

ARTICLE 4 GENERAL PROVISIONS

SECTION 4.01 Access to water bodies/Riparian Use

A riparian lot shall not be used for riparian purposes by more than one functional family and in the case of lots created after the effective date of this amendment; the riparian lot must have a minimum of one hundred (100) feet of frontage on the water. Where a lot is not contiguous to a body of water, it shall not be used in conjunction with a riparian lot to allow the owners or occupiers or the invitees of the non-riparian lot to engage in riparian uses, except as provided in Section 3.21 of this ordinance. For the purposes of this section, a riparian lot which is owned by a partnership, corporation, limited liability company or other legal entity is deemed to be owned solely by the entity and such a riparian lot shall not be used to provide riparian access to any owner of the entity unless all such owners are members of a single functional family. For the purposes of this section, the general common element of a condominium project is deemed to be owned by the condominium association as a whole and the ownership of a riparian lot by the association shall not be used to grant riparian access or rights to any of the individual members of the association or to any of the owners of the related condominium units. The intent of this section is to prevent non-riparian owners or occupiers or their invitees from engaging in riparian uses using riparian lots owned by others or riparian lots owned jointly or in common with others. This section is also intended to prevent the exercise of riparian rights by more than one functional family where a riparian lot is owned, in whole or in part, by a legal entity or in situations where the riparian lot is owned jointly or in common by multiple individuals, unless all such owners are members of a single functional family. This section shall not be construed to prevent riparian use from being engaged in by the members of a single functional family.

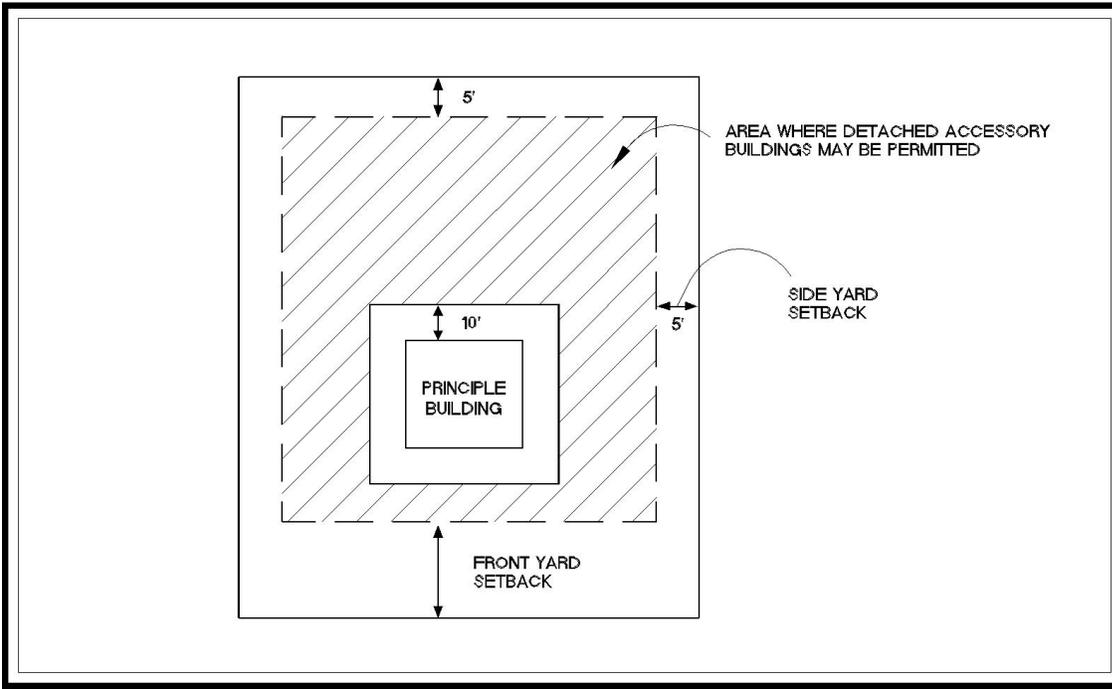
SECTION 4.02 Accessory buildings in residential and agricultural districts

In residentially and agriculturally zoned districts accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

1. No accessory building shall be used for dwelling, lodging or sleeping purposes.
2. No accessory building shall be used for commercial purposes.
3. If the accessory building is attached to the principal building, it shall be subject to and must comply with all setback and height regulations of this Ordinance applicable to the principal residential building in the zoning district in which it is located.
4. If the accessory building is detached, it shall only be erected on the same zoning lot as its associated principal building. A detached accessory building shall comply with the front yard setback of the zoning district in which it is located.
5. No detached accessory building shall be located in the sight line.

6. No detached accessory building shall be located closer than ten (10) feet to any other building on the property or any closer than five (5) feet of the side or rear property line.

Figure 4- 1



7. No detached accessory building in a residential zoning district shall exceed nineteen (19) feet in height (see definition of building height).
8. No building permit for a detached accessory building shall be issued prior to the issuance of the building permit for its principal structure.
9. For the purposes of this section, a residential building must be habitable as determined by the Township Building Inspector in order to qualify as a "principal structure".
10. Accessory buildings may be built on a lot separate from the lot on which the principal structure is located only by issuance of a special use permit as provided for in Section 11.01A of the Ordinance.
11. When determining allowable square footage for accessory buildings associated with a residential dwelling, garage area (whether attached or detached) as well as any sheds or other out buildings will be included in the calculation of the maximum allowable square footage.

In residential and agricultural zoning districts the total allowable square footage of all residential accessory buildings including attached and detached garages, shall be as follows:

- a. On lots twenty thousand (20,000) square feet or less in size, the total square footage of accessory buildings shall not exceed one thousand two hundred (1,200) square feet.
- b. On lots greater than twenty thousand (20,000) square feet the total square footage of accessory buildings shall not exceed one thousand two hundred (1,200) square feet plus three percent (3%) of the lot area over twenty thousand (20,000) square feet. (Example: see Table 4-1).
- c. The total square footage of the accessory buildings may not exceed four thousand five hundred (4,500) square feet.
- d. Total number of detached accessory buildings shall not exceed four (4).

These standards do not apply to non-residential accessory uses, including agricultural buildings.

TABLE 4-1			
Examples of Accessory Building			
Maximum Square Footage Calculations			
Lot Size	Square Footage Threshold	Square Footage Over Threshold	Maximum Square Footage
20,000 or less	20,000	0	1,200
35,000	20,000	15,000	1,200 + 450 = 1,650
60,000 (1.4 acre)	20,000	40,000	1,200 + 1,200 = 2,400
110,000 (2.5 acre)	20,000	90,000	1,200 + 2,700 = 3,900
130,000 (3 acres or more)	20,000	110,000 or more	4,500

(Amended: Ord. No. 781, 8-3-15; Ord. No. 804, 11-19-18)

SECTION 4.03 Building grades

- A. Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building.
- B. When a new building is constructed on a vacant lot between two (2) existing buildings or adjacent to an existing building, the existing established grade shall be used in determining the grade around the new building and the yard around the new building shall be graded in such a manner as to meet existing grades and not to permit run-off of surface water to flow onto the adjacent property at a rate or volume greater than the rate or volume of runoff that existed prior to the lots development. Final grades shall be approved by the Building Inspector who may require documentation of compliance with this provision from a licensed engineer or land surveyor.

SECTION 4.04 Commercial outdoor display sales or storage

- A. Any stockpiles of soils, fertilizer or similarly loosely packaged materials shall be sufficiently covered or contained to prevent dust or blowing of materials.
- B. All outdoor display areas shall have an approved paved aggregate surface and a storm water drainage system.
- C. No outdoor storage shall be permitted in the required front, side or rear yard of buildings for the district in which the commercial outdoor display, sales or storage use is located.
- D. The site shall include a building of at least four hundred (400) feet of gross floor area for office and sales uses in conjunction with the approved use.
- E. Storage areas shall consist of a permanent, durable and dustless surface and shall be graded and drained to dispose of stormwater without a negative impact on adjacent property.
- F. All loading and truck maneuvering including into loading/unloading areas shall be accommodated on-site.
- G. All outdoor sales, display or storage area property lines adjacent to a residential district shall comply with the landscaping requirements in Article 10. The Planning Commission may also require taller landscaping screening based on the height of materials to be displayed or stored.

SECTION 4.05 Construction begun prior to adoption of ordinance

Nothing in this Ordinance shall be deemed to require any change in the plans, construction or design use of any building for which an unexpired building permit was issued prior to the adoption of this Ordinance or an amendment thereto, and upon which building actual construction has been diligently carried on, and provided further, that such building shall be completed within two (2) years from the date of passage of this Ordinance. If construction is based on an approved site plan, a developer may build in accordance with an approved site plan provided a building permit is applied for within two (2) years of approval and all work is completed within two (2) years of issuance of the building permit.

SECTION 4.06 Sale of vehicles on residential lots

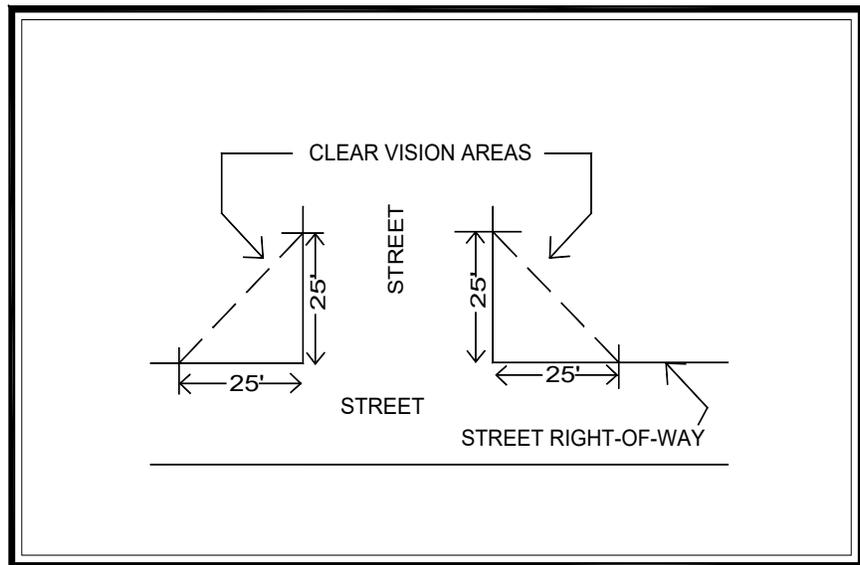
The display and sale of vehicles from a residentially zoned lot is permitted provided no more than three (3) vehicles are displayed for sale per year, all vehicles sold have a current registration to a resident of the property, not more than one (1) vehicle is displayed at a time and they are not displayed in the road right of way.

SECTION 4.07 Corner clearance

Updated 6/1/2016

No fence, wall, hedge, other protective barrier, or other planting of trees, shrubs, or flowers shall be erected, established or maintained on any corner lot which will obstruct the view of a driver of a vehicle approaching the intersection, excepting that shade trees would be permitted where all branches are not less than eight (8) feet above the road level. The area which shall remain unobstructed shall be a triangular area formed by the street property lines and a line connecting them at points twenty five (25) feet from the intersection of the street property lines extended. This shall not prohibit the establishment of shrubbery thirty (30) inches or less in height from ground level (see Figure 4-2).

Figure 4-2



SECTION 4.08 Curb cuts and driveways

All proposed curb cuts and driveways off of public roads shall require the approval of the Genesee County Road Commission.

SECTION 4.09 Entrance Ways

Decorative entrance ways for driveways may not exceed fourteen (14) feet in height.

SECTION 4.10 Essential services

Essential services shall be permitted as authorized under any franchise or that may be regulated by any law of the State of Michigan or any ordinance of the Township, it being the intention hereof to exempt such essential services from the application of this Ordinance, except those which are determined by the Zoning Board of Appeals to pose a danger to the health, safety, and welfare of the Township's residents or which are separately identified and regulated in this Ordinance.

SECTION 4.11 Excavations or holes

The construction, maintenance or existence within the Township of any unprotected, unbarricaded, open or dangerous excavations, holes, pits, or wells, which constitute or are reasonably likely to constitute a danger or menace to the public health, safety or welfare, are hereby prohibited; provided, however, this section shall not prevent any excavation under a permit issued, pursuant to this Ordinance, where such excavations are properly protected and warning signs posted in such a manner as may be approved by the Building Inspector; and provided further, that this section shall not apply to natural bodies of water or to ditches, streams, reservoirs, or other major bodies of water created or existing by authority of the State of Michigan, the County, the Township, or other governmental agency.

SECTION 4.12 Exceptions

The following are exceptions to the general standards in this Ordinance dealing with building height, uses, setbacks and other standard requirements.

A. Permitted height exceptions

No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for the zoning district in which the building is located, except that penthouses or roof structure for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, stage lofts, and screens, flagpoles, chimneys, smoke stacks, individual domestic radio and television aerials and wireless masts, water tanks, or similar structures may be erected above the height limits herein prescribed. No such structure may be erected to exceed by more than fifteen (15) feet the height limits of the zoning district in which it is located; nor shall such structure have a total area greater than ten (10) percent of the roof area of the building; nor shall such structure be used for any residential purpose or any commercial or industrial purpose other than a use incidental to the main use of the building. In cases where the structure is authorized by issuance of a special use permit, the Planning Commission may permit structures that exceed these standards.

B. Voting place

The provisions of the ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a Township or other public election.

C. Permitted exceptions to side yard setbacks

On legal non-conforming lots with a width of sixty (60) feet or less and recorded as such prior to the date of the adoption of this Ordinance, the minimum width of each side yard for all structures shall be five (5) feet.

D. Permitted yard exceptions – projections into yards

Architectural features, as defined, not including vertical projections, may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard and may extend or project into a required front yard or rear yard not more than three (3) feet. Temporary projections such as window air conditioners shall be permitted so long as they project no more than three (3) feet into a required front, side or rear yard.

E. Permitted exceptions to rear yard setbacks

For yards abutting alleys, the rear yard setback shall be measured from the centerline of the alley provided that no structures are placed within the alley's right-of-way.

F. Public Events

Public events occurring on Township owned property and approved by the Township Board are exempt from the requirements of this ordinance. This includes uses specifically identified in Article 3 such as temporary farmers markets, which are otherwise required to obtain zoning approval.

(added: Ord. No. 748, 7-2-12)

SECTION 4.13 Exterior lighting

All outdoor lighting in all zoning districts other than residential shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential districts, adjacent residences, and public rights-of-ways.

A. Illumination guidelines shall generally be in accordance with the following standards:

1. Street Illumination

TABLE 4-2 Street Illumination		
Street Hierarchy	Nonresidential Area	
	Lux	Footcandles
Major	15	1.4
Collector	10	1.0
Local	6	0.6

2. Parking Illumination

TABLE 4-3 Parking Illumination				
Level of Activity	Active Vehicular Use Areas Only		General parking and Pedestrian Areas	
	Lux	Footcandles	Lux	Footcandles
Low activity	5	0.5	2	0.2
Medium Activity	10	1.0	6	0.6
High Activity	20	2.0	10	1.0

- a. High Activity. Examples include major athletic facilities, major cultural or civic events, regional shopping centers, and fast food facilities.
- b. Medium activity. Examples include community shopping centers, office parks, hospital parking areas, transportation parking (airports, etc.), cultural, civic or reception events, and residential complex parking.
- c. Low activity. Examples include neighborhood shopping, industrial employee parking, educational facility parking, and church parking.

3. Building Exteriors

TABLE 4-4 Building Exteriors		
Component	Outdoor Areas	
	LUX	Footcandles
Entry/Active Use Area	50	5.0
Vital Locations	50	5.0
Building Surrounds	10	1.0
Gardens (General)	5	0.5
Walkways	5	0.5
Monuments (Flood Lighted)	150	15.0

4. Lighting shall be positioned in such a way or shielded from adjacent property and designed to reflect continuity with the pedestrian orientation of the area in question. Outdoor lighting shall not glare upon or interfere with persons and vehicles using public streets. Lighting fixtures are to be of the full cut-off design with horizontally aligned flush-mounted (non-protruding) lens, directing light on-site only and no more than twenty (20) feet above average grade. All unshielded lights such as floodlights, wall pack units, and other types of unshielded lights, and lights where the lens or bulb is visible outside of the light fixture are not permitted except in service areas where the lights will not generally be visible by the public or adjacent residential properties. Lights underneath canopies must be fully recessed into the canopy to minimize glare from the light source. All lighting shall be focused on the property on which they are located and shall not extend to adjacent property owners.
5. The Planning Commission may permit taller or require shorter fixtures only when the Commission determines that unique conditions exist and where a waiver would reduce the number or size of light fixtures; not adversely impacting neighboring properties and permit fixtures in proportion to height and bulk of nearby buildings and other fixtures. Current recommended practices of the Illuminating Engineering Society of North America (IESNA) will be used as a guideline for all site lighting decisions of the Planning Commission.

SECTION 4.14 Fence, wall and hedge standards

Barriers including but not limited to fences, walls and hedges and other protective barriers of any type or description but not including temporary fences, shall conform to the following requirements:

- A. They shall be durable, weather resistant, rustproof and easily maintainable. Barriers shall be of high quality durable materials.
- B. They shall be maintained in good condition by the property owner.
- C. Non-opaque barriers (chain-link, picket, wrought iron fences, etc.) may be a maximum six (6) feet in height, however posts may extend six (6) inches above the height of the fence. Gates may extend eighteen (18) inches above the height of the fence and lights may extend twelve (12) inches above the height of the fence but may only be located at the gates. All fences shall comply with the corner clearance section of this ordinance.

Opaque barriers (solid wood or masonry) may be a maximum of six (6) feet in height with the following exceptions:

- 1. Corner and sight line clearance will be maintained per Section 4.07 of this ordinance.
 - 2. Maximum height within the actual front yard setback is forty (40) inches.
 - 3. Materials for masonry walls will include face brick or non-porous facing material to provide a pleasing aesthetic appearance.
- D. The finished side or most visibly attractive side of a wall or fence shall face the exterior of the property line (adjacent view). Posts shall be on the side of the wall or fence facing the interior of the lot or parcel of land upon which the wall or fence is constructed. Walls or fences shall be white, black or earth tone in color and compatible with the neighborhood.
 - E. On any lot or parcel touching a lake in any zoning district, no barriers in excess of thirty (30) inches in height shall be erected beyond the sight line. If a sight line cannot be established because one or more adjacent lots is unimproved or the subject parcel is on a peninsula, point, bay or otherwise positioned differently, then the fence shall be no more than thirty (30) inches in height within the rear yard setback required for the zoning district it is located in.
 - F. In any residential district, barbed wire, spikes, nails or any other sharp point or instrument of any kind on top or on sides of any fence, electric current or charge in said fence is prohibited. Barbed wire or razor wire may be placed on top of fences enclosing public utilities, buildings or wherever deemed necessary by the Zoning Administrator in the interests of public safety.
 - G. The use of electric current or charge on any fence or part thereof is prohibited, except for low voltage fences in agricultural districts intended to enclose permitted livestock.
 - H. No fence, wall, hedge, screen or other protective barrier shall be erected within any public right of way.

- I. In non-residential districts, no fence, wall, hedge or other protective barrier shall exceed eight (8) feet, except that a security fence for a permitted commercial or industrial use may include a minimum of one (1) additional foot of barbed wire.
- J. Open fences (over 80% open) may be constructed to a height not to exceed ten (10) feet for the uses listed below. Such fences shall conform to all setback requirements for structures.
1. Tennis courts
 2. Volleyball courts
 3. Swimming pools
 4. Goals and backstops
 5. Sanitary sewer pump stations

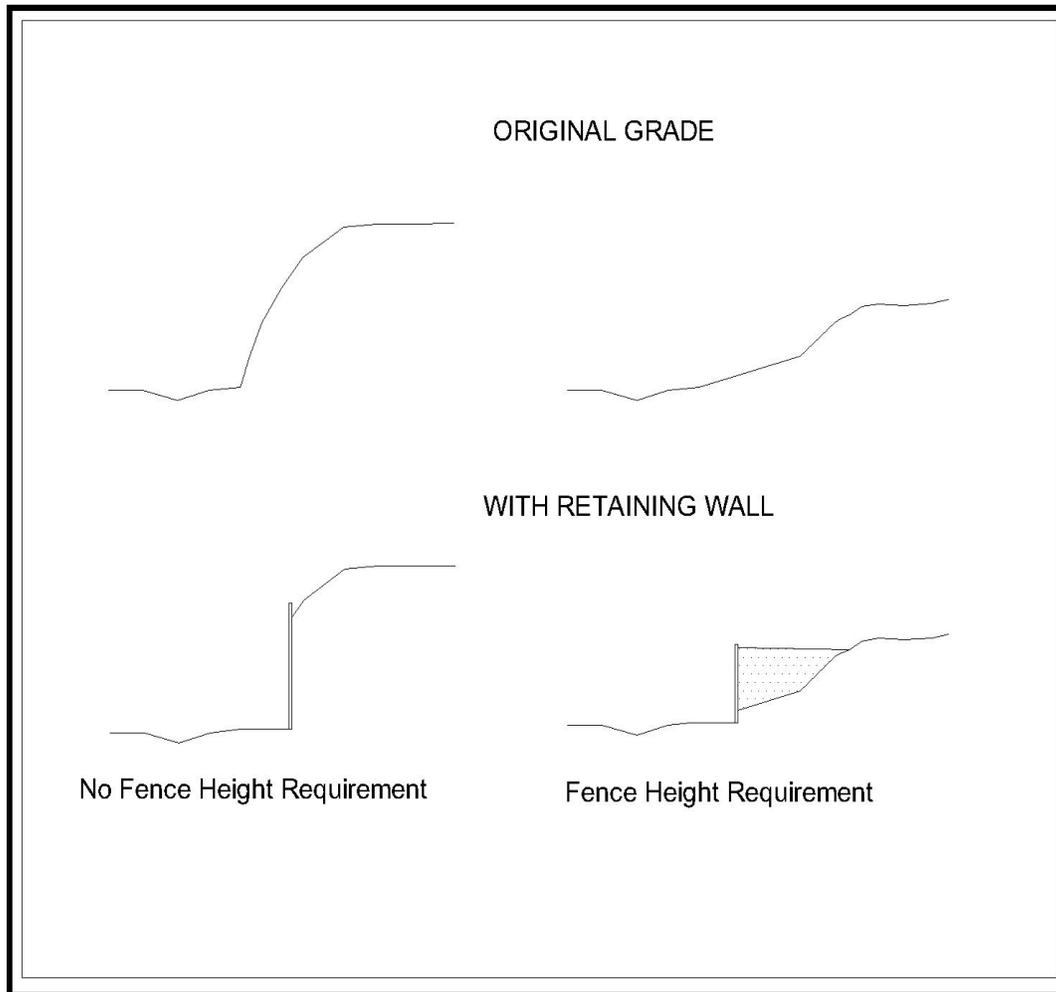
Other uses not specified herein shall be permitted to have fences of a material and height as established by the Zoning Board of Appeals.

(Amended: Ord. No. 705, 12-8-08)

- K. Nothing in this ordinance shall be deemed to interfere with the erection of temporary fences around construction works, erected or maintained pursuant to building code and other ordinances of the Township. Other enclosures or barriers used in conjunction with a temporary outdoor use such as to define a temporary parking area, or in conjunction with a seasonal use such as a snow fence or protective barrier around a garden are exempt from the provisions of this section.

(Amended: Ord. No. 705, 12-8-08)

- L. A retaining wall that does not extend beyond the height of the original grade of the property prior to construction is not required to comply with the height requirements of this ordinance. Retaining walls that do extend beyond the original grade of the property such as that created by the installation of fill material, must comply with the height requirements of this ordinance.



(Added: Ord. No. 762, 3-31-14)

SECTION 4.15 Filling operations

Following the effective date of this Ordinance, it shall be unlawful for any person, firm, corporation, partnership, or other organization or entity to use land for filling with materials of any kind without approval of the Zoning Administrator by issuance of a fill permit and subject to requirements as may be appropriate.

SECTION 4.15A Internet Sales

A. Internet Sales of products or services is permitted by right if:

1. the product or service being sold or provided in the Internet Sale would otherwise be permitted by right to be sold or provided from a structure located in the zoning district from which the Internet Sale is being made; or
2. the product or service being sold or provided in the Internet Sale would otherwise be permitted to be sold or provided as a permitted accessory use from a structure located in

the zoning district from which the Internet Sale is being made.

- B. Internet Sales of products or services that are not accessory to the permitted principal use of the underlying property, and do not involve a product or service that would otherwise be permitted to be sold from a structure located in the district from which the Internet Sale is being made, is permitted by right only if there is no retail sales on site and there is no storage or display of the material for sale.
- C. Any Internet Sales which are also regulated by additional local, state or federal regulation due to the particular product or service being sold shall also comply with the requirements of any such additional regulations.
- D. Internet Sales of products or services from a residence shall also comply with the requirements of the Fenton Township Home Occupation Ordinance.
(added: Ord. No. 744, 1-9-12)

SECTION 4.16 Keeping of wild animals

- A. No person shall own, possess, or have custody on his premises any wild or vicious animal for display, training, or exhibition purposes, whether gratuitously or for a fee.
- B. No person shall keep or permit to be kept any wild animal as a pet.
- C. For the purpose of this regulation, a wild animal shall be defined as any living member of the animal kingdom, including those born or raised in captivity, except the following: domestic dogs (excluding hybrids with coyotes or jackals and hybrids that are 50% or more wolf), domestic cats (excluding hybrids with ocelots or margays), farm animals, rodents and any hybrid animal that is part wild, and captive-bred species of common cage birds. With regard to wolf hybrids, a pedigree or other certified documentation must be furnished to the Township to demonstrate compliance with this section.

SECTION 4.17 Lot depth/width ratio

All lots created after the effective date of this Ordinance shall have a lot depth/lot width ratio not to exceed 5:1. That is, the depth of the lot cannot be more than five (5) times its width. The lot's road frontage shall be considered the width of the lot. The length of the lot's longest side shall be considered the depth of the lot. This provision does not apply to parcels fifteen (15) acres or larger in size.

SECTION 4.18 Lot limitations

In single family zoning districts, only one principal building shall be placed on a lot of record.

SECTION 4.19 Occupancy, temporary; garages, accessory buildings, basement apartments prohibited

Accessory structures, including detached garages shall not be occupied for dwelling purposes. No basement or cellar apartment shall be used or occupied for dwelling purposes at any time. This provision will not prohibit the conversion of an attached garage into a bedroom, provided all provisions of this Ordinance and the building code are complied with. No tent, trailer or other temporary structure shall be used as a residence except as otherwise permitted by this Ordinance. (See Section 11.72)

(Amended: Ord. No. 647, 7-5-05)

SECTION 4.20 Performance standards

Any use established in any zoning district shall not be permitted to carry on any activity or operation or use of land, building, equipment that produces irritants to the sensory perceptions greater than the measures listed below which are hereby determined to be the maximum permissible hazard to humans or human activity.

- A. Noise: The emission of measurable noises from the premises shall not exceed sixty five (65) decibels as measured at the boundary property lines, except that where normal street traffic noises exceed sixty five (65) decibels during such periods, the measurable noise emanating from premises may equal, but not exceed such traffic noises. Sound levels in no case shall exceed seventy (70) decibels. In addition, objectionable sounds of an intermittent nature, or characterized by high frequencies even if falling below the aforementioned decibel reading shall be controlled so as not to become a nuisance to adjacent uses.
- B. Vibration: Machines or operations which cause vibration shall be permitted, but no operation shall cause a displacement exceeding three thousandth (.003) of one inch as measured at the property line.
- C. Odor: The emission of noxious, odorous matter in such quantities as to be readily detectable at a point along any property line when diluted in the ratio of one volume of odorous air to four (4) or more volumes of clean air so as to produce a public nuisance or hazard beyond lot lines is prohibited.
- D. Dust, dirt and fly ash: Discharges into the air from furnaces, open burning, etc. shall be managed so that the quantity of gasborn or airborne solids generated shall not exceed two tenths (0.20) grains per cubic foot of the carrying medium at the temperature of five hundred (500) degrees Fahrenheit.
- E. Method of measurement: For the purpose of determining the adequacy of such devices these conditions are to be conformed to when the percentage of excess air in the stack

does not exceed fifty (50) percent at full load. The foregoing requirement shall be measured by the A.S.M.E. Test Code for dust-separating apparatus. All other forms of dust, dirt and fly ash shall be completely eliminated insofar as escape or emission into the open air is concerned. The Zoning Administrator may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt and fly ash have been made.

- F. Smoke: It shall be unlawful to discharge into the atmosphere for any single source of emission whatsoever any smoke for any source for a period or periods aggregating more than four (4) minutes in any one-half (1/2) hour which is:
1. As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart. The Ringelmann Chart, as published by the United States Bureau of Mines, which is hereby made a part of this Ordinance, shall be the standard. However, the Unbrascop readings of smoke densities may be used when correlated with the Ringelmann Chart.
 2. Of such opacity as to obscure an observer's view to a degree equal to or greater than the smoke described in (1) above, except when the emission consists only of water vapor.
- G. Glare and heat: Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines, except during the period of construction of the facilities to be used and occupied.
- H. Fire and safety hazards: The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with all regulations of the Charter Township of Fenton, Genesee County, and with all State rules and regulations, and as established by the Fire Prevention Act, Act 207, P.A. of 1941, as amended. Further, all storage tanks for flammable liquid materials above ground shall be located not less than one hundred fifty (150) feet from all property lines, and shall be completely surrounded by earth embankments, dikes or other type of retaining wall which will contain the total capacity of all tanks so enclosed. Bulk storage tanks of flammable liquids below ground shall be located not closer to the property line than the greater depth to the bottom of the buried tank.
- I. Light: Exterior lighting shall be so installed that the surface of the source of light shall not be visible from the nearest residential zoning district boundary and it shall be so arranged to reflect light away from any residential use or adjacent road or street. In no case shall more than one foot candle power of light cross a lot line five (5) feet above the ground into a residential zoning district.

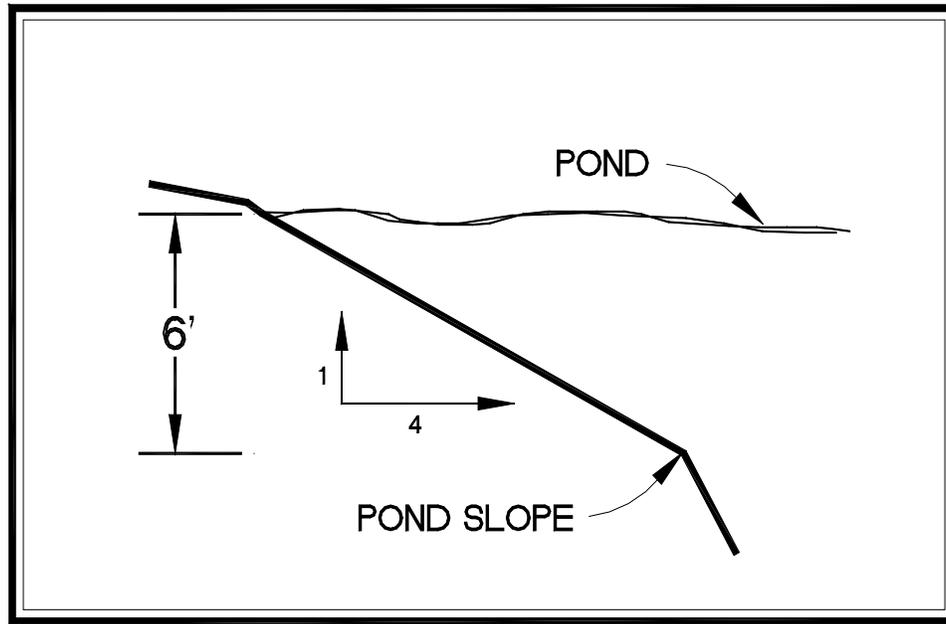
- J. Gases: The scope of or emission of any gas which is injurious or destructive or explosive shall be unlawful and may be summarily caused to be abated. SO₂ gas, as measured at the property line shall not exceed an average of three tenths (0.3) parts per million (ppm) over a twenty four (24) hour period; H₂S shall not exceed one (1) ppm; fluorine shall not exceed on tenths (0.1) ppm; nitrous fumes shall not exceed five (5) ppm CO shall not exceed fifteen (15) ppm.
- K. Electromagnetic radiation: Applicable rules and regulations of the Federal Communications Commission in regard to propagation of electromagnetic radiation are hereby made a part of this Ordinance.
- L. Drifted and airborne matter: The drifting or airborne transmission beyond the lot line of dust, particles, or debris from any open stock pile shall be unlawful and shall be summarily caused to be abated.

SECTION 4.21 Ponds

Ponds for non-agricultural uses that exceed one hundred (100) square feet of surface area shall be permitted following issuance of a zoning permit as an accessory use subject to the following standards:

- A. The minimum setback distance for the pond shall be twenty five (25) feet from any property line.
- B. There shall be a minimum of twenty five (25) feet between the outside edge of the pond and any building.
- C. There shall be a distance of not less than two hundred (200) feet from any overhead transmission lines.
- D. Slopes of the excavation shall not exceed a ratio of one (1) foot vertical to four (4) feet horizontal, to a depth below water of six (6) feet (see Figure 4-4).

Figure 4-3



- E. All areas disturbed during construction shall be seeded with grasses and maintained in good condition to prevent erosion.
- F. The Zoning Administrator may require the installation of a fence no less than four (4) foot in height to protect the health, safety, and welfare of the property owners and/or tenants, neighboring uses, and Township residents.
- G. The applicant shall demonstrate that water can be continuously maintained in the pond once it is constructed.
- H. Evidence shall be presented at the time of application that the Genesee County Drain Commissioner and Michigan Department of Environmental Quality have granted the necessary permits and/or approvals to the applicant for the construction of the pond or have released the applicant from any obligation thereto.

SECTION 4.22 Porches, decks, patios and terraces

- A. On any lot or parcel in an AG, R-1, R-2, R-3, R-4 or R-5 zoning district, an open, unenclosed porch, deck, paved patio or terrace shall comply with the side yard setbacks for principal structures in the zoning district in which they are located but may project into a required front setback area for a distance not to exceed ten (10) feet.
- B. On any lot or parcel in an R-2, R-3, R-4 or R-5 zoning district, an open, unenclosed porch, deck, paved patio or terrace may project into a required rear setback area for a distance not to exceed ten (10) feet, except that on any lot or parcel touching a lake, no porch, deck, paved patio or terrace in excess of thirty (30) inches in height shall be erected

beyond the sight line. An open unenclosed porch, deck, paved patio or terrace under thirty (30) inches in height may be located anywhere in the rear yard on a lot or parcel touching a lake in an R-2, R-3, R-4 or R-5 zoning district.

SECTION 4.23 Private roads

- A. A private road is a road that provides direct access to three (3) or more lots and which is not dedicated to and accepted by an authorized governmental road agency.
- B. Application, review and approval of a proposed private road shall follow the site plan review process.
- C. Application for approval of a private road shall include a site plan sealed by a professional engineer illustrating:
1. Existing and proposed lot lines.
 2. The location of existing and proposed structures.
 3. The width and location of the private road easement.
 4. A cross section of the proposed road, showing the types of materials to be used to construct the road base and surface.
 5. Utility plans including the location and size/capacity of storm water drainage systems, sewer or septic systems, water lines or private wells, and private utilities such as telephone, electrical or cable service.
 6. Proposed locations widths and radii of driveways off the private road.
 7. Any existing or proposed structures, trees or other obstructions within the proposed right-of-way.
 8. All divisions of land, showing compliance with the Land Division Act.
 9. Proposed location and type of permanent signing.
- D. The proposed private road shall meet the following standards:
1. The minimum right-of-way width shall be sixty (66) six feet. An applicant can request a reduction in right-of-way width in order to protect natural features or as a result of space saving features such as curb and gutter but approval of a right-of-way less than 66' should take into account that in doing so, the street will not be able to be taken over by the county road commission at a later date. In no case may the right-of-way be less than fifty (50) feet.
 2. The minimum grade for roadways shall be four tenths (0.4) percent. The maximum grade shall be six (6) percent. The maximum grade within one hundred (100) feet of an intersection shall be three (3) percent.

3. No fence, wall, sign, screen or any planting shall be erected or maintained in such a way as to obstruct the clear vision zone, as required in Section 4.14 of this Ordinance.
4. Cul de sacs shall not exceed seven (7) times the average lot width or 1,000 feet in length, whichever is greater. The Planning Commission may approve a longer cul de sac under unusual topographic conditions, or other unusual situations. In approving a longer cul de sac the Planning Commission may impose conditions such as additional off-street parking, turn-arounds, etc to mitigate the impacts of the increased length.
5. All driveways off of a private road shall be at least forty (40) feet from the intersection of the private road right-of-way and a public road right-of-way.
6. Intersections of private roads with public roads shall be at an angle as close to ninety (90) degrees as possible, but in no case shall it be less than eighty (80) degrees or more than one hundred (100) degrees.
7. The width of the roadway shall comply with the requirements of the design criteria standards established by the Genesee County Road Commission for residential streets. (See figures 4-4, 4-5, 4-6). A cross section with open ditch (figure 4-5) will only be permitted in developments where all of the lots abutting the open ditch cross section are a minimum of one hundred fifty (150) feet in width.
8. The minimum radius for circular cul-de-sacs roadway is fifty two (52) feet. An interior island is permitted in the center of the cul-de-sac, provided that the roadway within the cul-de-sac is no less than twenty six (26) feet wide.
9. A written maintenance agreement signed by the owners of each lot or residence to be served by the private road shall be recorded with Genesee County Register of Deeds. The agreement shall allocate the responsibility to maintain the private road between or among the owners, and shall be binding upon the successive owners of the lots or residences. It shall be the responsibility of the owners to enforce the terms of the agreement.
11. Sight distances on horizontal and vertical curves shall be a minimum of two hundred (200) feet measured at a point ten (10) feet from the edge of the traveled roadway at a height of forty two (42) inches to an object height of forty two (42) inches based on a posted speed of twenty five (25) mph. Proposed private roads with an anticipated posted speed greater than twenty five (25) mph shall be reviewed for appropriate sight distances.
12. Parcels fronting on private roads shall meet the required front yard setback and lot width for their zoning district.
13. The private road shall comply with cross-sectional design criteria standards for road surfaces established by the Genesee County Road Commission for residential streets. (See figures 4-4, 4-5, 4-6). A cross section with open ditch (figure 4-5) will only be permitted in developments where all of the lots

abutting the open ditch cross section are a minimum of one hundred fifty (150) feet in width. The Planning Commission may waive the requirement for an asphalt or concrete pavement contained in the cross sections below with the recommendation of the Township Engineer for roads planned to provide access to six or fewer lots or units, where the private road is connected to a gravel public road and the Planning Commission determines that the waiver will not have a negative impact on the character of the neighborhood.

(Amended: Ord. No. 766, 7-7-14)

Figure 4-4

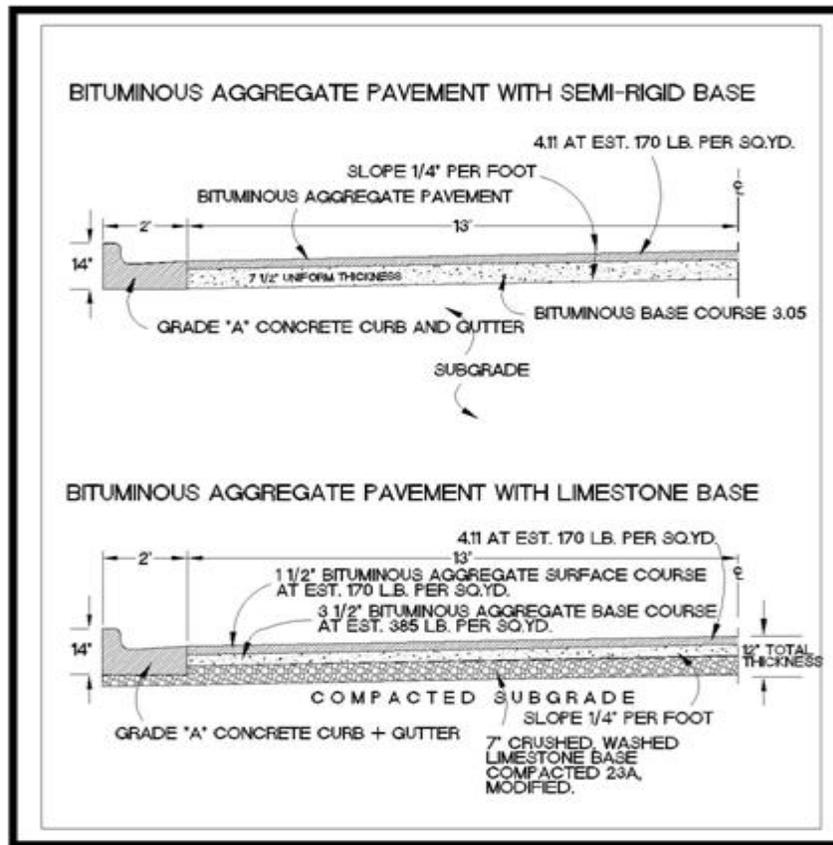


Figure 4-5

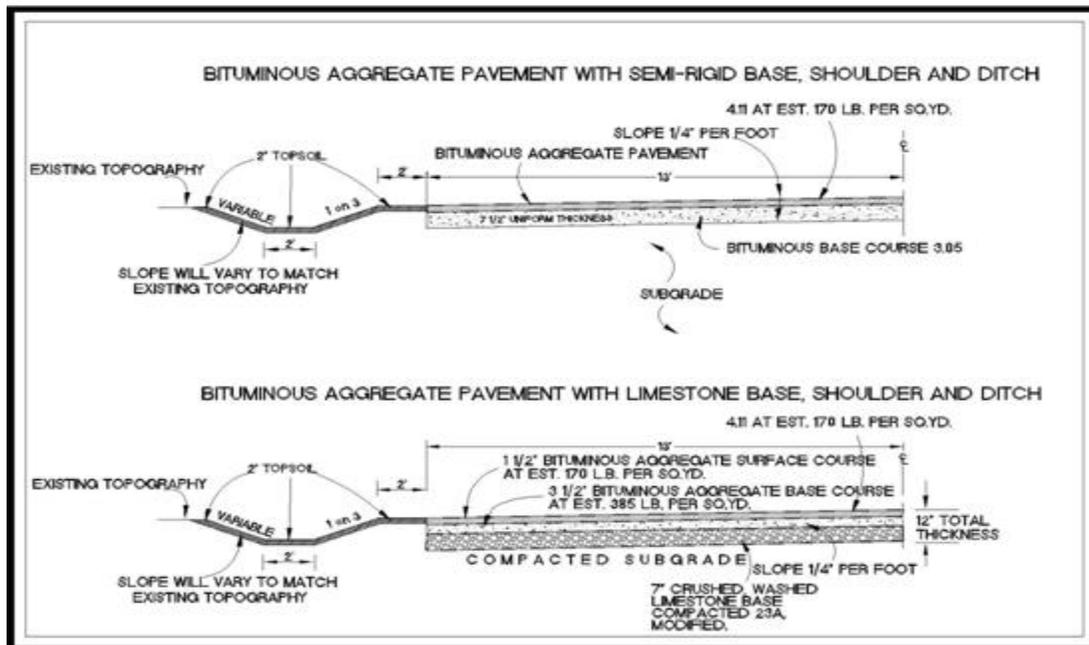
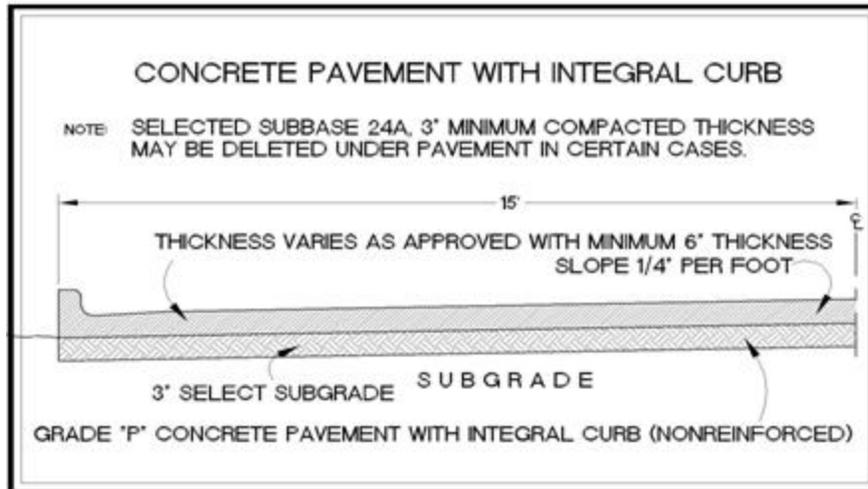


Figure 4-6



14. The street right-of-way shall be recorded with the Genesee County Register of Deeds.
15. The Township Engineer will inspect the private road four (4) times during construction:
 - a. Inspection of the sub-base after the top soil has been removed and the road bed has been excavated and graded.
 - b. Inspection of the road base material after it has been placed and compacted
 - c. Inspection during the laying of pavement
 - d. Final inspection after all pavement is complete, shoulders are established and all grading and seeding is completed.
 - e. As part of their responsibilities during construction of the road, the applicant shall notify the Township Engineer at least three (3) days before a required inspection and shall provide the engineer with all density tests and other documentation required demonstrating compliance with the standards in this section. All costs for these inspections will be passed through to the applicant by the Township and will be considered part of the fees for approval of the private road.

E. Any road that provides connection to any other two (2) public roads or provides access to OS, C-1, C-2, C-3, M-1, M-2 or M-3 zoned property shall be a public road.
(Amended: Ord. No. 639, 4-4-05; Ord. No. 648, 7-5-05)

SECTION 4.24 Property staking

Any parcel that is to be reviewed for zoning permit or site plan approval, or is to be reviewed by
Updated 6/1/2016

the Zoning Board of Appeals shall be adequately staked as determined necessary by the Zoning Administrator.

SECTION 4.25 Satellite dish antennas

Satellite dishes shall be considered accessory structures and must comply with accessory structure setback requirements.

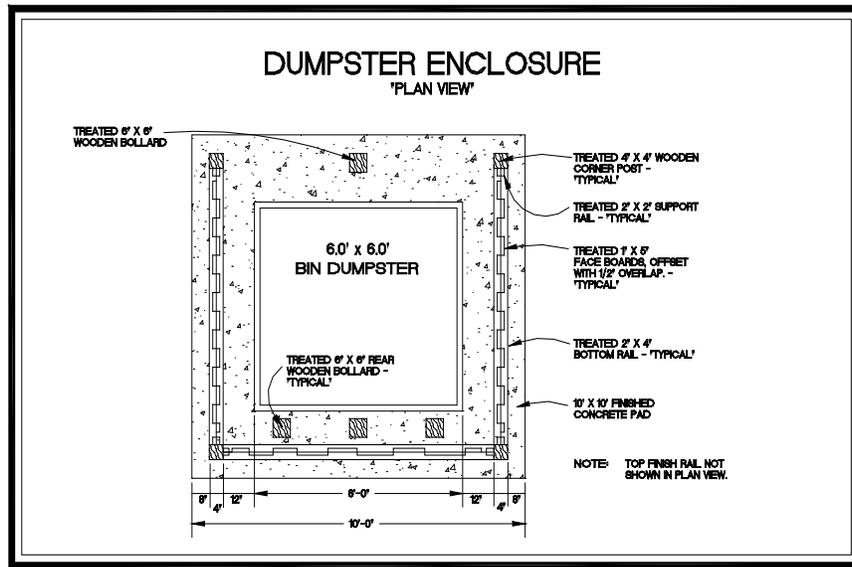
SECTION 4.26 Scope

- A. No building or structure, or part thereof, shall hereafter be erected, constructed, enlarged, reconstructed, moved or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of the ordinance, including provisions dealing with lot size, setbacks, and structure size.
- B. No space which for the purpose of a building has been counted or calculated as part of a side yard, rear yard, front yard, or other open space, including required lot area per dwelling unit required by this Ordinance, may, by reason of change in ownership or otherwise, be counted or calculated to satisfy or comply with a yard or other open space or lot area requirements for any other building.

SECTION 4.27 Screening of trash storage areas

Trash dumpsters or other trash containers shall be screened on three sides with a fence or wall meeting the minimum requirements of Article 10, Section 10.03 of this Ordinance. The opening of the trash storage area shall be oriented to minimize off-site visual impact. (See figure 4-7.)

Figure 4-7



SECTION 4.28 Sight Line

On any lot or parcel touching a lake, no structure or barrier in excess of thirty (30) inches in height shall be erected beyond the sight line.

A. This sight line provision may be waived if the applicant can demonstrate by clear and convincing evidence that the lot or parcel on which the structure or barrier is to be constructed is a peninsula, a point, a bay, or otherwise positioned differently, (relative to the lake), thereby making the enforcement of the sight line provision ineffective as a means of preserving a riparian property owner's reasonable view of the lake.

B. The waiving of the sight line provision as described above shall be at the discretion of the Zoning Administrator.

(Amended: Ord. No. 680, 6-4-07)

SECTION 4.29 Signs

All signs shall comply with the requirements and regulations set forth in the Township Sign Regulation Ordinance.

A. In no case shall any illuminated sign exceed a level of eight hundredths (0.08) footcandles and a luminaire brightness of twenty-four hundred (2,400) foot lamberts, when measured at the property line. For purposes of this Ordinance, foot lambert shall be defined as the average "brightness" of any surface emitting or reflecting one (1) lumen per square foot. This requirement is in addition to other applicable sign provisions.

B. All illumination shall not be of a flashing, moving, or intermittent type other than used in

connection with a sign for the conveyance of noncommercial information which requires periodic change, such as time, temperature, or stock average.

- C. All illumination shall be constant in intensity and color at all times when in use.
- D. With the exception of signs, the level of illumination shall be measured at the furthest point to be illuminated on that site.

SECTION 4.30 Soil erosion and sedimentation control

All proposed development shall require compliance with the Soil Erosion and Sedimentation Control Act, Act 347 of 1972, as amended, and shall meet all minimum standards established by the Genesee County Drain Commissioner and any State or Federal laws or regulations.

SECTION 4.31 Street or road frontage, required

Any parcel of land which is to be occupied by a use or building, shall have frontage on and direct access to a public street or road, or an approved private road existing prior to the effective date of this Ordinance or approved by the Township under the provisions of Section 4.23 of this Ordinance. All lots must have a minimum frontage equal to the lot width required in Section 3.26 except as otherwise permitted.

SECTION 4.32 Structure completion

All structures or additions to structures shall be completed on the outside in conformance with the building code and with finish materials such as wood, brick or brick veneer, shingle, concrete or similar performance tested material within one (1) year after construction is started unless an extension for not more than one (1) additional year is granted by the Zoning Administrator.

SECTION 4.33 Sump pumps

Drainage from sump pumps shall be disposed of into a storm sewer if available.

- A. If storm sewer is not available sump drainage shall be disposed of in one of the following ways:
 - 1. Dry well, with yearly maintenance or as necessary.
 - 2. County drain by permit from the Genesee County Drain Commissioner's Office.
 - 3. Public road right of way by permit from the Genesee County Road Commission.
 - 4. On parcels 1 acre or greater in size, run off may be allowed onto the surface, with Township approval, provided it does run off onto adjacent property.
- B. If storm sewer is available, drainage from sump pumps must connect to the storm sewer. All site plans must identify storm sewer leads as required under Section 8.03.I.3.

C. At no time shall drainage from sump pumps be disposed of into the sanitary sewer system.
(Amended: Ord. No. 671, 7-24-06)