Ailing Relative: To allow a mobile home to be placed on the lot to facilitate the care of a person related by blood, marriage, or adoption, to a resident of a lawful permanent dwelling on the same lot, and the Zoning Administrator finds sufficient documentation has been submitted by the applicant demonstrating the acute necessity for such care.

B. Standards

1. A temporary dwelling may be placed in any yard except where the dwelling is to be located in a platted or condominium subdivision, in which case the temporary dwelling shall be located in the rear yard only.
2. A temporary dwelling shall comply with the setback standards of the District for the permanent dwelling

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unless the Zoning Administrator determines that the location of the permanent dwelling, or other

features of the lot, prohibit compliance with such setbacks, in which case the Zoning Administrator may approve a reduction of up to fifty percent (50%) of the normally required setback.

3. A temporary dwelling shall comply with county health department rules and regulations for potable water and sewage disposal. The temporary dwelling shall be connected to a county-approved on-site septic system, or sewer system, where such temporary dwelling is to be occupied for more than sixty (60) days unless the Zoning Administrator determines that the permanent dwelling continues to provide necessary potable water and sewage disposal.

C. Permit Duration and Removal: No permit issued under this Section shall be issued for a duration exceeding one hundred eighty (180) days except that a permit shall be issued for a duration not exceeding one (1) year in the case of a temporary dwelling for the care of an elderly or ailing relative. A temporary dwelling shall be removed from the lot no later than the termination date of the permit or within thirty (30) days of the issuance of a certificate of occupancy for the permanent dwelling, whichever comes first. The Zoning Administrator may renew a temporary dwelling permit once and for a period not to exceed one hundred eighty (180) days upon the applicant adequately demonstrating that construction delays have been beyond the control of the applicant and that construction completion is continuing in an earnest manner, or in the case of a temporary dwelling for the care of an elderly or ailing relative, the Zoning Administrator finds the applicant has submitted sufficient evidence demonstrating the necessity for continued care.

Section 21.8 Accessory Uses, Buildings, and Structures

A. Scope:

1. Accessory buildings, structures and uses shall be subject to the regulations of this Section except where expressly regulated otherwise by this Ordinance.
2. No provisions of this Section shall be interpreted as authorizing accessory uses, buildings or structures that do not conform to the definitions of Article 22 pertaining to "accessory building or structure" and "accessory use."
3. For the purposes of this Section, a building shall be considered an accessory building where such building is not structurally attached to the principal building by either shared wall construction or by a fully and structurally enclosed corridor.
4. For the purposes of this Section, and in addition to (3) above, any roofed, walled or enclosed construction shall be construed to be an accessory building if the roofed, walled or enclosed area exceeds ten (10) square feet, irrespective of whether such construction requires a building permit under the State Construction Code.

B. Permit Required: No accessory building or structure, including fences, shall be erected prior to the issuance of a Zoning Permit for such structure or building, provided however that a permit is not required in the case of a building or structure that is no more than one-hundred (100) square feet in area and provided such building or structure complies with all requirements of this Ordinance including height and setback standards. Applications for accessory buildings and structures shall be administered and reviewed as part of the original or proposed revised plot plan (Section 3.4(B)) or site plan (Article 15).

C. Placement/Setbacks:

1. In a case of a platted or condominium subdivision, no accessory building or structure shall be located in a front yard except that, in the case of a lakefront lot, structures constructed and used solely for the purpose of storing or mooring vehicles intended for use upon the water which the front yard abuts may be located within the front yard and need not comply with the front yard setback requirement of the District.
2. An accessory building or structure shall comply with the setback standards for the principal building according to the District in which it is located.
3. An accessory building shall not be located within ten (10) feet of another building on the same lot.
4. An accessory building or structure shall not be located so as to interfere with the proper functioning of utilities including existing and proposed back-up septic drain fields.

D. Height

1. Accessory buildings and structures in Commercial and Industrial Districts may be constructed to equal the permitted maximum height of the principal structure on the lot, subject to site plan approval.
2. Accessory buildings and structures in Agricultural and Residential Districts shall not exceed one (1) story in height, and shall not exceed sixteen (16) feet in height in the R-1, R-2 and R-3 Districts and twenty-five (25) feet in all other districts. See definition of "building height" in Article 22.

E. Number, Area and Lot Coverage

1. No accessory building or structure shall be erected that results in noncompliance with the lot coverage standards of Table 4-4 of Article 4.
2. No more than twenty-five percent (25%) of any yard shall be occupied by accessory buildings and structures except during the period when a temporary dwelling is present according to Section 21.7.
3. in the case of a lot used for single-family or two-family purposes, and irrespective of size or floor area, no more than two accessory buildings or other roofed structures shall be erected on a lot except that one additional such building or roofed structure may be erected for each whole ten (10) acres comprising the lot.
 - a. Gazebos and other roofed structures designed for outdoor seating or gathering, including play structures for children, shall not be included in the calculation of the number of such permitted buildings or roofed structures provided each roofed area does not exceed seventy (70) square feet in area and the total cumulative roofed area of all such buildings and structures does not exceed one hundred forty (140) square feet.

F. Habitation of Accessory Buildings or Structures: No accessory building or structure shall be used or occupied as a dwelling except as may be authorized pursuant to Section 21.7, Temporary Dwellings.

G. Prior to a Principal Structure: Accessory buildings and structures shall not be erected on a lot prior to the establishment of a principal structure except as may be authorized pursuant to Section 21.7, Temporary Dwellings, **subject to the use by owner and approval by the Zoning Administrator.**

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

- a. An accessory building or structure shall include a minimum twenty-four (24) inch deep footing at all corners unless the Building Code establishes more stringent footing or foundation requirements.
- b. An accessory building or structure shall incorporate exterior materials commonly employed by the construction industry and which shall withstand local wind and other weather conditions, and which shall not be subject to rust, rot, or other degradation. In no case shall the exterior of an accessory building consist of cloth or other similar fabric, exposed wood, exposed plywood, exposed particle board, or wood scraps. No exterior surfaces shall be comprised of insulation or other materials not designed for and commonly considered as an exterior surface by the construction industry.
- c. All accessory buildings and structures shall be of the same or better construction workmanship as the principal building on the premises.

Section 21.9 Home Occupations

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

1. **Home Occupation:** An occupation or profession conducted on the same lot as a dwelling, accessory to and incidental to the principal residential use of the premises, and complies with the standards of this Section.
 - a. **Class 1 Home Occupation:** A home occupation that is conducted entirely within a dwelling, including an attached garage, and complies with the provisions of this Section.
 - b. **Class 2 Home Occupation:** A home occupation that is conducted wholly or in part outdoors or in an accessory building and complies with the provisions of this Section. Examples of a Class 2 home occupation may include, but are not limited to, the use of a building accessory to a residence as an office of a contractor, as a storage facility for construction vehicles used in association with such business, or used to provide educational services such as crafts and music.

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

1. **Class 1 Home Occupation:** A Class 1 Home Occupation is permitted as an accessory use to the principal residential use of a lot upon the issuance of a zoning permit, and shall comply with the standards of subsection (C) below.
2. **Class 2 Home Occupation:** A Class 2 Home Occupation is classified as a special land use and permitted in the A-1 and RR Districts only, and shall be subject to the provisions of Article 16 and the standards of subsection (C) below. A permit issued for such home occupation shall clearly delineate any conditions upon which such approval is granted. In addition to the information required by Article 16, an application for a Class 2 home occupation shall also include a detailed description of the character of the home occupation such as service or product offered; the number of full-time and part-time employees of the business and the frequency at which such employees will be present at the site; the type and frequency of vehicular traffic to be generated by the home occupation; the location of all parking, delivery and

storage areas; and proposed landscaping/screening in association with any outdoor area, including parking and storage areas, to minimize negative impacts on nearby properties.

C. Standards: Class 1 and 2 home occupations shall comply with the following standards:

1. The occupation shall be clearly secondary and incidental to the use of the dwelling as a place of residence, and shall not result in a change to the essential residential character of the premises including both the dwelling and yard areas. The dwelling shall have no exterior evidence of the home occupation except for a sign as permitted by Article 10.
2. The occupation shall not produce any noise, odors, vibration, fumes or smoke detectable to normal sensory perception beyond the lot lines. No equipment or process shall be used which creates electrical interference in any radio, television, or communication receivers off the premises, or cause fluctuations in line voltage off the premises.
3. A resident of the dwelling on the lot shall be actively and personally engaged in and be responsible for all home occupation operations.
4. The home occupation shall not involve the use or storage of explosive, flammable, or otherwise hazardous materials and waste not otherwise of a customary household nature, except as may be authorized in the case of a Class 2 home occupation. Refuse generated by the occupation shall be safely and properly disposed of.
5. A Class 1 home occupation shall not occupy an area greater than thirty percent (30%) of the gross floor area of the dwelling including the basement. A Class 2 home occupation shall not occupy an area of an accessory building greater than the gross first floor area of the dwelling.
6. In the case of a Class 1 home occupation, no more than one (1) employee shall be present on the premises during the ordinary course of business, excluding employees residing in the dwelling. In the case of a Class 2 home occupation, no more than two (2) employees shall be present on the premises during the ordinary course of business excluding employees residing in the dwelling. This provision shall not prohibit the arrival of up to two (2) additional employees to the premises for the purpose of receiving daily instructions for work to be performed elsewhere, and there is compliance with subsection (7) below.
7. All traffic to and from the home occupation shall not result in more than ten (10) pedestrian or vehicular arrivals during the daily course of business, including those by customers, salesmen, delivery persons, or other business visitors.
8. No portion of a Class 1 home occupation shall be located outdoors including the storage of equipment and materials. No portion of a Class 2 home occupation shall be located outdoors except as may be expressly authorized as part of an approved site plan, where the site plan approving body determines adequate screening measures are to be in place to minimize its visual and audial impacts on nearby roads and lots.

Section 21.10 Prohibited Vehicles

Under no conditions shall a tow-truck, semi-tractor or trailer, sand and gravel hauling truck, bulldozer, and grader, or any other vehicle exceeding twenty-five (25) feet in length, fifteen (15) feet in height, or a gross vehicle weight rating of 10,000 pounds, but excluding recreational vehicles, be maintained or stored, temporarily or permanently, in a Residential District unless upon a lot currently under construction and such construction requires the use of such vehicles, or such vehicles are otherwise part of an approved home occupation. This subsection (1) shall not prohibit the parking or storing of agricultural vehicles and machinery on a lot devoted to agriculture for which the vehicles and/or machinery is used, nor shall this provision prohibit the storing of buses for school or church use on lots or parcels upon which the school or church is located. Nothing in this Section shall be construed to prohibit the temporary parking of Clare County Road Commission vehicles as part of typical maintenance and construction activities.

Section 21.11 Residential Outdoor Living Areas (Patios, Decks, Porches, Etc.)

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

B. Standards: Outdoor living areas shall comply with the setback requirements of the District in which the dwelling is located except that an outdoor living area may be set back a minimum distance of three (3) feet from a side or rear lot line when there is compliance with all of the following conditions:

1. The outdoor living area is unroofed and unenclosed.
2. The outdoor living area includes no wall or other similar vertical feature designed to or to have the effect

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of screening views to or from such outdoor living area.

3. The outdoor living area has a walking surface no greater than eighteen (18) inches above the ground elevation of the portions of the side and rear lot line most proximate to the outdoor living area.
4. No fixed feature of an outdoor living area, including railings, shall exceed thirty-six inches (36") in height above the surface of such outdoor living area.
5. Any footings to support the outdoor living area shall be fully below the ground surface or otherwise not visible from adjacent lots.

Section 21.12 Shoreline Stabilization

A. Definition: For the purpose of this Section 21.12, "shoreline" shall be defined as the strip of land between the ordinary high water mark of any river or stream, or pond or lake in excess of twenty (20) acres in surface area, and ten (10) feet inland from such ordinary high water mark.

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

1. The applicant has submitted satisfactory evidence demonstrating the need for such shoreline alteration to stabilize erosion.
2. The applicant has submitted satisfactory evidence demonstrating that all permits and approvals have been obtained from the MDNRE and all other pertinent bodies.
3. The stabilization is to be constructed of loose rock rip rap (6" average, 10" maximum diameter size) and geo-textile cloth or similar material may be used to stabilize the underlying surface. Coir fabric rolls may be used, along with native vegetation in conjunction with rock rip rap. Concrete, mortar, vinyl, wood or metal of any kind are prohibited. Except where the MDNRE requires or recommends otherwise, the slope of the rock shall approximate the same incline as the pre-existing shoreline.
4. A zoning permit may be issued by the Zoning Administrator for alterations that are not in compliance with the standards of subsection (B)(3) upon finding:
 - a. The property use is a publicly owned entity such as a marina, park, dam or bridge.
 - b. The site plan approving body finds that the application of such standards to the proposed use is not practical and there exists satisfactory alternative measures to effectively ensure stabilization.
 - c. The Michigan Department of Environmental Quality recommends and approves the installation of the proposed alternative shoreline protection.

Section 21.13 Keeping of Animals as Accessory Residential Use

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

1. "Vicious animal" shall be defined as any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals.
2. "Household pets" shall be defined to include dogs, cats, fish, birds, hamsters and other types of animals commonly maintained in a residence.
3. "Large livestock" shall be defined as horses, ponies, cattle, and other livestock that can be reasonably expected to grow to a weight greater than (300) pounds upon reaching maturity.
4. "Medium livestock" shall be defined as sheep, goats, ostrich, swine, and other livestock that can be reasonably expected to grow to a weight of between forty (40) and three hundred (300) pounds upon reaching maturity.
5. "Small livestock" shall be defined as rabbits, chickens, fowl, mink, sable, fox, and other livestock that can be reasonably expected to grow to a weight of less than forty (40) pounds upon reaching maturity.

B. Keeping of Vicious Animals: No vicious animal shall be kept permanently or temporarily in any District.

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

D. Keeping of Livestock: The keeping of livestock as an accessory use to the principal residential use of a lot shall be permitted in the A-1, RR and R-1 Districts provided such keeping of livestock is in compliance with the regulations of this Section. This subsection (D) shall apply only to the keeping of livestock as accessory to the principal residential use of a lot, including private stables, and shall not apply to a farm.

1. Small Livestock: The keeping of small livestock shall occur only on parcels of one (1) acre or greater, but in no case shall such livestock be kept within a platted subdivision or site condominium.
2. Medium Livestock:
 - a. The keeping of medium livestock shall occur only on parcels of two (2) acres or greater but in no

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case shall such livestock be kept within a platted subdivision or site condominium.

- b. At no time shall the density of such livestock exceed one (1) animal per one-half acre comprising the parcel.

3. Large Livestock:

- a. The keeping of large livestock shall occur only on parcels of five (5) acres or greater but in no case shall such livestock be kept within a platted subdivision or site condominium.
- b. At no time shall the density of such livestock exceed one (1) animal for the first five (5) acres and one (1) animal per each additional acre comprising the parcel.

4. Regulations Applicable to All Livestock:

- a. Livestock shall be managed by the occupants of the premises, and shall be maintained in a healthy condition.
- b. Any building or structure housing livestock shall be set back no less than fifty (50) feet from a lot line.
- c. Newly born horses, cows, donkeys, mules and other animals that exceed forty pounds (40 lbs.) in weight at birth may be maintained on said parcel for up to six (6) months irrespective of whether such maintenance would increase the permitted number of animals beyond the animal density limitations of this Section. Newly born animals that do not exceed forty pounds (40 lbs.) in weight at birth may be maintained on said parcel for no more than sixty (60) days if such maintenance would increase the permitted number of animals beyond the animal density limitations of this Section.
- d. All livestock shall be completely enclosed by a fence of adequate height, design and construction to contain the animals.
- e. The retention or storage of animal waste shall be managed so as not to create a nuisance due to odors or by other means, and in no case shall the storage of animal waste occur within one hundred fifty (150) feet of a lot line.
- f. No living quarters shall be located in any stable.
- g. The facility shall be constructed and maintained so that dust and drainage from a stable or other animal containment area shall not create a nuisance or hazard to adjoining property or uses.

Section 21.14 Roadside Stands

Roadside stands shall comply with the most current Generally Accepted Agricultural Management Practices as published by the Michigan Agriculture Commission.

Section 21.15 Fences and Walls

A. Residential: Fences and walls in association with single family and two-family dwellings shall comply with the following standards:

1. No fence or wall exceeding six feet (6') in height shall be erected in a side or rear yard.
2. No fence or wall exceeding three feet (3') in height shall be erected in a front yard of a lot in a platted subdivisions or site condominium.
3. A fence or wall exceeding three feet (3') in height, but no greater than six feet (6') in height, may be erected in a front yard of a lot outside of a platted subdivision or site condominium provided such fence meets the following standards:
 - a. The fence is set back from all road right-of-way lines a minimum distance equal to one-half the distance from the dwelling to such line but no greater than one-hundred (100) feet and no less than fifty (50) feet., and such fence does not extend across the width of the lot by more than fifty percent (50%) of the lot width dimension.
 - b. Such fence may extend across the width of the lot by more than fifty percent (50%) of the lot width dimension provided it is set back from all road right-of-way lines a minimum distance of one-hundred fifty (150) feet.
4. In addition to the limitations of subsection (2) and (3) above, no portion of a fence or wall in the front yard of a waterfront lot in a Residential District, the front yard being the yard adjacent to the water, shall extend into the front yard a distance greater than twenty (20) feet unless the height of the portion of the fence that exceeds this twenty (20) foot limitation shall not exceed three (3) feet and shall not be within twenty (20) feet of the ordinary high water mark.
 - a. Subsection (4) above shall not prohibit the erection of a fence or wall on a waterfront lot of up to six (6) feet in height, along any lot line that also serves as a public road right-of-way line, where such road right-of-way terminates at the water's edge. Such a fence shall not extend closer than twenty (20) feet to the ordinary high water mark.
5. In the case where a proposed fence or wall is within forty (40) feet of a dwelling on an abutting lot, the finished side of the fence or wall shall face the abutting lot.
6. Fences and walls with barbs, spikes, nails, or other sharp or electrified devices shall be prohibited.

7. Fences and walls shall not be subject to setback requirements.

8. No fence or wall shall be erected along or near a road in such a manner as to obstruct safe, free and clear vision of oncoming traffic or vehicles attempting to access such road or negotiate movement through an intersection.
9. Fences and walls shall be constructed of materials designed and intended for such purposes. In no case shall a fence or wall be constructed of tires, vehicle parts, rotting lumber, pallets, glare-producing materials, trash or any materials capable of providing habitat for pests or vermin.
10. All fencing and walls shall be maintained in good exterior and structural condition.

B. Commercial, Industrial, Public, Institutional and Other Uses: The location, height and character of all fences and walls proposed as part of the commercial, industrial, public and/or institutional use of a lot, or any other use of a lot requiring site plan approval pursuant to Article 15, shall be reviewed according to the site plan review provisions of Article 15.

Section 21.16 Outdoor Residential Swimming Pools

A. Permit/Application: No outdoor swimming pool on a residentially-used lot shall be erected prior to the issuance of a zoning permit from the Zoning Administrator, and the necessary building permits from the Building Inspector. Application for a zoning permit shall be made to the Zoning Administrator on a form for such purpose, and shall be accompanied by a plot plan (Section 4.4(B)) that identifies the location of the pool, pool decks, adjacent buildings, fencing, and gates.

B. Standards

1. No pool or pool fencing shall be located in a front yard.
2. Pools shall comply with the minimum side and rear yard setbacks for the dwelling, as measured from the interior wall surface. Pool deck areas shall comply with Section 21.11.
3. No pool shall be located under electrical wires and similar utility devices.
4. All swimming pools shall be designed, constructed and maintained in compliance with all building codes and the rules and regulations of county and state health departments, including fencing and other safety measures.
5. No swimming pool shall be occupied prior to receiving approval from the Building Inspector.

Section 21.17 Outdoor Display, Sales and Storage

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

B. Commercial Display and Sales: Outdoor display or sales of materials and products in association with a commercial or industrial use is prohibited except where expressly authorized pursuant to an approved site plan. Such display or sales area shall not extend into a required setback for the principal building according to Table 4-4. The maximum permitted outdoor display or sales area shall be ten percent (10%) of the use's indoor retail sales floor area except that this limitation shall not apply to the display and sales of plant nursery stock, motor vehicles, items intended for tow, or other items customarily requiring outdoor display.

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

Section 21.18 Site Condominiums

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

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

C. Review and Approval Procedures:

1. Zoning Permit Required: No grading or any other form of construction shall be initiated for a site condominium prior to the approval of a final site plan and issuance of a zoning permit. The future erection of any dwelling or other structure or building in the site condominium, not expressly approved as part of the final site plan, shall require an additional zoning permit prior to erection.
2. Site Plan Approval Required: The issuance of a zoning permit shall require the submittal and approval of a preliminary and final site plan pursuant to Article 15, Site Plan Review, and master deed and bylaw documents.
 - a. In addition to the preliminary and final site plan information required by Article 15, the applicant shall also submit information constituting a condominium subdivision plan, including the size, location, area, width, and boundaries of each condominium unit; building locations; the nature, location, and approximate size of common elements; and other information required by Section 66 of Michigan Public Act 59 of 1978, as amended.
3. Master Deed/Bylaws Approval Required: The applicant shall include as part of the Zoning Permit application a copy of the proposed master deed and bylaws. These shall be reviewed for compliance with Township ordinances and to ensure that an assessment mechanism has been included to guarantee adequate funding for maintenance of all common elements. The common area funding responsibility of the association shall include any necessary drainage-ways and the cost to periodically clean out such drainage ways to keep them functioning as intended in the approved plans. The master deed shall clearly state the responsibility of the owner and co-owners and shall state that all amendments to the master deed must conform to Township, County, and state laws and regulations. The Master Deed shall also include any variances granted by Township, County, or State authorities and include a hold harmless clause from these variances. All provisions of the condominium subdivision plan that are approved by the Township Board shall be incorporated, as approved, in the master deed for the condominium subdivision.
4. Issuance of Zoning Permit: Upon approval of the final site plan, by-laws and master deed, the applicant shall furnish the Zoning Administrator a copy of the final bylaws and master deed, and a copy of the approved site plan. Upon the satisfactory submittal of these documents, the Zoning Administrator shall issue a zoning permit.
5. Changes: Any changes to an approved site condominium including changes in the by-laws, master deed, or site plan, including changes in lot line or road configuration and the addition or relocation of buildings, shall require approval by the Planning Commission prior to such change.

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

E. Utilities: The site condominium shall provide for dedication of easements to the appropriate public agencies for the purposes of construction, operation, maintenance, inspection, repair, alteration, replacement and/or removal of pipelines, conduits, mains and other installations of a similar character for the purpose of providing public utility services, including conveyance of sewage, potable water and storm water runoff across, through and under the property subject to said easement, and excavation and refilling of ditches and trenches necessary for the location of such installations.

F. Roads: All roads within a site condominium shall be designed and constructed in conformance with the standards of the Clare County Road Commission unless otherwise approved for private road construction pursuant to this Ordinance.

G. As-Built Plan and Occupancy: Submission of as-built plans of a condominium subdivision is required. The Township Board may allow occupancy of the project before all required improvements are installed provided that a financial performance guarantee is posted pursuant to Section 3.6.

H. Monuments: All condominium units that are building sites shall be marked with monuments as if such units were lots within a platted subdivision, and such monuments shall comply with the requirements of the P.A. 591 of 1996, the Land Division Act, as amended.

Section 21.19 Outdoor Furnaces

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

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

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

1. **Construction:** An outdoor furnace shall comply with all building codes of the Township and all other regulations and requirements of county, state and federal agencies. An outdoor furnace shall meet the manufacture’s specification for erection and operation and shall exceed such specifications where local codes, state or federal regulations require so
2. **Lot Area, Yards and Setbacks:** An outdoor furnace shall be located on a lot of no less than one (1) acre in area and shall not be located in a front yard. No outdoor furnace shall be located within fifty feet (50’) of a lot line.
3. **Chimney Height:** The furnace shall have a chimney that meets manufacturer’s specifications.
4. **Fuel:** No outdoor furnace shall rely on any fuel except wood, wood pellets, corn, and agricultural seeds, provided such materials include no additives such as paints, varnishes, preservatives, resins, and glues. For clarification purposes, prohibited fuels include, but are not limited to, rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses or waste, paint or painted materials furniture, composite shingles, construction or demolition debris or other household or business wastes, asphalt and products containing asphalt; plywood, composite wood or pressure treated woods; any plastic material including but not limited to nylon, PVC, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers; rubber including tires and synthetic rubber-like products, and newspaper, corrugated cardboard, container board, office paper and other similar materials. This provision shall not prohibit the burning of other fuel not otherwise prohibited above, as may be specified by the manufacturer.

Section 21.20 Farm-Based Biofuel Production Facilities

A. Definitions: For the purpose of this Section, the following terms and phrases shall have the following meanings:

1. **Biofuel:** Any renewable fuel product, whether solid, liquid, or gas, that is derived from recently living organisms or their metabolic by-products and meets applicable quality standards, including, but not limited to, ethanol and biodiesel. Biofuel does not include methane or any other fuel product from an anaerobic digester.
2. **Ethanol:** A substance that meets the ASTM international standard in effect on July 19, 2011 as the D-4806 specification for denatured fuel grade ethanol for blending with gasoline.
3. **Farm:** That term as defined in section 2 of the Michigan Right to Farm Act, 1981 PA 93, MCL 286.472.
4. **Proof gallon:** That term as defined in 27 CFR 19.907.

B. Production Facilities Classified as “Accessory Uses”: A biofuel production facility located on a farm with an annual production capacity of not more than 100,000 gallons of biofuel, is classified as an “accessory use” and is not subject to special land use approval, provided all of the following requirements are met:

1. The biofuel production facility is located not less than 100 feet from the boundary of any contiguous property under different ownership than the property on which the biofuel production facility is located and meets all other applicable setback requirements of this Ordinance.
2. On an annual basis, not less than 75% of the feedstock for the biofuel production facility is produced on the farm where the biofuel production facility is located, and not less than 75% of the biofuel or another product or by-product produced by the biofuel production facility is used on that farm.

C. Production Facilities Classified as “Special Land Uses”:

1. A biofuel production facility located on a farm with an annual production capacity of not more than 100,000 gallons of biofuel is classified as a “special land use” if the facility meets the requirements of subsection (B)(1) but that does not meet the requirements of subsection (B)(2).
2. A biofuel production facility located on a farm with an annual production capacity of more than 100,000 gallons but not more than 500,000 gallons of biofuel, is classified as a “special land use” if the facility meets the requirements of subsection (B)(1).

D. Application Requirements: An application for special land use approval for a biofuel production facility described in subsection (C) shall include the required information according to Article XIX in addition to the following:

1. A description of the process to be used to produce biofuel.
2. The number of gallons of biofuel anticipated to be produced annually.
3. An emergency access and fire protection plan that has been reviewed and approved by the appropriate responding police and fire departments.
4. For an ethanol production facility that will produce more than 10,000 proof gallons annually, completed United States department of the treasury, alcohol and tobacco tax and trade bureau, forms 5000.29 (environmental information) and 5000.30 (supplemental information on water quality considerations under 33 USC 1341(a)), or successor forms, required to implement regulations under the national environmental policy act of 1969, 42 USC 4321 to 4347, and the federal water pollution control act, 33 USC 1251 to 1387.
5. Information that demonstrates that the biofuel production facility will comply with the requirements of subsections (2) and (5).
6. Any additional information requested by the Planning Commission and relevant to compliance with this Ordinance.

E. Special Land Use Public Hearing: The Township shall hold a hearing on a special land use application for a biofuel production facility under subsection (C) not more than 60 days after the application is filed.

F. Special Land Use Conditional Approval: Special land use approval of a biofuel production facility described in subsection (C) shall be made expressly conditional on the facility meeting all of the following requirements before the facility begins operation and no additional requirements:

1. Buildings, facilities, and equipment used in the production or storage of biofuel comply with local, state, and federal laws.
2. The owner or operator of the biofuel production facility provides the local unit of government with proof that all necessary approvals have been obtained from the department of environmental quality and other state and federal agencies that are involved in permitting any of the following aspects of biofuel production:
 - a. Air pollution emissions.
 - b. Transportation of biofuel or additional products resulting from biofuel production.
 - c. Use or reuse of additional products resulting from biofuel production.
 - d. Storage of raw materials, fuel, or additional products used in, or resulting from, biofuel production.
3. The biofuel production facility includes sufficient storage for both of the following:
 - a. Raw materials and fuel.
 - b. Additional products resulting from biofuel production or the capacity to dispose of additional products through land application, livestock consumption, sale, or other legal use.

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End of Article 21