

CHAPTER 3 GENERAL PROVISIONS

SECTION 3.01 INTENT

The intent of this Chapter is to provide for those regulations that generally apply regardless of the particular zoning district, unless otherwise indicated.

SECTION 3.02 APPLICATION OF DISTRICT REGULATIONS

- A. The regulations herein established for each zoning district shall be the minimum regulations for promoting and protecting the public health, safety and general welfare, and shall be uniform for each class of land, building, structure, or use throughout each District.
- B. Hereafter, no building shall be erected, altered or moved, nor shall any building or premises be used for any other purpose than that which is permitted in the District in which the building or premises is located; except by variance as provided in this Ordinance.
- C. Wherever the requirements of this Ordinance are different from any other adopted regulations, or ordinances, the one that is most restrictive or imposes the higher standards shall govern. Except as hereinafter provided, district regulations shall be applied as described in this Chapter.

SECTION 3.03 USES IN DISTRICTS

- A. Individual uses shall be allowed by right only if specifically listed as a Permitted Use in a zoning district.
- B. Accessory uses and buildings are permitted only if they are clearly incidental to the Permitted Uses or Special Land Uses.
- C. Special Land Uses are permitted only after approval of the Planning Commission, as required in Chapter 14.
- D. Uses Not Addressed
 - 1. In those situations where a use is not specifically addressed, or can be reasonably interpreted as being essentially the same in character to a use listed in the District, the Zoning Administrator may determine that the use is similar to the uses in the District, either as a Permitted Use or as a Special Land Use.

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2. The Zoning Administrator shall base this decision on a finding that the proposed use:
 - a. Is not specifically listed in any other District.
 - b. Is generally consistent with the Intent of the district and this Ordinance.
 - c. Will not impair the present or potential use of other properties within the same district in the vicinity.
 - d. Has no greater potential effect on surrounding properties than those listed in the district, in terms of aesthetics, traffic generated, noise, potential nuisances, and other impacts related to health, safety and welfare.
 3. The use not addressed shall comply with the review and approval requirements and district regulations that apply to the similar use.
 4. If a use is not found to be similar to those in the Ordinance, an amendment to the Ordinance to include the use may be submitted and reviewed in accordance with the requirements of the Zoning Act.

SECTION 3.04 LOT, YARD, AND HEIGHT REQUIREMENTS

- A. No lot area or width shall be so reduced or diminished that yards and other open spaces shall be smaller than specified, nor shall the density of development be increased in any manner except in conformity with the area regulations, nor shall the area of any lot be reduced below the minimum requirements herein established for the district in which the lot is located.
- B. Yard Requirements
 1. No part of a yard or other open space required for any building for the purposes of compliance with the provisions of this Ordinance shall be included as part of a yard and/or other open space similarly required for another building.
 2. Lots which abut on more than one (1) public street and/or private street easement shall provide the required front yard along every public street or private street easement.
 3. Lots which abut on an inland lake or stream shall provide the required front yard along the waterfront and the opposite side shall be designated the rear of the lot.
 4. All front yard setbacks shall be measured as the minimum perpendicular distance measured from the front lot line or street right-of-way line to the nearest point on the front foundation wall of the main building.

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5. All side and rear yard setbacks shall be the measured as the minimum perpendicular distance between the nearest point on the side or rear foundation wall of the main building and the side or rear lot line parallel thereto.

C. Exceptions to Yard Regulations

1. Terraces, patios and similar structures may project into a required yard, provided that the structure be unroofed and without walls or other continuous enclosure. These structures shall not be located nearer than five (5) feet to any property line.
2. Unenclosed roofed porches may project into a required yard a distance of not more than five (5) feet provided that the porch shall not exceed one (1) story in height. Enclosed porches and other enclosed appurtenance shall be considered part of the main building to which they are attached and shall be subject to all yard requirements thereof.
3. Chimneys, flues, stringcourse, leaders, sills, pilasters, cornices, eaves, gutters, and similar features may project into any required yard a maximum of twenty-four (24) inches.
4. Unenclosed and unroofed fire escapes, outside stairways and balconies may project into the required yard a maximum of five (5) feet.

D. Height Requirements

1. No buildings shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit of the District in which the building is located.
2. Exceptions to height requirements: Roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, fire or parapet walls, skylights, towers, steeples, stage lofts, screens, flagpoles, chimneys, smokestacks, individual domestic radio and television aerials and wireless masts, water tanks, or similar structures may be erected above the height limits herein prescribed. However, no structure addressed by this Section shall exceed the height limit of the District in which it is located by more than fifteen (15) feet, or be used for any purpose other than a service incidental to the principal use of the building.

- E. Minimum Street Frontage: Any parcel of land which is to be occupied by a use or building, other than an accessory use or building, shall have frontage on and direct access to a public street or private road, comply with the yard and lot requirements of the District, and have frontage on a street meeting one (1) of the following conditions:

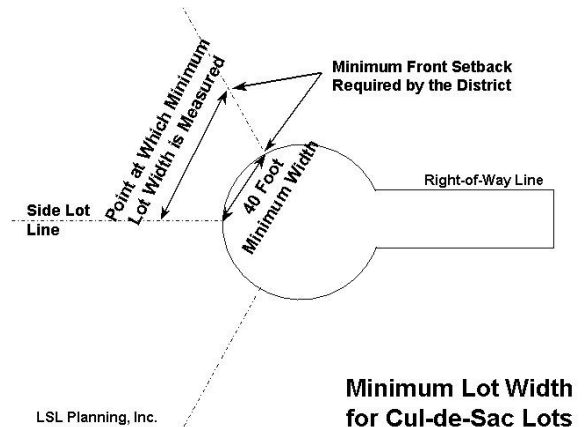
1. A public street which has been accepted for maintenance by the Jackson County Road Commission;
2. A permanent and unobstructed private street of record existing at the time of the adoption of this Ordinance. **(Amended 2010)**

F. Average Setbacks

1. Where there are nonconforming front setbacks for existing main buildings entirely or partially within two hundred (200) feet of the side lot lines on the same side of the street and in the same zoning district of the subject lot, the required front setback for the subject lot shall be the average of the front setbacks of existing main buildings within the two hundred (200) foot distance.
2. The permitted front setback reduction shall only be allowed if there are two (2) or more nonconforming buildings on lots within the two hundred (200) foot distance.
3. In no case shall the required front setback resulting from the application of this subsection be less than twenty (20) feet.

G. Cul-De-Sac Lots

1. A cul-de-sac shall be determined to commence at the intersection of the radius of the cul-de-sac with the street right-of-way line.
2. The minimum lot width for a lot on a cul-de-sac shall be measured at a line drawn between the two (2) points located at the intersection of a line extending along the side lot lines equal to the distance of the required front setback.
3. A lot on a cul-de-sac shall have not less than forty (40) feet of lot frontage measured along the front lot line.

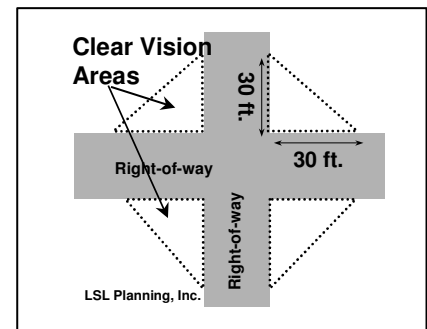


SECTION 3.05 PRINCIPAL USE AND MAIN BUILDING REQUIREMENTS

- A. Every building, erected, altered or moved shall be located on a lot as defined herein, or as otherwise permitted by this Ordinance.
- B. Except in the case of approved multiple family dwellings, commercial and industrial developments, there shall be no more than one (1) main building and its permitted accessory structures located on each lot in any district.
- C. For multiple family dwellings, commercial, and industrial developments, land and buildings may be considered a principal use collectively if the Zoning Administrator determines that the following conditions are met.
 1. The land and buildings are planned and designed as a single integral development, including joint parking, compatible architecture, shared driveways, shared signs, and other similar features.
 2. All uses, if not the same, are similar in function and/or operation.

SECTION 3.06 CLEAR VISION REQUIREMENTS

- A. On any corner lot, no fence, wall, screen, hedge, sign, or other structure or planting shall obstruct the visibility between the heights of three (3) feet and ten (10) feet above the road grade level in an area measuring thirty (30) feet from the point of intersection of the road right-of-way lines and the tangent connecting the thirty (30) foot extremities of the intersecting right-of-way lines.
- B. On any interior lot, no fence, wall, screen, hedge sign, or other structure or planting shall obstruct the visibility of a driveway, either on a parcel or on an adjacent parcel, between the height of three (3) feet and ten (10) feet, measured a distance of twenty (20) feet back from the point where the driveway intersects the street.



SECTION 3.07 ACCESSORY BUILDINGS AND USES

- A. General Requirements
 1. Nothing contained herein shall be construed to limit the size or height of accessory buildings in conjunction with a legitimate farm operation, provided all yard requirements are met.

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2. An accessory building which is structurally attached to a main building shall be subject to all setback regulations applicable to main buildings.
 3. Setbacks
 - a. In Residential Districts detached accessory buildings shall be located a minimum of ten (10) feet from a main building.
 - b. Detached accessory buildings under one thousand five hundred (1,500) square feet in size shall be located a minimum of ten (10) feet from any side or rear lot line.
 - c. Detached accessory buildings one thousand five hundred (1,500) square feet and over shall be located a minimum of twenty (20) feet from any side or rear lot line.
 - d. In Non-residential Districts accessory buildings and uses shall comply with applicable setback and height restrictions specified for the zoning district in which the accessory use or structure is located.
 4. In no instance shall an accessory structure be located within a dedicated easement or right-of-way.
 5. Except for farm buildings, accessory buildings shall not exceed the maximum permitted height of the District in which located.

SECTION 3.08 PRIVATE SWIMMING POOLS

All swimming pools shall comply with applicable with State of Michigan building codes.

SECTION 3.09 SINGLE FAMILY DWELLINGS OUTSIDE MANUFACTURED HOME COMMUNITIES

No site built single-family dwelling, manufactured home, modular home, or prefabricated home located outside a manufactured home park or manufactured home subdivision shall be permitted unless the dwelling unit conforms to the following requirements and standards.

- A. Square Footage. Each dwelling unit shall comply with the minimum square footage requirements of this Ordinance for the district in which it is located.
- B. Dimensions. Each single-family dwelling unit shall have a minimum width across any front, side, or rear elevation of twenty-two (22) feet.
- C. Foundation. Each single-family dwelling unit shall be firmly attached to a permanent foundation constructed on the site in accordance with Michigan State Construction Code Commission. All dwellings shall be securely anchored to the foundation in order to prevent displacement during storms.

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- D. Undercarriage. Dwelling units shall not be installed with attached wheels. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
- E. Sewage Disposal or Water Supply. Each single-family dwelling unit shall be connected to a public sewer and water supply or to a private facility approved by the Jackson County Health Department.
- F. Storage Area. Each single family dwelling unit shall contain a storage area either in a basement located under the dwelling, in an attic area, or in a separate or attached structure of standard construction similar to, or of better quality, than the dwelling. The storage area shall be equal to ten percent (10%) of the square footage of the dwelling unit, or one hundred (100) square feet, whichever is less.
- G. All homes shall have a roof overhang of not less than six (6) inches on all sides or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling.
- H. The dwelling shall not have less than two (2) exterior doors with the second one being on either the rear or side of the dwelling. Steps shall also be required for exterior doors or porches connected to the doors where a difference in elevation requires it.
- I. The provisions of this Section shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, land contour or relief from the common or standard home design.
- J. Additions, rooms, or other areas for each dwelling unit shall be constructed with similar quality workmanship as the original structure, including permanent attachment to the main building foundation as required herein.
- K. Each single family dwelling unit shall comply with all pertinent building and fire codes. In the case of a manufactured home all construction and plumbing, electrical apparatus, and insulation within and connected to the manufactured home shall be of a type and quality conforming to the *Manufactured Home Construction Safety Standards* as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time the standards may be amended.
- L. Building Permit. All construction required herein shall commence only after a building permit has been obtained in accordance with the applicable Michigan State Construction Code provisions and requirements.
- M. Exceptions. The requirements of this Section shall not apply to a manufactured home located in a licensed manufactured home park except to the extent required by state or federal law or otherwise specifically required by this Ordinance as pertaining to manufactured home parks. Manufactured homes which do not conform to the

requirements of this Section shall not be used for dwelling purposes unless located within a manufactured home park or a manufactured home subdivision, or unless used as a temporary residence or as otherwise provided in this Ordinance.

SECTION 3.10 SANITARY AND DUMPING RESTRICTIONS

- A. A sanitary permit shall be obtained from the Jackson County Health Department before a building permit is issued for any use where sanitary waste facilities are required.
- B. Applicable requirements of the Jackson County Health Department regarding sewage disposal, sanitary facilities and water supply shall be met prior to the issuance of a Certificate of Occupancy for any building.
- C. The use of open land in any district for the dumping, storage or disposal of waste materials including garbage, sewage, filth, junk, rubbish, refuse, scrap materials, ashes, slag, industrial waste or other obnoxious matter is not permitted. Storage of solid inorganic waste materials that do not present a health hazard, as determined by the Jackson County Health Department, is permitted if placed within an enclosed accessory building. Proper containers, kept clean and in place, shall be provided for the temporary storage of garbage and rubbish.
- D. The dumping of dirt, sand, rock or other material excavated from the earth is permitted in any district provided the surface of the material is graded within ninety (90) days after dumping in a manner preventing the collection of stagnant water, and which leaves the ground surface in a condition suitable for the growing of turf or development of other permitted land uses.

SECTION 3.11 TEMPORARY DWELLING PERMITS

- A. No manufactured home, or recreational vehicle shall be used as a dwelling except in accordance with the provisions contained herein. A temporary dwelling permit may be requested from the Zoning Administrator by filing a completed application form with the Township Clerk.
- B. The Zoning Administrator may grant a permit for the temporary occupancy of manufactured homes or recreational vehicles, subject to the following conditions.
 - 1. The temporary dwelling permits shall be issued only after the footings for the proposed permanent dwelling have been installed. Prior to issuance of a permit, a performance guarantee established in accordance with Section 19.07 shall be deposited with the Township. The performance guarantee shall be forfeited to Grass Lake Charter Township and the temporary dwelling immediately removed should a violation of any of the conditions of the permit or applicable provision of this Ordinance occur.

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2. Where a temporary dwelling permit has been issued, the period of construction of a new permanent dwelling shall not exceed a period of eighteen (18) consecutive months. The owner of the permanent dwelling and members of the owner's immediate family shall be permitted to occupy the temporary residence situated at the construction site provided the owner intends to occupy the dwelling as a residence upon completion of its construction.
 3. Temporary dwelling shall not be located within the front yard setback.
 4. The temporary dwelling shall contain sleeping accommodations, a flush toilet, and a tub or shower adequate to serve the occupants thereof. The temporary dwelling shall be properly connected to a septic sewage disposal system approved by the Jackson County Health Department.
 5. No unoccupied temporary manufactured home shall be stored on any lot beyond the time period of the temporary dwelling permit.

SECTION 3.12 TEMPORARY OR SEASONAL USES

- A. Circuses, carnivals or other transient enterprises may be permitted in any district upon approval of the Township Board.
- B. The sale of Christmas trees, pumpkins, firewood, and other seasonal items shall be considered temporary uses within any zoning district and shall be subject to the following conditions:
 1. A temporary land use permit shall be approved by the Zoning Administrator.
 2. All sales shall be conducted in a manner as to not create a traffic hazard or nuisance to neighboring properties.
- C. Upon discontinuance of the seasonal use any temporary structures shall be removed.
- D. Signs shall conform to the provisions of the District in which the seasonal use is located, as set forth in Chapter 17.
- E. Each permit for a temporary or seasonal use shall be valid for a period of not more than sixty (60) days within any consecutive six (6) month period, except that the permit may be renewed by the Zoning Administrator for up to one (1) additional successive thirty (30) day period, provided the season or event to which the use relates is continued.

SECTION 3.13 HOME OCCUPATIONS

- A. A home occupation must be clearly incidental and secondary to the principal use of the dwelling unit, and shall not change the character or the residential nature of the premises, both in terms of use and appearance. A home occupation shall be carried on within the dwelling and/or within a building accessory thereto. A total area of not more than twenty-five percent (25%) of the gross floor area of the dwelling unit shall be used in conducting the home occupation, including the area used in an accessory building.
- B. A home occupation use shall not create a nuisance or endanger the health, safety, welfare, or enjoyment of any other person in the area by reason of noise, vibration, traffic, parking, glare, fumes, odor, unsanitary or unsightly conditions, fire hazards, or the like, involved in or resulting from the home occupation.
- C. No employees shall be permitted, either gratuitously or for compensation of any kind, other than members of the immediate family residing in the dwelling unit.
- D. There shall be limited additional vehicular traffic permitted for the home occupation as is normally generated for a dwelling unit in a residential area, both as to volume and type of vehicles.
- E. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conducting of the home occupation other than one (1) non-illuminated sign, not exceeding eight (8) square feet in area.
- F. A request for a home occupation shall be in writing and approved by the Zoning Administrator.

SECTION 3.14 BUILDINGS TO BE MOVED

No building or structure to be placed on property within the township shall be moved into or within the township unless the Building Inspector has made an inspection of the building to be moved. The Building Inspector shall find that the building to be moved is structurally safe, will not adversely affect the character of existing buildings in the neighborhood of the new location, and will fully comply with the Building Code and other codes regulating the health, safety and general welfare of the township.

SECTION 3.15 FLOODPLAINS

Notwithstanding any other provision of this Ordinance, land subject to periodic flooding shall be used only for agricultural and recreation uses. The location and boundaries of land subject to periodic flooding shall be determined by reference to the U.S. Soil Conservation Service, the U.S. Army Corps of Engineers, or other official authority.

SECTION 3.16 EXTERIOR LIGHTING

- A. Glare emitted from any process shall be performed in a manner that cannot be seen from any point beyond the property line, and not create a public nuisance or hazard.
- B. All developments shall be designed to insure that glare from vehicle headlights are not directed into any adjacent property, particularly residential property. The Zoning Administrator may require specific screening measures to attenuate glare from vehicle headlights or other sources.
- C. Exterior lighting shall be located and maintained to prevent the reflection and glare of light in a manner that creates a nuisance or safety hazard to operators of motor vehicles, pedestrians and neighboring land uses. This provision is not intended to apply to public street lighting.
- D. Light fixtures shall be no higher than thirty (30) feet and shall be provided with light cut-off fixtures that direct light downward. For parking lots serving a single building or groups of related commercial, industrial, or office buildings in excess of five hundred (500) spaces the Planning Commission may permit a higher light fixture in selected locations within the parking lot where existing or planned residential areas will not be affected.

SECTION 3.17 OUTDOOR STORAGE

For those uses requiring site plan review, the outdoor storage of goods, materials, and equipment, except trucks or vehicles operated by the principal use, shall be subject to the following conditions:

- A. The location and size of areas for outdoor storage, nature of items to be stored therein, and details of the enclosure, including description of materials, height, and typical elevation of the enclosure shall be provided as part of the information submitted under Chapter 15, Site Plan Review.
- B. Outdoor storage shall not be located within the area between the front wall of the building, as extended across the entire width of the lot, and the street right-of-way, or in any required side or rear yard.
- C. Outdoor storage shall not be located in any required parking or loading space.
- D. Outdoor storage shall be strictly and clearly incidental to the principal use and only products, equipment and materials owned, produced or operated by the principal use shall be permitted for outdoor storage.
- E. Outdoor storage shall not be permitted as a principal use of a lot.

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- F. The area for outdoor storage shall be screened from view on all sides in a manner as approved during the site plan review process.

SECTION 3.18 ESSENTIAL SERVICES

Essential services shall be permitted as authorized and regulated by law and other ordinances of the Township. The construction of buildings associated with essential services shall be subject to the provisions of Chapter 15, Site Plan Review. Otherwise, the construction, maintenance, and alteration of essential services shall be exempt from the provisions of this Ordinance, except where otherwise regulated herein. Wireless communication towers and facilities are not considered essential services. **(Section Amended 2010)**

3.18.1 Definitions:

As used in this section, the following definitions shall apply:

a. Telecommunication(s) Facility:

A telecommunication facility shall mean and include all structures and accessory facilities relating to the use of radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, cellular towers, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), satellite dish facilities, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings, private and commercial radio service facilities, paging and similar services which are licensed and marketed to the general public, except preemptions as stated in the Federal Communications Act of 1996. Not included in this definition are citizen band radio facilities, short wave receiving facilities, federally licensed amateur (ham) radio facilities, and government facilities that are subject to state or federal law or regulations which preempt municipal regulatory authority and that do not exceed the height limitations for the appropriate zoning district. Also not included are those described facilities which are used by a single household or multiple residential units for the private use of the residents, and facilities which are receivers only.

b. Applicant:

The applicant for a permit to erect a telecommunication facility as defined above.

c. Application

The application is a special land use request by the applicant for the permits and approvals necessary for the construction of a telecommunication facility.

3.18.2 Application Process:

Before any telecommunications facility is constructed within the Township, the application (with the required permit fees) shall be filed with the Township Clerk by the applicant. Such permit shall, at a minimum, contain the following information, as well as any other information subsequently determined to be necessary by the Planning Commission.

- a. A statement by the applicant describing engineering criteria which will permit co-location of additional antennas, if the telecommunication facility is 60 feet or more in height.
- b. A site survey to scale, showing all structures within 100 feet, and including a legal description of the real estate.
- c. A detailed statement as to the intended buffering of the property to minimize its visibility to surrounding uses. Such buffering shall include but not be limited to the planting of evergreen or similar trees which will provide year-around screening, a fence no less than six feet tall, and the material out of which said fence shall be erected.
- d. The proposed height of the telecommunication facility.
- e. The location and size of all accessory buildings.
- f. The type of construction of the telecommunication facility.
- g. Each application shall be accompanied by plans prepared by a licensed Michigan professional engineer describing the telecommunication facility height and design, including a cross-section of the structure. The plans shall demonstrate the telecommunication facility compliance with the applicable sub-structural standards and describe the telecommunication facility's road design.
- h. The application shall be accompanied by a statement from a licensed Michigan professional engineer certifying that the telecommunication facility is in compliance with all applicable federal, state and local laws, codes, regulations and ordinances.

- i. Minimum spacing between self-supporting telecommunication facilities 75 feet and above shall be three miles in order to prevent a concentration of telecommunication facilities in one area.
- j. All applications for the construction of commercial telecommunication antennas, satellite dishes, cellular towers, microwave dishes, paging and other wireless types of communication towers or antennas shall be subject to the provisions of the site plan review processes set forth in Section 15.04 of this Ordinance. Each such application shall undergo a full and thorough site plan review, together with meeting all of the requirements of Section 14.06 of the Grass Lake Charter Township Zoning Ordinance.

3.18.3 Minimum Standards:

All commercial wireless telecommunication facilities and towers erected, constructed, or located within Grass Lake Charter Township shall comply with the following minimum standards:

- a. Commercial telecommunication antennas, satellite dishes, cellular towers, microwave dishes, paging and other wireless types of communication towers or antennas shall be self-supporting and separated from structures by a distance of no less than 200 feet or the height of the telecommunication facility plus 10%, whichever is greater, except structures used for the operation of the telecommunication facility. The setback distance shall be measured from the base of the telecommunication facility to the lot line.
- b. All telecommunication facilities shall be harmonious with and in accordance with the general objectives, intent and purposes of the Grass Lake Charter Zoning Ordinance and will not be hazardous or disturbing to the existing or future neighboring uses.
- c. Such telecommunication facilities or towers shall not be artificially lighted unless otherwise required by the Federal Aviation Administration or other federal, state or local authority.
- d. There shall be vegetative screening through the use of evergreen shrubs or trees capable of forming a continuous hedge at least eight feet in height within two years of planting and a row of trees at least six feet in height at the time of placement with ten foot centers and a minimum mature height of 35 feet.

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- e. Minimum property line setbacks shall be thirty (30) feet plus the height of the self-supporting telecommunication facility, plus ten (10%) percent of the height of the tower, or one hundred (100) feet, whichever is greater, in Agricultural and Commercial Districts. In Industrial Districts, the setbacks shall be at least 50% of the height of the tower. Notwithstanding the foregoing language, no telecommunication facility shall be located closer than 200 feet from the property line when the adjacent property within 500 feet is being used for residential purposes; providing, further, that where a proposed telecommunication facility will be located on a parcel of land surrounded on all four sides by commercially, agriculturally, and/or industrially zoned property, the Planning Commission may, in its' discretion, reduce the minimum sideline setback requirements of this Ordinance upon evidence that a satisfactory fall zone for the telecommunication facility will be less than that required for structures erected in the zoning district in which the telecommunication facility is located. The setback distance shall be measured from the base of the telecommunication facility to the lot line.
 - f. The total square footage of accessory buildings shall not exceed six hundred (600) square feet per user of the telecommunication facility. Accessory structures shall blend in with the surrounding area by considering color, texture and materials, topography and scale of buildings.
 - g. The noise impacts of cooling and other types of equipment shall be minimized through location and screening. Noise may not exceed state noise standards, and shall conform to recommended decible standards adopted by the appropriate local, state or federal agency.
 - h. Metal telecommunication facilities shall be constructed of or treated with corrosive resistant materials.
 - i. Antenna and metal telecommunication facilities shall be grounded for protection against direct strike by lightning and shall comply as to the electrical wiring and connections with all applicable local statutes, regulations, standards and codes.
 - j. There shall not be displayed any advertising or identification of any kind intended to be visible from the ground or other structure on any telecommunication facility, except such identification as may be required for emergency purposes.
 - k. All telecommunication facilities and towers shall be equipped with an anti-climbing device to prevent unauthorized access.

- I. All telecommunication devices added to existing facilities or towers must meet the requirements of this ordinance.

3.18.4 Abandonment:

In the event the use of any telecommunication facility has been discontinued for a period of 180 days, the telecommunication facility shall be deemed to be abandoned. Upon abandonment, the owner/operator of the telecommunication facility shall have an additional 180 days within which to reactivate the telecommunication facility, or dismantle and remove the telecommunication facility, restoring the premises to their original condition to the extent possible. All support structures, equipment, and related components, further, shall be removed to a depth of two feet below ground level.

3.18.5 Federal. State and Local Rules:

The owner or applicant of the telecommunication facility shall be required to adhere to all federal, state and local rules, regulations, statues and ordinances. A violation of any of the foregoing shall constitute reasonable grounds for the municipality to revoke the telecommunication permit.

3.18.6 Tower Space and Tower Rights :

The applicant shall provide to Grass Lake Charter Township space and use rights for public safety communications and other municipal communications at no cost to the municipality if space is requested prior to construction of the tower or space is available at the time of the request by the Township.

3.18.7 Conditional or Permitted Use:

Telecommunication facilities shall be subject to the provisions of Chapter 14 of this ordinance regardless of whether such facilities are designated as a conditional or permitted use in any zoning district. Such conditions are necessary to preserve the safety, health and welfare of the residents because of the nature of the activity.

3.18.8 Bonds:

The owner of the telecommunication facility or tower shall post a bond with the Township in an amount to cover the reasonably estimated costs and expenses of dismantling and removing the telecommunication facility

or tower in the event that the same is abandoned, and the owner fails to dismantle and/or remove the same within 180 days. Said bond shall be with a reputable insurance or guarantee company. The amount of the bond shall be established by the Township Board, and may be adjusted from time to time on an annual basis to reflect changing costs and expenses of dismantling and moving the telecommunication facility or tower.

3.18.9 Transfer of Ownership:

These regulations and standards shall apply to successor owner(s) of the telecommunication facilities if title or ownership of the telecommunication facility is transferred to another person, partnership, corporation or any other entity.

3.18.10 False Statement on Application:

Any application containing a false statement shall be deemed null and void. Any money on deposit with the Township shall be forfeited to the Township. Applicant may not reapply for the same site for a period of 365 consecutive days from the date of forfeiture. Any applicant who makes a false statement on an application shall be guilty of a misdemeanor, and subject to a fine not to exceed \$500.00 and/or imprisonment in the county jail not to exceed 90 days.

3.18.11 Names of References on Application:

The application shall state the name, address and phone number(s) of the person(s) to contact for engineering, maintenance, and other notice purposes. The application shall also include the name back haul provider, if applicable.

3.18.12 Co-Location Requirements:

All commercial wireless telecommunication facilities erected, constructed, or located within the Township shall comply with the following requirements:

- a. The proposal for a new commercial wireless telecommunication facility shall not be approved unless the Township Board finds that the telecommunication equipment planned for the proposed telecommunication facility due to one or more of the following reasons:
 - i. The planned equipment would exceed the structural capacity of the

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- existing or approved telecommunication facility or building as documented by a qualified and licensed Michigan professional engineer, and the existing or approved telecommunication facility cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost.
- ii. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the telecommunication facility or building as documented by a qualified and licensed Michigan professional engineer, and the interference cannot be prevented at a reasonable cost.
 - iii. Existing or approved telecommunication facilities or buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed Michigan professional engineer.
 - iv. Other unforeseen reasons that make it unfeasible to locate the planned telecommunication equipment upon an existing or approved telecommunication facility, tower or building. Any proposed commercial wireless telecommunication service tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for a minimum of three users if the telecommunication facility is over 100 feet in height, or for at least one additional user if the telecommunication facility is over 60 feet in height. Telecommunication facilities must be designated to allow future rearrangement of antennas upon the telecommunication facility to accept antennas mounted at varying heights.
- b. No telecommunication facility shall be constructed unless there is proof that co-location on an existing telecommunication facility cannot meet the needs of the applicant.
 - c. All operators of telecommunication facilities constructed under this Ordinance section may not prohibit another operator or user from co-location of its equipment at the then going rate for co-location on similar telecommunication facilities without a compelling reason approved by the Township Board. All operators must have approval before denying a co-location request.

3.18.13 Cases Not Covered:

In all cases involving the construction of a telecommunication facility not covered by the provisions in Section 3.18, such must follow and be granted a

conditional use permit prior to the issuance of a building permit.

3.18.14 Repeal of Existing Ordinance Provisions

These provisions of the Grass Lake Charter Township Zoning Ordinance are incorporated into such Ordinance as if such originally had been included into the Ordinance. Only those portions of said Zoning Ordinance in conflict with these provisions to the Zoning Ordinance are repealed by this amendment. All portions and provisions of the Zoning Ordinance not in conflict with this amendment are not repealed and remain in full force and effect.

3.18.15 Penalty for Violation of Telecommunication Ordinance:

Any person, group, association, or any other type of organization, which violates the provisions of this Ordinance, including but not limited to the failure to file or provide the reports as set forth herein, shall be guilty of the violation of this amendment and shall be subject to the penalties set forth in the Zoning Ordinance.

SECTION 3.19 WATERFRONT RELATED REGULATIONS

- A. Riparian Access: The following restrictions are intended to limit the number of users of lake or stream frontage in order to preserve the quality of the waters, to promote safety and to preserve the quality of recreational use of all waters within the township.
1. In all districts, there shall be at least eighty (80) feet of waterfront lot frontage, as measured along the ordinary high water mark of any waterfront lot, for each single-family dwelling unit or multiple-family dwelling unit or any other single use utilizing or accessing the body of water.
 2. The minimum lot depth of any parcel used for access shall be not less than one hundred (100) feet.
 3. No canal or channel shall be excavated for the purpose of increasing the lot frontage required by this Section.
 4. The restrictions of this Section shall apply to all waterfront lots and parcels in all districts regardless of whether access shall be by easement, park common-fee ownership, single-fee ownership, condominium arrangement, license, or lease.
- B. Dock Regulations: Private boat docks, accessory to residential uses, shall be permitted, subject to the following provisions:

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1. One (1) private boat dock per dwelling shall be permitted for each single-family and two-family dwelling unit. Docks may not extend further than thirty (30) feet from and perpendicular to the shoreline, or to a minimum distance at which a depth in the water of four (4) feet is reached, unless the regulation of any state or federal agency requires a lesser distance, in which case the lesser distance shall apply.
 2. Boat docks and boat slips shall be used only by persons residing on the premises or their guests, and shall not be leased, rented, or otherwise made available for compensation, except in conjunction with the lease or rental of the dwelling unit on the same lot, unless an approved as a marina, subject to the requirements of this Ordinance and other state and federal regulations.
- C. Private boat docks, accessory to non-residential uses, subject to the following provisions:
1. One (1) private dock per dwelling shall be permitted for each lot or parcel. Docks may not extend further than thirty (30) feet from and perpendicular to the shoreline, or to a minimum distance at which a depth in the water of four (4) feet is reached, unless the regulation of any state or federal agency requires a lesser distance, in which case the lesser distance shall apply.
 2. Boat docks and boat slips shall be used by patrons of the premises or their guests and shall not be leased, rented or otherwise make available for compensation, unless approved as a marina, subject to the requirements of the Ordinance.

SECTION 3.20 MAINTENANCE OF ANIMALS

The keeping or raising of livestock, poultry, rabbits, fur bearing animals and other farm animals other than household pets or those kept as part of an active farm operation shall be restricted to lots greater than five (5) acres and located in the AG, R-1, and R-2 Districts. Land owner must follow generally accepted agricultural practices.

SECTION 3.21 NONCONFORMING LOTS, USES, AND BUILDINGS

- A. Intent
1. Within the districts established by this Ordinance, or any subsequent amendments thereto, it is recognized that there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before this Ordinance was passed or amended but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendment. It is the intent of this Section to permit these nonconformities to continue until they are

removed but not to encourage their continuation. It is further the intent of this Section that nonconformities shall not be enlarged upon, expanded or extended, nor used as grounds for adding other structures or uses prohibited elsewhere in the same District.

2. Nonconforming uses are declared by this Ordinance to be incompatible with uses allowed in the districts involved. A nonconforming use of land or a nonconforming use of structure and land in combination shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the District involved.
3. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, the excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

B. Nonconforming Lots of Record

1. In any district, main and accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance, provided the erection of the buildings is in accordance with all other applicable township, county, and state regulations.
2. The provisions of this subsection shall apply even though the lot fails to meet the requirements for area or width, or both, that are generally applicable in the District, provided that yard dimensions and requirements other than these applying to area or width, or both, of the lot shall conform to the regulations for the District in which the lot is located.
3. The Zoning Board of Appeals may grant a variance from minimum yard requirements if the applicable variance review standards of Section 18.04, D, are satisfied.

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- C. Nonconforming Uses: Where at the time of passage of this Ordinance a lawful use of land exists which would not be permitted by the regulations of this Ordinance may be continued so long as it remains otherwise lawful, provided:
1. No nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of the adoption or amendment of this Ordinance, except as may be permitted by the Zoning Board of Appeals upon reaching a determination that the proposed enlargement, increase, or greater area:
 - a. Shall not have a substantial detrimental effect on the use and enjoyment of adjacent uses or lots;
 - b. Shall comply with all parking, sign, or other applicable regulations applicable to accessory uses for the area affected by the proposed enlargement, increase, or greater area;
 - c. Shall comply with any reasonable conditions imposed by the Zoning Board of Appeals that are necessary to ensure that the proposed enlargement, increase, or greater area will not prove detrimental to adjacent properties, the neighborhood, or the community.
 - d. Shall not be larger than twenty five percent (25%) of the area encompassing the nonconforming use as determined by the area occupied when the use originally became nonconforming.
 2. No nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by the use at the effective date of adoption or amendment of this Ordinance.
 3. Any additional structures erected in connection with a nonconforming use of land shall comply with the requirements of this Ordinance.
 4. If any nonconforming use of land or structure is abandoned for a period of six (6) months or longer, any subsequent use of the land shall conform to the regulations specified by this Ordinance for the District in which the land is located.
 5. A nonconforming use shall be determined to be abandoned if one (1) or more of the following conditions exists, and shall be deemed by the Zoning Administrator to constitute an intent on the part of the property owner to abandon the nonconforming use:
 - a. Utilities, such as water, gas and electricity to the property, have been disconnected;
 - b. The property, buildings, and grounds, have fallen into disrepair;

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- c. Signs or other indications of the existence of the nonconforming use have been removed;
 - d. Removal of equipment or fixtures which are necessary for the operation of the nonconforming use;
 - e. Other actions, which in the opinion of the Zoning Administrator constitute an intention of the part of the property owner or lessee to abandon the nonconforming use.
- D. Nonconforming Buildings and Structures: Where a nonconforming building or structure exists by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the building or structure, the building or structure may be continued so long as it remains otherwise lawful, subject to the following:
- 1. No nonconforming building or structure may be enlarged or altered in a way that increases its nonconformity. Any building or structure or portion thereof may be altered to decrease its nonconformity.
 - 2. Should a nonconforming building or structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the District in which it is located after it is moved.
 - 3. Repairs and Maintenance
 - a. Any normal repairs and maintenance work required to keep a nonconforming building or structure in sound condition may be made, but it shall not be structurally altered to permit the use of the building or structure beyond its natural life except for repairs necessary to maintain public safety.
 - b. If a nonconforming structure becomes physically unsafe or unlawful due to lack of repairs and maintenance and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.
 - 4. Nonresidential nonconforming buildings or structures damage by fire, wind, explosion, Act of God, or public enemy may be rebuilt or restored if the cost thereof does not exceed fifty percent (50%) of the cash value of the nonconforming building or structure prior to its damage or destruction. If the cost of restoration or repair would exceed fifty percent (50%) of the true cash value of the nonconforming building or structure prior to its damage or destruction, a substantial improvement or rebuilding shall only be permitted only if it complies with the requirements of this Ordinance.

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5. Residential nonconforming dwellings damaged by fire, wind, explosion, Act of God, or public enemy may be rebuilt or restored provided that the reconstruction takes place within the confines of the original nonconforming footprint.
- E. Uses and Buildings Approved by Special Land Use or Variances
1. Any Special Land Use approved by the Planning Commission after the effective date of this Ordinance shall not be deemed a nonconforming use in the District. The Planning Commission may approve a Special Land Use existing prior to the effective date of this Ordinance, subject to the limitations and conditions of this Ordinance as though the existing use were a newly initiated use, in which case the use would thereafter have the status of a conforming use as provided for above.
 2. Variances approved by the Zoning Board of Appeals shall be deemed to be conforming to the regulations established for the use or building as approved by the Board.

SECTION 3.22 SITE CONDOMINIUMS

All streets proposed for any site condominium shall be developed within the minimum design, construction, inspection, approval, and maintenance requirements of this Ordinance, the Subdivision Control Ordinance, and the comparable requirements of the Jackson County Road Commission, if applicable. (Amended 2010)

SECTION 3.23 SATELLITE DISH ANTENNAS

- A. Placement
1. In Residential Districts a satellite dish antenna shall be permitted only in a rear yard, or mounted or attached to a building.
 2. A satellite dish antenna shall comply with the side and rear yard setback requirements applicable to main buildings in the District in which it is located.
 2. In Nonresidential Districts a satellite dish antenna shall be located only in the side or rear yard or mounted on top of a building. No more than two (2) satellite dish antennas shall be located on the same lot as a main building. Satellite dish antennas are permitted only in connection with, incidental to and on the same lot as a principal use or main building.
- B. Height

1. In Residential Districts, a ground mounted satellite dish antenna, including any platform or structure upon which the antenna is mounted, shall not exceed fourteen (14) feet in height, or ten (10) feet in diameter.
2. In Nonresidential Districts, a satellite dish antenna, including any platform or structure upon which the antenna is mounted, shall not exceed the maximum height permitted for main buildings in the District in which it is located.

C. General Provisions

1. The regulations of this Section shall not apply to dish antennas that are one (1) meter (39.37 inches) or less in diameter in Residential Districts or two (2) meters (78.74 inches) or less in diameter in Nonresidential Districts.
2. A satellite dish antenna, shall not be erected, constructed, or installed until a building permit has been obtained from the Building Inspector.
3. The Building Inspector may waive any provision of this Section if its enforcement inhibits or prevents the proper operation of the satellite dish antenna.
4. A satellite dish antenna shall be anchored in a manner approved by the Building Inspector as being adequate to secure the satellite dish antenna during high winds
5. No portion of a satellite dish antenna shall contain any name, message, symbol, or other graphic representation visible from adjoining properties, except as required by the manufacturer or federal regulations for safety purposes.
6. These regulations are formulated to ensure that adequate protection measures are provided in the Ordinance for ensuring that sight distance is not impaired, that dish antennas are located and constructed in a manner that will reduce the potential for injury, and to ensure that the intent and purposes of this Ordinance are met.

SECTION 3.24 LANDSCAPING, GREENBELTS AND BUFFERS, AND SCREENING

- A. The intent of this Section is to promote the public health, safety, and welfare and improve the visual appearance of the township by requiring landscaping for each proposed development. A landscape plan meeting the requirements set forth in this Section shall be submitted and approved as part of any site plan review conducted in accordance with the requirements of Chapter 15.
- B. Landscape Requirements

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1. A landscape plan shall be submitted demonstrating all requirements of this Section and shall include, but not necessarily be limited to, the following requirements:
 - a. Plans shall be submitted at a minimum scale of 1 inch = 50 feet for property less than three (3) acres; or 1 inch = 100 feet for property three (3) acres or more.
 - b. Location, spacing, size, root type, and descriptions for each proposed plant type.
 - c. On parcels of more than one (1) acre, existing and proposed contours on-site and fifty (50) feet beyond the site at intervals not to exceed (2) feet.
 - d. Significant construction details to resolve specific site conditions and to ensure proper installation and establishment of proposed plant materials.
 - e. Identification of existing trees and vegetative cover to be preserved.
 - f. Identification of landscape maintenance program including a statement that all diseased, damaged, or dead materials shall be replaced in accordance with requirements of this Ordinance.
 2. The following minimum standards shall apply:
 - a. Landscaping, including grass, trees, shrubs, and other vegetation is provided to maintain and improve the aesthetic quality of the site and area.
 - b. Berms shall be constructed with slopes not to exceed a 1:3 gradient. Berms shall be protected with sod, seed, or other form of natural ground cover.
 - c. Wherever practical, the Planning Commission may require the preservation and incorporation of existing trees as part of the landscape plan.
 - d. Required plantings shall meet the requirements of this Section based upon reasonably anticipated growth over a period of three (3) years.
- C. Screening Between Land Uses
1. Whenever a non-residential land use abuts a Residential District or use, a landscape buffer shall be constructed to create a visual screen at least six (6) feet in height along all adjoining boundaries. A landscape buffer may consist of earthen berms and/or living materials so as to maintain a minimum opacity of at least eighty percent (80%).
 2. Opacity shall be measured by observation of any two (2) square yard area of landscape screen between one (1) foot above the established grade of the area

to be concealed and the top or the highest point of the required screen.

3. Where there is a need to provide a greater noise or dust barrier or to screen more intense development, a solid wall or fence shall be required by the Planning Commission. A wall or fence shall be a minimum of six (6) feet in height as measured on the side of the proposed wall having the higher grade.
 4. The Planning Commission, or Building Inspector for plans not reviewed by the Planning Commission, shall approve the construction materials of the wall or fence which may include face brick, poured-in-place simulated face brick, pre-cast brick face panels having simulated face brick, stone or wood.
- D. Greenbelts. Where required by this Ordinance or by the Planning Commission, Township Board, or Zoning Board of Appeals, greenbelts shall be provided in accordance with the following requirements:
1. The depth of the greenbelt shall equal the required front yard of the District in which the proposed use is located. The greenbelt shall be landscaped with a minimum of one (1) tree not less than twelve (12) feet in height or a minimum caliper or two and one-half (2½) inches (whichever is greater at the time of planting) for each thirty (30) lineal feet, or major portion thereof, of frontage. The remainder of the greenbelt shall be landscaped in grass, ground cover, shrubs and other natural landscape materials.
 2. Access drives from public rights-of-way through required greenbelts shall be permitted.
- E. Residential Landscaping. Landscaping for single and two family residential developments approved as part of a site plan review, in accordance with the provisions of Chapter 15 shall be provided in accordance with the following requirements:
1. Screening From Public Road. Where a residential development abuts a public road right-of-way located outside of the boundaries of that development the screening requirements set forth in Section 3.25, C shall be met.
 2. Other Site Improvements. A landscape plan for a residential development as provided in this Section shall also include landscaping details of the entrance to the development, stormwater retention and/or detention areas, community buildings and other recreational areas, and any other site improvements that would be enhanced through the addition of landscaping.
- F. Screening of Trash Containers. Outside trash disposal containers shall be screened on all sides with an opaque fence or wall, and gate at least as high as the container, but no

less than six (6) feet in height, and shall be constructed of material that is compatible with the architectural material used in the site development.

SECTION 3.25 FENCES AND WALLS

A. Residential Districts

1. Fences constructed in front of the front building line of any residential building shall be ornamental in design and shall be limited to a height of three (3) feet. Such fences may be modified for confinement of livestock.
2. Fences located in a side or rear yard shall be constructed of commercially available materials and limited to a height of eight (8) feet.
3. On waterfront lots, fences which are located on the waterfront side of the main building shall be of an open air type, permitting visibility through at least fifty percent (50%) of its area and shall not exceed three (3) feet in height.

B. In any Nonresidential District, fences, walls or other screening structures shall not exceed twelve (12) feet in height.

C. No fence shall contain any barbed wire or electrification except for security in Nonresidential Districts, or for the containment of farm animals as permitted in the Districts allowing agricultural uses, or for the protection of public utility buildings or improvements. For non-agricultural uses the barbed portion of the fence shall be at least six (6) feet from the ground.