

**TYRONE TOWNSHIP
REGULAR BOARD MEETING AGENDA
MARCH 31, 2020 - 7:00 P.M.
(810) 629-8631**

CALL TO ORDER – PLEDGE OF ALLEGIANCE – 7:00 P.M.

ROLL CALL

APPROVAL OF AGENDA – OR CHANGES

APPROVAL OF CONSENT AGENDA

Treasurer's Report

COMMUNICATIONS

PUBLIC REMARKS

UNFINISHED BUSINESS

1. Oaks of Tyrone (Formerly Sanctuary at Tyrone) conditional rezoning application.

NEW BUSINESS

1. Adjust and approve the 2019-2020 budget.
2. Amendments to the Zoning Ordinance to remove sight line regulations.

MISCELLANEOUS BUSINESS

PUBLIC REMARKS

ADJOURNMENT

* * * * *

Supervisor Mike Cunningham

Clerk Marcella Husted

Please note: The Public Remarks section appears twice on the agenda - once after Communications and once before Adjournment. Anyone wishing to address the Township Board may do so at these times. The Tyrone Township Board of Trustees has established a policy limiting the time a person may address the Township Board at a regular or at a special meeting during the Public Remarks section of the agenda to three minutes. The Board reserves the right to place an issue under the New Business section of the agenda if additional discussion is warranted or to respond later either verbally or in writing through an appropriately appointed Township Official. - Individuals with disabilities requiring auxiliary aids or services should contact the Tyrone Township Clerk at (810) 629-8631 at least seven days prior to the meeting.

CONSENT AGENDA

3/10/2020

TYRONE TOWNSHIP TREASURER'S REPORT

JMM

Period ending February, 2020

TOWNSHIP FUNDS	Interest Ckg	INVESTMENTS ICS	Int Rate	MICHIGAN CLASS	Int Rate Monthly AVG.	FLG PEG CD matures 8/12/20	Int rate	Grand Totals Each Fund
General 101	\$1,775,057.81	\$ 437,854.27	2.22%					\$ 2,212,912.08
Tech Fund 141	\$66,426.85	\$ 5,000.00	2.22%					\$71,426.85
Building & Site 145	(\$15,076.16)	\$ 7,500.00	2.22%					(\$7,576.16)
Parks/Recreation 208	\$5,934.23		0.40%					\$5,934.23
Liquor Control 212	\$0.00		0.40%					\$0.00
Road 245	\$23,571.07	\$ 309,224.80	2.22%	\$260,887.70	2.00%			\$ 593,683.57
Revolving 246	\$147,678.36	\$ 97,500.00	0.40%	\$191,650.10	2.00%			\$ 436,828.46
Right of Way 260	\$9,923.09		0.40%					\$9,923.09
Peg 274	\$134,700.95					\$ 189,984.90	2.08%	\$324,685.85
Lk Tyrone Grant 281	\$0.00		0.40%					\$0.00
Special Assessments								
Jayne Hill Lts 218	\$2,321.05		0.40%					\$2,321.05
Walnut Shores Lts 219	\$674.50		0.40%					\$674.50
Shannon Glen Rubbish 225	\$1,858.64							\$1,858.64
Jayne Hill Rubbish Removal 226	\$10,743.25		0.40%					\$10,743.25
Apple Orchard Rubbish Removal 227	\$280.34							\$280.34
Silver Lake Rubbish Removal 228	\$3,196.38							\$3,196.38
Parkin Lane Snow 231	\$12,701.64		0.40%					\$12,701.64
Great Oaks Dr 232	\$5,900.97		0.40%					\$5,900.97
Laural Springs Rubbish removal 233	\$0.00							\$0.00
Account Totals	\$2,185,892.97	\$ 857,079.07		\$452,537.80		\$ 189,984.90		\$ 3,685,494.74
Health Flex Spending 101		The State Bank						Health Flex Total
FSA Account (\$10K Loan to Open)		\$ 10,035.93	0.00%					\$ 10,035.93
								\$ 10,035.93
Dec-19								
Public Safety- 205								Public Safety Total
Public Safety 205 - State Bank checking		\$ 82,605.58	0.40%					\$ 82,605.58
Public Safety 205- State Bank Savings		\$ 6,401.28						\$ 6,401.28
Public Safety 205 - Level One Bank		\$ 204,455.85	0.40%					\$ 204,455.85
Public Safety ICS- 205 State Bank		\$ 770,839.34	2.22%					\$ 770,839.34
								\$ 1,064,302.05
TYRONE TOWNSHIP SEWER 2003- 392		Flagstar						Tyrone Sewer 03 Total
Debt Service 392 Flagstar Bank		\$ 658,536.58	0.6%					\$ 658,536.58
Flagstar CDARS 2003 (matures 10/22/2020)(6527)		\$ 539,209.18	1.50%					\$ 539,209.18
Flagstar CD 2003 (matures 3/31/2020)(3879)		\$ 1,000,000.00	2.55%					\$ 1,000,000.00
Flagstar CDARS 2003 Fund Martures 6/18/20)(1875)		\$ 458,975.22	2.00%					\$ 458,975.22
								\$ 2,656,720.98
Road Improvements-		Flagstar						Road Improvement Total
Parkin Lane Rd 2010 (396)		\$ 9,948.19	0.70%					\$ 9,948.19
Lake Shannon 2018 (399)		\$ 256,743.26	0.70%					\$ 256,743.26
Laurel springs (400)		\$ 27,841.77	0.70%					\$ 27,841.77
Irish Hills (401)		\$ 112,664.29						\$ 112,664.29
CIBC- Parkin Lane CD(matures 5/12/20)		\$ 126,691.46	2.50%					\$ 126,691.46
								\$ 533,888.97
SEWER O&M CHECKING ACCT- 590		Flagstar						Sewer O&M Total
Sewer Operation and Maintenance CK (5710)		\$ 197,652.01	0.70%					\$ 197,652.01
Sewer Operation and Maintenance SV (4865)		\$ 82,379.86	1.39%					\$ 82,379.86
CIBC- O&M CD(matures 5/8/20)(6337)		\$ 161,226.79	2.50%					\$ 161,226.79
O&M CDARS (matures 8/12/2021)(4312)		\$ 139,564.57	1.65%					\$ 139,564.57
O&M CDARS (matures 8/13/2020)(4710)		\$ 138,874.68	2.50%					\$ 138,874.68
								\$ 719,697.91
TRUST & AGENCY- 701		Chase						Trust & Agency Total
Township Trust and Agency 701 Savings		\$ 1,512.22	0.18%					\$ 1,512.22
Township Trust and Agency 701 Checking		\$ 7,206.09	0.00%					\$ 7,206.09
								\$ 8,718.31
								\$ 4,993,364.15
Total Township Monies								\$ 8,678,858.89

UNFINISHED BUSINESS #1

Oaks of Tyrone (Formerly Sanctuary at Tyrone)
conditional rezoning application.

No documents attached; see board packet of 3.3.20

NEW BUSINESS #1

Proposed FINAL Budget Amendments by Fund for Fiscal Year 2019/2020

Fund	Department	Account No.	Account Name	Current Budget	Current Balance as of 3/26/20	Suggested Amendment
TECHNOLOGY FUND	TRANSFER	141-000.000-699.000	TRANSFER OUT	\$ -	\$ -	\$ 14,645.00
GENERAL FUND	TRANSFER	101-000.000-699.005	TRANSFER IN	\$ -	\$ -	\$ 14,645.00
				\$ -	\$ -	\$ -
GENERAL FUND	ELECTIONS	101-262.000-730.000	POSTAGE	\$ 5,000.00	\$ 5,164.95	\$ 7,500.00
GENERAL FUND	ELECTIONS	101-262.000-707.000	ELECTION PERSONNEL WAGE	\$ 2,000.00	\$ 3,030.00	\$ 11,000.00
				\$ -	\$ -	\$ -
GENERAL FUND	OTHER EXP	101-299.000-730.000	POSTAGE	\$ 2,500.00	\$ 2,239.58	\$ 3,000.00
				\$ -	\$ -	\$ -
LAKE SHANNON ROAD IMPROVEMENT	PAYING AGENT	399-446.000-996.000	BOND PAYING AGENT FEES	\$ 250.00	\$ 500.00	\$ 250.00
				\$ -	\$ -	\$ -
PUBLIC SAFETY		205-345.000-812.001	FIRE CONTRACTS - FIRE RUNS (FENTON TWP)	\$ 92,859.00	\$ 76,626.00	\$ 102,168.00
PUBLIC SAFETY		205-345.000-812.003	FIRE CONTRACTS - FIRE RUNS (HARTLAND)	\$ 134,710.00	\$ 144,738.00	\$ 157,896.00

NEW BUSINESS #2

ARTICLE 2 DEFINITIONS

SECTION 2.00 CONSTRUCTION OF LANGUAGE

The following rules of construction apply to the text of this Ordinance:

- A. The particular shall control the general.
- B. In case of any differences of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- D. Words used in the present tense shall include the future; and words used in singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- E. A "building" or "structure" includes any part thereof.
- F. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
- G. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- H. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", "either...or", the conjunction shall be interpreted as follows:
 - 1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - 2. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - 3. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.
- I. The terms "abutting" or "adjacent to" include property "across from", such as across a street or an easement. "Abutting" or "adjacent to" shall not be considered land across US-23. This term shall also apply to adjacent zoning districts in an adjacent community.

- J. The term "this Zoning Ordinance" or "this Ordinance" includes the Zoning Ordinance and any amendments thereto.
- K. The phrase "such as" shall mean "such as, but not limited to."
- L. The word "including" shall mean "including, but not limited to."
- M. Terms not herein defined shall have the meaning customarily assigned to them.

SECTION 2.01 DEFINITIONS

Whenever used in this Zoning Ordinance, the following words and phrases shall have the meaning ascribed to them in this section.

AASHTO STANDARDS. Unless otherwise specified, the most recent edition of the American Association of State Highway and Transportation Officials (AASHTO) Manual "A Policy on Geometric Design for Highways and Streets" constitutes the preferred street and road design standards for Tyrone Township.

ACCESS EASEMENT. See Section 24.01.E.

ACCESSORY BUILDING. A subordinate building on the same lot or parcel of land as the principal building or buildings or part of the principal building, occupied by or devoted exclusively to any accessory use. The accessory building shall not include any building used for dwelling, residential or lodging purposes, or sleeping quarters for human beings unless so specified herein.

ACCESSORY USE. A use normally and naturally incidental to, subordinate to and devoted exclusively to the principal use of the land or buildings.

ACCESSORY STRUCTURE. A structure that is clearly incidental to, customarily found in connection with, subordinate to, and located on the same lot or parcel as the principal use to which it is exclusively related.

ADULT DAY CARE. A facility which provides care for over twelve (12) adults for less than 24 hours.

ADULT FOSTER CARE FACILITY. A residential structure licensed to provide room, board and supervised care, but not continuous nursing care, for unrelated adults over the age of 17, in accordance with Public Act 218 of 1979, as amended, and the Adult Foster Care Administrative Rules as administered by the Michigan Department of Social Services. The following four (4) types of Adult Foster Care Homes are provided for by these rules:

ADULT FOSTER CARE FAMILY HOME. Private residence for six (6) or fewer adults. Licensee must live in the home. Adult foster care family homes shall be treated similar to single family homes in the permitting and review process.

ADULT FOSTER CARE SMALL GROUP HOMES. Residence for twelve (12) or fewer adults. Licensee is not required to live in the home. Adult foster care small group homes may not be exempt from local planning and zoning requirements.

ADULT FOSTER CARE LARGE GROUP HOMES. Residence for thirteen (13) to twenty (20) adults. Licensee is not required to live in the home. Adult foster care large group homes shall not be exempt from local planning and zoning requirements.

CONGREGATE CARE FACILITY. See "Housing for the Elderly."

AGRI-BUSINESS. A retail or tourism based business operation conducted in FR Farming Residential and RE Rural Estate Districts clearly incidental to the principal permitted agricultural use on the property in which no less than 50% of the agricultural products or services sold or offered have been raised or grown on the site.

AGRICULTURE. Farms and general farming, including horticulture, floriculture, dairying, livestock and poultry raising, farm forestry, nurseries, orchards and other similar enterprises or uses. Farms shall not be operated as commercial feeding operations, or for the disposal of garbage, sewage, rubbish or rendering plants or for the slaughtering of animals, except such animals raised on the premises or that have been maintained on the premises for the use and consumption of persons residing on the premises.

ALTERATIONS. The term "alterations" shall mean any change, addition or modification in construction or type of occupancy, any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummate act of which may be referred to herein as "altered" or "reconstructed."

ANIMAL, DOMESTICATED. Any animal that is commonly considered capable of being trained or is capable of adapting to living in a human environment and being of use to human beings, and which is not likely to bite without provocation, nor cause death, maiming, or illness to human beings. Domestic animals include, but are not limited to, cattle, horses, pigs, sheep, goats, turkeys, chickens, ducks, emus, camels, and household pets as defined in this Section.

ANIMAL, EXOTIC. Any animal of a species not indigenous to the State of Michigan and not a domesticated animal, including any hybrid animal that is part exotic animal. Exotic animals include, but are not limited to, non-human primates, venomous snakes and reptiles, non-venomous snakes greater than ten (10) feet in length, reptiles (other than snakes) greater than four (4) feet in length measured from snout to end of tail, large cats, sharks greater than two (2) feet in length, ostriches, piranha, venomous insects, elephants, bears, gamecocks, hyenas, and other non-domesticated, non-wild animals.

ANIMAL UNIT. A unit of measurement for determining the kind and number of animals permitted for private use in certain residential zoning districts. An animal unit is equivalent to the following:

- ✧ 1 horse or donkey or mule or cow, or
- ✧ 3 pigs, or
- ✧ 15 sheep or goats, or
- ✧ 30 fowl, or
- ✧ 4 miniature equine.

ANIMAL, WILD. Animals of a species indigenous to the State of Michigan or the Midwest region, and which are not a common household pet, including any hybrid animal that is part wild animal. Wild animals include, but are not limited to, badgers, bears, wild birds, large cats, coyotes, deer, wolves, dog-wolf hybrids, and weasels.

APARTMENTS. A room or a suite of rooms in a multiple-family building arranged and intended for place of residence of a single family or a group of individuals living together as a single housekeeping unit.

EFFICIENCY OR STUDIO APARTMENT is a dwelling unit consisting of not more than one (1) room including kitchen, dining and necessary sanitary facilities, and for the purposes of computing density shall be considered as a one (1) room unit.

ONE BEDROOM UNIT is a dwelling unit consisting of not more than two (2) rooms including kitchen, dining and necessary sanitary facilities, and for the purposes of computing density shall be considered as a two (2) room unit.

TWO BEDROOM UNIT is a dwelling unit consisting of not more than three (3) rooms including kitchen, dining and necessary sanitary facilities, and for the purposes of computing density, shall be considered as a three (3) room unit.

THREE OR MORE BEDROOM UNIT is a dwelling unit wherein for each room in addition to the three (3) rooms permitted in a two (2) bedroom unit, for the purpose of computing density, said three (3) bedroom unit shall be considered a four (4) room unit, and each increase in a bedroom over three (3) shall be an increase in the room count by one (1) over the four (4).

ARCHITECTURAL FEATURES. Architectural features of a building shall include but not be limited to cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments.

ATTACHMENT. The joining of two (2) or more structures by the continuation of foundations and roof lines, utilizing the same construction materials to create a single unit with interior access from the existing structures.

AUTOMOBILE REPAIR GARAGE. A place where the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; painting and undercoating of automobiles. The sale of engine fuels is optional.

AUTOMART. The primary use is the retail sale of engine fuels and packaged food and drink products from a single location, usually along a major road or highway. Many automarts were formally automobile service stations. Automarts also are commonly known as convenience stores.

AUTOMOBILE SERVICE STATION. A place where gasoline or any other automobile engine fuel (stored only in underground tanks), kerosene or motor oil and lubricants or grease (for operation of automobiles) are retailed directly to the public on the premises; including sale of minor accessories and services for automobiles. Such stations may dispense gasoline as "self-service," "full-service," or "self-service and full-service" retail outlets.

AUTOMOBILE CAR WASH. A building, or portion thereof, where automobiles are washed as a commercial enterprise.

AWNING. An unenclosed roof structure attached to a wall or roof of a building. An awning projects from the building and relies on support from the building to remain in place.

BASEMENT. That portion of a building partly below grade, but so located that the vertical distance from the grade level to the basement floor is greater than the vertical distance from the grade level to the basement ceiling. A basement shall not be included as a story for height measurement, nor counted in floor area measurements.

BED AND BREAKFAST (B&B) OPERATIONS. A use that is subordinate to the principal use of a dwelling unit as a single-family dwelling unit and a use in which transient guests are provided a sleeping room and board in return for payment, provided that not more than twenty-five (25) percent of the total floor area of the dwelling unit shall be used for bed and breakfast rooms, and provided that there shall not be separate cooking facilities for bed and breakfast use. A length of stay at a B&B establishment shall not exceed three (3) nights in succession. (21.14.C.5)

BERM. A landscaped earthen mound used to physically and visually screen development from view.

BLOCK. The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating), or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or live stream, or between any of the foregoing and any other barrier to the continuity of development.

BOARDING HOUSE. A dwelling where meals, or lodging and meals, are provided for compensation to three (3) or more persons by prearrangement for definite periods of not less than one (1) week. A boarding house is to be distinguished as other than a hotel, motel, convalescent or nursing home.

BOAT. Shall mean any type of watercraft or vessel used and/or operated upon a lake or other body of water. This definition shall also include amphibious craft capable of moving on land or in the air and floating on water.

BOAT LAUNCHING. Shall mean the placement of a boat in a lake by any means.

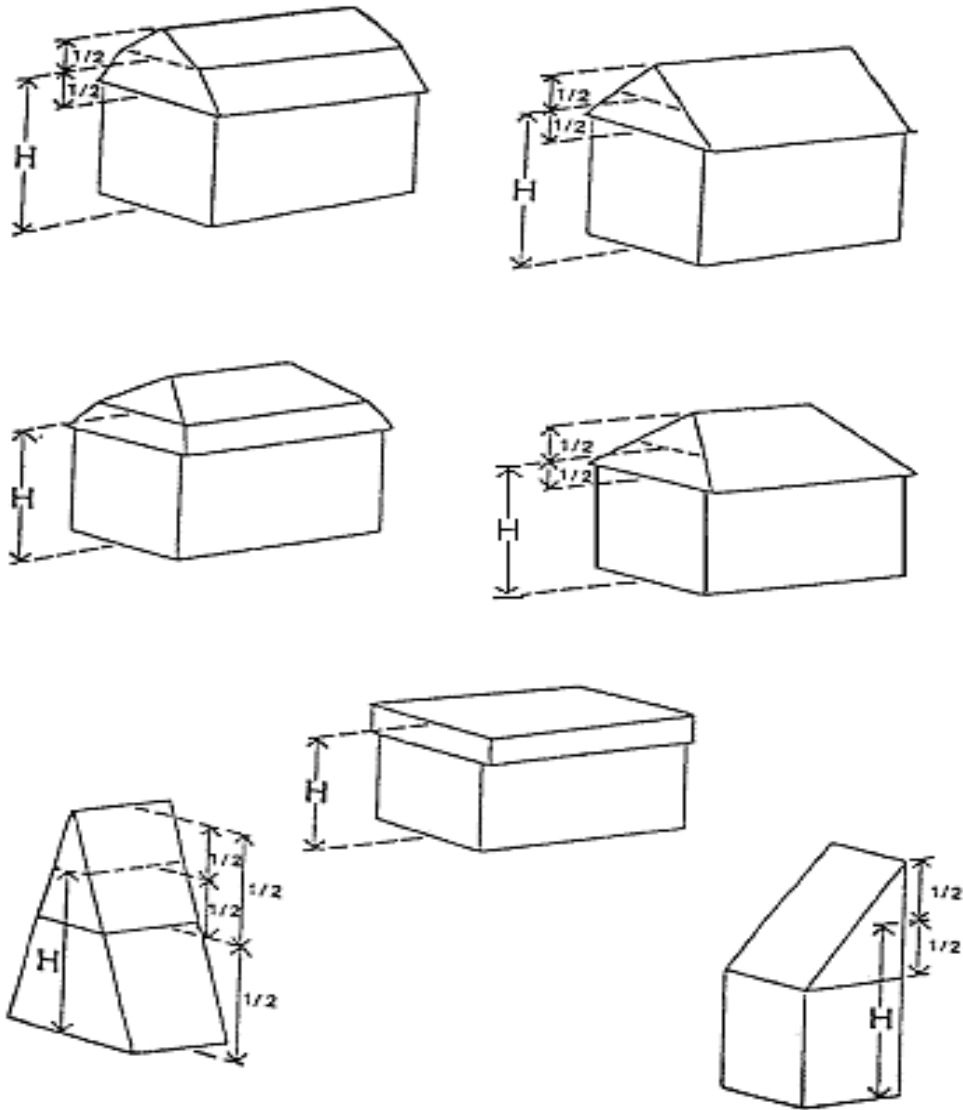
BOAT TRAILER. A licensed or unlicensed vehicle that is not self-propelled, is designed to be pulled by an automobile, van or pick-up truck, and is the normal equipment used to transport a boat(s) on the road.

BUILDING. An independent structure, either temporary or permanent, having a roof supported by columns or walls.

BUILDING HEIGHT. The vertical distance from the established grade to the highest point of the roof surface for flat roofs to the dock line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall. (See Figure 2.1)

BUILDING LINE. A line formed by the front face of the building, and extending to the side lot lines. For purposes of this ordinance, a minimum building line is the same as the front setback line.

Figure 2.1 BUILDING HEIGHT REQUIREMENTS



CAMPGROUND. A parcel or tract of land under the control of a person or persons in which sites are for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for five (5) or more recreation units. A recreation unit means a tent, travel trailer, camping trailer, motor home, recreational vehicle, and truck camper. Campgrounds are licensed according to Section 12501 in Act 368 of 1978, as amended, the Michigan Public Health Code.

CANOPY. An unenclosed structure with a roof which is supported fully or partially with poles, columns or other support members. A canopy may be attached to a building but relies on poles, columns or other members to fully or partially support the weight of the roof.

CARE ORGANIZATION. A facility for the care of children under 18 years of age, as licensed and regulated by the State under Act No. 116 of the Public Acts of 1973 and Act No. 218 of the Public Acts of 1979 and the associated rules promulgated by the State Department of Social Services. Such organizations shall be further defined as follows:

CHILD CARE CENTER OR DAY CARE CENTER. A facility other than a private residence, receiving more than six (6) preschool or school age children for group day care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. "Child care center" or "day care center" does not include a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

FAMILY DAY CARE HOME. A private home in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than (4) weeks during a calendar year.

FOSTER FAMILY HOME. A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

FOSTER FAMILY GROUP HOME. A private home licensed by the Michigan Department of Social Services in which more than four (4) but less than seven (7) children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

GROUP DAY CARE HOME: A private home in which more than six (6) but not more than twelve (12) children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.

CLINIC. A building or group of buildings where human patients are admitted for examination and treatment by more than one (1) professional, such as a physician, dentist or the like, except that such human patients are not lodged therein overnight.

COMMUNITY SEPTIC SYSTEM. A facility designed to accept and provide limited treatment of sewage waste from more than one residence. Such community septic system shall be designed to the applicable Livingston County standards and dedicated for maintenance by the appropriate governmental agency.

COMMERCIAL FEEDING OPERATION. A feedlot or any parcel of land or premises, other than a pasture, on which the principal use is the concentrated feeding of farm animals for income, including but not limited to beef cattle, hogs and poultry.

COMMERCIAL VEHICLE. Any motor vehicle used for the transportation of passengers for hire, or constructed or used for transportation of goods, wares or merchandise, and/or all motor vehicles designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

COMMON USE LOT OR LOTS. Shall mean a Lot, Parcel, or Condominium Unit with Water Frontage on a Lake, which is or has been created with the intent to allow the common use thereof by non-owners of the Common Use Lot, multiple owners of a Common Use Lot, non-riparian Lot or Parcel owners or owner, the public, members of an association, or to more than one Dwelling Unit.

CONDOMINIUM TERMS:

COMMON ELEMENTS. Portions of the condominium project other than the condominium units.

CONDOMINIUM. A condominium is a system of separate ownership of individual units and/or multi-unit projects according to Public Act 59 of 1978, as amended. In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee and in the spaces and building parts used in common by other unit owners.

CONDOMINIUM ACT. Shall mean Public Act 59 of 1978, as amended.

CONDOMINIUM LOT OR SITE. That portion of the land area of a site condominium project intended to function similar to a platted subdivision lot for purposes of determination of minimum lot area, minimum lot width, minimum yard (setback) requirements and other requirements set forth in Section 20.01 Schedule of Regulations.

CONDOMINIUM SUBDIVISION PLAN. Drawings and information which show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate size of common elements, and other information required by Section 66 of Michigan Public Act 59 of 1978, as amended.

CONDOMINIUM UNIT. Shall mean that portion of the condominium project designed and intended for separate ownership and use, as described in the master deed for the condominium project regardless of whether it is intended for residential, office, industrial, business, recreational, time share unit use, or any other type of use.

CONTRACTIBLE CONDOMINIUM. A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to provisions in the condominium documents and in accordance with the Zoning Ordinance and the Condominium Act.

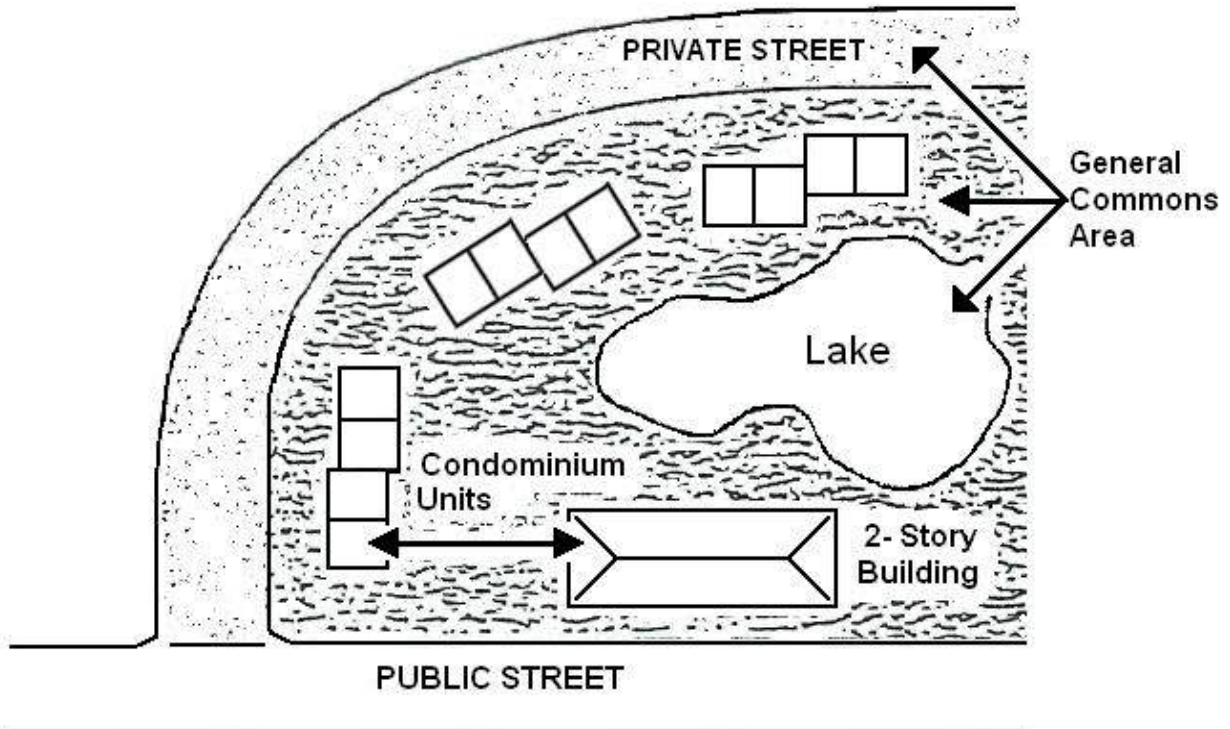
CONVENTIONAL CONDOMINIUM PROJECT. A condominium designed to include only general common elements and usually consisting of only attached residential units. (See Figure 2.2, page 2-10)

CONVERSION CONDOMINIUM. A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.

CONVERTIBLE AREA. A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to provisions in the condominium documents and in accordance with the Zoning Ordinance and the Condominium Act.

EXPANDABLE CONDOMINIUM. A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with the Zoning Ordinance and the Condominium Act.

Figure 2.2 CONVENTIONAL CONDOMINIUM



GENERAL COMMON ELEMENTS. Common elements other than the limited common elements, intended for the common use of all co-owners.

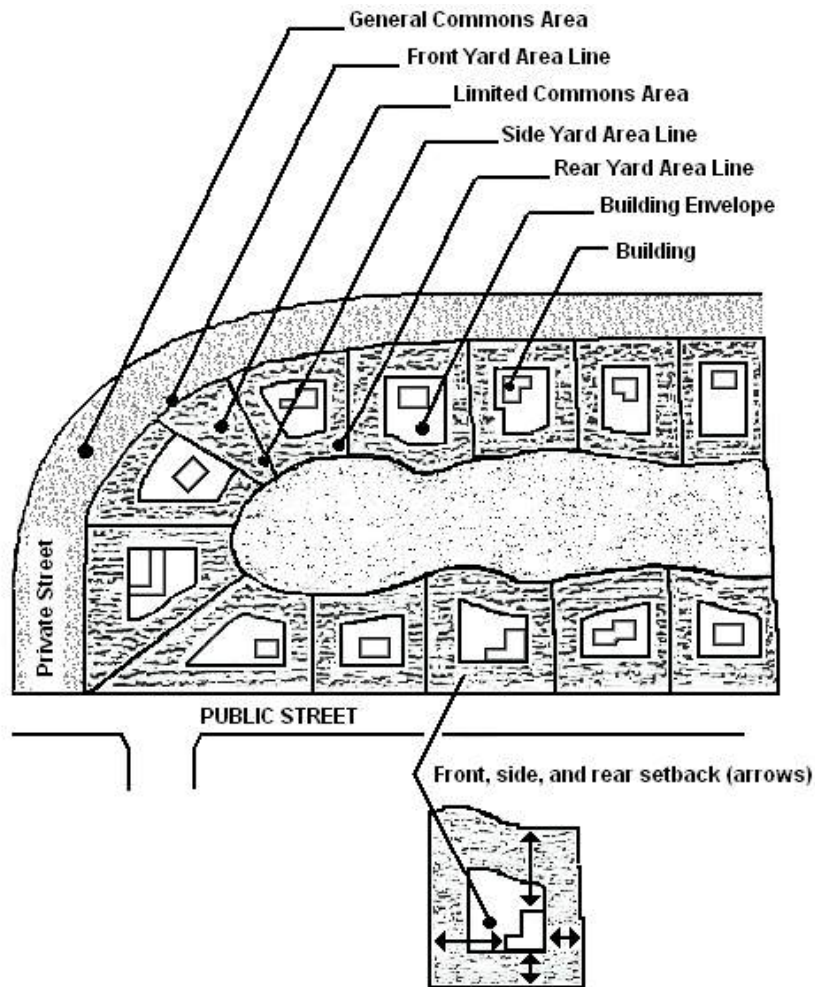
LIMITED COMMON ELEMENTS. Portions of the common elements reserved in the master deed for the exclusive use of less than all co-owners.

MASTER DEED. The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan.

SITE CONDOMINIUM PROJECT. A condominium project is designed to function in a similar manner, or as an alternative to a platted subdivision, but has limited common and general common area elements. A site condominium shall be equivalent to a

subdivision as used in this ordinance and in the Tyrone Township Subdivision Control Ordinance. The subdivision may consist entirely of single-family detached or attached condominium units in the case of a residential project and also may consist of a nonresidential project such as an industrial park. (See Figure 2.3, *below*)

Figure 2.3 - SITE CONDOMINIUM



CONVALESCENT OR NURSING HOME. A structure with sleeping room where persons are housed or lodged and are furnished with meals, nursing and radical care.

CONVENIENCE STORE. The primary use is the retail sale of packaged food and drink products from a location, usually along a major road or highway. It also may be known as a party store. See AUTOMART.

CUL-DE-SAC. A roadway closed at one end, usually with a lane for vehicular turnaround. See also STREET.

DEVELOPMENT. Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

DEVELOPABLE AREA. Net lot area not intended to be included as open space as described in Section 21.51 of the Township Zoning Ordinance.

DISTRICT. A portion of the unincorporated area of the township within which certain regulations and requirements or various combinations thereof, apply under the provisions of this ordinance.

DOCK, DOCKED or DOCKING. Means the mooring of a Boat directly to a pier or structure, including but not limited to a platform, hoist, or other permanent or seasonal fixture or structure extending from the shore or placed in the water off the shore, and directly accessible to a Water Frontage; and shall also mean the regular anchoring of a Boat adjacent to a Water Frontage, and shall also mean the placement or storage of a Boat, temporarily or permanently, upon the shoreline or at the Lake frontage of a Lot or Parcel of land.

DRIVE-IN. The term "drive-in" shall mean a business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles to serve patrons while in the motor vehicle, rather than within a building or structure.

DWELLING, MULTIPLE FAMILY. A building, or portion thereof, designed for occupancy by three (3) or more families living independently of each other.

DWELLING, ONE FAMILY. A building designed exclusively for occupancy by one (1) family.

DWELLING, TWO-FAMILY. A building designed exclusively for occupancy by two (2) families independent of each other, such as a duplex dwelling unit.

DWELLING UNIT. A dwelling unit is any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of or by a family or unrelated persons either permanently or transiently. In no case shall a travel trailer, motor home, automobile chassis, tent or other portable building be considered a dwelling in Single, Multiple, or Single-Family Residential Areas. In cases of mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling unit for the purpose of this ordinance, and shall comply with the provisions thereof relative to dwellings.

EASEMENT. A grant by a property owner of the uses of a strip of land by the public, a corporation, or private person or persons for a specified purpose or purposes.

ELDERLY HOUSING. See “Housing for the Elderly”.

ERECTED. Built, constructed, altered, reconstructed, moved upon or any physical operations on the premises which are required for the construction. Excavation, fill, drainage and the like shall be considered a part of erection.

ESSENTIAL SERVICES. The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution system, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar equipment in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare.

EXCAVATION. Any breaking of ground, except common household gardening and ground care.

EXCEPTION. A use permitted only after review of an application by the Zoning Board of Appeals or Planning Commission. Such review may be necessary because the provisions of this ordinance covering conditions, precedent or subsequent, are not precise enough to all applications without interpretation, and such review is required by this ordinance.

FAMILY means either of the following:

- a. A domestic family, that is, one or more persons living together and related by the bonds of consanguinity, marriage, or adoption, together with servants of the principal occupants and not more than one additional unrelated person, with all of such individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling.
- b. The functional equivalent of the domestic family, that is, persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise operating as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, organization or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration. There shall be a rebuttable presumption enforceable by the Building and Zoning Administrator in the first instance that the

number of persons who may reside as a functional equivalent family shall be limited to six (6). Such presumption may be rebutted by application for a special land use based upon the applicable standards in this Ordinance.

FARM. All of the contiguous, neighboring, or associated substantially undeveloped land operated as a single unit devoted to the production of plants and animals useful to man, including forages and sod crops; grain and feed crops; dairy and dairy products; livestock including breeding and grazing; orchards and vegetables; Christmas trees, greenhouses, and landscape nurseries; and apiaries. All farming is carried on directly by the owner, operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees, provided however that land to be a farm hereunder shall include a continuous parcel of five (5) acres or more in area. Stone quarries or gravel or sand pits shall not be considered farms hereunder.

FARM BUILDING. Any building or structure other than a dwelling, moved upon, maintained, used or built on a farm which is essential and customarily used on farms of that type for the pursuit of their agricultural activities, including the storage or housing of farm equipment, produce or farm animals.

FARM WORKERS, SEASONAL. Persons engaged in tending or harvesting crops during the growing or harvesting season only and that may reside temporarily in housing facilities on the farm during the season of work. Seasonal farm workers are transient and do not reside on the farm year-round and they are principally engaged in farm related activities on a full-time basis during their stay on the farm. Excluded from this definition are persons living on the farm year-round or persons who are not principally engaged in crop tending or harvesting.

FARM CARETAKER. A single person that lives on the farm and is principally engaged in overseeing or managing farm operations during the seasons of crop raising or harvesting and that may reside on the farm year-round also having general responsibilities to oversee and tend farm property and facilities year-round. A caretaker is distinguished from seasonal farm workers by having general responsibilities to oversee farm operations as opposed to strictly performing farm labor during only the seasons of crop raising or harvesting.

FEEDLOT. See Commercial Feeding Operation.

FILLING STATION. See Automobile Service Station.

FINANCIAL GUARANTEE. Any monetary based security that may be accepted by the Township as assurance that required improvements shall be installed consistent with the terms of approval. Any bond proposed to be accepted as a financial guarantee must be provided from a bond company with offices in the State of Michigan.

FLOOR AREA. For the purpose of computing the minimum allowable floor area, the sum of the horizontal areas of each story of a building shall be measured from the interior faces of the exterior walls. The floor area measurement is exclusive of areas of basements, unfinished

attics, attached garages, or space used for off-street parking, breezeways, and enclosed and unenclosed porches, elevators or stair bulkheads, common hall areas (included with residential dwellings), and accessory structures.

FLOOR AREA, GROSS (GFA). The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings. The "floor area" of a building shall include the basement floor area when more than one-half ($\frac{1}{2}$) of the basement height is above the established curb level or finished lot grade. See definition of "basement." Any space devoted to off-street parking or loading shall not be included in "floor area." Areas of dwelling basements, unfinished attics, utility rooms, breezeways, porches (enclosed or unenclosed) or attached garages are not included. (See Figure 2.4, page 2-16)

FLOOR AREA RATIO (FAR). The ratio between the maximum amount of floor area permitted on all floors in a building or group of buildings and the total lot area or total site area. For example, a FAR of 2.0 would allow a maximum floor area equal to twice the lot area (a two-story building covering the entire lot or a four-story building covering half the lot). A FAR of 0.5 would allow a maximum floor area equaling one-half ($\frac{1}{2}$) the lot area, or a two-story building covering one-fourth of the lot.

FLOOR AREA, USABLE (UFA). Seventy-five (75) percent of the gross floor area of a unit or structure. An applicant may use a different percentage if they can demonstrate sufficiently that the square footage area of the interior floor of a structure used or, intended to be used for, or available to be used for the provision of services to the public as customers, patrons, clients, or patients; as work space for office or industrial employees; or for residential inhabitants as measured from the interior face of the exterior walls is different than 75% of the gross floor area. Utility or mechanical equipment rooms, hallways, emergency or access stairwells, sanitary facilities, and/or storage areas shall be excluded from the measurement unless the storage area is used or intended to be used for the primary function of the unit or structure. Note: For residential structures, hallways, stairwells, and sanitary facilities shall be included in the measurement of gross floor area. (See Figure 2.4, page 2-16)

GARAGE, PRIVATE. An accessory building for parking or storage of not more than the number of vehicles as may be required in connection with the permitted use of the principal building.

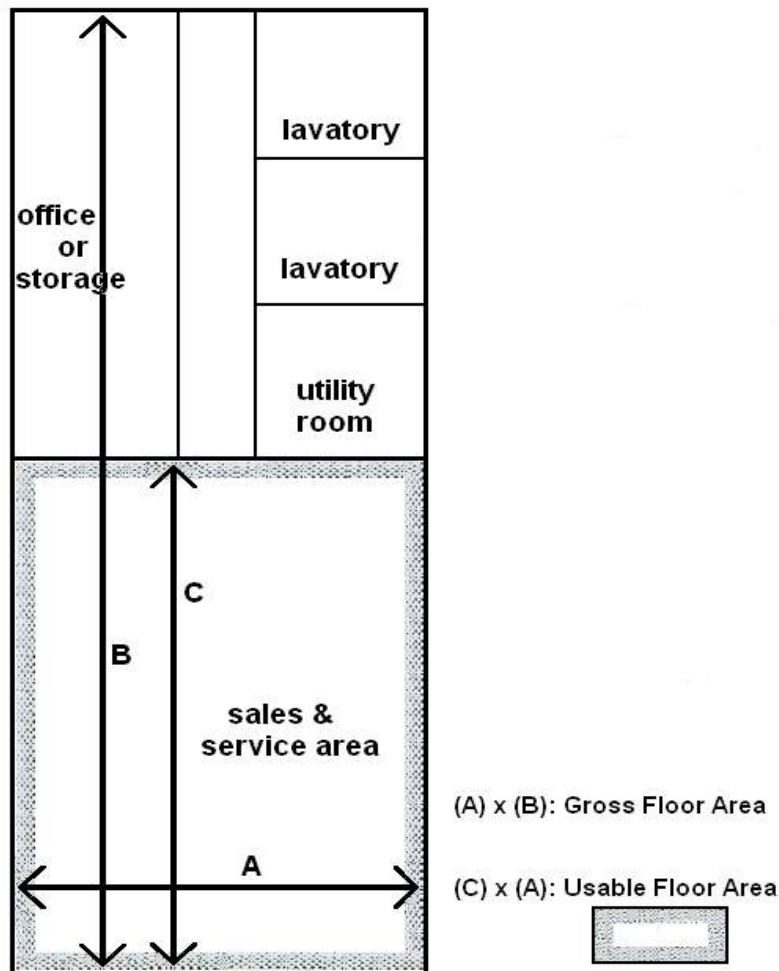
GRADE. A ground elevation established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

GREENBELT. The strip of land not less than fifteen (15) feet in width which is planted and maintained with trees or shrubs acceptable, as to species and density, to the Planning Commission and Zoning Administrator. See also BERM.

GROSS LEASABLE AREA (GLA). The total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines and upper floors, if any, expressed in square feet and measured from the centerline of joint partitions and from outside wall faces. It is all the floor area on which tenants pay rent.

GROUP HOME. See ADULT FOSTER CARE FACILITIES.

Figure 2.4 FLOOR AREA TERMINOLOGY



HARD SURFACE ROADWAY. A roadway surface consisting of asphalt or concrete which meets the prevailing Livingston County Road Commission specifications and standards for subdivision streets and/or roads.

HIGHWAY. Any public thoroughfare dedicated and maintained for operation of vehicular traffic.

HISTORICAL SITES AND/OR USES. Those parcels and/or uses of land and/or structures whose basic purpose is to (a) safeguard the heritage of the local unit by preserving or allowing a structure or use which reflects elements of the community's cultural, social, economic, political or architectural history; (b) stabilize and improve property values in the area; (c) foster civic beauty; (d) strengthen the local economy; and (e) promote the use of such sites for the education, pleasure and welfare of the local residents and of the general public.

HOUSING FOR THE ELDERLY. Housing constructed for the exclusive use of an individual fifty-five (55) years of age or older, or for a couple where at least one (1) of the individuals is over the age of fifty-five (55) or where the occupant is differently abled. Housing for the elderly may include the following:

SENIOR APARTMENTS. Multiple-family dwelling units where occupancy is restricted to persons as outlined above.

ELDERLY HOUSING COMPLEX. A building or group of buildings containing dwellings where the occupancy is restricted to persons as outlined above.

CONGREGATE HOUSING. A type of semi-independent housing facility for more than twenty (20) adults containing congregate kitchen, dining, and living areas, but with separate sleeping rooms. Such facilities typically provide special support services, such as transportation and limited medical care.

DEPENDENT HOUSING FACILITIES (nursing homes). Facilities which are designed for older persons who need a wide range of health and support services, including personal nursing care.

HOME OCCUPATION. Any use conducted wholly within a dwelling and carried out by the inhabitants therein, providing that (1) it does not involve employees other than members of the immediate family residing on the premises; (2) it is clearly incidental and secondary to the use of the dwelling for dwelling purposes; (3) it does not change the character thereof; (4) it does not endanger the health, safety and welfare of any other persons residing in that area by reason of noise, noxious odors, unsanitary or unsightly conditions, fire hazards and the like, involved in or resulting from such occupation, professions or hobby.

HOTEL. A building occupied or used as a rare or less temporary abiding place of individuals or groups of individuals with or without meals, and in which there are more than five (5) sleeping rooms, and in which no provision is made for cooking in any individual room.

HOUSEHOLD PET. A domesticated animal typically found in residential dwellings and not typically disruptive to the residential character of an area. This definition would include, by way of example and not by way of exclusion, such animals as domesticated dogs other than dog/wolf hybrids, small domesticated cats, gerbils, hamsters, turtles, non-venomous snakes under ten (10) feet in length, tropical fish, parrots, canaries and parakeets.

JUNK / SALVAGE / USED MATERIALS. For the purpose of this ordinance, the terms JUNK/SALVAGE/USED MATERIALS shall mean any unlicensed vehicle on a single lot, any motor vehicles, machinery, appliances product, or merchandise with parts missing, or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition which cannot be used for the purpose for which the product was manufactured.

JUNK / SALVAGE / USED MATERIALS YARD. Any lot, parcel, field or tract of land on which there is an accumulation of junk, salvage, or used materials bought and sold, exchanged, stored, baled, packaged, disassembled, reclaimed and recycled. Uses established and conducted entirely within an enclosed building are not yards under this provision.

KENNEL. Any lot or premises wherein or whereon three (3) or more dogs of six (6) months or older are kept either temporarily or permanently, for sale, boarding, breeding or training purposes, for remuneration.

LAKE. A body of water including, but not necessarily limited to, lakes of one acre or more in area with a water depth at any location of twenty-four (24) inches or more and rivers, streams, and other watercourses whether a natural body of water or artificially made.

LANDFILL, SANITARY. A solid waste disposal facility approved and licensed in accordance with the Solid Waste Management Act, Public Act 641 of 1978, as amended.

LAND USE PERMIT. A land use permit is the written authority issued by the Zoning Administrator permitting the construction, removal, moving, alteration or use of a building, excavations, ponds and swimming pools, or signs in conformity with the provisions of this ordinance.

LOADING SPACE. An off-street space on the same lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading and/or unloading merchandise or materials.

LOCAL FIRE OFFICIALS. The entity or organization empowered to provide fire protections services to the Township as stated in contracts currently in effect for these services and available for review at the Township Hall.

LODGING HOUSE. A building where lodging, with or without meals is provided for compensation to three (3) or more persons, as opposed to hotels open to transients.

LOT. A parcel of land or platted lot, occupied, or intended to be occupied, by a main building or a group of such buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this ordinance. A lot may or may not be specifically designated as such on public records.

LOT AREA, GROSS. The total horizontal area within the lot lines of a lot.

LOT AREA, NET. The total horizontal area within the lot lines of a lot exclusive of all private and public road easements or rights-of-way.

LOT AREA, DEVELOPABLE. The net lot area not intended to be included as open space as describe in Section 21.51 of the Township Zoning Ordinance.

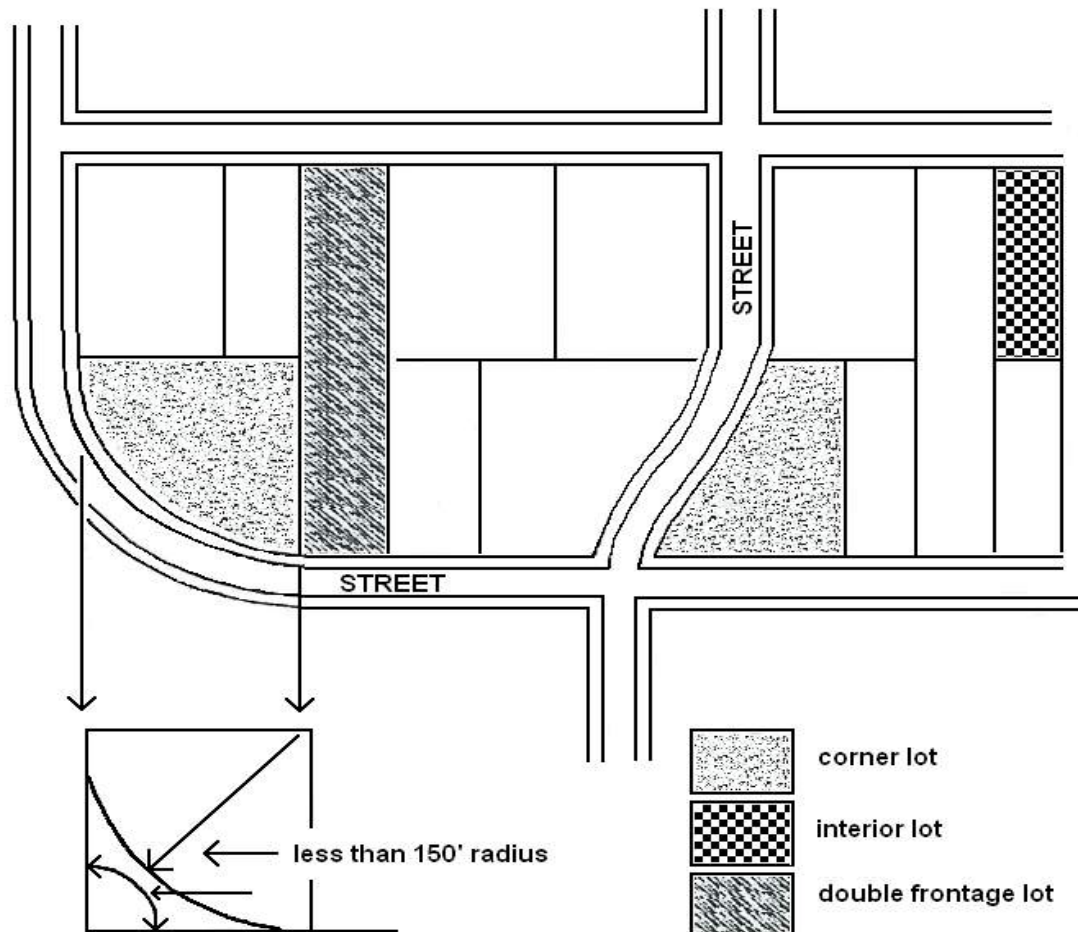
LOT, CORNER. A lot at the junction of and fronting on two or more intersecting street rights-of-way (see Figure 2.5, *below*).

LOT, DOUBLE FRONTAGE. Any interior lot having frontages on two (2), more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required (see Figure 2.5, *below*).

LOT, FLAG. A lot which has a narrow appendage used primarily to provide access to the larger body of the lot which does not have direct road frontage.

LOT, INTERIOR. Any lot other than a corner lot (see Figure 2.5, *below*).

Figure 2.5 CORNER, INTERIOR & DOUBLE FRONTAGE LOTS



LOT COVERAGE. The part or percent of the lot occupied by buildings, including accessory buildings.

LOT DEPTH. The horizontal distance between the front and rear lot lines, measured along the midpoint between the side lot lines.

LOT FRONTAGE. The legal line of demarcation between a lot or parcel and a road right-of-way or easement. See also LOT, LOT LINES.

LOT LINES. The lines bounding a lot as defined herein:

FRONT LOT LINE. In the case of an interior lot, that line separating the lot from the public or private street right-of-way or easement that provides access to the lot. In the case of a corner lot, or double frontage lot, "front lot line" shall mean that line separating the lot from that street which is designated as the front street in the plat and in the application for a land use permit. For a flag lot, the front lot line shall be the interior lot line most parallel to and nearest the street from which access is obtained. It is the intention of this definition to provide for a logical continuation of observed front lot lines consistent with any existing, conforming lots of record adjacent to a proposed lot. See also LOT FRONTAGE.

REAR LOT LINE. The lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line not less than 10 feet long lying farthest from the front lot line and wholly within the lot.

SIDE LOT LINE. Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

ZERO LOT LINE. The line which marks the point of abutment between the adjoining wall of two structures in zoning districts wherein abutting or attached structures, buildings or units are allowable. Zero lot lines shall not be allowed with respect to any property line

LOT OR PARCEL OF RECORD. A lot which is a part of a subdivision, the map of which has been recorded in the office of the County Register of Deeds, or a lot or parcel described by metes and bounds, the deed to which has been recorded in the office of the County Register of Deeds at the time this ordinance is passed.

LOT OR PARCEL WIDTH. The horizontal distance between side lot lines, measured parallel to the front lot line at the minimum required front setback. For irregularly shaped lots with access easements or flag lots connecting to a public street, lot width shall be measured at the point where the narrow access appendage connects to the main body of the parcel. (Methods for measuring lot widths are provided in Section 20.02.)

MANUFACTURED HOME PARK. A parcel or tract of land under the control of an individual, partnership, association, trust or corporation upon which three or more manufactured homes are located on a continual nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incidental to the occupancy of a manufactured home and which is not intended for use as a temporary trailer park. A Manufactured Home Park is subject to licensing, construction, operation and management rules of the Michigan Manufactured Housing Commission as established by P.A. 96 of 1987, as amended, and any township regulations approved by the Manufactured Housing Commission.

MANUFACTURED HOUSING:

MODULAR HOME. A type of factory-built housing with one or more three-dimensional components. A modular home is usually brought to a building site on a flat-bed carrier and erected or assembled there. A modular home is subject to state and local building codes.

PANELIZED HOME. A type of housing using factory-built panels - a whole wall with windows, doors, wiring, or outside siding, for example. A panelized home is usually brought to a building site on a flat-bed carrier and erected or assembled there. A panelized home is subject to state and local building codes.

MANUFACTURED HOME. A structure, transportable in one or more sections which is built on a chassis and designed to be used as a dwelling with or without a permanent foundation, when connected to required utilities, and includes plumbing, heating, air conditioning and electrical systems contained in the structure.

MASTER PLAN. The comprehensive plan, including graphic and written proposals, indicating the general location for streets, parks, schools, public buildings and all physical development of the municipality, and includes any unit or part of such plan, and any amendment to such plan or parts thereof. Such plan or part thereof may or may not be adopted by the Township Planning Commission.

MDEQ. Michigan Department of Environmental Quality.

MEDICAL MARIJUANA. **Medical Use of Marijuana**, also known as **Marihuana**, also known as **Cannabis**, has the meaning given to it in Section 7601 of the Michigan Public Health Code, as it is referred to in Section 3(d) of the Michigan Medical Marihuana Act (MMMA), Initiated Law 1 of 2008, as amended. (For additional definitions pertaining to the MMMA see Section 21.55.D DEFINITIONS.)

MOTEL OR MOTOR COURT. A motel or motor court is a business comprising a dwelling unit or a group of dwelling units so arranged as to furnish overnight Lodging accommodations for transient guests, open to the traveling public for compensation.

MOTOR HOME. A motorized vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging. This term does not include manufactured homes.

MOTOR VEHICLE FUELING STATION. A place used for the retail sale and dispensing of fuel or lubricants, either full or self-service, together with the fixed equipment from which the fuel is dispensed directly into motor vehicles. Automobile fueling stations may also incorporate a convenience store, restaurant, automotive service center, or similar operations as an accessory use, provided it is clearly incidental to the fueling station use.

MOTOR VEHICLE MAJOR REPAIR. Engine and transmission rebuilding and general repairs, rebuilding or reconditioning; collision service such as body, frame or fender straightening or repair; steam cleaning, undercoating and rustproofing; clutch, differential, axle and spring repairs; repairs of the radiator that require removal; recapping or retreading of tires; and similar servicing, rebuilding or repairs that normally require significant disassembly or storing the automobiles on the premises for longer than twenty-four (24) hours.

MOTOR VEHICLE MINOR REPAIR. Engine tune-ups, servicing of spark plugs, batteries, distributors and distributor parts; servicing of brakes and shocks, air conditioning and exhaust systems; oil change or lubrication; tire servicing and repair to include replacement of mufflers and tail pipes, water hoses, fan belts, break-fluid, light bulbs, fuses, floor mats, wiper blades, grease retainers, wheel bearings, mirrors, auto glass, accessory equipment, and the like; radiator cleaning and flushing; fuel pump, oil pump and line repairs; minor servicing and repair of carburetors; or similar servicing or repairs that do not normally require any significant disassembly or storing the automobiles on the premises for more than twenty-four (24) hours.

NONCONFORMING BUILDING. A nonconforming building is a building or portion thereof lawfully existing at the effective date of this ordinance, or amendments thereto, and which does not conform to zoning provisions in the district where located.

NONCONFORMING LOT. A lawfully existing lot that does not conform to the applicable area and yard regulations for the zoning district, either at the effective date of this ordinance or as a result of subsequent amendments thereto.

NONCONFORMING USE. A nonconforming use is a use which lawfully occupied a building or land at the effective date of this ordinance, or amendments thereto, and that does not conform to the use regulations of the zoning district in which it is located.

NUISANCE FACTORS. An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line, which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as but not limited to:

- a. Noise;
- b. Dust;
- c. Smoke;
- d. Odor;
- e. Glare;
- f. Fumes;
- g. Flashes;
- h. Vibration;
- i. Shock waves;
- j. Heat;
- k. Electronic or Atomic Radiation;
- l. Objectionable effluent;
- m. Noise of congregation of people, particularly at night.

OFF-STREET PARKING LOT. A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering to provide access for entrance and exit for the parking of vehicles. The term does not apply to single family and two-family residential uses on individual lots.

OPEN SPACE. An unoccupied space open to the sky. When open space is required as part of a cluster development proposal or other development that specifically requires open space, such open space areas shall be designed in accordance with the provisions of Section 21.51.

OPEN SPACE MAINTENANCE AGREEMENT. A legally binding document, satisfactory to the Planning Commission, intended to assure maintenance and preservation for the intended purpose of open space required by this Ordinance. Protective covenants, deed restrictions, a condominium master deed, condominium association bylaws, subdivision association bylaws and similar written, legally enforceable devices may be used to assign responsibility and otherwise provide for the continuing ownership and care of privately owned open space.

ORDINARY HIGH WATER MARK. The line between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface soil and the vegetation.

OUTDOOR DISPLAY. Objects or merchandise set out for viewing by the public, arranged so they are brought to the attention of person from off-site, as in goods that are displayed for sale. Outdoor display is typically arranged in an attractive and orderly fashion, for easy access and viewing by customers. Those goods, vehicles, and materials displayed shall be samples, not in large quantities or primarily as inventory storage.

OUTDOOR STORAGE. A large supply or stock of goods or materials kept for future use; a supply of goods from which things are taken when required. Vehicles, goods, and materials left in one place for 48 hours or more are considered to be stored, unless such items are part of an approved outdoor display as permitted under this Ordinance.

OWNER. A person holding any legal, equitable, option, or contract interest in land.

PARALLEL PLAN. A plan that conceptually demonstrates the total number of lots that may be created on a parcel for use in a particular zoning district. The lots indicated on the parallel plan shall be conforming in all respects to lot requirements for the zoning district where the land is located, including providing sufficient area, width, depth to width ratio, frontage on public or private access routes, and otherwise complying with open space requirements and indicating undevelopable wetland areas. A parallel plan is generally intended to establish the maximum number of lots that could be developed on a parcel in accordance with requirements of this Ordinance and other applicable regulations.

PARCEL. Shall mean a continuous area or acreage of land that is not included in a subdivision as regulated by the Michigan Land Division Act nor included in a condominium as regulated by the Michigan Condominium Act.

PARKING SPACE. An area not less than 18 feet in length and 9 feet in width; said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles.

PERSON. Shall mean a human being, partnership, corporation, limited liability company, trust, association, including a condominium association, homeowners or lake association, governmental entity or agency, and any other entity to which the law provides or imposes rights or responsibilities.

PLANNED UNIT DEVELOPMENT. A land development project comprehensively planned as an entity via a unitary site plan, which permits flexibility in building sites, mixtures of housing types and land uses, including condominiums, usable open spaces, and the preservation of significant natural features.

POND. Pond means an excavation or alteration of a watercourse by damming or excavation or combinations thereof, for the purpose of creating a body of water greater than 500 square feet in area for use as an irrigation source, for livestock watering, for fish or aquatic life production, for recreational or aesthetic purposes, or for a landscape amenity.

PRIMARY ROAD. See STREET.

PRINCIPAL BUILDING. A building in which is conducted the main use of the lot upon which it is situated.

PRINCIPAL USE. The main lawful use devoted to the premises and the main purpose for which the premises exist.

PRIVATE DRIVEWAY. See Article 24.01.C.

PRIVATE ROAD. See **STREET**, also Article 24.01.B.

PRIVATE ROAD LAND DEVELOPMENT. A division of land, other than subdivisions as defined by the Michigan Land Division Act, as amended, resulting in one (1) or more parcels having a lot width not less than the width required by the residential district in which it is located on a nonpublic or private road, or a public road. See also Article 24.01.A

PUBLIC UTILITY. Any person, firm, corporation, municipal department, board, or commission duly authorized to furnish, under federal, state, or municipal regulations, to the public; electricity, gas steam, communications, telegraph, transportation, or water.

RECREATIONAL APPARATUS. Includes recreational vehicles, recreational equipment, antique or racing automobiles, boats, aircraft, utility trailers, demountable travel equipment of the type adaptable to light duty trucks, snowmobiles, all-terrain or special terrain vehicles, utility trailers, floats, rafts, trailers used to transport any of the aforementioned vehicles or equipment, and equipment or vehicles of a similar nature. Recreational apparatus shall not include vehicles used for daily transportation.

RECREATIONAL SITE. Shall mean a Common Use Lot intended for recreational purposes including but not limited to, swimming, sunbathing, lounging, beach uses, boating, water sport and other water related activities.

RECREATIONAL VEHICLE. A portable vehicular unit that can legally travel Michigan highways with a standard license, or that may be mounted on or drawn by another vehicle. The unit is primarily designed for travel and/or recreational usage, and also may contain facilities for periodic overnight lodging. This term also includes folding campers, travel trailers, camping trailers, truck mounted campers and caps, and motor homes, but does not include manufactured homes.

RECREATIONAL VEHICLE PARK. A recreation oriented facility for the overnight or short term parking of travel trailers, tents, motor homes, vans and other types of vehicles that provide sleeping shelter for vehicle occupants. May also be known as a campground.

REGULATED FACADE. An exterior building surface located in a B-1, B-2, OS, ES, M-1, M-2, ROM, EI, RM-1, PCI, PCS, PIRO, or PO zoning district and the surface is visible from and located within five hundred (500) feet of a public or private road *or* is visible from a height of five (5) feet above grade and located within five hundred (500) feet of an FR, RE, R-1, R-2, or RM-1 residential zoning district.

ROAD. See **STREET** definitions for different types of roads regulated by this Ordinance.

ROADSIDE STAND. A temporary or permanent building operated for the purpose of selling produce. Its use shall not make into a commercial district land which otherwise would be classified as agricultural or residential, and its use shall not be deemed a commercial activity.

SANCTUARY, ANIMAL OR WILDLIFE. A USDA-accredited facility where animals are kept and protected from negative human intervention for the remainder of their natural lives.

SATELLITE DISH ANTENNA. A device or instrument designed or used for the reception of television or other electronic communications signal broadcast or relayed from an earth orbiting satellite. It may be a solid, open mesh, or bar-configured structure in the shape of a shallow dish or parabola. These antennas may be principal or accessory structures.

SEASONAL MOBILE HOME PARK. A parcel or tract of land under the control of a person or persons upon which three (3) or more manufactured homes are located on a continual or temporary basis but occupied on a temporary basis only, and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home. A seasonal manufactured home park is not a campground as defined by Act 368 of 1978. Seasonal manufactured home parks are licensed according to Act 96 of 1987, the Mobile Home Commission Act. See **CAMPGROUND**.

SERVICE ROAD. A roadway parallel to an arterial and which provides access to abutting properties and protection from through traffic.

SETBACK. The distance required to obtain the minimum front, side, or rear yard open space as required by this ordinance.

SHARED PRIVATE DRIVEWAY. See Section 24.01.D.

~~**SIGHT LINES.** A line across the width of a lake Lot which connects the point closest to the lake on the foundation of the adjacent principal structure on either side of the Lot or parcel of land upon which the proposed structure is to be constructed, provided that the adjacent principal structures are contiguous to the Lot or parcel upon which the proposed structure is to be constructed or are located on a Lot within 300 feet of the proposed structure. (See Figure 2.6, page 2-28)~~

SIGNS. The use of any words, numerals, figures, devices, designs or trademarks by which anything is made known, such as are used to show, advertise and promote an individual firm, profession or business, and are visible to the general public.

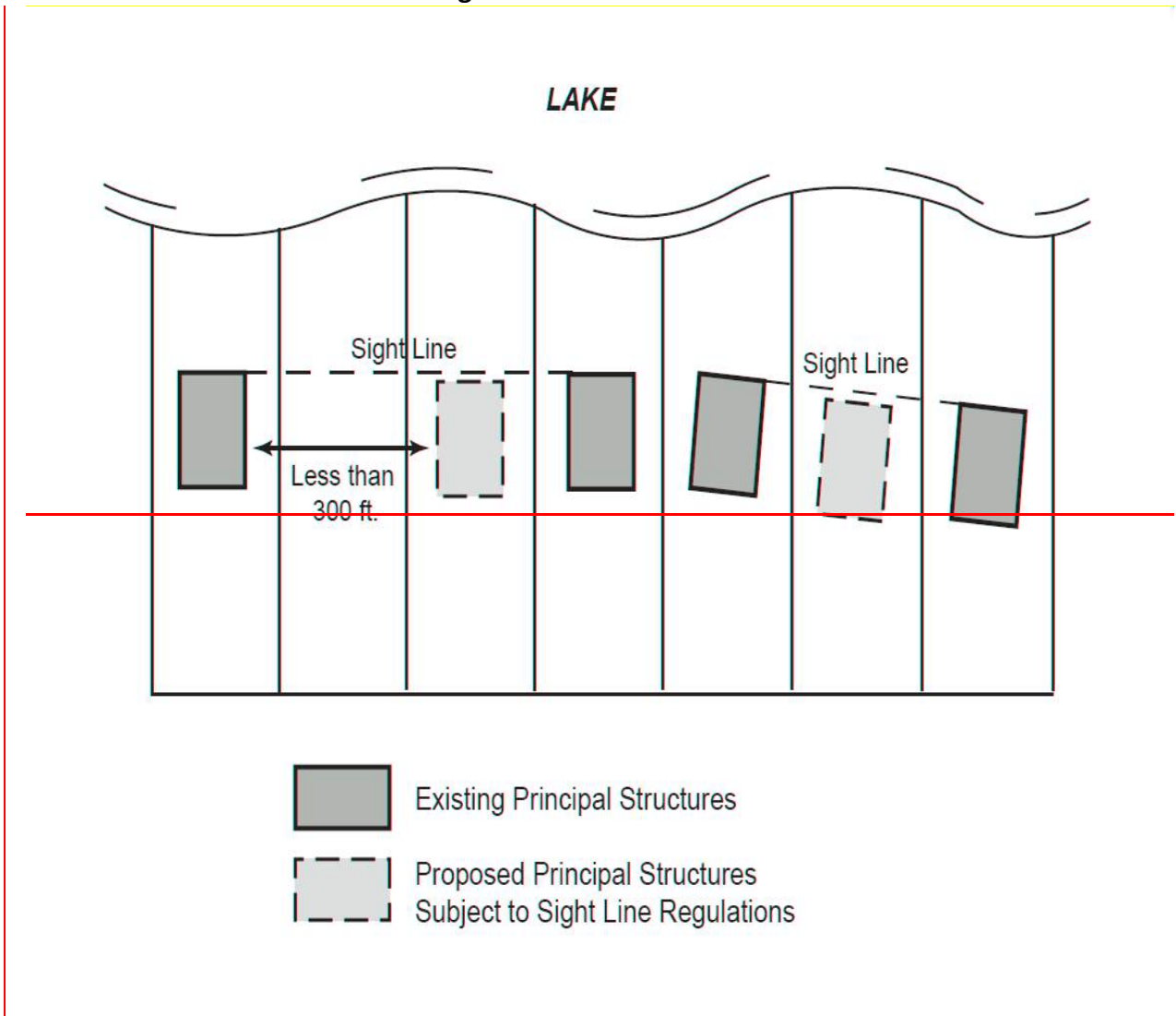
SPECIAL LAND USE. A use permitted by the Township Board, with the recommendation of the Planning Commission, to accommodate certain land uses that are not normally compatible with other land uses permitted in a district or whose effect upon adjoining land uses are not

immediately determinable; therefore, requiring certain conditional regulations to guide their development within a given district. Such uses are reviewed by the Planning Commission including site plan review and the addition of specific requirements to insure conformity within the district.

SPECIAL LAND USE PERMIT. The permit issued for a special land use after review by the Planning Commission and approval by the Township Board.

STATE LICENSED RESIDENTIAL FACILITY. A structure constructed for residential purposes that is licensed by the state under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737 or 1973 PA 116, MCL 722.111 to 722.128 and provides residential services for six (6) or fewer persons under 24 hour supervision or care.

Figure 2.6 SIGHT LINES



STORY. That part of a building included between the surface of one (1) floor and the surface of the next floor, or if there is not a floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than fifty (50) percent, by cubic content, is below the height level of the adjoining ground. (See Figure 2.7, *below* and Figure 2.8, *page 2-29*)

STORY, HALF. An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven (7) feet six (6) inches. For the purpose of this ordinance, the usable floor area is only that area having at least four (4) feet clear height between floor and ceiling (see Figure 2.7, *below* and Figure 2.8, *page 2-29*.)

Figure 2.7 BASIC STRUCTURAL TERMS

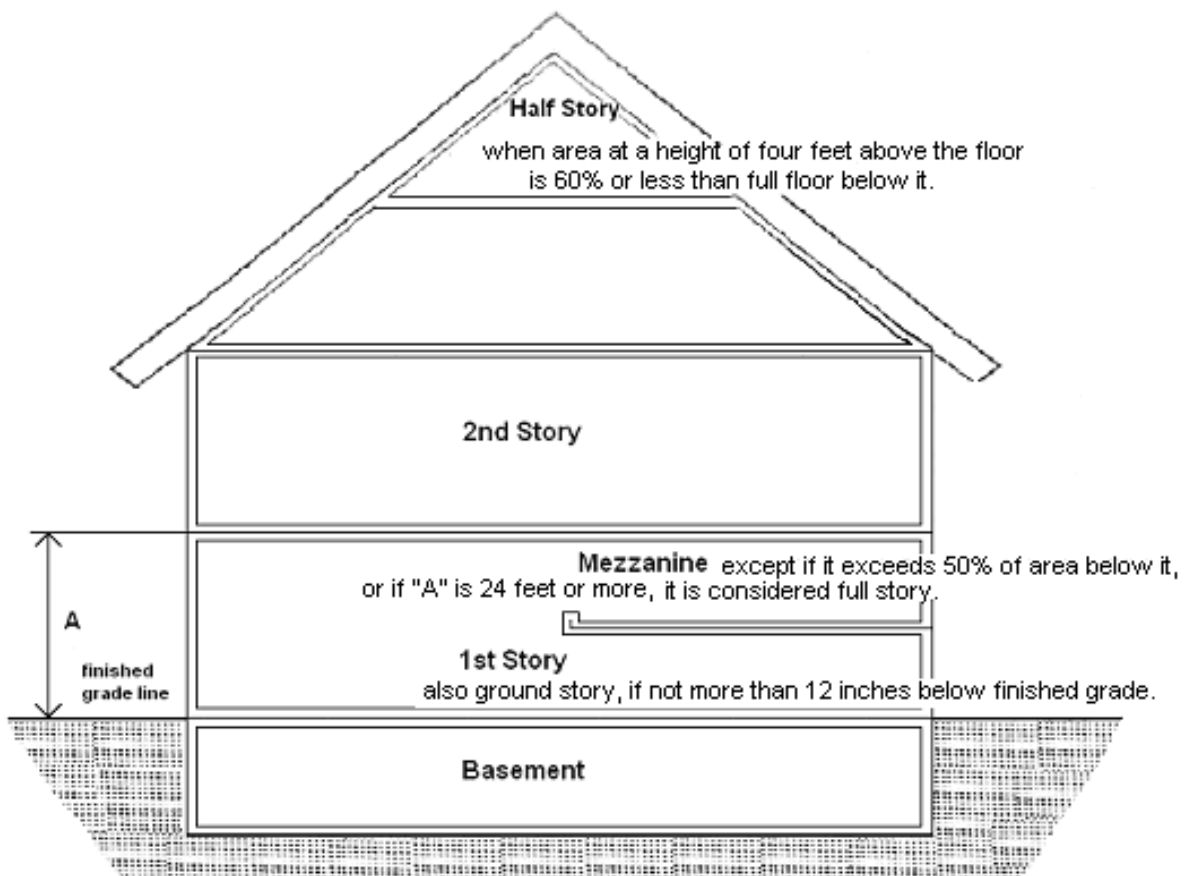
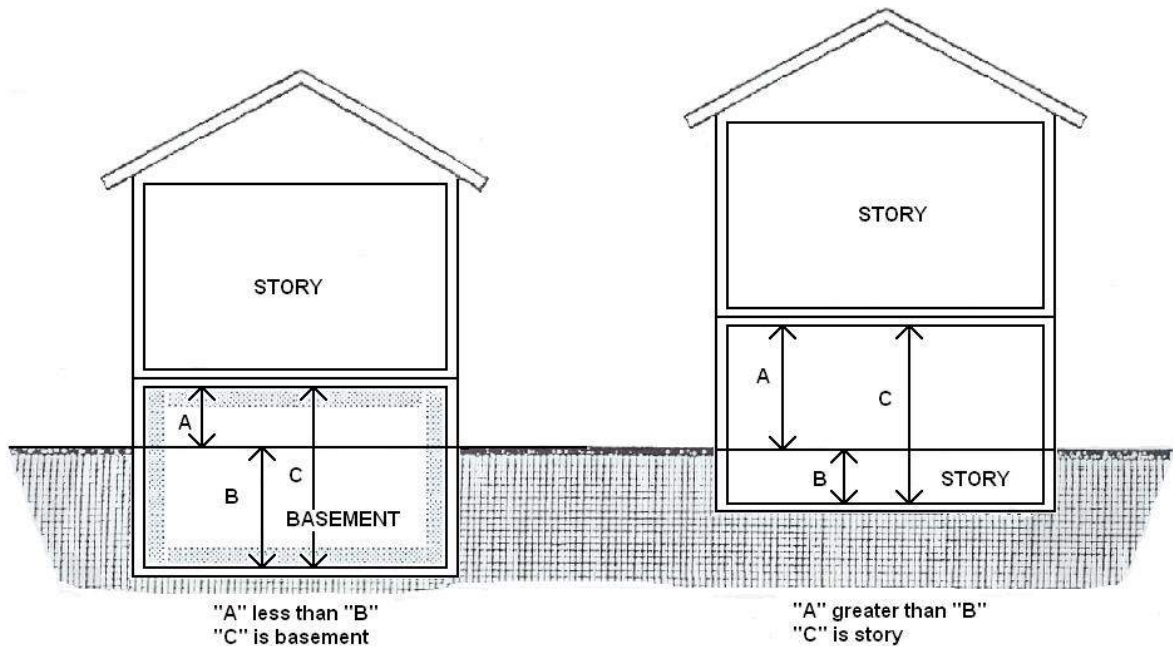


Figure 2.8 BASEMENT AND STORY



STREET. Any public or private arterial or right-of-way, other than a public or private alley, dedicated to or designed for travel and access to any land, lot or parcel, whether designated as a road, avenue, highway, boulevard, drive lane, place, court, or any similar designation. Various types of roads are defined as follows:

PRIVATE ROAD. Any road which is to be privately maintained and has not been accepted for maintenance by the Tyrone Township, Livingston County, the State of Michigan or the federal government, but which meets the requirement of these Zoning Regulations or has been approved as a private road by the Township under prior ordinances.

PUBLIC STREET. Any road or portion of a road which has been dedicated to and accepted for maintenance by Livingston County, the State of Michigan, or the federal government.

ARTERIAL ROAD OR AN ARTERIAL. A paved road which carries high volumes of traffic and serves as an avenue for circulation of traffic onto, out of, or around the Township. An arterial road may also be an arterial.

COLLECTOR STREET. A road whose principal function is to carry traffic between minor and local roads and arterial roads but may also provide direct access to abutting properties. A collector road is usually paved.

CUL-DE-SAC. A road that terminates in a vehicular turnaround.

LOCAL OR MINOR STREET. A road whose principal function is to provide access to abutting properties and is designed to be used or is used to connect minor and local roads with collector or arterial roads.

PRIMARY ROAD. A road that is part of the existing primary road system as defined in Michigan Public Act 51 of 1951, as amended. A primary road may be paved or unpaved. For purposes of this Ordinance, the following roads shall be considered Primary Roads:

- Faussett Road (from McGuire to Old US 23)
- White Lake Road (from Bennett Lake Road to eastern Township border)
- Center Road (from US 23 to Denton Hill Road)
- Linden Road (north of Bennett Lake Road)
- Bennett Lake Road
- Denton Hill Road
- Old US 23

STRUCTURE. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, but not including driveways, walkways and similar items less than eight (8) inches above the surface of the ground.

SUBMERGED LAND. The land under the ordinary high-water mark of an inland lake, pond, river, or stream owned by a riparian property owner, as defined by Michigan Public Act 451 of 1994.

SWIMMING POOL. Any permanent, nonportable structure or container located either above or below grade designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or wading. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.

TEMPORARY USE OR BUILDING. A use or building permitted by the Township Board to exist for a temporary period of time during construction of a main building, or for special events. A temporary dwelling or use permit is required.

USABLE LAND. The total horizontal surface area within the lot lines of a lot, exclusive of: all public and private road easements and rights-of-way; wetlands regulated by the Goemaere-Anderson Wetland Protection Act; and submerged land.

USE. The lawful purpose for which land or premises of a building thereon is designed, arranged, intended, or for which is occupied, maintained, let or leased.

UTILITY-SCALE SOLAR ENERGY FACILITIES. A system to produce electricity for sale back to, or use in, an electrical energy grid system and not primarily consumed on site.

VARIANCE. A modification of the literal provisions of the zoning ordinance granted by the Zoning Board of Appeals.

VEHICLE MAINTENANCE AND REPAIR - MINOR. General maintenance activities on motor vehicles such as oil change and lubrication; servicing or installation of spark plugs, batteries, air filters, and windshields wipers; sale and installation of automobile accessories such as tires, radios, and air conditioners; wheel alignment, balancing, and undercoating. Minor Vehicle Repair and Maintenance excludes major mechanical repairs, collision and body work, painting, work which requires removal of the engine, and similar extensive work. Minor Vehicle Repair and Maintenance typically requires less than one day and vehicles are not kept overnight.

VEHICLE REPAIR - MAJOR. All general repair and reconditioning of motor vehicles, including engine rebuilding, repair of collision damage, and overall painting. Major Vehicle Repair is characterized by overnight storage of vehicles, machining, use of solvents, large parts, painting booths, the need for special environmental controls like noise protection, and similar.

WATER FRONTAGE. Shall mean that portion of a Lot, Parcel or Condominium Unit of land of record as documented by an instrument duly recorded with the Livingston County Register of Deeds, that abuts or intersects with the ordinary high water mark of a Lake, whether such a Lot or Parcel or Condominium Unit is owned by one or more Persons, or commonly owned by several Persons, or combinations of Persons.

WATER FRONT LOTS. A lot adjoining a body of water, such as a Lake, river, or canal, but not including interior ponds or County drains less than 12 inches in depth. Lots adjoining a retention pond shall be considered waterfront lots, provided the retention pond satisfies the definition of a Lake.

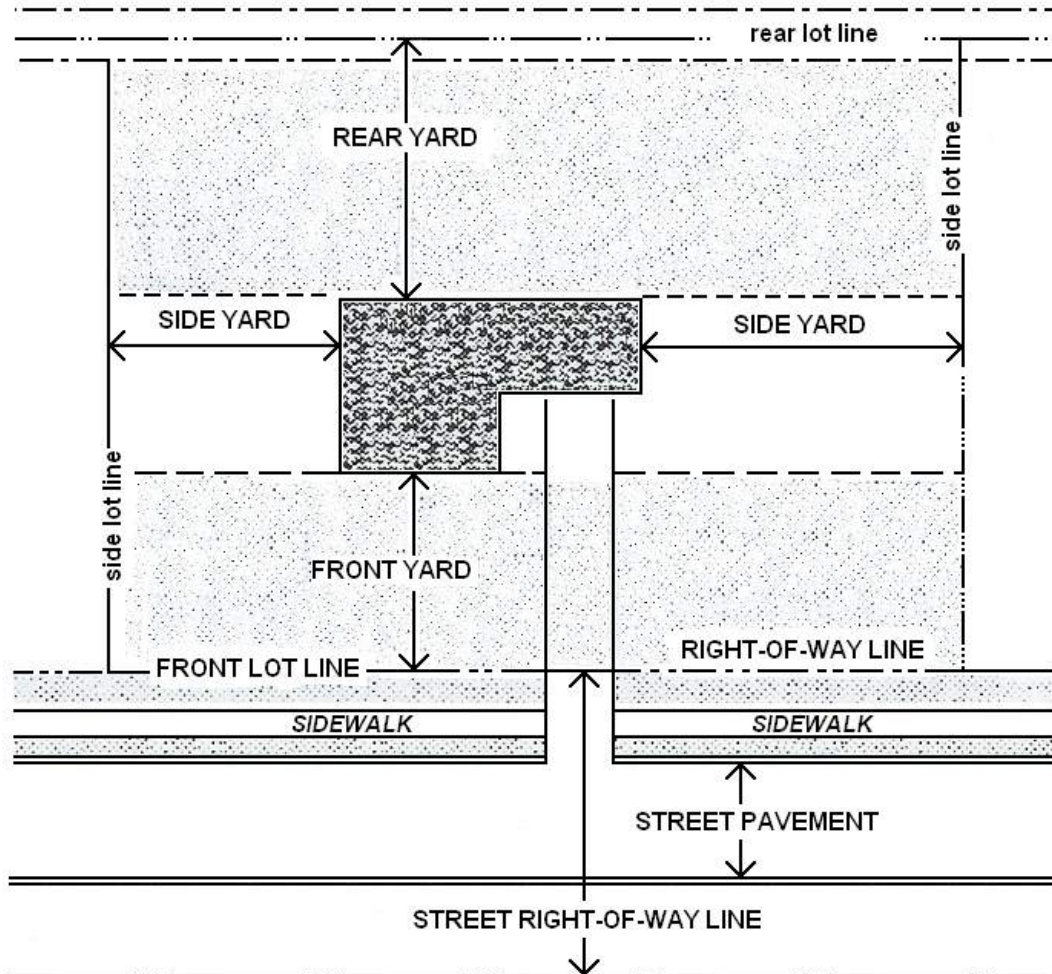
YARD. The open space between a building and the adjoining lot lines, unoccupied and unobstructed from the ground upward except as otherwise provided in this ordinance, and as defined herein (see Figure 2.9, *page 2-32*). The minimum required setback is the depth of a front, side, or rear yard necessary to conform to the required yard setback provisions of this ordinance.

FRONT YARD. An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the principal building. Unless otherwise specified, on corner lots there shall be maintained a front yard along each street frontage.

REAR YARD. An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the principal building. In the case of a corner lot, the rear yard may be opposite either street frontage, but there shall be only one rear yard.

SIDE YARD. An open space between a principal building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the principal building.

Figure 2.9 YARD TERMS



ZOOLOGICAL PARK (ZOO). A USDA-accredited facility that maintains a collection of wild, exotic, domestic, or any combination thereof, animals, typically in a park or garden setting, for study, display, or conservation.

ZONING ADMINISTRATOR. The official of Tyrone Township or authorized representative charged with the responsibility of administering this ordinance.

REVISIONS:

- 2000 DECEMBER - Attachment, Front Lot Line, Open Space.
- 2003 MAY - Boat, Boat Launching, Condominium Unit, Common use Lot, Dock- Docked- Docking, Dwelling Unit, Lot, Parcel, Person, Recreational Site, Water Frontage.
- 2004 MARCH - Awning, Canopy, Regulated Facade.
- 2005 SEPTEMBER - Lot Area - Developable, Ponds, Ordinary High Water Mark, Useable Floor Area, Water Frontage.
- 2007 APRIL - Adult Day Care, Adult Foster Care Family Home, Adult Foster Care Small Group Home, Adult Foster Care Large Group Home, ~~Board of Appeals~~, Exception, Floor Area, Useable (UFA), Foster Family Home, Foster Family Group Home, Local Fire Officials, Ordinary High Water Mark, State Licensed Residential Facility, Variance, Water Frontage, Waterfront Lots.
- 2007 JULY - Agri-Business, Roadside Stand.
- 2007 DECEMBER - Sight Lines.
- 2009 OCTOBER – Added: Motor Vehicle Fueling Station, Motor Vehicle Major Repair, Motor Vehicle Minor Repair, Elderly Housing.
- 2010 MAY – Revised: Boat, Recreational Vehicle. Added: Boat Trailer, Commercial Vehicle, Recreational Apparatus.
- 2012 MAY – Added: Accessory Structure, Structure, Street, Primary Road.
- 2012 OCTOBER – Added: Household Pet, Kennel.
- 2013 OCTOBER - Added: Medical Marijuana.
- 2013 OCTOBER- Revised Section 2.01 Definitions of Accessory Building, Accessory Use, and Accessory Structure
- 2014 SEPTEMBER – Revised: 2.00.I to add “abutting” and “adjacent to”; revised Regulated Façade, Satellite Dish Antenna, Setback, Yard, Front Yard, Rear Yard, Side Yard.
- 2015 JANUARY – Added Outdoor Display, Outdoor Storage, Vehicle Maintenance and Repair – Minor, and Vehicle Repair – Major.
- 2016 OCTOBER – Added: Animal, Domesticated; Animal, Exotic; Animal, Wild; Sanctuary, Animal or Wildlife; Zoological Park (Zoo). Revised: Household Pet.
- 2019 JULY – Added definitions for "Submerged Land" and "Utility-scale Solar Energy Facilities".

ARTICLE 7
LK-1 LAKE FRONT SINGLE FAMILY RESIDENTIAL DISTRICT

SECTION 7.00 INTENT

The LK-1 district shall allow relaxed standards for existing uniquely shaped Lots designated as Medium Density Single Family Detached Residential-Lakeside in the Tyrone Township Master Plan which are currently developed around Runyan Lake and Lake Tyrone. Many of these Lots were previously platted at higher densities than desired for today's year-round family residential use. The purpose of the relaxed standards is to allow for the continued use and enjoyment of these parcels without regular need for variances. However, it is not intended that such relaxed standards be used for the creation of new Lots (or developments) at this same density, as this is contrary to the Township Master Pan and not compatible with existing adjacent development. Furthermore, the parcels and Lots in the LK-1 district are served by public sewer and are required to connect to the public sewer system by the Township Sewer Ordinance. Lots, parcels, or units not served by the public sewer would be inappropriate in this district due to the proximity of valuable water resources.

It is also the purpose of these regulations to protect the public health, safety and welfare threatened by the over-use of inland lakes, and to avoid situations which crate a nuisance, impair important irreparable natural resources or destroy property values. This objective is accomplished with restrictions limiting the use of a riparian Lot for boat dockage and launching by non-riparian owners. These regulations are also intended to reinforce the Michigan Inland Lakes and Streams Act (Public Act 346 of 1972).

SECTION 7.01 PERMITTED PRINCIPAL USES

- A. Residential Uses.** All permitted principal uses defined in Section 5.01, Permitted Principal Uses in the R-1 district.
- B. Boat Docks.** Boat docks, boat docking, boat launching, and common use lots subject to the restrictions of Section 21.02D and Section 21.52.

SECTION 7.02 PERMITTED ACCESSORY USES

- A. Accessory Structures.** Buildings, structures, and uses customarily accessory to any of the permitted principal uses. See Section 21.02.

~~1. **Location Requirements.** Permitted accessory uses shall be located such that Sight Lines to the water are not obstructed. See Sections 20.02.X, 20.02.Z and 21.02.D.~~

B. Swimming Pools. Swimming pools. See also Section 21.21.

SECTION 7.03 SPECIAL LAND USES

Due to the unique characteristics of special land uses, site plan review and issuance of a special land use permit according to Articles 22 and 23 are required.

A. Residential Special Uses. All of the special land uses defined in Section 5.03, Special Land Uses in the R-1 district.

SECTION 7.04 GENERAL REQUIREMENTS FOR LK-1 USES

A. Existing Lots of Record.

1. Nonconforming Lots. Lots of record with water frontage less than 50 feet wide or net lot area less than 6,250 square feet shall be considered nonconforming Lots and shall be subject to the provisions of Section 26.01 except as noted in Section 7.04.A.1.(a).

a. Developed Nonconforming Lots.

i. Nonconforming Lots of Record. Nonconforming Lots of record with existing structures shall not be required to obtain variances or be required to bring the entire structure up to current standards as a result of required maintenance or reasonable home improvements which do not alter the structure footprint. These activities shall include re-roofing, window replacement, residing, driveway maintenance or improvement, heating and cooling improvements, deck repair, electrical upgrades, or the addition of a garage if these improvements would not otherwise require a variance.

ii. Administrative Discretion. Additional activities which do not alter the structure foot print shall be allowed at the discretion of the Zoning Administrator subject to the provisions of Sections 26.03 and 26.04. This section only

applies to activities which require a variance because the structure/Lot combination is nonconforming and not due to any other proposed deviation from the Zoning Ordinance.

iii. **Footprint Expansion.** Additions or new construction resulting in expansion of the footprint shall be in accordance with the yard and setback standards provided in Section 7.04.C below. A variance shall be obtained as required in Article 28 for any deviations from these standards.

b. **Undeveloped Nonconforming Lots.** Nonconforming Lots of record that do not meet the lot area and frontage requirements stated in Section 7.04.B and that cannot be combined with adjacent land under common ownership may be developed as permitted by this ordinance, provided that a variance is obtained as required by Article 28 for any deviations from the standards set forth in Section 7.04.B and/or any other standards set forth in this Ordinance for yard, setback, width, area, coverage, ~~sight lines~~, or height restrictions in the LK-1 district.

c. **Adjacent Nonconforming Lots.** Whenever two or more nonconforming Lots under common ownership are adjacent they must be combined to result in a single Lot, parcel, unit or tract of land that conforms to the lot width and area requirements of this district, or to form a site that is the least nonconforming possible. This requirement applies only when two or more Lots, or combination of Lots, with contiguous frontage of common ownership and if one or more of the individual Lots does not meet the requirements established for lot width or area. This section is not intended to require the acquisition and assembly of land to create conforming sites. These requirements shall not apply when the contiguous Lots are currently occupied by a single family home on each Lot.

For example, when a single Lots that is not in conformance with the lot area or width requirements for the LK-1 district is proposed for development, any adjacent undeveloped property under the same ownership must be combined with the subject Lot to create a conforming site or to create the least non-conforming site possible.

2. **Conforming Lot Provisions.** Lots of record with water frontage of 50 feet or more and net lot area of 6,250 square feet or more shall be considered conforming Lots of record. All such Lots may be developed in accordance

with the standards (i.e. uses and setbacks) set forth in this chapter and ordinance. Conforming Lots of record may not be divided or split into two new Lots or parcels unless the Lots or parcels are in conformance with the standards of Section 7.04.B and the other standards set forth within the Ordinance.

3. **Subdividing of Lots or Parcels.** Existing Lots of record – whether nonconforming, conforming, and/or created through the combination of adjacent Lots – shall not be used, occupied, or sold in a manner which diminishes compliance with lot width or area requirements of Section 7.04.B nor shall any division be permitted which creates a Lot, parcel, unit, or tract of land with width or area less than Ordinance requirements for the LK-1 District. (See also Section 7.04.F).
- B. New Development.** Any Lot, parcel, or unit created within the LK-1 Zoning District through land division, subdivision, condominium, site condominium or similar procedures shall meet the following standards:
1. **Minimum Lot Area.** The minimum Lot area shall be 21,780 square feet.
 2. **Minimum Lot Width.** The minimum Lot width shall be 60 feet.
 3. **Lake Frontage.** Each new Lot, parcel, or Unit created shall have lake frontage and shall meet the minimum requirements for lot width at the water frontage (see Section 20.02.A).
 4. **LK-1 Standards.** All other standards for the LK-1 district shall apply.
 5. **Permitted Use.** Only one single family dwelling per Lot, parcel, or unit shall apply.
 6. **Yards and Setbacks.** Yards and Setbacks for new development shall conform to the standards in Section 7.04.C.
 7. **Combination of Lots.** New Lots or Parcels created through the combination of existing adjacent Lots, units or parcels, within the district that bring the resulting Lot, unit, or parcel closer to conformance with the requirements of this Ordinance section and reduce the density of the subject area shall not be considered “new development” for the purposes of the standards above.
 8. **Open Space Preservation Option.** Any new development created under the Cluster Development Option shall also satisfy the development standards of Article 8.00. Open space provided through such a development shall not be

used to provide public access to the water and shall comply with the standards set forth in Section 21.52 of this Ordinance.

C. Yards and Setbacks

- 1. Location and Width.** For waterfront Lots, parcels, or units, the rear yard and lot width shall be the lake side of the Lot and the setback shall be measured from the ordinary high water mark of the lake. The front yard shall be the roadside of the Lot and the setback shall be measured from the edge of the road right-of-way.
- 2. Yards without Water Frontage.** For existing Lots, parcels, or units without water frontage, the front and rear yards shall be designated as approved with the original development approval (as indicated in the approved subdivision plans, condominium plans, or land division plans). Where this cannot be determined, the designation shall be established using the standards set forth in the R-2 Zoning District. However, the minimum required setback distances shall remain as stated in this Article for the LK-1 District. The Zoning Administrator and/or Planning Commission shall review and establish these yards, particularly on corner and double-frontage Lots, to ensure they are compatible with existing adjacent development.
- ~~**3. Accessory Structures.** Structures, except for structures provided for in Section 21.02.D., shall not obstruct the Sight Lines to the water of existing adjacent structures, inclusive of height obstructions. See Section 20.02.X, Section 20.02.Z. and Section 21.02.D~~

D. Site Plan Review. Site Plan review is required for any proposed land division, including site condominiums, and any development including lakeshore, wetlands, or stream-bank properties. Site plan review for stand alone single family structures not part of a condominium, site condominium or subdivision development shall be as set forth in Article 23.00 of this Ordinance.

E. Vehicle Trip Threshold. Any development that proposes to generate more than three hundred (300) vehicle trips per day as determined by the Planning Commission utilizing trip generation rates prepared by the Institute of Transportation Engineers is required to have frontage and direct access to an arterial or collector road.

F. Division or Splitting of Combined Platted Lots. As provided under state statute, the owner of two or more adjacent platted Lots which have been previously combined may split those Lots in such a way that they are returned to the original platted configuration. However, the resulting Lots shall become nonconforming

Lots of record if they do not meet the current LK-1 development standards for area, width, water frontage, or coverage, as set forth in Section 7.04.B. The failure to meet these standards shall result in the owner or developer being denied building or use permits until such time as the Lots are recombined to create one or more conforming Lots as required in Section 7.04.A.1.(c). It is the purpose of this section to prohibit development upon Lots created or reestablished by splitting previously combined platted Lots if those Lots do not meet the standards set forth in Section 7.04.B.

SECTION 7.05 COMMON USE ("KEYHOLE") RESTRICTIONS

See Section 21.52 for common use or “keyhole” regulations.

SECTION 7.06 REFERENCES TO ADDITIONAL STANDARDS AND REGULATIONS

The following list of references includes additional standards and regulations applicable to any proposed use in this district:

- A. Article 2: Definitions
- B. Article 8: OSP Open Space Preservation Option
- C. Article 20: Schedule of Regulations (minimum lot area, lot width, setbacks, max. height, etc.).
- D. Article 21: General Provisions: Regulations for single family dwellings; site condominiums; illegal dwellings; accessory uses, temporary structures; fences; reception antennae; limitations on clearing and grading site, etc.
- E. Article 23: Site Plan Review and Project Evaluation Report
- F. Article 24: Private Road and Shared Private Driveway Standards
- G. Article 26: Nonconformities
- H. Ord. 16: Subdivision Control Ordinance
- I. Ord. 25: Land Division Ordinance

REVISIONS:

- 2007 DECEMBER - 7.00 Intent (New); 7.01B; 7.02 A, A.1; 7.04, 7.04.A, 7.04.A.1, 2,3 (New); 7.04.B (New); 7.04.C (New), 7.04.D; 7.04.F (New)

**ARTICLE 20
SCHEDULE OF REGULATIONS**

SECTION 20.00 SCHEDULE OF REGULATIONS

The Schedule of Regulations regarding lot sizes, yards, setbacks, lot coverage, building size, densities, and uses within zoning districts consists of three sections.

- Section 20.01 Schedule of Regulations in tabular form;
- Section 20.02 Footnotes to Schedule of Regulations;
- Section 20.03 Table of Land Uses by Zoning District.

Buildings shall not be erected, nor shall any existing building be altered, enlarged, overbuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity with the regulations hereby established for the district in which such building is located.

A portion of a lot utilized for complying with the provisions of this zoning ordinance regarding occupancy of yards, courts, or lot area, shall not be used again to qualify or justify any other building or structure existing or intended to exist at the same time.

Tyrone Township Zoning Ordinance #36

SECTION 20.01 TABLE OF SCHEDULE OF REGULATIONS DIMENSIONAL REQUIREMENTS

DISTRICTS	FR	RE	R-1	R-2	LK-1	RM-1	MHP	PCS	PIRO			B-1	B-2	ES	OS	PCI	M-1	M-2	ROM	EI
									PIRO-A Research and Office	PIRO-B Light Industry	PIRO-C General Industry									
Footnotes	F.G. H.I.M. N.Y.	F.G. H.I.M. N.Y.	F.G. H.I.M. N.Y.	D.E. F.G. H.I.M. N.Y.	E.F. G.H.I. M.N.V. Y.	D.G.H. I.N. O.P.Y.	L.	I.J.N. Y.	G.H.I.J. N.Y.DD.	G.H.I.J. N.Y.DD	G.H.I.J.N .Y.DD.	G.H. I.J. N.Y.	G.H.I. J.N.Y	G.H.I. J.N.Y	G.H.I. J.N.Y	G.H.I. J.N.Y	G.H.I. J.N.Y	G.H.I. K.N.Y	G.H.I. J.N.Y	G.H.I. K.N.Y
Principal Structure Minimum Lot Width (feet) See note A.	250	200	130	110	60	330	—	150	200	250	250	150	150	150	105	150	200	330	200	250
Area Restriction	—	—	—	—	—	1 bedroom per 7,500 sq.ft. up to 4 bedrooms 5,000 sq.ft. per add'l bedroom	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Minimum Site and Lot Area see notes W.	3 acres	1.75 acres	1 acre	21,780 sq.ft.	21,780 sq.ft.	5 acres	15 acres; 5,500 sq.ft. per manufactured home site (see note CC)	1 acre	3 acres	5 acres EE.	5 acres EE.	1 acre	1 acre	1 acre	1 acre	1 acre	3 acres	10 acres	3 acres	40 acres

Tyrone Township Zoning Ordinance #36

DISTRICTS	FR	RE	R-1	R-2	LK-1	RM-1	MHP	PCS	PIRO			B-1	B-2	ES	OS	PCI	M-1	M-2	ROM	EI
									PIRO-A Research and Office	PIRO-B Light Industry	PIRO-C General Industry									
Maximum Building or Structure Height (feet) See notes B. & S.	30	30	30	30	30	35	—	35	35	45	50	35	35	30	35	40	45	50	35	50
Maximum Building Coverage (percent)	25	25	30	30	35	35	—	40	40	40	40	40	40	40	40	40	40	40	40	40
Minimum Floor Area Per Dwelling Unit (sq.ft.)	G.H	G,H	G.H	G.H	G.H.	G.H	720 sq. ft.	—	G.H.	G.H.	G.H.	G.H	G.H	G.H	G.H	G.H	G.H	G.H	G.H	G.H
Minimum Front Yard Setback (feet) See notes C.I. Y., BB & FF..	150	100	50	50	35	100	—	20	100	100	100	100	100	100	100	100	100	100	100	100
Minimum Side Yard Setback (feet) See notes C.M., Y & FF..	30	20	20	15	10	20	—	20	30	30	50	30	30	20	20	30	30	50	30	400
Minimum Rear Yard Setback (feet) See notes C, Y & FF.	75	75	50 ✕	35	50 ✕	30	—	50	30	30	50	50	50	20	20	30	30	50	30	400

Tyrone Township Zoning Ordinance #36

DISTRICTS	FR	RE	R-1	R-2	LK-1	RM-1	MHP	PCS	PIRO			B-1	B-2	ES	OS	PCI	M-1	M-2	ROM	EI
									PIRO-A Research and Office	PIRO-B Light Industry	PIRO-C General Industry									
ACCESSORY BUILDINGS																				
Minimum Building Setback (feet); see notes O and Y.	T.	T.	T.	T.	T.	T.		20	100	100	100	100	100	100	100	100	100	100	100	100
Minimum Side Yard Setback (feet) see notes O, and Y	20	20	15	15	10	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15
Minimum Rear Yard Setback (feet) see notes O and Y	20	20	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
Maximum Building Height (feet)	40	40	20	20	20	20	—	15	25	25	25	15	15	15	15	25	25	25	25	25
Maximum Building Coverage see note O.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Minimum Setback from Water's edge see note Z	50	50	50	50	50	50	—	50	50	50	50	50	50	50	50	50	50	50	50	50

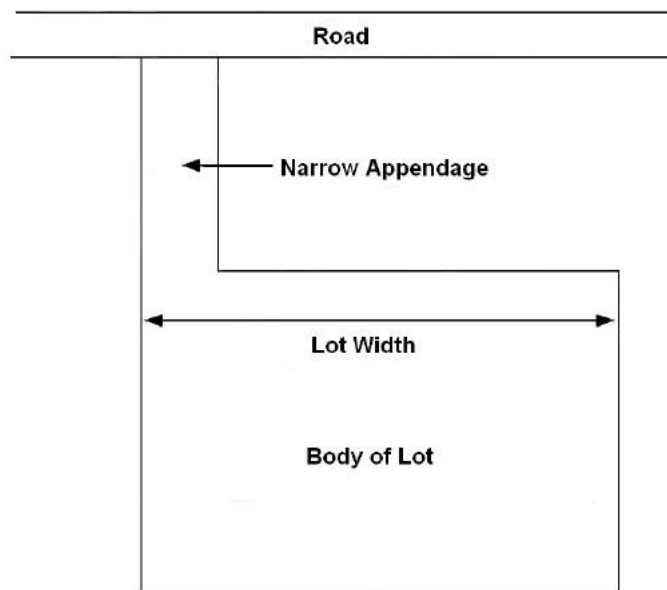
SECTION 20.02 FOOTNOTES TO SCHEDULE OF REGULATIONS

The descriptive elements contained herein are referenced as footnotes in the table of Schedule of Regulations, Section 20.01.

Footnotes:

- A. Methods of lot width measurement:**
- 1.** Minimum lot width is measured along a straight line between the points where the front setback line intersects with the side lot lines, except for cul-de-sac lots, lots located on curves and flag-lots.
 - 2.** On all waterfront lots within the Township, the minimum lot width shall be also be maintained between the side lot line at the ordinary high water mark along all water frontages. The width at the water frontage shall be measured along a straight line between the points where the ordinary high water mark intersects with the side lot lines. Where the lot has more than one yard with water frontage, the frontage at each yard shall be measured separately between the property lines creating the yard where they intersect with the ordinary high water mark, and each shall maintain the minimum lot width for the district.
 - 3.** The width of flag lots is measured at the point where the narrow appendage of the lot joins the body of the lot. (See Figure 8)

Figure 8



- 4. The width of lots located on a concave curve is measured along a straight line tangent to the arc of the front setback line. The tangent line shall only have one point of contact with the required front yard area. The one point of contact shall be located at the center of the arc. (See Figure 9)
- 5. The width of lots located on a convex curve is measured along a chord, which shall be a straight line that has its end point located where the front setback line intersects with the side property line. (See Figure 9)

- B. Excepting public buildings, churches and farm buildings.
- C. In determining the required side, rear or front yard areas, the setback distance specified shall be measured from the appropriate lot line, or in the case of acreage parcels, the appropriate property line. In the case of lots or acreage parcels adjacent to an arterial road, or a major or minor arterial as designated in the Tyrone Township Master Plan or as specified in the Livingston County Segment of the Intercounty Highway Commission Plan, the setback distance specified shall be measured from any proposed right-of-way line adopted for such an arterial.

For corner lots, both sides fronting on the road or street shall meet the front yard requirement; one of the other two yards shall comply with the rear yard requirement and one shall comply with at least the side yard requirement as illustrated in Figure 10. (See Figure 10)

- D. Public sanitary sewers and centralized water systems must be installed.
- E. Public sanitary sewers and centralized water systems may be required. A hydrogeological survey and soils evaluation shall be completed by a qualified engineer or geologist for all subdivisions of more than five (5) lots.
- F. In single family residential districts, only one principal building shall be placed on a lot of record, or condominium building site.
- G. The required minimum floor area per dwelling unit in each structure shall be:

One story	1,200 sq. ft. on ground floor
One and one-half story	1,250 sq. ft., with 850 sq. ft. minimum on ground floor
Two story	1,500 sq. ft., with 900 sq. ft. minimum on ground floor
Tri or Quad Level	1,500 sq. ft., with a minimum of 460 sq. ft. on ground floor

Figure 9

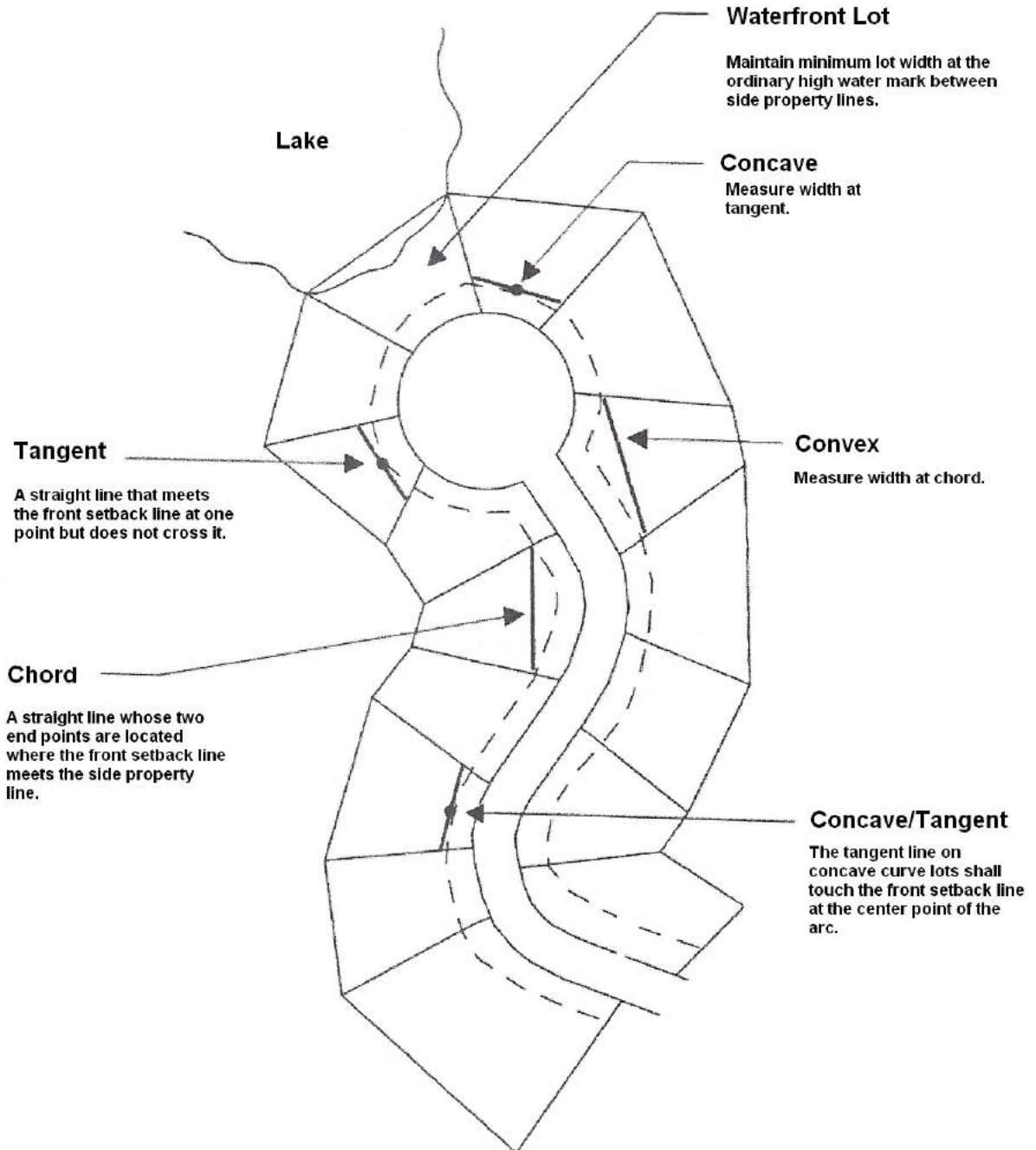
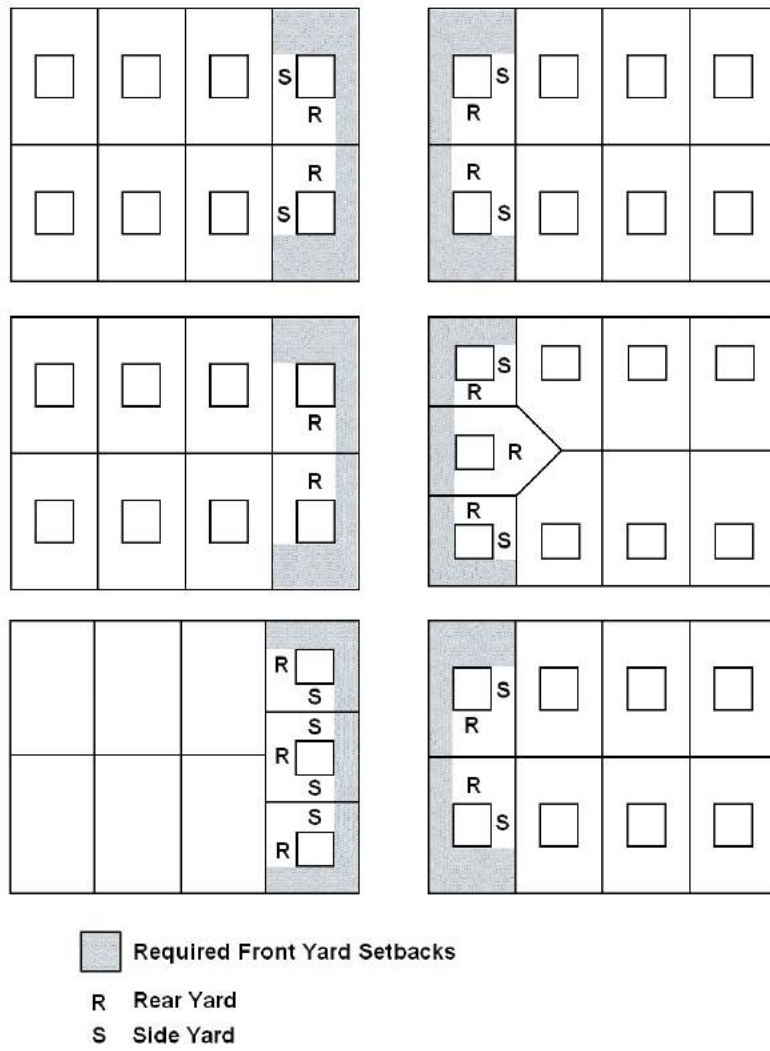


Figure 10



- H.** The required minimum floor area per dwelling in each multiple dwelling structure shall be:

Efficiency apartment	500 sq. ft.
One bedroom unit	700 sq. ft.
Two bedroom unit	900 sq. ft.
Three bedroom unit	1,100 sq. ft.

Plus an additional 100 square feet for each bedroom in excess of three bedrooms in any dwelling unit.

- I.** The front yard setback shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping and vehicle access drives. The front yard setback area may not be used for off-street parking, except in PCS, B-1, B-2, or ES business districts where any portion of the front yard may be used for parking, and in FR, RE, R-1, R-2 and LK-1 districts where only the front access driveway area may be used for parking vehicles used by occupants of the residence. For the purposes of this section, the access driveway is defined to include only the paved or surfaced portion of the driveway through the front yard used to access the side or rear yard and/or garage. In no case may a building or a parking area encroach onto an existing or officially proposed public right-of-way. Where a front yard of lesser depth than specified in the Schedule of Regulations exists in front of dwellings on more than sixty (60) percent of the lots of record on one side of the street in any one block in a single family residential district, the depth of front yard for any building thereafter erected or replaced on any lot in such blocks need not be greater than the average depth of front yards of such existing buildings.
- J.** A building shall not be located closer than one hundred (100) feet to a perimeter property line that abuts a residential district.
- K.** A building shall not be located closer than one hundred (100) feet to a perimeter property line that abuts a residential or local business district.
- L.** Manufactured Housing Commission approved provisions in Article 10 apply to all manufactured home park developments.
- M.** Fire escapes, fire towers, chimneys, platforms, decks (including cantilevered decks), balconies, boiler flues, and other projections shall be considered part of the building, subject to the setback requirements for the district in which the building is located. The following table identifies permitted projections in required yards:

<u>Projection</u>	<u>Side Yard</u>	<u>Front Yard</u>	<u>Rear Yard</u>
Air conditioning equipment	P	NP	P
Access drives	(3)	(3)	(3)
Arbors and trellises	P	P	P
Awnings and canopies projecting into 10 percent or less of yard depth	NP	NP	P
Bay windows, decks (open or enclosed), overhangings, eaves, and gutters	(1)	(1)	(1)
Flagpoles	P	P	P
Gardens	P	P	P
Hedges	P	P	P
Laundry drying equipment	P	NP	P
Light standards, ornamental	P	P	P
Paved terraces and open porches*	NP	NP	(2)
Approved signs*	NP	P	NP
Stairways, open unroofed	(1)	(1)	(1)
Steps	NP	P	P
Television or radio towers or antennas*	NP	NP	P
Trees, shrubs, and flowers	P	P	P
Window air conditioning units	(1)	(1)	(1)

* See other regulations in this ordinance.

“P” means permitted; “NP” means not permitted; (#) refers to notes below.

Notes Related to Table in Footnote M:

- 1.** Architectural Features: Bay windows, window sills, belt courses, cornices, eaves, overhanging eaves, and other architectural features may 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 into any front or rear yard not more than twenty-four (24) inches.
- 2.** Terraces and Porches: Open paved terraces and open porches may project into a required rear yard up to twelve (12) feet.
- 3.** Access Drives and Walkways: Access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. Further, any walk, terrace or other pavement serving a like function, shall be permitted in any required yard, providing the pavement is no higher than nine (9) inches above grade.

- N.** Parcels and lots shall have a -depth to width ratio not to exceed 4 to 1 (4:1). For the purposes of determining compliance with this requirement only, lot width shall be measured as the average of the widths measured at the front lot line, the building line, and the rear lot line. Overall land parcels for PUD'S, Cluster Developments, and site condominiums shall maintain this ratio.

A greater depth to width ratio than required by this subsection may be permitted if the resulting parcel(s) exhibits exceptional topographic or physical conditions such as wetlands, woodlands, and/or steep slopes, or is consistent with the land development pattern of the surrounding area, or extraordinary circumstances exist, in the determination of the Township Board. Except as specified above for overall land parcels for PUD's, Cluster Developments, and site condominiums, the depth to width ratio requirements of this subsection shall not apply to parcels larger than 10 acres nor shall they apply to the remainder of the parent parcel or parent tract retained by the proprietor.

- O.** Only applies to uses in the LK-1, R-1, R-2, and RM-1 districts. An attached accessory building not considered to be a private garage may not occupy more than twenty-five (25) percent of a required rear yard, provided that in no instance shall the total attached accessory building floor area exceed fifty (50) percent of the total floor area of the main building. A detached accessory building also may not occupy more than forty (40) percent of any non required rear yard provided that in no case shall it exceed 800 square feet, except as may be permitted under Section 21.02.J. Where detached accessory buildings are permitted in the front yard (Section 21.02.E), such detached accessory building also may not occupy more than forty (40) percent of any non required front yard provided that in no case shall it exceed 800 square feet, except as may be permitted under Section 21.02.J. Refer also to specific provisions in Section 21.02 for regulation of accessory structures.
- P.** 30,000 sq. ft. of land area is required for the first four (4) bedrooms. In developments comprising additional units, the land area shall be increased in minimum increments of 10,000 square feet with a maximum of two (2) bedrooms per 10,000 square foot increments. The distribution of bedrooms may be in any combination of units.
- Q.** Flexible parcel and lot area and yard dimensions are permitted in this district. The CDO district, however, requires a minimum parcel size of ten (10) acres. Refer to Article 8 for specific regulations.
- R.** Reserved.
- S.** Building heights are approved by the Planning Commission after determining adequacy of fire-fighting equipment for multi-story structures.

- T. The accessory structure in residential districts shall be in the rear yard, except as modified in other sections of this ordinance.
- U. The minimum lot area of 11,000 square feet applies only to lots developed with public sewer service. Lots developed without public sewer service shall have a minimum area of 21,780 square feet.
- V. In applying rear yard requirements in this district, the rear yard shall be the lake side of the Lot and shall be measured from the normal high water line of the lake. The front yard shall be the roadside of the Lot and shall be measured from the road right-of-way.

For Existing Lots, parcels or units without water frontage, the front and rear yards shall be designated as approved with the original development approval. Where this cannot be determined, the designation shall be established using the standards as set forth in the R-2 District. However, the minimum required setback distances shall remain as stated in Section 7.04. The Zoning Administrator and/or the Planning Commission shall review and establish these yards, particularly on corner and double frontage lots to ensure that they are compatible with existing adjacent development.

- W. Lot areas are measured as the horizontal area within the lot lines or boundaries, exclusive of submerged lands beneath inland lakes. For lots less than ten (10) acres in size, lot area shall not include any area outside of the lot lines including public or private road easements and rights-of-way or dedicated open spaces. Such measurement is often termed the "net area." However, in the event the easement or right-of-way is associated with a lot of less than ten (10) acres in area and the area of the easement or right-of-way, if added to the lot area, will increase the lot to ten (10) or more acres, then the area of the easement or right-of-way shall be included in the lot area measurement.

~~X. A greater rear yard setback may be required by the Planning Commission where the established setbacks of adjacent buildings are greater than the minimum required in the Zoning District. Where the average rear yard setbacks for the adjacent buildings on either side of the proposed use is greater than the minimum required for the district, the Planning Commission may require a rear yard setback equal to or greater than average rear yard setbacks of the adjacent buildings to preserve Sight Lines to the water. This setback requirement also applies to accessory structures.~~

~~The only exceptions to this provision shall be for cases where the subject or adjacent structures are located along a cove or peninsula or where the rear yard setbacks of adjacent structures differ by more than 40 feet. For these cases, the Planning Commission shall determine if a cove or peninsula exists, as well as the appropriate setback required such that Sight Lines for existing adjacent structures are protected.~~

- Y.** For any parcels with frontage on both U.S. 23 and either White Lake Road, Center Road or Faussett Road, principal and accessory structures shall be set back at least 150 feet from the U.S. 23 right-of-way. This provision does not apply to manufactured home park districts.
- Z.** For all Lots with yard spaces adjacent to a lake, pond, stream, drainage-way, wetland of any size or river, no structures, fences or decks extending more than twelve (12) inches above the grade shall be permitted within fifty (50) feet of the established edge of the water. The only exceptions to this provision shall be for those accessory structures specifically permitted in Section 21.02.D.
- AA.** Reserved.
- BB.** The required front yard setback in the FR and RE Districts indicated in the Schedule of Regulations shall be enforced on all state highways, county section line and county quarter-section line roads. The front yard setback in the FR and RE Districts may be reduced to not less than fifty (50) feet from the easement or right-of-way for a shared driveway or private or public access street other than a state highway, county section line or quarter-section line roads.
- CC.** An individual manufactured home site shall have a minimum area of 5,500 square feet. The size may be reduced by up to twenty (20) percent, provided that the site shall be at least 4,400 square feet. For each square foot of land gained through the reduction, an amount of land equal to the total area reduction shall be dedicated as open space. The open space requirement shall be the standard in R125.1946, Rule 946 of the Michigan Administrative Code.
- DD.** The Planning Commission may recommend, and the Township Board may approve a lot area smaller than three acres, if such smaller lot is part of an overall development plan that meets the intent of the PIRO-A (Research and Office) sub-district.
- EE.** If the site is part of a larger subdivision or condominium development with road access from other than a County primary road, the minimum lot area shall be one acre.
- FF.** In the PCI (Planned Commercial Industrial) District, the Planning Commission may approve front, side, and rear setbacks less than the minimums required on a nonconforming lot that is of record as of the date of this amendment, subject to finding that all the following are met: that the reduced setback(s) will not negatively impact the public health, safety, or general welfare; that the reduced setback(s) will allow construction of a building that is consistent with the intent of the PCI District; and that the modification will not cause harm to neighboring properties or traffic flow.

SECTION 20.03 TABLE OF LAND USES BY ZONING DISTRICT

Land use permits are required to erect, alter or locate structures. All structures require a land use permit in accordance with the fee schedule including habitable structures (permanent or temporary), signs, accessory structures, pools and ponds, private roads, entrance structures including their associated fence and/or walls, radio tower and/or antennas.

Farming and Residential Districts S = Special Land Use; P = Permitted Use

USE	DISTRICT						
	FR	RE	R1	R2	LK-1	RM1	MHP
Adult/Child Care Organization, State Licensed	(2)	(2)	(2)	(2)	(2)	(2)	
Agri-business (sale of produce raised on-site)	P	P					
Agriculture	P	P					
Airports	S	S					
Camp Grounds/Day Camps	S	S					
Cemeteries, Public/Private	S	S					
Churches	S	S	S	S	S		
Colleges, Universities	S	S					
Convalescent Homes						P	
Dog Kennels	S	S					
Elderly Housing						S	
Essential Services w/out outside storage	P	P	P	P	P	P	
Feedlots	S	S					
Golf Course County Club	S	S					
Greenhouses	P	P	S	S	S		
Home Occupations	P	P	P		P	P	
Hospitals	S	S					
Livestock Sales	S	S					
Manufactured Home Park, Seasonal MHP							P
Multiple Dwellings						P	
Private Swimming Club	S	S	S	S	S		
Public Utilities	S	S	S	S	S		
Public Parks and Open Space	P	P	P	P	P	P	P
Public Buildings & Uses	S	S	P	P	P	S	S
Recreation Areas	S	S					
Road Side Stands	S	S					
Schools	S	S	S	S	S		
Single Family Dwelling	P	P	P	P	P	P	
Stables	P	P					

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USE	DISTRICT						
	FR	RE	R1	R2	LK-1	RM1	MHP
Travel Trailer Storage	P	P	P		P		
Two Family Dwellings				P		P	

Commercial and Industrial Districts (4)

USE	PCS	B1	B2	ES	OS	M1	M2	ROM	EI
GENERAL RETAIL/SERVICE USES									
Adult/Child Care Organization, State Licensed		(2)	(2)		(2)				
Animal Hospital	S		S						
Archery Range, Indoor	S		S						
Assembly Halls, Banquet	S		P						
Athletic/Fitness/Exercise Establishment	P		P						
Auto Parts, Retail Store	P		P	P					
Auto Service Stations		S	S	P					
Auto Repair, Buffing & Collision			S						
Auto/Truck Sales, Service & Rentals	S		S						
Automobile Car Wash	S		S	P					
Banks, Drive-ins	S		P						
Banks, Savings & Loan, Credit Union	P		P						
Bar & Tavern	S	S	P						
Beauty & Barber Shops	P	P	P						
Bowling Alleys	S		S						
Business Services (mailing, copying, data processing)	P		P		P				
Campgrounds	S		S	S					
Civic Clubs	S		P						
Clubs, Private, Non-commercial	S		P						
College University Vocational Schools	P		P					P	
Construction Equipment Sales & Services	S		S						
Dance Studios	P		P						
Department Stores	P		P						
Drive-in Theater	S		S						
Dry Cleaners, Pickup Stations	P	P	P						
Essential Services without outside storage	P	P	P	P	P	P	P		
Essential Services with outside storage						P	P		
Exhibition Halls & Indoor Assembly Halls	S		P						
Farm Equipment Sales & Service	S		S						
Fraternal Clubs	S		P						
Furniture & Household Furnishings & Sales	P		P						

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USE	PCS	B1	B2	ES	OS	M1	M2	ROM	EI
Garden Shops	S		P						
Grain Equipment & Processing			S						
Greenhouse & Nursery	S		P						
Groceries, convenience foods, bakery goods, and dairy products	P	P	P	P					
Hospital			P						
Hotel/Motel	S		S	P					
Insurance Sales	P	P	P						
Laundromat	P	P	P						
Lawn and Garden Center	S		P						
Liquor Package Sales	P	P	P	P					
Livestock Sales	S		S						
Lumber & Feed Yards	S		S				P		
Machine Shops		S	S						
Machinery/Heavy Equipment Sales/Indoors			S						
Mini-warehouses or Self-storage Facilities			S	S		P			
Motels/Hotels	S		S	P					
Motor Vehicle Fueling Station	S								
Motor Vehicle Major Repair	S								
Motor Vehicle Minor Repair	S								
Motorcycle Sales & Service	S		S						
Music and Dancing Schools	P		P						
Night Clubs	S		P						
Nursery Schools, Day-Care unlimited by size	S	S	S	S	S	S	S	S	
Open Air Business	S		S						
Printing/Lithographic/Blueprinting			P						
Pool Rooms & Pinball Establishments	S		S						
Public Buildings & Uses	P		P						
Real Estate Sales	P	P	P						
Recreation, Commercial, Outdoors			S						
Recreation, Accessory Outdoor	S								
Restaurant	P	S	P	P					
Restaurant, Drive-thru	S		P	P					
Retail sale of: books, stationary, drugs, pharmaceuticals; newspapers; florist; hardware; sporting goods; hobby supplies; photography; radio, TV and appliance sales and service; stationery; antiques and gifts	P	P	P	P					
Roller Rinks	S		S						
RV Sales, Service, Rental	S		S						
Skating Rinks	S		S						

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USE	PCS	B1	B2	ES	OS	M1	M2	ROM	EI
Shopping Centers up to 20,000 sq. ft.	P		P						
Shopping Centers over 20,000 sq. ft.	S		S						
Supermarkets or retail stores up to 20,000 sq. ft.	P		P						
Supermarkets or retail stores over 20,000 sq. ft.	S		S						
Swim Clubs	P		P						
Tailoring and dressmaking, shoe sales and service	P	P	P						
Tennis Clubs	P		P						
Theaters, Indoor	S		P						
Theaters, Drive-In, Outdoor	S		S						
Used Car Sales	S		S						
Video Store	P	P	P		(3)				
OFFICE USES									
Medical Clinic					P				
Office Buildings - Business & Professional					P				
Public Buildings & Uses	P				S				
Public Utility Buildings	P				S				
LIGHT MANUFACTURING USES									
Automobile Repair, Buffing & Collision			S			P			
Bus/Truck Terminal						P			
Composting Centers						S	S		
Essential Services without outside storage	P	P	P	P	P	P	P		
Essential Services with outside storage						P	P		
Furniture Manufacturing						P			
Lumber and Feed Yards						P			
Manufacturing, Indoors						P			
Public Utility Buildings						P			
Propane Storage and Sales						P			
Print Shops and Publishing						P			
Radio and TV Studios						P			
Storage & Warehousing						P			
Tool & Die Machinery Shops						P			
Towers: Radio, TV & Cellular Phone Towers						S	S		
Warehouses, Fully Enclosed						P			
HEAVY INDUSTRIAL USES									
Airport							P		
Asphalt & Concrete, Ready Mix Plants							S		
Bulk Storage, With or Without Office							P		

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USE	PCS	B1	B2	ES	OS	M1	M2	ROM	EI
Bus/Truck Terminal							P		
Central Dry Cleaning Plants							P		
Contractors Equipment Yards & Offices							P		
Essential Services							P		
Explosives and hazardous materials, manufacture, storage or handling of							S		
Food Processing and Freezer Locker Plants & Cold Storage							P		
Lumber & Feed Yards							P		
Manufacturing, Indoors							P		
Petroleum plants or Oil and Gas Processing Plants							S		
Plastics Manufacturing							P		
Recycling Centers							P		
Salvage Yards							S		
Slaughter House							S		
Storage & Warehousing							P		
Telecommunications							P		
Warehouses, Fully Enclosed							P		
HEAVY COMMERCIAL USES									
Automobile Service Stations				P					
Auto Repair, Buffing & Collision				P			S		
Automobile Car Wash				P					
Bus/Truck Terminal				P					
Truck Terminal				P			S		
OFFICE SERVICE USES									
Animal Hospital	S				S				
Banks, Drive-Ins	S				P				
Banks, S&L's, Credit Union	P		P		P				
Beauty & Barber Shops	P	S	P		P				
Books, Stationery & Newspaper	P		P		P				
Churches					P				
Corporate Offices					P				
Funeral Establishments	S		P		S				
Institutions, Charitable/Philanthropic	S				P				
RESEARCH OFFICE MANUFACTURING USES									
Corporate Offices								P	
Research Labs & Test Facilities								P	

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USE	PCS	B1	B2	ES	OS	M1	M2	ROM	EI
EXTRACTIVE INDUSTRIAL USES									
Earth Removal, Excavations, Commercial									P
Mining, Sand & Gravel									P
Quarrying									P
Sand & Gravel Processing									P
Concrete Crushing									SP

- (1) The determination of whether a use not provided for in these tables or the district regulations is permitted in a district shall be made according to Section 21.44.
- (2) See Section 21.42 of the Zoning Ordinance.
- (3) Video stores offering videos for rent are specifically excluded from the OS district.
- (4) For land uses permitted in the PIRO District, see SECTION 16A.02 TABLE OF PERMITTED AND SPECIAL LAND USES.

REVISIONS:

- 2000 DECEMBER - Section 20.01- FR and RE Side Yard Setbacks, 20.02.A, 20.02.Z, 20.02.AA, 20.02.BB.
- 2004 MARCH - Section 20.02.AA.
- 2005 SEPTEMBER - Section 20.02.AA.
- 2007 APRIL - 20.02.A.4 & 5.
- 2007 DECEMBER – 20.01 LK-1 area, LK-1 delete note U, 20.02.V, X, Z amended.
- 2009 OCTOBER - Amended to include the PCS district.
- 2010 SEPTEMBER - added concrete crushing to Extractive Industrial Uses.
- 2012 MAY – Amended 20.01 (R-1, R-2, LK-1 max. accessory height to 20 feet), Section 20.02.O to reference new Section 21.02.J (larger accessory structures).
- 2013 JANUARY – Amended Section 20.01 Table of Schedule of Regulations to include PIRO District; added Footnote (4) to Section 20.03 Table-Commercial and Industrial Districts.
- 2015 JULY – Amended Section 20.02.N. Depth to Width Ratio to allow land divisions with greater than 4:1 depth to width ratios when conditions set forth in the Land Division Act are met.
- 2016 APRIL – Added Section 20.02 FF. and 20.01 Table of Schedule of Regulations to include PCI District.
- 2018 MARCH – Section 20.01 Amended "Minimum Site and Lot Area"; removed Section 20.02.AA
- 2019 JULY – Amended Section 20.02.W. to clarify submerged land beneath a lake cannot be included in the minimum land area required for a land division.

**ARTICLE 21
SUPPLEMENTAL DISTRICT REGULATIONS**

SECTION 21.00 INTENT

The purpose of this section is to provide regulatory information on a variety of land uses, issues and concerns heretofore not regulated by provisions of this ordinance. The regulations detailed herein are supplementary to, but no less important than the regulations having a more broadly based focus that are presented elsewhere in this ordinance.

SECTION 21.01 PRINCIPAL BUILDING, STRUCTURE OR USE

No zoning lot may contain more than one (1) principal building, structure or use except: groups of multiple family dwellings under the same ownership, condominium developments, manufactured home parks, unified shopping centers, auto dealerships, office complexes or a planned unit development.

SECTION 21.02 ACCESSORY BUILDINGS AND STRUCTURES PROVISIONS

Accessory buildings and structures (see definition section) except as otherwise permitted in this ordinance, shall be subject to the following regulations:

A. Standards in all Districts.

- 1. Attached Accessory Buildings and Structures.** Where the accessory building or structure is attached to a principal building, it shall be subject to, and must conform to all regulations of this ordinance applicable to the principal building.
- 2. Detached Accessory Buildings and Structures.**
 - a. Schedule of Regulations.** No detached accessory building or structure shall exceed the maximum height or be located at less than the minimum setbacks listed in Section 20.01, Table of Schedule of Regulations, for the respective districts, except as permitted in 21.02.G or otherwise permitted herein.
 - b. Location Relative to Road or Easement.** In those instances where the rear lot line is coterminous with an alley right-of-way, the detached

accessory structure shall not be closer than one (1) foot to such rear lot line. In no instance shall an accessory structure be located within a dedicated easement or road right-of-way.

- c. **U.S. 23 and Other Road Frontage.** For any parcels with frontage on both U.S. 23 and either White Lake Road, Center Road or Faussett Road, accessory buildings and structures shall be set back at least 150 feet from the U.S. 23 right-of-way. This provision does not apply to manufactured home park districts.

- d. **Water or Wetland Frontage.** For all lots with yard spaces adjacent to or abutting water or a wetland (defined as a lake, pond, stream, drainageway, wetland of any size, or river), no structures, fences or decks extending more than twelve (12) inches above the grade shall be permitted within fifty (50) feet of the ordinary high water mark of the water or wetland. The only exceptions to this provision shall be for those docks, boat storage and other accessory structures specifically permitted in Section 21.02.A.2.e.

~~On all lots with water or wetland frontage, a rear yard setback that is greater than fifty (50) feet may be required by the Planning Commission where the established setbacks of adjacent buildings are greater than fifty (50) feet. Where the average rear yard setbacks for the adjacent buildings on either side of the proposed accessory building or structure are greater than fifty (50) feet, the Planning Commission may require the accessory building or structure to maintain a rear yard setback greater than fifty feet but not greater than the average rear yard setbacks of the adjacent buildings to preserve sight lines to the water.~~

~~The only exception to this provision shall be for cases where the subject or adjacent structures are located along a cove or peninsula or where the rear yard setbacks of adjacent structures differ by more than 40 feet. For these cases, the Planning Commission shall determine if a cove or peninsula exists, as well as the appropriate setback required such that sight lines for existing adjacent structures are protected.~~

- e. **Docks and Boat Storage Structures on Waterfront Lots.** On residential lots abutting a water body, docks and boat storage structures for the use of the individual property owners are permitted as accessory structures to a residential use. Docks and open boat storage structures may be located in the water not less than ten (10) feet from the side lot lines. All other accessory structures must be located not less than fifty (50) feet from the ordinary high water mark of the water.

- f. **Structures Constructed Prior to Principal Structures.** Construction of an accessory structure is permitted only in conjunction with construction of a principal structure. If the principal structure is not constructed within one (1) year, the accessory structure shall be deemed a temporary structure and shall be removed. Notwithstanding this restriction, in the event the principal structure is destroyed by fire, flood, tornado, or other natural disaster to the extent of 100% of SEV or more, an existing accessory building may be permitted to remain on the site for up to two (2) years from the date of destruction in order to allow the owner time to settle insurance claims or rebuild.

3. Temporary, Incidental and Exempt Accessory Buildings and Structures.

- a. **Temporary Accessory Buildings and Structures.** Temporary accessory structures that do not require permanent attachment to the ground, but have similar characteristics to an accessory structure, including but not limited to inflatable swimming pools and moveable carports, swing sets, picnic tables, play houses, and similar shall comply with the setback requirements for detached accessory structures. Other temporary structures as may be permitted under Section 21.31, shall also meet the height, setback, and coverage requirements applicable to permanent accessory structures.
- b. **Incidental Accessory Buildings and Structures.** One (1) accessory building or structure one hundred (100) square feet or less shall be allowed per lot without a land use permit, and shall not count as one of the permitted accessory structures on a lot. Any such detached accessory building or structure with one hundred (100) square feet or less total floor area shall comply with the setback requirements for detached accessory structures.
- c. **Exempt Structures.** Flag poles, mail boxes, lawn ornaments (landscaping), and similar structures shall be exempt.

4. Regulations for Specific Accessory Structures

- a. **Gazebos.** Gazebos shall be permitted in residential districts, subject to the following limitations:

Area. Gazebos shall not exceed 180 square feet in floor area.

Height. Gazebos shall not exceed 14 feet in height. If the gazebo is part of a deck attached to the principal building, the height shall be measured as the vertical distance from the finished floor elevation of the principal building to the highest point of the gazebo roof.

Setbacks. Gazebos shall comply with the yard and setback regulations applicable to detached accessory structures.

- b. **Swimming Pools.** See Section 21.21.
- c. **Signs.** Signs shall be permitted as accessory structures subject to the requirements of Article 27, Outdoor Advertising and Sign Regulations.
- d. **Fences.** See Section 21.13.

B. FR and RE Districts Accessory Buildings and Structures.

- 1. **Number.** On FR and RE zoned lots two (2) acres in area or less, only one attached garage or other accessory building or structure and one detached garage or other accessory building or structure shall be permitted. On lots larger than 2 acres in the FR and RE Districts, there is no limit on the number of accessory buildings.
- 2. **Location: Yards.**
 - a. **FR and RE Lots – Rear Yard.** Detached accessory buildings and structures in the FR and RE districts shall be in the rear yard, except as modified in other sections of this ordinance and more specifically provided herein. On a corner lot, detached accessory buildings and structures shall comply with the front yard setback requirement along both street frontages.
 - b. **Permitted Locations of Detached Accessory Buildings and Structures on FR and RE Lots 2 Acres or Less.** On FR and RE zoned lots two (2) acres in area or less the following shall apply:
 - i. **Attached Accessory in Front or Side Yard.** If an attached accessory building or structure is located in the front or side yard, then any detached accessory building or structure shall be located in the rear yard.

2. Location: Yards.

- a. R-1 and R-2 Lots – Rear Yard.** Detached accessory buildings and structures in the R-1 and R-2 districts shall be in the rear yard, except as modified in other sections of this ordinance and more specifically provided herein. On a corner lot, detached accessory buildings and structures shall comply with the front yard setback requirement along both street frontages.
- b. Permitted Locations of Detached Accessory Buildings and Structures in R-1 and R-2 Districts.** In the R-1 and R-2 districts, the following shall apply:

 - i. Attached Accessory in Front or Side Yard.** If an attached accessory building or structure is located in the front or side yard, then any detached accessory building or structure shall be located in the rear yard only except as provided in 21.02.C.4.
 - ii. Attached Accessory Not in Front or Side Yard.** If an attached accessory building or structure is not located in a front or side yard, then any detached accessory building or structure shall be permitted only in the side or rear yard except as provided in 21.02.C.4.
 - iii. Detached Accessory Not Between Principal Building and Street.** A detached accessory building or structure shall not be located between the principal building and an adjacent road, except as provided in 21.02.C.4. On corner lots, the detached accessory may be closer to the side street than the principal building, but shall comply with the required front yard setback along that side street.
- 3. Location: Lot Lines.** No detached accessory structure shall be located closer than ten (10) feet to any principal building nor shall it be located closer than ten (10) feet to any rear lot line.
- 4. Location on R-1 and R-2 Lakefront Lots.** On lots that front on bodies of water that are lakes as defined in this Ordinance and that are located in the R-1 and R-2 districts, detached accessory buildings and structures shall be located in the front or side yard, and shall not obstruct views to the water from adjacent dwellings. Further, the application must demonstrate compliance with 21.02.C.6 herein. In applying rear yard requirements in these districts, the rear

yard shall be the lake side of the Lot and shall be measured from the ordinary high water mark of the lake. The front yard shall be the roadside of the Lot and shall be measured from the road right-of-way.

5. **Building Size Limitations.** In the R-1 and R-2 districts, an attached accessory structure not considered to be a private garage may not occupy more than twenty-five (25) percent of a required rear yard, provided that in no instance shall the total attached accessory structure floor area exceed fifty (50) percent of the total floor area of the principal or main building. A detached accessory structure also may not occupy more than forty (40) percent of any non-required rear yard provided that in no case shall that structure exceed 800 square feet, or up to 1200 square feet as may be permitted under 21.02.G. Where a detached accessory building is permitted in the front yard (Section 21.02.C.4), such detached accessory building also may not occupy more than forty (40) percent of any non-required front yard provided that in no case shall it exceed 800 square feet, or up to 1200 square feet as may be permitted under 21.02.G.
6. **Design Standards.** Accessory structures in R-1 and R-2 districts shall be harmonious with the height, character and scale of surrounding buildings and topography. Exterior surfaces shall also be similar to that of surrounding structures. Metal pole barns or structures with agricultural or industrial metal finishes may not be permitted if they are not compatible with the surface finish materials of surrounding structures.

D. LK-1 District Accessory Buildings and Structures.

1. **Number.** On all LK-1 zoned lots, only one attached garage or other accessory building or structure and one detached garage or other accessory building or structure shall be permitted.
2. **Location: Yards.**
 - a. **LK-1 Lots – Rear Yard.** Detached accessory buildings and structures in the LK-1 district shall be in the rear yard, except as modified in other sections of this ordinance and more specifically provided herein. On a corner lot, detached accessory buildings and structures shall comply with the front yard setback requirement along both street frontages.
 - b. **Permitted Locations of Detached Accessory Buildings and Structures in the LK-1 District.** In the LK-1 district, the following shall apply:

- i. **Attached Accessory in Front or Side Yard.** If an attached accessory building or structure is located in the front or side yard, then any detached accessory building or structure shall be located in the rear yard only except as provided in 21.02.D.4.
 - ii. **Attached Accessory Not in Front or Side Yard.** If an attached accessory building or structure is not located in a front or side yard, then any detached accessory building or structure shall be permitted only in the side or rear yard except as provided in 21.02.D.4.
 - iii. **Detached Accessory Not Between Principal Building and Street.** A detached accessory building or structure shall not be located between the principal building and an adjacent road, except as provided in 21.02.D.4. On corner lots, the detached accessory may be closer to the side street than the principal building, but shall comply with the required front yard setback along that side street.
- 3. **Location: Lot Lines.** No detached accessory structure shall be located closer than ten (10) feet to any principal building nor shall it be located closer than ten (10) feet to any rear lot line.
- 4. **Location on LK-1 Lakefront Lots.** On lots that front on bodies of water that are lakes as defined in this Ordinance and that are located in the LK-1 District, detached accessory buildings and structures shall be located in the front or side yard, and shall not obstruct views to the water from adjacent dwellings. Further, the application must demonstrate compliance with 21.02.D.6 herein. In applying rear yard requirements in this district, the rear yard shall be the lake side of the Lot and shall be measured from the ordinary high water mark of the lake. The front yard shall be the roadside of the Lot and shall be measured from the road right-of-way.
- 5. **Building Size Limitations.** In the LK-1 district, an attached accessory structure not considered to be a private garage may not occupy more than twenty-five (25) percent of a required rear yard, provided that in no instance shall the total attached accessory structure floor area exceed fifty (50) percent of the total floor area of the principal or main building. A detached accessory structure also may not occupy more than forty (40) percent of any non-required rear yard provided that in no case shall that structure exceed 800 square feet, or up to 1200 square feet as may be permitted under 21.02.G. Where a detached accessory building is permitted in the front yard (Section 21.02.D.4), such

detached accessory building also may not occupy more than forty (40) percent of any non-required front yard provided that in no case shall it exceed 800 square feet, or up to 1200 square feet as may be permitted under 21.02.G.

6. **Design Standards.** Accessory structures in the LK-1 district shall be harmonious with the height, character and scale of surrounding buildings and topography. Exterior surfaces shall also be similar to that of surrounding structures. Metal pole barns or structures with agricultural or industrial metal finishes may not be permitted if they are not compatible with the surface finish materials of surrounding structures.

E. RM-1 District Accessory Buildings and Structures.

1. **Location: Yards.** Detached accessory buildings and structures in the RM-1 district shall be in the rear yard, except as modified in other sections of this ordinance and more specifically provided herein.
2. **Location: Lot Lines.** No detached accessory structure shall be located closer than ten (10) feet to any principal building nor shall it be located closer than ten (10) feet to any rear lot line.
3. **Building Size Limitations.** In the RM-1 district, an attached accessory structure not considered to be a private garage may not occupy more than twenty-five (25) percent of a required rear yard, provided that in no instance shall the total attached accessory structure floor area exceed fifty (50) percent of the total floor area of the principal or main building. A detached accessory structure also may not occupy more than forty (40) percent of any non-required rear yard provided that in no case shall that structure exceed 800 square feet.
4. **Design Standards.** Accessory structures in the RM-1 district shall be harmonious with the height, character and scale of surrounding buildings and topography. Exterior surfaces shall also be similar to that of surrounding structures. Metal pole barns or structures with agricultural or industrial metal finishes may not be permitted if they are not compatible with the surface finish materials of surrounding structures.

F. MHP District Accessory Buildings and Structures.

1. **Accessory Buildings and Structures.** The location, height, and number of accessory buildings and structures shall be governed by the regulations in Article 10, MHP Manufactured Home Park District of this Ordinance.

2. **U.S. 23 and Other Road Frontage Setback.** Parcels in the MHP, Manufactured Home Park District are exempt from the 150 foot minimum setback requirement otherwise applicable to parcels with frontage on both U.S. 23 and either White Lake Road, Center Road or Faussett Road.
3. **Design Standards.** Accessory structures in the MHP district shall be harmonious with the height, character and scale of surrounding buildings and topography. Exterior surfaces shall also be similar to that of surrounding structures. Metal pole barns or structures with agricultural or industrial metal finishes may not be permitted if they are not compatible with the surface finish materials of surrounding structures.

G. Modification of Requirements.

1. The Planning Commission may approve the following modifications for detached accessory structures or buildings located in the R-1, R-2, or LK-1 districts:
 - a. An increase of up to 2 feet in the height of a detached accessory building.
 - b. An increase in the permitted building floor area up to a maximum of 1,200 square feet, subject to compliance with the percent lot coverage and placement standards in Article 20, Schedule of Regulations.
2. In order for the Commission to approve the above modifications, the following conditions must be met:
 - a. Site plan approval shall be required, in accordance with the conditions and procedures established for approval in Article 23 of this Ordinance. The Planning Commission shall hold a public hearing. Notice of the public hearing shall be given in accordance with Section 22.03, Public Hearings and Notices.
 - b. The site plan application shall include the information specified in Section 23.02 of this Ordinance, subsections A, B, C, D, E, G, H, I, J, K, and M, or as determined sufficient by the Planning Commission.
 - c. The Commission must find that the location and character of the proposed accessory building or structure will not have an adverse impact upon any of the existing dwelling units on adjacent lots, considering the following:

- i. The potential for the generation of nuisance such as traffic, parking, noise, vibration, glare, odors, fumes, electrical interference, or hazards to any greater extent than which is usually compatible with the permitted uses in the district.
- ii. The orientation of vehicular doors and circulation associated with the building.
- iii. Drainage of the area.
- iv. The impact on the view from nearby residential lots considering the degree of openness, topography, and vegetation.
- v. Compatibility of accessory structure appearance with any residential principal and accessory buildings on nearby lots. Compatibility shall be determined in the sole discretion of the Planning Commission, and shall consider factors such as but not limited to, height and size of the structure, façade materials, roof pitch, and similar considerations.

H. Detached Accessory structures located on Adjacent Lots. In limited instances an accessory structure, for the purposes of this section defined as outbuildings, may be placed on property on which there exists no structure intended for a permitted principal use, subject to the following:

- 1. **Intent.** Tyrone Township recognizes there are limited instances where a residential parcel is not large enough to accommodate a residential structure and a detached accessory structure. In these circumstances, it may be appropriate to permit a structure typically considered accessory, such as a garage, as the sole structure on a property. The Township also recognizes this situation has the potential to invite property neglect, maintenance concerns, theft due to non-occupation, change in neighborhood character, and other negative effects. This section is intended to permit outbuildings as defined herein, while simultaneously introducing safeguards to ensure proper maintenance and continuation of neighborhood character.

2. Definitions.

- a. Adjacent Lots.** Properties on which all the following are true:
- i. Two parcels or lots owned and utilized by the same individual or entity;
 - ii. Separated by a public right-of-way, private road easement, shared driveway, or any other kind of roadway that serves multiple lots;
 - iii. Nearest lot lines overlap by at least 50% for each parcel or lot (see Figure X);
 - iv. Parcel boundaries are not separated by more than 66 feet at their closest point.

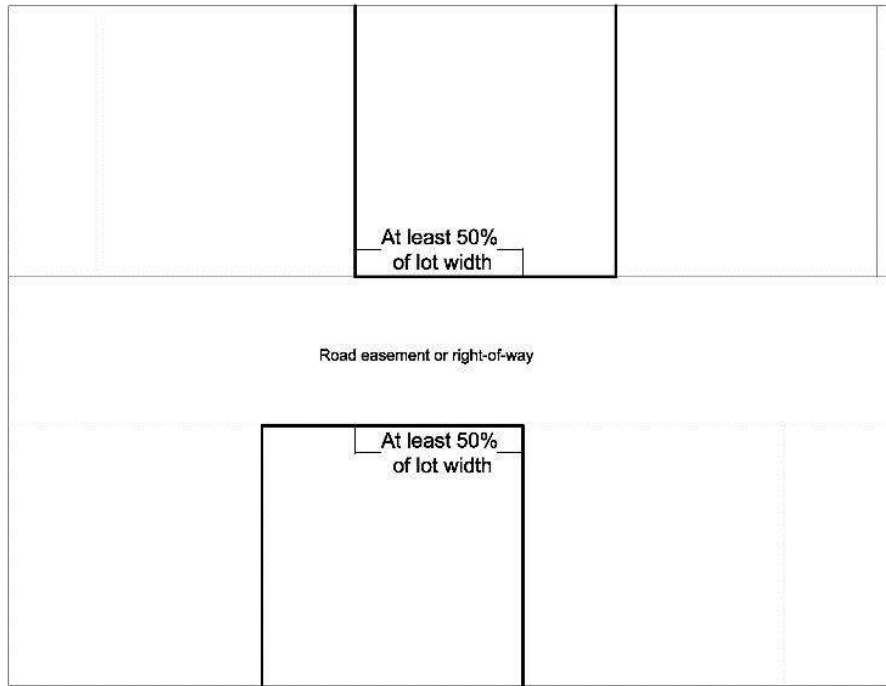


Figure X: Lot Overlap

utbuilding. The typically-accessory structure placed on a vacant parcel or lot. Said structure is subservient to a principal structure on an adjacent lot.

- 3. Applicability.** The ability to place an outbuilding on an adjacent lot is limited to properties in the RE, R-1, R-2, and LK-1 Zoning Districts, in instances where it is demonstrated a conforming detached accessory structure cannot feasibly be constructed on a parcel with a residence due to setback or lot coverage limitations. For the purposes of this section, a structure shall be considered attached if a legally permitted roof, or portion thereof, is shared with the primary structure. One (1) of the properties must have frontage on a lake. No outbuilding shall be permitted on a parcel or lot with lake frontage. Only one outbuilding is permitted per permitted residential structure.
- 4. Special Land Use Approval Required.** Outbuildings may only be permitted subject to special land use approval by the Township Board, subject to the standards and procedures of Article 22 of this ordinance.
- 5. Special Land Use Standards for Outbuildings.**

 - a. Deed Restrictions.** In considering approval of an outbuilding, the applicant must submit proof of recorded deed restrictions tying the sale, use, and occupation of both adjacent lots together. Tyrone Township shall be a named signatory for the dissolution of the deed restrictions so that in the event the owner wishes to sell the properties independently of one another, the Township can verify the outbuilding has been removed or can be used for a permitted principal use.
 - b. Agency and Association Approval.** The applicant shall submit proof of approval, as applicable, from the agency with jurisdiction over the following:

 - i.** Roadway - Livingston County Road Commission, the governing neighborhood association, or similar;
 - ii.** Drainage – Livingston County Drain Commission;
 - iii.** Neighborhood Association Rules and Bylaws - Neighborhood association.
 - c. Setbacks.** Placement of outbuildings is subject to the required setbacks for principal structures in the zoning district. Such placement is intended to provide separation from adjacent properties and allow for future conversion of the structure into a habitable primary structure.
 - d. Landscape Requirements.** A landscape plan must be provided. The front yard of any property used for an outbuilding must be landscaped in a manner characteristic of residential structures in the neighborhood.

- e. **Architectural Guidelines.** The proposed outbuilding shall be designed to reasonably mimic the design characteristics of the residential structures of the neighborhood, including building materials, roof pitches, architectural flourishes, front door placement, windows, colors, and other unique characteristics, as determined by the Planning Commission. Exterior lighting characteristic of residential structures must be provided and should be oriented to minimize light intrusion on adjacent properties.

 - f. **Outbuilding Size.** The building footprint of any outbuilding shall comply with the following standards intended to encourage sizes characteristic of single-family residential structures:

One Story	1,200 sq. ft.
One and one-half Story	850 sq. ft. – 1,200 sq. ft.
Two Story	900 sq. ft. – 1,200 sq. ft.
6. **Ongoing Property Maintenance.** Outbuildings on adjacent lots shall be maintained in a manner characteristic of the residential properties in the neighborhood. Violations may result in civil infractions or revocation of the special land use and the forced removal of the outbuilding. Ongoing maintenance includes, but is not limited to:
- a. Regularly mowed turf, if applicable;
 - b. Vegetation remains viable and orderly;
 - c. The structure remains in good repair;
 - d. External storage of any equipment, vehicles, or materials for a duration exceeding 24 hours is prohibited;
 - e. Regular maintenance of neighborhood-appropriate landscaping.
7. **Transfer or Sale.** The terms of the special land use approval remain valid in the event of a sale or transfer of the adjacent lots. New owners are required to comply with the plans and conditions of record for the approved special land use.
8. **Occupancy.** An accessory building permitted under this section may not be used as permanent or temporary living quarters unless expressly authorized by Tyrone Township.

SECTION 21.03 BUILDING GRADES

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. This shall not prevent the grading of a yard space to provide sunken or terraced areas, provided proper means are constructed and maintained to prevent the runoff of surface water from flowing onto the adjacent properties. Finished grade elevations for roads without curbs shall be determined by using the elevation as the centerline of the road in front of the lot as the established grade or such grades as may be otherwise determined by the Township Engineer or Zoning Administrator.

- A. Runoff Control.** When a new building is constructed on a vacant lot between two (2) existing buildings or adjacent to an existing building, the Zoning Administrator shall use the existing established finished grade or the minimum established finished grade as defined in this section in determining the proper grade around the new building. The yard around the new building shall be graded in such a manner as to meet existing codes and to preclude any additional runoff of surface water to flow onto the adjacent property.
- B. Grading Plan.** Final grades shall be approved by the Zoning Administrator who may require a grading plan which has been duly completed and certified by a Licensed Engineer or Land Surveyor.

SECTION 21.04 BUILDING OCCUPANCY; TEMPORARY GARAGES; ACCESSORY BUILDINGS; BASEMENT DWELLINGS PROHIBITED

Buildings erected after the effective date of this ordinance as garages or accessory buildings, shall not be occupied for dwelling purposes. A basement without a structure above it shall not be used for dwelling purposes at any time. This does not preclude unique homes, such as earth sheltered dwellings.

SECTION 21.05 BUILDINGS TO BE MOVED

Specifications for moving buildings are contained in Tyrone Township House Moving Ordinance No. 19.

SECTION 21.06 CLASSIFICATION OF MOVED BUILDINGS

Any building moved within a district and placed upon a foundation or any building moved into a district from without shall be considered new construction and shall be subject to all the limitations and requirements herein set forth relating to uses, building size, construction, type, permits and certificates.

SECTION 21.07 COMMERCIAL BULK STORAGE OF INFLAMMABLE SUBSTANCE

Commercial bulk storage of gasoline or inflammable liquid substances shall be in tanks or other containers installed completely below the ground level with leak detection and groundwater monitoring measures as approved by the Township Fire Marshall, the State Fire Marshall, the County Health Department and Township Planning Commission. Any above-ground tanks exceeding 1,000 gallons capacity shall be positioned so that a tank is completely surrounded by a concrete and curbed spill containment area. The design capacity of the spill containment area shall be 1 ½ times the volume of the tank.

SECTION 21.08 CONSTRUCTION; TIME LIMIT

All construction work, including electrical, structural, plumbing, heating and cooling, must be installed in conformance with the standards of materials and methods as set forth by the State of Michigan Construction Codes and administered and enforced by the Livingston County Building Department as the agent for Tyrone Township.

The exterior of all buildings for which a permit is issued shall be completed within twelve (12) months from the date of issuance of the building permit. At the discretion of the Township Board, or the designated representative of the Board, an extension of time for completion of the work may be granted.

SECTION 21.09 DRIVEWAY ACCESS; EQUIVALENT GRADES

This section is reserved for future use.

SECTION 21.10 DWELLINGS IN NONRESIDENTIAL DISTRICTS

Dwellings shall not be erected in the business, commercial or industrial zoning districts. However, the one bedroom apartment of a watchman or a caretaker may be permitted in said districts in conformance with the specific requirements of the particular district. The floor area of the apartment shall conform to minimum size requirements contained in this ordinance.

SECTION 21.11 DWELLINGS WITHOUT BASEMENT

Any dwelling without a basement shall be provided with a utility room.

SECTION 21.12 EXCAVATIONS; FILLING OF LAND

- A. Open Excavation.** 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, and/or the Extractive Regulatory Ordinance, where such excavations are properly protected and warning signs posted in such a manner as may be approved by the Zoning Administrator and provided further, that this Section shall not apply to stream, natural bodies of water or drains 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 agencies.
- B. Excavation Permit Required.** Any excavation, filling or leveling of an area of greater than five thousand (5,000) square feet, not associated with the construction of an approved structure, shall be allowed only after review and issuance of a permit by the Zoning Administrator. The applicant for a permit under this section shall submit a plot plan meeting the applicable requirements for a plot plan in Section 21.25.E and the additional requirements of this section. The plot plan shall indicate the extent of the area to be excavated including a cross section showing the depth and steepness of the proposed hole or depression. The plot plan shall indicate where extracted material will be deposited on the site and/or the method of disposal or removal and a time schedule for the completion of the excavation and removal of any material.

The Administrator shall determine if there is a need for further review by the Livingston County Drain Commissioner, the Soil Conservation District and/or the Michigan Department of Environmental Quality. The purpose of the review is to ensure that the proposed alteration of the land does not alter or impede a natural water course or impoundment area. If the Administrator determines further review is necessary, he shall advise the property owner to discontinue operations and notify the Township Board of the action. If a review by one of the above agencies indicates further action is needed, the Board shall be advised of the need and shall approve any studies or assessment districts before action is taken. Any emergency actions necessary to prevent erosion or short term damage may be done. Permits from the appropriate agencies shall be the responsibility of the property owner. A fee or permit may be established by the Board.

- C. **Drainage.** The construction of structures and contouring of land to these structures shall also be done in such a manner as to prevent changes in water flow across or from the parcel.

SECTION 21.13 FENCES

Fences are permitted, subject to the following:

- A. **Light and Air.** A fence shall not obstruct the light and air rights of any neighboring household or property owner. Fences in residential districts that enclose property and are not located in a front yard shall not exceed six (6) feet in height above the grade of the surrounding ground. Fences located within a front yard setback shall not exceed a maximum height of forty-two (42) inches.
- B. **Prohibited material.** Fences shall not contain barbed wire, electric current, or charge of electricity.
- C. **Public Areas.** Fences enclosing public or institutional parks, playgrounds, or public landscaped areas shall not exceed eight (8) feet in height above the grade of the surrounding land.
- D. **Nonresidential Fencing.** Fences on property in nonresidential zoned areas shall be of an ornamental nature of standard commercial fencing not to exceed six (6) feet in height. Barbed wire, spikes, nails, or any other sharp point or instrument of any kind on top or on the sides of any fence, or electric current or charge in said fences is prohibited. Barbed wire cradles may be placed on top of fences enclosing public utility and industrial buildings, and radio, TV and telecommunication facilities and such fences may exceed six (6) feet in height and be located in a front yard wherever deemed necessary in the interest of public safety, provided that shrubs or evergreens are planted which will eventually screen such barbed wire cradles.
- E. **Industrial Fencing.** Security fencing is allowed in any industrial district within ten (10) feet of the front property line, provided it is suitably landscaped; and that if barbed wire cradles on top of such fences are proposed, such shall be permitted if such fences are six (6) feet or greater in height.

SECTION 21.14 HOME OCCUPATIONS

Home Occupations permitted in Section 21.14 may be administratively approved by the Zoning Administrator conditional upon the home occupation complying with all standards in Section 21.14.B and an interpretation that the delivery of goods and visits by patrons and other activities resulting from the home occupation are incidental and will not disturb adjacent homes or road traffic. The Zoning Administrator may request or require Planning Commission or Planning Commission Subcommittee review to demonstrate compliance with Section 21.14.A & B if there is uncertainty. All other home occupations must be reviewed by the Planning Commission. Home occupations, as defined herein, or as may be allowed by the Planning Commission, are permitted provided that the following conditions and standards are met:

- A. Permitted Home Occupations.** The following are permitted home occupations provided they meet all of the standards listed in Section 21.14.B below, else reference Sections 21.14.C & D:
1. Dressmaking, upholstering, sewing, and tailoring.
 2. Painting, sculpturing or writing.
 3. Telephone answering or telemarketing.
 4. Home crafts, such as model making, rug weaving, and lapidary work.
 5. Tutoring, music or singing lessons, yoga or fitness, or similar instructional activities not requiring an additional permit or agency review, limited to not more than four students at a time.
 6. Computer program development.
 7. Salesperson's office or home office of a professional person that meets all conditions of Section 21.14.B below. No sales or direct customer contact are permitted on premise.
 8. Repair of clocks, instruments, or other small appliances which do not create a nuisance due to noise, vibration, glare, fumes, odor, and do not create electrical interference.
 9. Road side stands, or other small scale sales of site originating produce or firewood, except those activities that are clearly incidental.
 10. Gunsmithing, exclusive of the manufacturing of ammunition and sale of firearms.

11. Personal services, such as hairdresser, licensed massage therapist, and tax preparation.
12. Other substantially similar home occupations as determined by the Planning Commission Subcommittee or Planning Commission.

An applicant may request approval to engage in a home occupation not specifically provided for above subject to Section 21.14.D below:

B. Required Standards. Home occupations shall be permitted following a determination by the Planning Commission that the proposed occupation complies with all of the following standards.

1. **Dwelling Appearance.** There shall be no visible change to the outside appearance of the dwelling.
2. **Traffic Impacts.** Traffic, parking, sewage, trash or garbage storage and removal, and water use shall not be noticeably different from impacts associated with a typical home in the neighborhood.
3. **General Nuisance Factors.** The use shall not generate noise, vibration, glare, fumes, toxic substance, odors, or electrical interference at levels greater than normally associated with a single family home.
4. **Storage.** Outside storage or display of products related to the home occupation is prohibited.
5. **Signs.** Signs related to a home occupation may be permitted at the discretion of the Planning Commission or Planning Commission subcommittee after review.
6. **Nuisance Prohibited.** The home occupation shall not become a nuisance in any manner including but not limited to items 2 and 3 above.
7. **Outside Employees Prohibited.** Only a resident of the dwelling may be employed or involved in the home occupation. No person outside of the residence shall participate in the home occupation.
8. **Home Occupation Space Limits.** A home occupation shall not occupy more than ten (10) percent of the usable floor area of the dwelling. Attached garages, detached garages and other detached accessory buildings may be utilized for storage, assembly/construction, or general exercise of the craft, hobby, or business the home occupation is based upon, however such uses shall not

occupy the entire structure and shall be an accessory or supplemental use of the structure and shall not be used as the primary functioning business location for home occupations.

9. **Time Limits** Visits by patrons and other activities exclusive of deliveries shall occur only between 8:00 a.m. and 8:00 p.m.

C. Prohibited Home Occupations. The following are prohibited home occupations:

1. Private clubs.
2. Repair shops which may create a nuisance due to noise, vibration, glare, fumes, odors or electrical interference.
3. Restaurants.
4. Stables or kennels as defined in Article 2.
5. Tourist homes except Bed and Breakfast operations permitted in the FR Farming Residential and RE Rural Estate Districts.
6. Repair, maintenance, painting and storage of automobiles, machinery, trucks, boats, recreational vehicles and similar items.

D. Special Land Uses. Any proposed home occupation that is neither specifically permitted above, nor specifically prohibited above, shall be considered a Special Land Use and be granted or denied upon consideration of the "Required Conditions" contained in Section 21.14.B above and the standards specified in Article 22.

E. Owner Occupation. Home occupation permits shall be limited to the applicant who legally resides in the residence.

F. Business Address. The use of a home address as a business address for the sole purpose of meeting state or federal licensing requirements, with no business activity conducted at the home, is not considered to be a home occupation and is exempt from the provisions of this section.

SECTION 21.15 INGRESS AND EGRESS ALONG ARTERIAL ROADS

This section is reserved for future use.

SECTION 21.16 NOISE

- A. Definitions.** For purposes of this section the following definitions shall apply:
1. **ANSI-** The American National Standards Institute or its successor body. Any ANSI standard referred to in this Ordinance shall be deemed to incorporate further revisions by reference.
 2. **IMPULSE NOISE:** Means noise of short duration (generally less than one second), especially of high intensity, abrupt onset and rapid decay, and often rapidly changing spectral composition.
 3. For the purposes of this Section, “National Holiday” shall mean the days identified as National Holidays in PA 635 of 2018, as amended.
 4. For the purposes of this Section, “Excluded Enforcement of Fireworks Noise” shall be as set forth in PA 635 of 2018, those conditions being for allowed ignition, discharge, or use of consumer fireworks during the following days and times:
 - 11 a.m. on Dec. 31 to 1 a.m. on Jan. 1
 - 11 a.m. to 11:45 p.m. on the Saturday and Sunday immediately preceding Memorial Day
 - 11 a.m. to 11:45 p.m. on June 29 and 30, and July 1, 2, 3, and 4
 - 11 a.m. to 11:45 p.m. on July 5, only if that date is a Friday or Saturday
 - 11 a.m. to 11:45 p.m. on the Saturday and Sunday immediately preceding Labor Day
 5. For the purposes of this Section, “Day” and “Night” shall be as set forth in Table 1 below.
 6. For the purposes of this Section, “Fireworks Safety Act” shall mean PA 256 of 2011, as amended, PA 65 of 2013, as amended, PA 9 of 2014, as amended, PA 634 of 2018, as amended, and PA 635 of 2018, as amended,

Time Period	All Days <u>except</u> a National Holiday as defined above
Day	7AM – 10PM
Night	10PM – 7AM

- B. General Standards.** It shall be unlawful for any person to willfully make, continue, or cause to be made or continued, any loud, unnecessary, or unusual noise which unreasonably disturbs the peace or quiet of any neighborhood or which causes

discomfort or annoyance to any reasonable person of normal sensitiveness residing in the township. Such a determination shall be made by the Township Board or its duly authorized representative. The factors which shall be considered in determining whether a violation of this subsection exists shall include, but not necessarily be limited to, the following:

- The volume of the noise;
- The intensity of the noise;
- Whether the nature of the noise is usual or unusual;
- Whether the origin of the noise is natural or unnatural;
- The volume and intensity of the background noise, if any;
- The proximity of the noise to residential sleeping facilities;
- The nature and zoning of the area within which the noise emanates;
- The density of the inhabitation of the area in which the noise emanates;
- The time of the day or night the noise occurs;
- The duration of the noise;
- Whether the noise is recurrent, intermittent, or constant;
- Whether the noise is produced by a commercial or noncommercial activity, and
- Whether the noise is permitted, or otherwise excluded from enforcement.

Additionally, a person, industry, corporation, firm or business shall not emit, cause, or allow to be emitted, sound from any source or combination of sources other than a motor vehicle registered for use on public highways, which when measured in accordance with the procedure described herein exceeds the sound level limits in Table 2.

- C. Sound Measurement.** Measurement of sound levels shall be made using a microphone set at a height of four (4) feet, at a horizontal distance of at least five (5) feet from a lot line or right-of-way line on any lot or right-of-way other than that on which the sound source or sources being measured is located. A violation shall not be deemed to exist unless the sound level measured with the sound source or sources of interest in operation is at least six (6) decibels higher than the sound level measured with the

sound source or sources not in operation. Duration of sound shall be measured by observing the sound level meter and recording the sound level measured at intervals of time not to exceed five (5) minutes.

Whenever this Section prohibits sound over a certain decibel limit, measurement of said sound shall be made with a Type 1 or Type 2 calibrated sound level meter utilizing the A-weighting scale and the slow meter response as specified by the American National Standards Institute (A.N.S.I. S1.4-1984/85A). Noise levels shall be measured in decibels and A-weighted. The unit of measurement shall be designated as dB(A). Meters shall be maintained in calibration and good working order. Calibrations shall be employed which meet A.N.S.I. S1.40-1984. Measurements recorded shall be taken so as to provide a proper representation of the sound being measured. The microphone of the meter shall be positioned so as not to create any unnatural enhancement or diminution of the measured sound. A windscreen shall be used for the microphone.

D. Impulse Noise.

1. No person shall cause or allow the emission of impulse noise in excess of 80 dB peak sound pressure level during the nighttime.
2. No person shall allow the emission of impulse noise in excess of 100 dB peak sound pressure at any time.

E. Exclusions. The provisions of this Section shall not apply to noise or sound emitted by or related to:

1. Natural phenomena;
2. The unamplified sound of the human voice;
3. The unamplified sound made by any wild or domestic animal;
1. A motor vehicle registered for use on public highways when fitted with a factory provided or similar performing muffler;
2. Bells, carillons, or chimes associated with specific religious observances and/or organizations;
3. Snow removal and lawn maintenance equipment provided the equipment is maintained in good repair so as to minimize noise and that noise discharged from exhausts shall be adequately muffled-to prevent loud and/or explosive noises therefrom;
4. Farming equipment or farming activity; when used in compliance with PA 93 of

- 1981, Michigan's Right to Farm Act, as amended, and the most recently adopted Generally Accepted Agricultural Management Practices (GAAMPs);
5. Refuse, solid waste or recyclable materials collection;
 6. Impulse noise caused by the legal discharge of a firearm;
 7. Sounds created by emergency equipment and work necessary for law enforcement or for the health, welfare and safety of the community;
 8. Sounds created by portable generators during periods when there is no electrical service available from the primary supplier due to natural disaster or power outage;
 9. Sounds created by stationary generators that do not exceed a sound level of 75 dBA at any property line during periods when there is no electrical service available from the primary supplier due to natural disaster or power outage;
 10. Sounds originating from aircraft in flight, and US-23 traffic;
 11. Sounds created by safety and protective warning devices where noise suppression would render the device ineffective;
 12. Sounds created by existing electrical substations and stationary equipment used to convey water, wastewater or natural gas by a utility.
 13. Display Fireworks events, when permitted by, and conducted within, Tyrone Township, as set forth by the Display Fireworks Permit approved by and issued by the Tyrone Township Board;
 14. Consumer or personal use of Fireworks, as defined and permitted by the Fireworks Safety Act, as amended, as required by PA 635 of 2018 consistent with the definition above for Excluded Enforcement of Fireworks Noise.
 15. Consumer Fireworks between the hours of 12 PM and 11:00 PM, during the day of a commercial fireworks display for Members of a legally established association holding a valid Display Fireworks permit, unless the display event occurs during a day and time defined above as Excluded Enforcement of Fireworks Noise for which the Excluded Enforcement of Fireworks Noise times specified by PA 635 of 2018 shall apply.
 16. Noise created during a Tyrone Township permitted event, as long as the noise created is consistent with the allowable noise level and duration set forth in the permit.

Table 2						
A-WEIGHTED SOUND LEVEL LIMITS - DECIBELS						
Duration	Districts		Districts		Districts	
(Duration as a fraction [percentage] of any one hour period)	FR/RE, LK-1, MHP, R-1, R-2, RM-1		B-1, B-2, ES, OS, PCI, PCS, ROM, EI, PO		M-1, M-2, PIRO	
	Night	Day	Night	Day	Night	Day
50% or greater	45 dB A	50 dB A	55 dB A	65 dB A	55 dB A	70 dB A
More than 10% but less than 50%	50 dB A	55 dB A	60 dB A	70 dB A	60 dB A	75 dB A
10% or less	55 dB A	65 dB A	70 dB A	75 dB A	70 dB A	80 dB A
Maximum, any duration	65 dB A	75 dB A	80 dB A	80 dB A	80 dB A	85 dB A

F. Enforcement. The Township recognizes many noise events violating this Ordinance occur before or after Township Hall office hours. Tyrone Township has adopted Regulatory Ordinance #22, the Tyrone Township Enforcement Ordinance, to address enforcement of a “Township Ordinance” by “Public Servants” as defined within Ordinance #22.

As set forth in Article Six of Ordinance #22, the Livingston County Sheriff and any other person designated by resolution by the Township Board is authorized to issue and serve appearance tickets upon an offending person when they have reasonable cause to believe an Ordinance has or is being violated.

SECTION 21.17 NONCOMMERCIAL SATELLITE DISH ANTENNAS AND AMATEUR RADIO ANTENNAS

A. Residential and Business Districts. In residential and business districts, ground-mounted satellite dish antennas or other similar devices (excluding TV antennas) up to twelve (12) feet in diameter may be permitted subject to the following criteria:

1. **Location.** Antennas may be either ground mounted or roof mounted.
2. **Ground Mounted.** Ground-mounted dish antennas:
 - shall not be located between the principal building and the front lot line;

- shall comply with setback requirements of the underlying zoning district for accessory structures;
- shall not exceed twelve (12) feet in height above existing grade.

3. Roof Mounted. Roof mounted dish antennas:

- shall not exceed six (6) feet in diameter unless approved by the Planning Commission;
- shall meet all applicable building codes for roof supported structures.

4. Interference. Antennas shall be installed to prevent electrical, electronic or reception interference to neighboring properties.

5. Number Limit. For antennas not regulated by the Telecommunications Act of 1996, as amended, only one satellite dish antenna shall be permitted per residential lot.

6. For antennas used to receive direct broadcast satellite services, fixed wireless signals via satellite, local television broadcasts, or fixed wireless signals for telephone service or high speed Internet access, the rules established within the Telecommunications Act of 1996, as amended shall apply.

7. Height. The top of amateur radio antennas may extend up to ten (10) feet above maximum building height restriction for the zoning district. Such antenna height of ten (10) feet above the maximum building height shall require approval from the Planning Commission. The Planning Commission may determine that certain design components, such as extensive guy wires and stabilization devices, are inappropriate for residential neighborhoods and may require changes to the design prior to approval of a request.

B. Business, Industrial and RM Districts. In the RM-1 multiple family residential district, and in business and industrial districts, roof-mounted satellite dish antennas or other similar devices up to twenty four (24) feet in diameter, may be permitted by a variance granted by the Zoning Board of Appeals and subject to the following criteria:

- 1. Obstruction.** Demonstration by the applicant that compliance with the applicable yard, setback, and height restrictions would result in the obstruction of the antenna's reception window; furthermore, such obstruction involves factors beyond the applicant's control.
- 2. Height.** The height of the proposed installation does not exceed the maximum height restriction used for principal uses within the district; except that existing buildings that are built up to their minimum height may be permitted a roof-top

installation so long as the diameter of the antenna does not exceed twenty four (24) feet or thirty-three (33%) percent of the existing height of the building, whichever is less.

3. **Engineer Review.** All applications must include certification by a licensed engineer that the proposed installation complies with those standards listed in Sections 614.0 and 615.0, or the appropriate sections of the BOCA Basic Building Code currently in effect in Michigan. Furthermore, written documentation of such compliance, including load distributions within the building's support structure, shall be furnished.

C. **Wireless Communication Excepted.** Provisions in this subsection are for the regulation of towers for commercial transmitting or receiving of electronic signals and microwave relays, operated either by a public or private utility, private enterprise, nonprofit organizations, agribusiness, business dispatching vehicles or a business that utilizes such antennas/towers for any reason. Such towers shall be unmanned facilities, except for normal maintenance and repair. Provisions for the regulation of wireless communications devices including cellular telephones and pagers are included at Section 21.32.

1. **Site Plan Review.** A site plan review is required for all commercial transmitting or receiving towers. Antennas/towers that are part of a primary business are to be included with the site plan. (Article 23)
2. **Arterial Road.** A parcel containing a transmitting or receiving tower shall be so located that at least one property line abuts an arterial road and ingress and egress shall be directly upon said arterial. This requirement is waived when the antenna/tower is used as part of an existing agribusiness (farm) operation.
3. **Setbacks.** The setbacks for each transmitting or receiving tower from adjacent rights-of-way or property lines shall be equivalent to the height of the tower plus the required setback. No structure with public access except the required support building shall be erected in the antenna/tower fall zone which is defined by a circle with its center as the tower base and a radius equal to the height of the antenna/tower. If the antenna/tower requires guy lines, the ground anchoring position of those lines shall be located so the required setback is maintained.

It is recommended that access to the antenna/tower and guy lines by unauthorized persons be restricted by use of fences or other methods reviewed and approved by the Planning Commission.

4. **Maximum Height.** In all districts, such antennas/towers shall not exceed thirty five (35) feet. In FR, commercial and industrial districts, the height of the

antenna/tower may be increased by the Planning Commission in the site plan review process.

5. **Minimum Parcel Size.** In nonresidential districts and in the FR district, the minimum lot size shall be five (5) acres.

SECTION 21.18 OCCUPIED SPACES

Outside stairways, fire escapes, fire towers, porches, platforms, balconies, boiler flues and other projections shall be considered as part of the building and not as part of the yards or courts of unoccupied spaces.

SECTION 21.19 OUTDOOR STORAGE AND RELATED PARKING

A. Intent. The regulations in this Section are intended to prevent the storage or accumulation of unusable, inoperable or unsightly motor vehicles, machinery, or building materials that could be hazardous to the general public, or create blight or nuisances. In addition these provisions are prescribed to regulate the storage of recreational vehicles, recreational apparatus, commercial vehicles and aircraft to ensure that they do not detract from the orderly appearance of the Township and are compatible with adjacent development. Additional regulations pertaining to parking are contained in Article 25, Off Street Parking and Loading Requirements.

B. General Requirements in All Districts.

1. **Materials.** Except where permitted following site plan approval, machinery and building materials; unusable, rusty or inoperable machinery, equipment, or parts of machines or equipment not intended for use upon the premises; or old or used building materials shall not be kept or stored outside of a building. Further, any such storage shall be in compliance with the most current Tyrone Township Beautification Ordinance. Materials intended to be used to improve the premises, or for new construction on site may be stored outside on a temporary basis for no longer than twelve (12) months.
2. **Manufactured Homes.** The parking or storage of a manufactured home on property not located in a licensed manufactured home park or seasonal manufactured home park is specifically prohibited, except as may be permitted under Section 21.31 of this Ordinance.
3. **Vehicles or Portions of Vehicles Prohibited as Storage Units.** No vehicle, portion of a vehicle, or similar unit including, but not limited to, a tractor trailer, commercial shipping container, truck bed, trailer or temporary portable storage

unit, shall be used in lieu of a building or for storage purposes other than its originally intended function, unless approved for such use by site plan approval.

C. Residential Districts. Parking or storage of recreational apparatus for compensation is not permitted within a residential zoning district.

1. Recreational Apparatus. The outdoor storage or parking of any recreational apparatus shall be prohibited for longer than seven (7) days within any 30 day period in all residential districts, except where expressly permitted by other provisions of this ordinance, unless the following minimum conditions are met:

a. Storage Location. All recreational apparatus shall be stored in compliance with the following location requirements:

i. Enclosed Building. The recreational apparatus to be stored shall be placed within a completely enclosed building, or

ii. Side or Rear Yard. If not stored within an enclosed building, recreational apparatus may be stored within a non-required side yard behind the front face of the principal building subject to meeting the required side yard setback in that district, or in the rear yard in compliance with the setback requirements applicable to accessory buildings in the zoning district in which it is located, or

iii. Limited Lots. In cases where site features such as slope, vegetation, existing building setbacks or other factors prohibit reasonable access to a rear or side yard, the Zoning Administrator may permit storage of recreational apparatus in the non-required front yard, subject to the following:

a) The property owner shall submit a written application for Limited Lot Storage, including a dimensioned plot plan illustrating the lot lines, footprints of all buildings, and location of the proposed storage;

b) The property owner shall demonstrate the need for the front yard storage based on the site factors described above; and

c) The items shall be of a size and location so as to not obstruct adjacent neighbors' views, obstruct street or intersection sight distance, or create a nuisance.

- iv. **Storage of Watercraft on Waterfront Lots.** Because of the special scenic and recreational character of waterfront lots, and the integral relationship of watercraft to waterfront living, the storage of boats, personal watercraft, pontoons, other watercraft, and their trailers shall depend on the season, as follows:
 - a) **Boating Season.** During the regular boating season, defined as May 1st through October 31st of the year, watercraft and their trailers shall be stored within an enclosed building or in the rear or side yard, in accordance with 21.19.C.1.a. Watercraft and their trailers stored in the rear yard shall be located not less than 10 feet from the side lot lines. If the waterfront lot has been approved as a Limited Lot, empty watercraft trailers may be stored in the approved front yard location.
 - b) **Off-Season.** During the non-boating season, defined as November 1st through April 30th of the year, all watercraft and their trailers shall be stored in the location required under this Section 21.19.C.1.a. If the waterfront lot has been approved as a Limited Lot, watercraft and their trailers may be stored in the approved front yard location.
- b. **Owner Occupied.** Storage or parking of recreational apparatus shall be limited to a lot or parcel of land upon which a dwelling unit is located, and the recreational apparatus that is parked or stored must be owned by the occupant of the dwelling unit.
- c. **Storage on Common Lots.** Notwithstanding subsection 21.19.C.1.b. above, storage of recreational apparatus may be permitted on a residentially zoned parcel that is held in common by the residents of a subdivision or condominium, and that conforms to either of the following:
 - i. The parcel is used for storage of recreational apparatus owned by the residents of that subdivision or condominium as of the date of this amendment to this Ordinance, in which case the use may continue as long as it is not expanded in area, or
 - ii. The use is located on a lot designated to remain under the control of the subdivision or condominium association, and is

approved on the site plan for a subdivision plat or site condominium. On any common lot so approved, the recreational apparatus storage must meet the following conditions:

- a) The storage area shall be designed so as not to negatively impact surrounding residential lots or detract from the residential character of the neighborhood. In making this determination, the Planning Commission shall consider features including but not limited to storm water ponding, runoff, dust, appearance, vegetation, and similar impacts.
- b) Provisions, sufficient to ensure that the facility will be maintained and not become blight to the neighborhood, shall be included in the required subdivision or condominium documents.
- c) Recreation apparatus storage lots shall meet the setbacks and lot coverage standards for the zoning district in which the storage lot is located.
- d. **Utility Connection.** Recreational apparatus intended or adaptable for sleeping purposes shall remain unoccupied while parked or stored on a residential lot, and shall not be connected to water, gas or sanitary sewer facilities, except as permitted under Section 21.31.C. of this ordinance.
- e. **Number of Recreational Apparatus Units.** No more than three (3) recreational vehicles, boats or trailers, one of which may be a motor home or travel trailer, may be parked or stored outside of an enclosed building on a lot of record that is zoned and used for residential purposes. No recreational apparatus unit shall exceed 32 feet in length or 9.5 feet in height, except that the one permitted motor home or trailer shall be limited to no greater than 45 feet in length, or 13.5 feet in height.

A sailboat mast which cannot be lowered shall not be counted in the height of a recreational apparatus unit. For purposes of this section, if one or more recreational apparatus is stored on a trailer designed for that purpose, the combination of apparatus and trailer shall count as one (1) of the permitted units. Lots in the FR and RE Districts greater than three (3) acres in area are excluded from limitations on the number of such units.

- f. **State of Repair.** All recreational apparatus, stored outside of a completely enclosed building must be kept in good repair.
- g. **Exemption.** This Section 21.19 does not apply to boats, rafts, floats, and similar items when moored over water.

2. Commercial Vehicle Parking

a. Number and Type.

- i. One (1) commercial vehicle with a rated capacity of 10,000 pounds gross vehicle weight or less, having no more than two (2) axles and being no more than eight (8) feet in height, which is owned or operated by a resident of the premises, may be parked outdoors on a lot located in a residential district.
- ii. The parking or storage of vehicles outdoors with a rated capacity over 10,000 pounds gross vehicle weight, or with more than two (2) axles, or more than eight (8) feet in height may be permitted where such vehicles are used in conjunction with a bonafide agricultural operation on a farm that is ten (10) acres or greater in size. The vehicles shall be parked or stored only on that farm.
- iii. The outdoor parking of no more than one (1) commercial vehicle with a rated capacity over 10,000 pounds or having more than two (2) axles, or being more than eight (8) feet in height may be permitted on a residential parcel subject to the following conditions and approval by the Zoning Administrator:
 - a) The parcel of land shall not be part of a platted subdivision, site condominium or multiple family residential development, and
 - b) The parcel of land shall have a minimum width of one hundred and ten (110) feet, and
 - c) The commercial vehicle shall be owned or operated by a resident of the premises.

Approval to park a commercial vehicle shall not constitute approval to park additional trailers, parts, or other equipment or materials associated with the operation of the commercial vehicle.

- b. **Screening.** All such vehicles shall be screened when parked. The screening may be provided by parking the vehicle in a rear yard which buffers the view of the commercial vehicle from adjacent properties. Screening of commercial vehicles located outdoors may be accomplished with landscaping, topographic barriers, or by screening walls or fences.
- c. **Impact.** A commercial vehicle parked on a residential zoned or used lot shall not create negative off-site impacts of dust, odors, fumes, and noise generated by the vehicle; the disruption from additional vehicular traffic at various times during the day; or safety or environmental hazards related to operation of a commercial vehicle on public or private residential roads.

3. Temporary Portable Storage Units

- a. **Number and Duration.** A temporary portable storage unit may be located on a temporary basis on a residential lot for a period not exceeding one week in duration from time of delivery to time of removal. A temporary portable storage unit may not be located on a specific residential lot more than two (2) times in any given 60 day period. No more than one temporary portable storage unit may be located on a residential lot at one time.
- b. **Location of Unit.** The temporary portable storage unit must be located in the driveway of the residential lot at the furthest accessible point in that driveway from the street. All locations must be improved off-street surfaces and the temporary portable storage unit shall not block vision or sight distances, overhang the public sidewalk or right-of-way, or impact vehicle safety on the street.

D. Non-residential Districts. Outdoor storage in the non-residential districts shall be subject to site plan approval by the Planning Commission and shall comply with all requirements of this Ordinance. For businesses where the normal operation includes outdoor storage of products including building materials, recycled products or scrap, etc., the entire perimeter of the storage area shall be enclosed with fencing. The fence shall be visually opaque and at least six (6) feet high, but may be required to be higher where surrounding terrain, including roadways, would allow for visual contact of the storage area. Also, the entire storage area shall be enclosed with a green belt that meets the requirements of Article 21A.

SECTION 21.20 PRESERVATION OF ENVIRONMENTAL QUALITY

- A. Natural Water Formations.** In any zoning district, a river, stream, watercourse, drainage way or wetland, whether filled or partly filled with water or dry in certain seasons, shall not be obstructed or altered in any way, at any time, by any person, except when done in conformance with State and Federal law, and any other applicable standards.
- B. Alteration Prohibited.** A person shall not alter, change, transform, or otherwise vary the edge, bank, or shore of any lake, river, stream or wetland, except as provided in the Inland Lakes and Streams Act, Act 346 of the Public Acts of 1972, as amended, and in the Goemare-Anderson Wetland Protection Act, Act 203 of the Public Acts of 1979, as amended.
- C. Draining or Filling Prohibited.** A person shall not drain, remove, fill, change, alter, transform or otherwise vary the area, water level, vegetation or natural conditions of a marsh, swamp, or wetland except after receiving approval from the soil erosion officer in accordance with the Soil Erosion and Sedimentation Act, Act 347, P.A. of 1972, as amended. Any such activities also shall be in conformance with provisions in the Goemare-Anderson Wetland Protection Act, Act 203 of 1979, as amended.

SECTION 21.21 SWIMMING POOLS

Swimming pools shall be permitted as an accessory use provided a land use permit is obtained and they meet the following requirements:

- A. Property Line Setbacks.** There shall be a distance of not less than twenty (20) feet between the adjoining property line and the outside of the pool wall or raised deck or walkway.
- B. Building Setbacks.** There shall be a distance of not less than four (4) feet between the outside pool wall and any principal building located on the same lot.
- C. Building Envelope Location.** Swimming pools shall not be located within any required yard setbacks as specified in the zoning ordinance.
- D. Electrical Wires.** If electrical service drop conductors or other utility wires cross under or over a proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation of wires before a permit shall be issued for the construction of a pool.
- E. Easement Location.** A swimming pool shall not be located in an easement.

- F. Enclosure.** For the protection of the public, all areas containing swimming pools shall be completely enclosed by a fence in accordance with regulations of the State of Michigan. The gate shall be of a self-closing and latching type, with the latch on the inside of the gate not readily available for children to open. Gates shall be capable of being securely locked when the pool is not in use for extended periods. Provided, however, that if the entire premises of the residence is enclosed, then this provision may be waived by the Zoning Administrator upon inspection and approval.

SECTION 21.22 PUBLIC AND PRIVATE LANDFILLS

A public or private landfill shall not be located, used or maintained in any district in Tyrone Township except those areas specifically designated and provided for by the Livingston County Department of Public Works and Michigan Department of Natural Resources pursuant to the requirements of the Solid Waste Management Act and Rules, P.A. 641 of 1978, as amended. The Township restrictions on traffic, roads, noise and other specific zoning controls shall apply.

SECTION 21.23 REQUIRED STREET FRONTAGE

- A. Direct Access.** Any parcel of land which is to be occupied by a use or building, shall have frontage on and direct access to either a public street or road, or private road easement. Waterfront lots shall have direct access to either a public street or road, or private road easement.
- B. Cul-de-Sac Access.** Developments which result in parcels fronting on cul-de-sacs shall limit the splits, so that all parcels are contiguous to the road right-of-way and are the minimum width at the front building line. All parcels fronting on a cul-de-sac shall have a minimum frontage of at least sixty six (66) feet.

SECTION 21.24 REQUIREMENTS FOR RUBBISH DISPOSAL

It shall be unlawful for any person to dump rubbish or waste material except in or on public or private licensed solid waste disposal facilities.

SECTION 21.25 RESIDENTIAL DESIGN STANDARDS

- A. Scope.**

The purpose of this section is to establish standards governing the design and appearance of all single family detached residential structures in Tyrone Township. This

does not include mobile homes or other manufactured homes located in manufactured home parks regulated by the Michigan Manufactured Housing Commission. As used in these provisions, the term "manufactured home" shall also include all dwellings known as mobile homes. It is the intent of these regulations to allow a mix of housing types and living styles in a manner which will not adversely affect residential neighborhoods. Any residential structure shall be erected or constructed only if in compliance with the following residential design standards.

B. General Requirements.

- 1. Area and Bulk Regulations.** Any residential structure, including any manufactured home dwelling unit, shall comply with the minimum floor area requirements specified for the zoning district where such structure is located.
- 2. Foundation.** Any residential structure, including a manufactured home, shall be placed on a permanent foundation to form a complete enclosure under the exterior walls. The foundation shall be constructed in accordance with the Michigan State Construction Code. A manufactured home shall be securely anchored to its foundation in order to prevent displacement during windstorms. The wheels, tongue and hitch assembly, and other towing appurtenances shall be removed before attaching a manufactured home to its permanent foundation.
- 3. Other Regulations.** Residential structures shall be constructed in compliance with applicable State, Federal, or local laws or ordinances, including the Michigan State Construction Code. Manufactured homes shall comply with the most recent regulations specified by the United States Department of Housing and Urban Development, Manufactured Home Construction and Safety Standards (24CFR3280), as amended.
- 4. Location.** For the purposes of this Ordinance, any residential, home including a manufactured residence, may be located on an individual lot in any of the zoning districts which allow for the development of single family residential structures, subject further to the regulations contained herein.
- 5. Use.** Residences and accessory structures shall be used only for the purposes permitted in the zoning district in which they are located.
- 6. Attachments.** Any exterior attachments or extensions onto a dwelling unit, such as entry steps, storage buildings or additions, shall comply with the Michigan State Construction Code.

7. **Services.** Any residential structure shall be connected to a waste treatment and potable water supply system approved by the Livingston County Health Department.

C. Design Compatibility Requirements

1. **Roof Pitch.** The pitch of the main roof shall have a minimum vertical rise of one (1) foot for each three (3) feet of horizontal run, and the minimum horizontal distance from the eaves to the ridge shall be ten (10) feet, except where the specific housing design dictates otherwise (such as French Provincial or Italianate styles of architecture). This provision shall not apply to accessory structures or extensions to the main structure.
2. **Roof Construction.** Dwellings shall be designed with a minimum twelve (12) inch roof overhang on all sides. The roof shall have wood shake, asphaltic or other shingles, or other materials commonly used in standard residential construction in the vicinity.
3. **Exterior Materials.** The exterior siding of a dwelling shall consist of materials that are generally comparable to existing housing in the vicinity, provided that the reflection from such exterior surface shall be no greater than from white semi-gloss enamel, and provided further, that any such exterior is comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.
4. **Dimensions.** The dimensions and placement of dwellings shall be comparable to typical dimensions and placement of existing housing in the vicinity. Therefore, a dwelling shall be located on the lot so that the minimum width of the principal front elevation is no less than thirty-four (34) feet and the minimum dimension along any side or rear elevation is no less than twenty-four (24) feet.
5. **Foundation Wall.** Every dwelling shall have a foundation wall constructed of such materials and type as required in the applicable building code for single family dwellings. In the event that a manufactured dwelling is installed pursuant to the manufacturer's setup instructions, such dwelling shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Manufactured Housing Commission and shall have a perimeter wall as required above herein.
6. **Exterior Doors.** Dwellings shall have no less than two exterior doors which shall not be located on the same side of the building. Where required because of a difference in elevation, all exterior doors shall be provided with steps that are permanently attached to the building.

7. **Design Features.** The design and position of windows and other features of dwellings, including exterior wall colors and color combinations, shall be complementary to existing homes within two thousand (2,000) feet of the dwelling lot. If less than five (5) dwellings are located within two thousand (2,000) feet of the proposed location, then the proposed dwelling shall be compared to the nearest five (5) existing homes. The foregoing shall not be construed to prohibit innovative design concepts involving such features as solar energy, view, unique land contour, or relief from the common or standard home design.

The compatibility of relative design, scale, and appearance shall be determined in the first instance by the Township Zoning Administrator upon review of the plans submitted for a particular dwelling. Appeals to the Zoning Board of Appeals may be applied for within a period of fifteen (15) days from the date of the Zoning Administrator's decision.

D. Permits

No dwelling unit shall be placed on any lot in Tyrone Township until it is shown that the requirements of Section 21.25.B and 21.25.C can be met. Prior to placement or construction, the property owner shall obtain a land use permit from the Zoning Administrator.

E. Plot Plan Submission and Contents

1. **Zoning Administrator Review.** Two copies of a plot plan shall be submitted to the Township Zoning Administrator. A land use permit will not be issued until the plot plan is approved by the Zoning Administrator.
2. **Plot Plan Information.** The plot plan shall contain the following information:
 - a. **Scale Drawing.** The plot plan shall be a scaled drawing with a minimum scale of one (1) inch equals fifty (50) feet. The drawing should be based on a boundary survey prepared by a licensed surveyor and a copy of the survey may be used for the drawing or included as a separate sheet;
 - b. **Shape and Dimensions.** The actual shape and dimensions of the lot or parcel and location and zoning relationships to adjacent parcels;
 - c. **Existing Structures and Building Envelope.** Location, shape and size of existing and proposed structures, the building envelope and required yard spaces, required open spaces, and adjacent structures within one hundred (100) feet of the property lines;

- d. **Septic System Location.** Septic tank locations and the drainage field location and dimensions, if any, including reserved areas and the location of the well and dimensions between the well, septic system, buildings and property lines. If the plot is served by a public sewer, the location and size of the sewer main and sewer lead shall be shown on the plan;
- e. **Easements.** Driveway location, utilities and all other easements;
- f. **Site Drainage.** Topographical information showing drainage to and from the site; the area to be excavated and graded with existing and final grades and all other information required under Sections 21.03 and 21.12. Parcels which are part of a condominium or subdivision should provide information from the recorded drawings;
- g. **Natural Features.** Significant natural or physical features such as wetlands, trees, and utility poles as referenced in Section 21.20;
- h. **Deed Restrictions.** Acknowledgment of any deed restrictions or condominium master deed restrictions. (Copies of actual deed restriction documents are not required, only written acknowledgment of the type and nature of restrictions placed on the property);
- i. **Freeholder or Agent.** The signature of the freeholder owner or an authorized representative of the premises concerned;
- j. **Public Roads and Easements.** The location and right-of-way widths of all intersecting and abutting roads and public easements including drainage easements;
- k. **Date prepared.** Date prepared, scale and north point;
- l. **General Plan Information.** Name, address and professional title (if any) of the person responsible for preparation of the plot plan;
- m. **Open Space.** Proposed or previously recorded open space.
- n. **Additional Information.** Additional information as deemed necessary by the Zoning Administrator.

SECTION 21.26 RESTORING UNSAFE BUILDINGS

Nothing in this ordinance shall prevent the strengthening or restoration to a safe condition of any part of any building or structure declared unsafe by the County Building Official, or required to comply with that department's lawful order.

SECTION 21.27 SANITARY FACILITIES

The use of permanent outside privies is not allowed, however, portable sanitary facilities conforming to the provisions of P.A. 368 of 1978, as amended, Section 12771, may be used under temporary permits issued by the Livingston County Health Department for uses and time periods listed below. Such temporary uses of portable sanitary facilities must also comply with provisions in the Livingston County Sanitary Health Code.

- A. Temporary Permit and Deposit.** During fairs, festivals or sporting events of temporal duration, licensed facilities must be used. The minimum number of such sanitary facilities required to service a large group of people must be stated as terms of the temporary permit. Also, a performance deposit to insure compliance and/or proper maintenance and removal may be required.

- B. Additional Provisions.** Sanitary units not leased from a licensed operator must conform with the following additional provisions:
 - 1. Livingston County Health Department (L.C.H.D.).** Approval of the type and location of the facility must be obtained from the Livingston County Health Department.

 - 2. Performance Bond or Letter of Credit.** A performance bond or letter of credit from the owner/operator to insure adequate maintenance and removal is required in lieu of a contract with a bonded operator.

 - 3. Annual Renewal.** An annual renewal and approval must be obtained from the Livingston County Health Department.

SECTION 21.28 STABLES AND ANIMALS

Stables for breeding, rearing and housing of horses, mules and similar domestic animals are subject to the following conditions:

- A. **Minimum Commercial Parcel.** For breeding, rearing and housing of horses, mules and, similar domestic animals on a commercial basis, the minimum lot size shall be twenty (20) acres.
- B. **Stable Location.** An accessory building used as a stable shall not be located nearer than one hundred (100) feet to any dwelling.
- C. **Pasture Fencing.** Paddocks or pastures of livestock shall be a suitable fenced area that precludes their approaching nearer than twenty (20) feet of any dwelling on adjacent properties.
- D. **Nuisance or Hazard.** The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises.
- E. **Animal Units.** For private use by the owner or lessee of the land and dwelling, the following number of animal units is allowed on the designated usable land as provided in the following table:

<u>Site Acreage</u>	<u>Number of Animal Units Permitted</u>
less than 3	0
3 to less than 5	1
5 to less than 7	2
7 to less than 9	3
9 to 10	4

One (1) animal unit is equivalent to:

- 1 horse or donkey or mule or cow, or
- 3 pigs, or
- 15 sheep or goats, or
- 30 fowl, or
- 4 miniature equine

- F. **Less Than Ten Acres.** On parcels that are less than ten (10) acres in size, the animals must be housed and maintained on the land of the owner or lessor of the principal residence. Land cannot be leased to increase the size of the primary parcel, thereby allowing for more animals than would be allowed on the primary parcel.

SECTION 21.29 STORAGE, DUMPING OF WASTE, JUNK, GARBAGE, AND SIMILAR ITEMS.

The use of the land for the storage or collection or accumulation of used lumber, and other used materials, or for the dumping or disposal of scrap iron, junk, garbage or other refuse, or of ashes, slag or other industrial wastes or by-products shall not be permitted in any district except as allowed in this ordinance. This section does not apply to normal agricultural organic waste material.

SECTION 21.30 STREET, ALLEY AND RAILROAD RIGHTS-OF-WAY

All street, alley, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such street, alley, or railroad rights-of-way. Where the centerline of a street or alley serves as a district boundary, the zoning of such street or alley, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.

SECTION 21.31 TEMPORARY STRUCTURES AND USES

A. Temporary Structures. To ensure that temporary units used are safe for the occupants and customers, the unit shall be approved for the designated temporary use by the Livingston County Building Department. All water and sewage facilities shall be required and approved by the Livingston County Health Department. Each unit shall have at least one fire/smoke detector except residential units shall also have a second unit in the central sleeping area. All requirements shall be met prior to occupancy.

Occupancy is approved for the length of time as indicated in the following provisions, however, the unit shall be removed from the property within 30 days after the permanent structure is completed or the use of the temporary unit ceases, whichever occurs first.

- 1. Temporary Dwelling Permit.** The Zoning Administrator may issue a permit for a temporary dwelling unit when the permanent residence cannot be occupied as a result of a fire, flood, tornado or other natural disaster. The permit will be valid for a period of 3 months. If needed for a longer period of time, the owner must follow additional permit procedures outlined in this section.
- 2. During Construction.** A property owner constructing a new home may be allowed a manufactured home on the site to provide shelter while the new home is being constructed.

- 3. Temporary Housing Conditions.** Temporary housing may be allowed provided the following conditions are complied with:

 - a. Plot Plan and Written Statement.** A plot plan shall be submitted to the Planning Commission. The plot plan shall contain the information specified in Section 21.25.E. A written statement from the applicant describing the reasons and need for the temporary living quarters shall be included.
 - b. Planning Commission Review.** The Planning Commission shall review the plot plan and applicant statement of reason for a temporary dwelling and makes recommendation of the temporary dwelling and/or use to the Township Board.
 - c. Written Agreement.** A signed written agreement between the applicant and Township Board shall be executed. The agreement shall state that the temporary dwelling is for a single purpose not to exceed ten (10) months, at which time the unit shall be vacated and removed from the property within sixty (60) days. If the temporary dwelling is not removed, the applicant is in violation of this ordinance.
 - d. Financial Guarantee.** At the discretion of the Township Board, a financial guarantee may be required to be deposited with the Township Clerk. The principal will be rebated to the applicant when all conditions attached to the temporary use permit are met successfully. If permit requirements are not adhered to, a violation exists and deposited monies are forfeited to the Township to pay for enforcing the ordinance.
 - e. Zoning Administrator Review.** The Zoning Administrator shall review the documents submitted for a temporary use permit and make a recommendation to the Township Board.
 - f. Temporary Use Permit.** The Township Board decides on the request for temporary land use. If approved, the Board shall instruct the Zoning Administrator to issue a temporary use permit.
- B. Tents.** The use of tents as a temporary dwelling in connection with recreational activities may be permitted upon application to the Zoning Administrator showing that necessary and proper health, sanitation, plumbing, and freshwater facilities are provided. Such permit shall be limited to a period of two (2) weeks.

- C. **Recreational Vehicles.** Recreational Vehicles which are brought by visitors for traveling purposes may be occupied and allowed, provided the visitors occupying said recreational vehicles have access to toilets, bathing, and laundry facilities of the dwelling of the property owner or occupants they are visiting, provided further, that the maximum period shall be limited to fifteen (15) days and to one (1) such visiting recreational vehicle at a dwelling.

- D. **Construction Trailers.** Mobile offices or construction trailers may be used on site by a contractor as temporary facilities during construction of a permanent multi-family, commercial, or industrial project. The applicant shall provide a description of the temporary units and their location on the temporary land use permit. Adequate freshwater and sanitary facilities shall be provided. The mobile units shall be removed within one (1) month after an occupancy permit is issued, or at such time as the temporary land use permit expires. The Township Board has the option of requiring a financial guarantee to guarantee performance at the time the land use permit is issued. The Township Board may declare a forfeiture of the financial guarantee if the site is not cleaned up to the satisfaction of the Zoning Administrator.

- E. **Temporary Offices.** Mobile office units may be erected on site of a permanent use under construction. These uses include, but are not limited to, financial institutions and real estate sales, rental, or leasing offices. The use and placement of these temporary units shall comply with all applicable provisions of Section 21.31, except the maximum time limit for uses erected under this Section shall be six (6) months.

- F. **Seasonal and Temporary Outdoor Sales.** The outdoor sale of items on a non-permanent basis by persons other than the owner or tenant of the premises upon which such sales are proposed shall be subject to the standards of this Section. Seasonal or Temporary Sales Permits shall not be issued for properties that are in violation of this or any other Township ordinance.
 - 1. **Seasonal Outdoor Sales.**
 - a. Outdoor sales of seasonal items shall be permitted within the PCS, PCI, PIRO, B-1, B-2, ES, M-1, M-2 and ROM zoning districts upon issuance of a Seasonal or Temporary Sales Permit by the Zoning Administrator, pursuant to Section 21.31.F.3, below. Seasonal items shall include Christmas trees, pumpkins, produce, flowers, plants, and similar seasonal items whose sales depend upon a state or federally recognized holiday or season.

 - b. Outdoor sales of seasonal items shall not exceed 90 days per year. Renewal of Seasonal or Temporary Sales Permits issued for such sales that occur on an annual basis shall require approval by the Zoning Administrator.

- c. This Section shall not be construed to prohibit roadside stands selling agricultural products raised or grown on the same premises.
 - d. Fireworks shall be included in this category.
- 2. **Other Temporary Outdoor Sales.**
 - a. Temporary sales of non-seasonal merchandise in the PCS, PCI, B-1, B-2 and ES zoning districts shall be permitted upon issuance of a Seasonal or Temporary Sales Permit by the Zoning Administrator, pursuant to Section 21.31.F.3. Permitted non-seasonal items shall include vehicles, artwork, rugs, and similar items.
 - b. Temporary sales of non-seasonal merchandise shall be permitted on a particular parcel or lot limited to no more than two (2) occurrences per year. An occurrence shall not exceed fourteen (14) consecutive days and one of those occurrences may be permitted a single seven (7) day extension, as approved by the Zoning Administrator provided that compliance with all other provisions of this Section is maintained. Only one such extension may be permitted per year.
- 3. **Seasonal or Temporary Sales Permit Standards.** A Seasonal or Temporary Sales Permit pursuant to this Section shall be issued by the Zoning Administrator, as provided for in this section.
 - a. **Plot Plan.** The applicant shall submit a scale drawing (plot plan) with the application which contains the following information:
 - i. The items proposed for sale on the site;
 - ii. The location and specifications of any proposed temporary structure or covered areas to be used for sales and display of items for sale;
 - iii. Any other areas outside of the temporary structure or covered areas used by employees or patrons and the method of controlling ingress and egress from the sales site;
 - iv. The proposed setbacks from all property lines and distance to any parcels zoned for residential use;

- v. The location of existing structures on the site and location of any structures within 100 feet of the property lines;
 - vi. All fire lanes and general traffic flow through the site and from the adjacent public street;
 - vii. Number of parking spaces lost due to the proposed sales site;
 - viii. Method of trash containment and disposal; and
 - ix. Other information as may be requested by the Planning Commission or Zoning Administrator.
- b. **Standards.** The application and plot plan shall be reviewed by the Zoning Administrator as specified in this Section, and shall demonstrate conformance with the following standards.
- i. **Setbacks.** Seasonal or temporary outdoor sales activities shall adhere to required front yard setbacks, and may be located no closer than ten (10) feet to the side lot line where they abut non-residential property, and no closer than twenty (20) feet where they abut residential property.
 - ii. **Access.** Adequate ingress, egress and internal vehicular circulation areas shall be provided for seasonal or temporary sales activities. In no case shall a fire lane, road right-of-way or sidewalk be occupied or otherwise obstructed by such activities. Sufficient appropriate area shall be reserved and marked for emergency vehicles. Access shall be only from a paved county primary road.
 - iii. **Parking.** Adequate parking shall be provided for seasonal or temporary sales activities. In no case shall such activities occupy parking areas necessary for the principal use of the property to satisfy ordinance requirements. Under no circumstances shall parking be located within a road right-of-way. Parking shall be provided for no fewer than six vehicles, and the required number of parking spaces shall be computed based on the applicable parking requirement of this Ordinance. The proposed use may not reduce required parking on an improved site by more than ten percent.

- iv. **Impacts on Neighboring Property.** Seasonal or temporary sales operations shall not be conducted in a manner that creates a nuisance to the public or neighboring properties.
- v. **Hours of Operation.** Seasonal or temporary sales operations shall be limited to the hours of 7:00 a.m. to 7:00 p.m., unless it is demonstrated to the satisfaction of the Zoning Administrator that earlier or later hours will not create unreasonable impacts on adjoining property.
- vi. **Signage.** Signage for Seasonal or Temporary Sales operations shall comply with the standards for permanent free-standing signs in that zoning district. Banners, streamers, string lights and the like are prohibited pursuant to Section 27.07.
- vii. **Permit Conditions.** The Zoning Administrator shall have the right to place reasonable conditions, including timeframe, on the permit based on compatibility of the proposed use with the existing use, and public health, safety, and the general welfare of the community.
- viii. **Site Restoration.** As a condition of the Seasonal or Temporary Sales Permit, the site shall be completely restored to its original condition within seven (7) days following the termination of the permitted Seasonal or Temporary Sales use or expiration of the permit, whichever occurs first. This shall include the removal of all equipment, shelving, signage and/or temporary structures, site clean-up, or compensation for the impacts of the temporary use. A performance guarantee for such restoration activities shall be deposited with the Township at the time of application. The performance guarantee shall be in an amount determined each year as part of the Township fee schedule. Once the site has been restored, the performance guarantee shall be returned to the petitioner.
- ix. **Compliance with Law.** The use shall comply with all requirements of all applicable laws, rules, and ordinances, including but not limited to federal, state, county, and local authorities with jurisdiction.
- x. **Building and Fire Compliance.** Whenever a temporary structure, tent, or other enclosure is proposed, the applicant

shall be required to submit the plans for such structure, covering, or enclosure to the Livingston County Building Department for review, permits, and inspection prior to commencement of sales activity under the Seasonal or Temporary Sales Permit. All proposals for temporary structures must comply with all requirements of the state construction code, International Fire Code, NFPA regulations, and all other applicable codes, ordinances, and regulations.

- xi. **Other Permits.** Whenever an applicant for a Seasonal or Temporary Sales Permit intends to utilize a site for fireworks sales, a copy of the state permit and site plan shall be provided with the application in accordance with the requirements of Public Act 256 of 2011, PA 65 of 2013, and PA 9 of 2014, all as amended.

SECTION 21.32 WIRELESS COMMUNICATION FACILITIES

- A. **Purpose and Intent.** It is the general purpose and intent of the Township to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. However, it is the further purpose and intent of the Township to provide for such authorization in a manner which will retain the integrity of neighborhoods and the character, property values and aesthetic quality of the community at large. In fashioning and administering the provisions of this section, attempt has been made to balance these potentially competing interests.

In adopting the regulations in this Ordinance, and in recognition of the number of providers who have been authorized to establish and operate wireless communication services and coverage, it is further the purpose and intent of the Township of Tyrone to fully exercise the authority granted by law relative to the placement, construction and modification of wireless communication facilities.

It is further the purpose and intent of this Ordinance to:

1. **Regulate Towers.** Allow the Township Board and the Planning Commission to regulate and restrict wireless communication facilities and services as principal or accessory permitted land uses, with or without special conditions, or to regulate and restrict such facilities and services as prohibited land uses.
2. **Establish Tower Districts.** Allow the Township Board of the Tyrone Township to establish districts of the number, shape, and area considered best for the

location of wireless communication facilities and services as principal or accessory permitted land uses, with or without special conditions, subject to conformance with applicable standards and conditions.

3. **Specify Uses.** Provide for regulations within those established districts which may be imposed designating the uses for which wireless communication facilities and services shall or shall not be erected or altered, permitted or excluded, or subjected to special regulations.
4. **Review Locations.** Ensure that wireless communication facilities and services are situated in appropriate locations and have appropriate relationships to other land uses, structures, and buildings, and limit inappropriate physical and aesthetic overcrowding of land activities with adverse impacts upon existing population, transportation systems, and other public service and facility needs from wireless communication facilities and services by regulating and limiting the establishment, placement and manner of wireless communication facilities.
5. **Develop Regulations.** Allow the Township Board of Tyrone Township to provide by ordinance for the manner in which such districts, regulations, and limitations shall be determined and enforced or amended, supplemented, or changed.
6. **Approve Sites.** Facilitate adequate and efficient provision of sites for wireless communication facilities.
7. **Promote Health, Safety and Welfare.** Promote the public health, safety and welfare.
8. **Plan for Location.** Provide for adequate information about private and public plans for such wireless communication facilities and services in order to allow the Township to efficiently and effectively plan for their location.
9. **Request Colocation.** Limit and reduce the overall number of newly established locations for wireless communication facilities and wireless communication support structures within the Township, and encourage the use of existing structures for attached wireless communication facilities where technically feasible through the use of colocation. Each licensed provider of a wireless communication facility must, by law, be permitted to locate sufficient facilities in order to achieve the objectives promulgated by the United States Congress. However, particularly in light of the dramatic increase in the number of wireless communication facilities reasonably anticipated to occur as a result of the change in federal law and policy in and relating to the Federal Telecommunications Act of 1996, it is the policy of Tyrone Township that all

users should colocate on existing attached wireless communication facilities, wireless communication support structures, or other buildings and/or structures, in the interest of achieving the purposes and intentions of this Ordinance.

- 10. Require Removal.** Minimize the adverse impacts of technological obsolescence of such wireless communication facilities and services, including a requirement to remove and/or convert unused and/or unnecessary facilities in a timely manner.
- 11. Minimize Adverse Impacts.** Minimize the adverse impacts from the presence of relatively tall towers having low architectural and other aesthetic appeal to most persons, recognizing that the absence of regulation would result in a material impediment to the maintenance and promotion of property values, and further recognizing that this economic component is an important part of the public health, safety, and welfare. Tyrone Township finds that the presence of numerous tower structures, particularly if located within residential areas, would decrease the attractiveness and destroy the character and integrity of the community, which would in turn have a negative impact upon property values.
- 12. Minimize Visual Pollution.** Minimize visual pollution of the public view and view sheds.
- 13. Compatibility of Uses.** Minimize the negative visual impact of wireless communication facilities and services on neighborhoods, community land marks, historic sites and buildings, natural beauty areas and public rights-of-way. This contemplates the establishment and use of as few structures as reasonably feasible, and the use of structures which are designed for compatibility, including the use of existing structures and the avoidance of lattice tower structures that are unnecessary, taking into consideration the purposes and intentions of this Ordinance.
- 14. Consider Economic Impacts.** Recognize that the public view and the view from sites and buildings is a major economic component of a property's value.
- 15. Provide Standards for Location.** Recognize that operation of a wireless communication system may require the establishment of facilities in locations not within the predetermined districts or zones. In such cases, it has been determined that it is likely that there will be greater adverse impact upon neighborhoods and areas within the community. Consequently, more stringent standards and conditions should apply to the review, approval and use of such facilities.

16. **Require As-Built Drawings.** Require the submission of as-built drawings to Tyrone Township with clearly identified and certified capacity for colocation and addition of equipment to facilitate the planning and administration of wireless communication facilities and services.
17. **Require Market Information.** Provide for the submission of adequate cost, price, and market information to permit administration of colocation.
18. **Develop Community Wide Plans.** Permit Tyrone Township to develop community-wide plans for such wireless communication facilities and services.

B. Review Procedures and Required Approvals

1. **Colocations and Modifications.** Applications to collocate at an existing wireless communications facility or to modify the equipment at an existing facility shall be approved via a land use permit, except under the following circumstances, when they shall require site plan and special land use approval:
 - a. The height of the existing support structure is increased by more than 20 feet or 10% of its existing height, whichever is greater.
 - b. The width of the existing support structure is increased by more than the minimum necessary to permit colocation.
 - c. An Increase to the area of the existing equipment compound to greater than 2,500 square feet.
2. **New Wireless Facilities, Including New Towers.** New wireless facilities, including new towers, shall be subject to site plan and special land use approval, as described in Section 21.32.D.2.

C. Definitions. The following definitions shall apply in the interpretation of this Section:

1. **Attached Wireless Communications Facilities** shall mean wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.
2. **Colocation** shall mean the location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the Township.

3. **Fall-zone** is a circle surrounding a wireless communication facility. The radius of the circle shall be equal to the height of a proposed wireless communication facility. The proposed wireless communication facility shall be located at the center of the fall-zone.
4. **Wireless Communication Facilities** shall mean and include all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving telephone, cellular telephone, television, microwave and any other form of telecommunication signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment, or building and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave facilities; ham or amateur radio facilities; satellite dishes; and, governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.
5. **Wireless Communication Support Structures (Towers)** shall mean structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

D. Authorization.

1. **Location Considerations.** Subject to the standards and conditions set forth in Section 21.32.E.1 below, wireless communication facilities shall be permitted uses in the following circumstances:
 - a. **Existing Structures.** An existing structure which will serve as an Attached Wireless Communication Facility within a nonresidential zoning district, where the existing structure is not, in the discretion of the Township Board after recommendation by the Planning Commission, proposed to be either materially altered or materially changed in appearance.
 - b. **Colocation.** A proposed colocation upon an existing wireless communication facility structure, tower, building, or Attached Wireless Communication Facility which had been previously approved for such colocation as part of an earlier approval by the Township. In the event a service provider wishes to obtain approval for colocation on an existing facility that was not previously approved for such colocation, application must be made to the Township consistent with the provisions of Section 21.32.F.

E. General Regulations

1. Standards and Conditions Applicable to All Facilities.

All applications for wireless communication facilities shall be reviewed in accordance with the following standards and conditions, and, if approved, shall be constructed and maintained in accordance with such standards and conditions. In addition, if the facility is approved, it shall be constructed and maintained with any additional conditions imposed by the Planning Commission in its discretion:

- a. Health, Safety and Welfare.** Facilities shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare.
- b. Compatibility with Surroundings.** Facilities shall be located and designed to be harmonious with the surrounding areas.
- c. Environmental Effects.** Wireless communication facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
- d. Height Justification.** Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights.
- e. Additional Standards.** The following additional standards shall be met:

 - i. Maximum Height.** The maximum height of the new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant and by other entities to collocate on the structure. The accessory building contemplated to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective district.
 - ii. Minimum Site Area.** The minimum site area shall include the necessary fall-zone as defined herein. At the discretion of the Planning Commission, the fall-zone may be reduced upon a demonstration by the applicant that the Wireless Communication Facility will not pose a danger to adjacent property. In the event the Planning Commission agrees to permit a reduction in the fall-zone, the applicant shall hold the

Township harmless from all future claims of damage resulting from property loss or personal injury associated with failure of the Wireless Communication Facility. Additionally, the minimum yard areas required by the zoning district where the site is located shall be provided for all buildings associated with a Wireless Communication Facility. Adequate drives and roads shall be provided to the facilities to permit access by maintenance, operations and emergency vehicles as may be required on the site.

- iii. **Minimum Setbacks.** Where the proposed new or modified support structure abuts a parcel of land zoned for a use other than residential, the minimum setback of accessory structures shall be in accordance with the required setbacks for main or principal buildings as provided in the schedule of regulations for the zoning district in which the support structure is located. (See Section 21.32.F.3, below.)
- iv. **Access.** There shall be unobstructed access to the support structure, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the tower and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and the type of equipment which will need to access the site.
- v. **Land Division Requirements.** The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.
- vi. **Roof Top Enclosures.** Where an attached wireless communication facility is proposed on the roof of a building if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform with all district requirements for principal buildings, including yard setbacks.

- vii. Appearance and Site Compatibility.** The Planning Commission shall, with respect to the color, structural components, design of the support structure and all accessory buildings, review and approve so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition.
 - viii. Compliance with Codes.** The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the State of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.
 - ix. Maintenance Plan.** A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous maintenance to a reasonably prudent standard.
 - x. Signal Coverage Documentation.** Signal coverage documentation shall be submitted to clearly indicate the need for the proposed facility in the specified location. Such documentation shall show the signal coverage in relation to the other parts of the existing and proposed coverage network within six (6) miles of the proposed site. Additionally, the documentation shall differentiate between existing and proposed signal coverage areas.
- 2. Standards and Conditions Applicable to Special Land Use Facilities.** Applications for wireless communication facilities which may be approved as special land uses under Section 21.32.D.2, above, shall be reviewed, and if approved, constructed and maintained, in accordance with the standards and conditions set forth in Section 21.32.E.1.

- a. **Facility Need.** The applicant shall demonstrate the need for the proposed facility to be located as proposed based upon the presence of one or more of the following factors:
 - i. Proximity to an interstate or major thoroughfare.
 - ii. Areas of population concentration.
 - iii. Concentration of commercial, industrial, and/or other business centers.
 - iv. Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.
 - v. Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
 - vi. Other specifically identified reason(s) creating facility need.
 - b. **Conformity with Requirements.** The proposal shall be reviewed in conformity with the colocation requirements of this Section.
3. **Modifications to Existing Approved Wireless Communication Facilities.** Modifications to existing, approved Wireless Communication facilities shall require the issuance of a land use permit by the Township, but shall not require site plan approval or special land use approval, except under the circumstances provided in Section 21.32.B.1.

Applications for modifications must either show that the facility in question meets all the applicable standards of this ordinance or must propose changes to bring the facility into compliance with this ordinance.

- F. **Application Requirements.** The following information shall be required as part of all applications, regardless of the type of approval being sought.
- 1. **Site Plan.** A site plan prepared in accordance with Article 23 shall be submitted, showing the location, size, screening and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping.
 - 2. **Landscaping Plan.** The site plan shall also include a detailed landscaping plan where the support structure is being placed at a location which is not otherwise developed, or where a developed area will be disturbed. The purpose of

landscaping is to provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure. In all cases, there shall be shown on the plan fencing which is required for protection of the support structure and security from children and other persons who may otherwise access facilities.

- 3. Professional Engineer.** The application shall include a signed certification by a State of Michigan licensed professional engineer with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and other facilities.
- 4. Security Deposit.** The application shall include a description of security to be posted at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in Section 21.32.I. In this regard, the security shall, at the election of the applicant and subject to agreement by the Township, be in the form of: (1) cash; (2) surety bond; (3) letter of credit; or, (4) an agreement in a form approved by the attorney for the Township and recordable at the office of the Register of Deeds, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this section of the ordinance, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney fees incurred by the Township in securing removal. If the applicant posts a performance bond, bank letter of credit or any other renewable form of security with a fixed expiration date, which expiration date shall occur before the removal of the facility, the applicant shall pay the Township an administration and file maintenance fee. The Township Board shall establish the administration and file maintenance fee by resolution. Additionally, if the applicant has not demonstrated that the renewable security has been renewed within ten (10) days prior to the end of a guaranteed performance period, and the applicant has not removed the facility, the Township shall be authorized to draw down the funds guaranteed by the security to assure the performance guarantee shall remain available to protect the health, safety and welfare of the Township's residents.
- 5. Wireless Facilities Map.** The application shall include a map showing existing and known proposed wireless communication facilities within the Township, and further showing existing and known proposed wireless communication facilities within areas surrounding the borders of the Township in the location, and in the area, which are relevant in terms of potential colocation or in demonstrating the need for the proposed facility. If and to the extent the

information in question is on file with the Township, the applicant shall be required only to update as needed. Any such information which is a trade secret and/or other confidential commercial information which, if released would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of governmental policy M.C.L. 15.243(l)(g). This ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the Township.

6. **Contact Information.** The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.
 7. **Valid Documents.** The application shall be accompanied by a copy of the deed, lease agreement, purchase agreement or other valid document demonstrating that the applicant has gained control of the subject site in order to be able to construct the proposed facility on the site.
- G. Special Requirements for Facilities Proposed to be Situated Outside Designated Districts.** For facilities which are not permitted uses under Section 21.32.D.1, above, and proposed to be located outside of a district zone identified in Section 21.32.D.2, above, an application shall be reviewed and, if approved, facilities shall be constructed and maintained in accordance with the following additional standards and requirements, along with those in Section 21.32.E:
1. **Demonstration of Need.** At the time of the submittal, the applicant shall demonstrate that a location as specified in Section 21.32.D.1 cannot reasonably meet the coverage and/or capacity needs of the applicant.
 2. **Alternate Designs.** Wireless communication facilities shall be of a design such as (without limitation) a steeple, bell tower, or other form which is compatible with the existing character of the proposed site, neighborhood and general area, as approved by the Township.
 3. **Alternate Sites.** In single-family residential neighborhoods, site locations other than as identified in Section 21.32.D.1 shall be permitted on the following sites (not stated in any order of priority), subject to application of all other standards contained in this section:
 - a. Municipally owned site.
 - b. Other governmentally owned site.
 - c. Religious or other institutional site.

- d. Public park and other large permanent open space areas when compatible.
- e. Public or private school site.
- f. Other similar locations if none of the above is available.

H. Colocation

1. **Statement of Policy.** It is the policy of the Township to minimize the overall number of newly established locations for wireless communication facilities and Wireless Communication Support Structures within the Township, and encourage the use of existing structures for Attached Wireless Communication Facility purposes, consistent with the statement of purpose and intent, set forth in paragraph (A) of this Section above. Each licensed provider of a wireless communication facility must, by law, be permitted to locate sufficient facilities in order to achieve the objectives promulgated by the United States Congress. However, particularly in light of the dramatic increase in the number of wireless communication facilities reasonably anticipated to occur as a result of the change of federal law and policy in and relating to the Federal Telecommunications Act of 1996, it is the policy of the Township that all users should colocate on Attached Wireless Communication Facilities and Wireless Communication Support Structures in the interest of achieving the purposes and intent of this section, as stated above, and as stated in Section 21.32.A. If a provider fails or refuses to permit colocation on a facility owned or otherwise controlled by it, where colocation is feasible, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent and purpose of the Township. The provisions of this subsection are designed to carry out and encourage conformity with this policy.
2. **Feasibility of Colocation.** Colocation shall be deemed to be "feasible" for purposes of this section where all of the following are met:
 - a. **Compensation.** The wireless communication provider entity under consideration for colocation will undertake to pay market rent or other market compensation for colocation.
 - b. **Structural Support.** The site on which colocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
 - c. **Unreasonable Interference.** The colocation being considered is technologically reasonable, for example, the colocation will not result in

unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.

- d. **Increased Height.** The height of the structure necessary for colocation will not be increased beyond a point deemed to be permissible by the Township, taking into consideration the several standards contained in Sections 21.32.E and G, above.

3. Requirements for Colocation.

- a. **Site Availability.** A special land use permit for the construction and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that a feasible colocation is not available for the coverage area and capacity needs.
- b. **Colocation Accommodation.** All new and modified wireless communication facilities shall be designed and constructed so as to accommodate colocation. New tower facilities shall be of adequate height to permit the colocation of at least one (1) additional wireless communication broadcast/reception facility.
- c. **Nonconforming Facilities.** The policy of the Township is for colocation. Thus, if a party who owns or otherwise controls a wireless communication facility shall fail or refuse to permit alteration of a structure so as to accommodate a proposed and otherwise feasible colocation, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.
- d. **Failure to Permit Colocation.** If a party who owns or otherwise controls a wireless communication facility shall fail or refuse to permit a feasible colocation, and this requires the construction and/or use of a new facility, the party failing or refusing to permit a feasible colocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the Township, and, consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new wireless communication support structure within the Township for a period of five (5) years from the date of the failure or refusal to permit the colocation. Such a party may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five (5) year prohibition would unreasonably discriminate among providers

of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication services.

4. Incentive

Review of an application for colocation, and review of an application for a permit for use of a facility permitted under Section 21.32.D.1.a, above, shall be expedited by the Township. Colocations shall not require site plan approval or special land use approval, except as provided in Section 21.32.B.1. Applications for colocations must either show that the facility in question meets all the applicable standards of this ordinance or must propose changes to bring the facility into compliance with this ordinance.

I. Removal

1. Removal Provisions. A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:

a. Lack of Use. When the facility has not been used for one hundred eighty (180) days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of transmission signals) shall be considered as the beginning of a period of nonuse.

b. New Technology. Six (6) months after new technology is available at reasonable cost, as determined by the Township Board, which permits the operation of the communication system without the requirement of the support structure.

2. Partial Removal. The situations in which removal of a facility is required, as set forth in paragraph (1) above, may be applied and limited to portions of a facility.

3. Removal Permit. Upon the occurrence of one or more of the events requiring removal, specified in paragraph (1) above, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Zoning Administrator.

4. Failure to Remove. If the required removal of a facility or a portion thereof has

not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected and/or enforced from or under the security posted at the time application was made for establishing the facility.

J. Timeline for Approval

- 1. Colocations or Modifications.** After an application for a colocation has been filed with the Township, the Township shall have 14 days to determine whether the application is complete. If, in those 14 days, the Township determines the application is incomplete and notifies the applicant of the deficiencies, the applicant shall fulfill all deficiencies. When the application is complete, the Township shall have 60 days to issue an approval. If the Township has not acted within 60 days, the application will be deemed approved. If the Township fails to notify the applicant that the application is not complete within 14 days, then the application shall be deemed complete and the Township shall have 60 days to issue an approval. If the Township has not acted within 60 days, the application will be deemed approved.

- 2. New Wireless Telecommunication Facilities.** After an application for site plan and/or special approval review has been filed with the Township, Township staff or consultants shall have 14 days to determine whether the application is complete. If, in those 14 days, the Township determines the application is incomplete and notifies the applicant of the deficiencies, the applicant shall fulfill all deficiencies. When the application is complete, the Township shall have 90 days to approve or deny the application. If the Township has not acted within 90 days, the application will be deemed approved. If the Township fails to notify the applicant that the application is not complete within 14 days, then the application shall be deemed complete and the Township shall have 90 days to approve or deny the application. If the Township has not acted within 90 days, the application will be deemed approved.

- K. Application Fee.** The Township shall charge an application fee of no more than \$1,000 to an applicant for any type of approval for a wireless communication modification, colocation, or new facility.

SECTION 21.33 UNIQUE BUILDINGS AND DEVELOPMENTS

This section is intended to assist any person in determining the necessary steps to follow to obtain review and approval of unique buildings or specialized land uses.

- A. Appropriate Zoning District.** Any building or land use shall conform with the requirements included in the appropriate district defined in this ordinance.
- B. Construction Requirements.** The construction techniques and materials shall conform to the requirements of the Livingston County, Building Department to insure maximum protection of the health, safety and welfare of the residents.
- C. Site Plan Review.** Site plan review may be required at the discretion of the Planning Commission.
- D. Below Grade Buildings.** Underground houses and those houses generally referred to as an earth-sheltered dwelling unit partially or totally below the adjacent surrounding grade level, shall meet the safety and construction requirements of residential dwelling units. Since the proposed land use may represent unique features and techniques, a special review by the Planning Commission may be required.

SECTION 21.34 UNLAWFUL BUILDING

In case any building or part thereof is used, erected, altered, abandoned or occupied contrary to law or the provisions of this ordinance, such building shall be declared a nuisance and shall be required to be vacated.

SECTION 21.35 LANDSCAPING, SCREENING, AND NOISE ATTENUATION

See Section 21.16 and Article 21A.00.

SECTION 21.36 INCENTIVES TO PRESERVE EXISTING TREES

See Section 21A.08.

SECTION 21.37 EXTERIOR LIGHTING

All lighting for parking areas, external illumination of buildings or grounds, or illumination of signs, shall be directed away from and shall be shielded from, adjacent residential districts. It shall also be so arranged as to not affect driver visibility adversely on adjacent arterial roads. Light shall not exceed more than 0.5 footcandle at a residential property line. Light shall not exceed more than 1.0 footcandle at a non-residential property line. In order to prevent nuisances caused by unnecessary glare, upward projection of light shall be minimized and the area of illumination of outdoor lighting fixtures shall be indicated on the plan.

The Planning Commission shall require the submission of a photometric plan prepared by an electrical engineer, or other qualified expert, graphically illustrating the planned layout and foot candles of site lighting. A photometric plan may be required to ensure compliance with the above standards and that adequate light levels are provided on the site. The plan shall also indicate the type and heights of light fixtures proposed, the wattage proposed to be used, and all pertinent photometric information for the fixtures, site and project.

SECTION 21.38 RESIDENTIAL ENTRANCEWAY

In residential districts, so-called entranceway structures, including but not limited to, walls, columns and gates marking entrances to single family subdivisions or multiple housing projects, may be permitted, and may be located in a required yard, except as provided in Section 21.39 Clear Vision Zone. Such entranceway structures shall be adequate to permit unobstructed access by all emergency equipment and shall comply with all codes and ordinances of the township and county. Sight distance shall be approved by the Livingston County Road Commission and a driveway permit obtained. The structure shall also be approved by the Livingston County Building Department.

SECTION 21.39 CLEAR VISION AREA

A fence, wall, shrubbery, sign or other obstruction to vision above a height of thirty (30) inches from the established street grades shall not be permitted within the triangular area formed by the intersection of any street right-of-way lines and a diagonal connecting them at points at least twenty-five (25) feet from their intersection (see Figure 11).

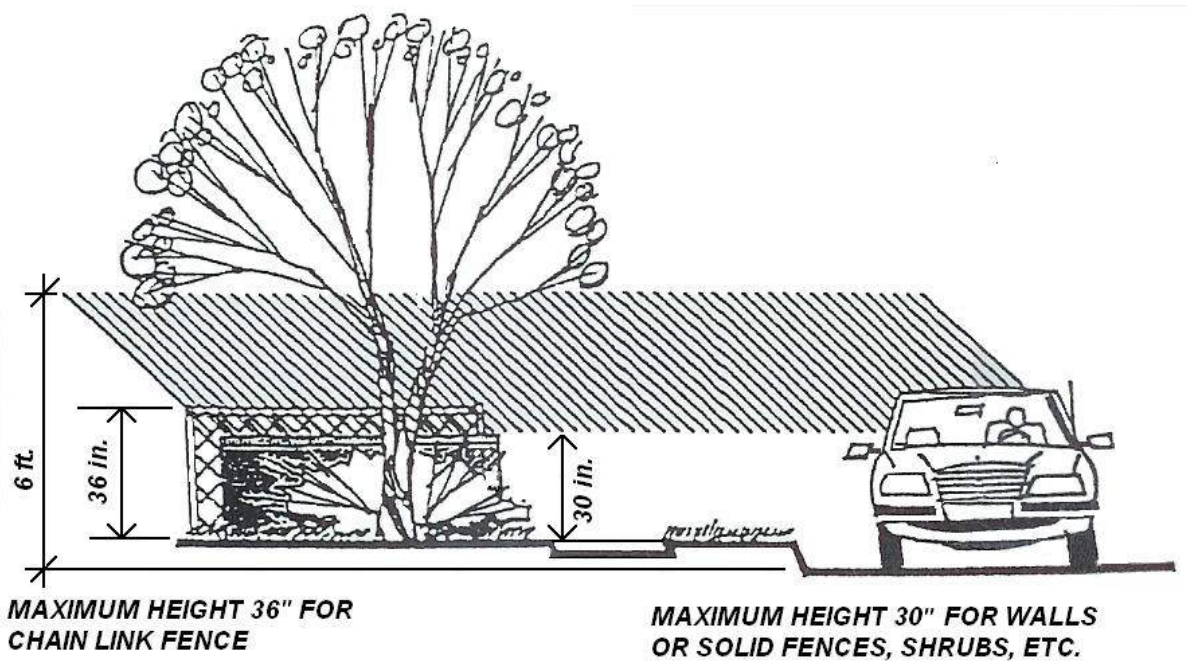
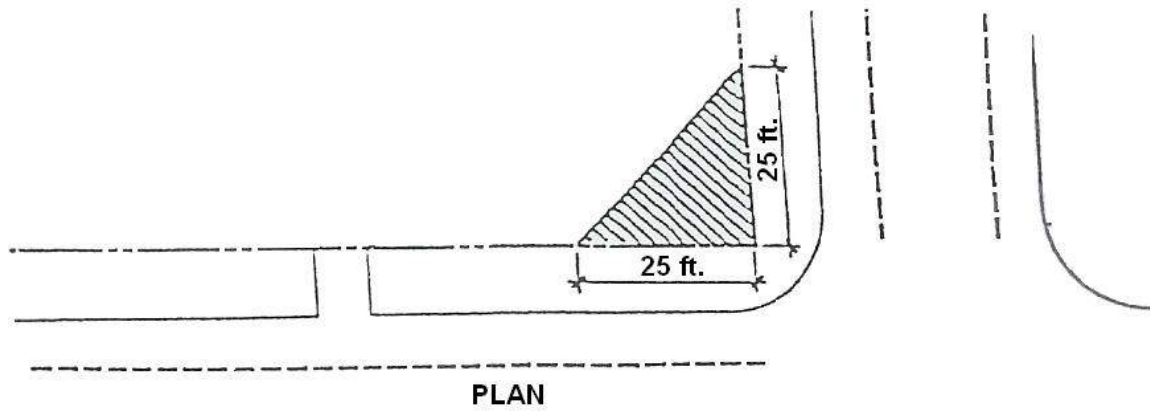
SECTION 21.40 SOLID WASTE RECEPTACLES.

See Article 21A.11.

SECTION 21.41 VOTING PLACE

The provisions of this ordinance shall not be so construed as to interfere with the temporary use of any public facility as a voting place in connection with a township or other public election, in accordance with state voting law.

Figure 11 - CLEAR VISION AREA



SECTION 21.42

STATE LICENSED CHILD AND ADULT CARE FACILITIES

- A. State licensed residential child and adult care facilities, as defined in Article 2, Definitions within a residential structure and commercial child care facilities are allowed as provided in Table 21.1 below.

TABLE 21.1

TYPE OF FACILITY	DISTRICTS					
	FR, RE, R-1, LK-1	R-2	RM-1	PCS, B-1, B-2	PCI, PIRO, ES, OS, M1, M2	EI
Adult foster care family home (6 or fewer adults)	Permitted	Permitted	Permitted	Not Allowed	Not Allowed	Not Allowed
Adult foster care small group home (12 or fewer adults)	Special Use	Special Use	Permitted	Not Allowed	Not Allowed	Not Allowed
Adult foster care large group home (13 to 20 adults)	Not Allowed	Not Allowed	Special Use	Special Use	Not Allowed	Not Allowed
Foster family home (4 or fewer children 24 hours per day)	Permitted	Permitted	Permitted	Not Allowed	Not Allowed	Not Allowed
Congregate Care Facility (20 or more adults)	Not Allowed	Not Allowed	Special Use	Not Allowed	Not Allowed	Not Allowed
Adult day care facility (13 or more adults, less than 24 hours per day)	Not Allowed	Not Allowed	Special Use	Special Use	Not Allowed	Not Allowed
Foster family group home (5 to 6 children 24 hours per day)	Permitted	Permitted	Permitted	Not Allowed	Not Allowed	Not Allowed
Family day care home (6 or fewer children less than 24 hours per day)	Permitted	Permitted	Permitted	Not Allowed	Not Allowed	Not Allowed
Group day care home (7 to 12 children less than 24 hours per day)	Special Use	Special Use	Special Use	Permitted	Not Allowed	Not Allowed
Commercial child care facilities (unlimited by size)	Not Allowed	Not Allowed	Not Allowed	Special Use	Special Use	Not Allowed

Permitted: Permitted by right.

Special Use: May be allowed upon review and approval of a Special Land Use Permit, in accordance with the general and specific standards of Article 22 Special Land Uses.

Not allowed: Not allowed in the zoning district.

See also: Section 22.05 J and N.

SECTION 21.43 CONDOMINIUM DEVELOPMENT STANDARDS AND SITE PLAN REVIEW

The intent of this Section is to provide regulatory standards for condominiums and site condominiums similar to those required for projects developed under other forms of ownership, in accordance with the Michigan Condominium Act, Act 59 of 1978, as amended. This article is not intended to prohibit or discourage development of condominium projects.

- A. Definitions.** Definitions of condominium terms contained in Article II, Definitions, are intended to make comparison possible between the definitions of terms in the Zoning Ordinance for lots, conventional platted lots and subdivisions and to ensure that the standards in the Zoning Ordinance are properly and uniformly applied to condominiums and site condominium projects.
- B. Applicability of District Regulations.** Site condominium projects in any residential district shall comply with all setback, height, coverage and area restrictions in Article VII Schedule of Regulations in the same manner as these standards would be applied to platted lots in a subdivision.
- C. Planning Standards.** Site condominium developments shall conform to the following design standards. The review process shall be as stipulated in 21.43.G below.

 - 1. Existing Streets.** The proposed condominium shall conform to the various elements of the Master Plan and shall be considered in relation to the existing and planned major thoroughfares and secondary streets, and such part shall be recorded in the location and the width indicated on such plan.
 - 2. Arrangement of Streets.** The arrangement of streets shall provide for the continuation of existing streets from adjoining areas into a new condominium, unless otherwise approved by the Township Board, following a recommendation by the Planning Commission, due to documented environmentally sensitive features, unusual lot configuration or unique site conditions.

Where adjoining vacant areas are zoned or planned for development similar to the proposed condominium, streets shall be extended to the boundary line of the tract to make provision for the future street connections. The proprietor shall demonstrate that the proposed stub street is in a reasonable location for extension into the adjacent lands, in consideration of such factors as grades, water bodies, wetlands and lot configuration. A temporary cul-de-sac may be required unless the length of the stub street only abuts one (1) lot on either side. Easements for future road extensions shall be provided to the parcel line. In the event an easement for a future street extension is provided but the

street is not installed during condominium construction, the proprietor shall place adequate funds in an escrow account to assure eventual installation of the stub street when the improvements are determined to be necessary by the Township and LCRC. The escrow account shall be established consistent with the procedures and requirements of the LCRC.

3. **Preservation of Natural Features.** Streets shall be aligned to maximize the preservation of natural features and existing grades to the extent feasible. Where practical, streets shall follow natural topography to minimize grading.
4. **Through Traffic.** The proposed condominium street layout shall discourage use by through traffic, except where a continuation of streets to adjoining properties is deemed desirable by the Township. In determining the need for such connections, the Township shall consider the need for adequate access and response time for emergency vehicles, the impacts such connections may have on reducing congestion along arterials, the projected traffic volumes and the compatibility with adjacent developments.
5. **Major Thoroughfare.** Should a proposed condominium border on or contain an existing or proposed major thoroughfare or collector, the Planning Commission may require marginal access streets, reverse frontage with an approved screen planting contained in a non-access reservation along the rear property line having a minimum width of fifteen (15) feet, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation and reduction of traffic hazards. Vehicular driveway access shall be to a minor street.
6. **Expressway.** Should a proposed condominium border on or contain an existing expressway or other limited access highway right-of-way, the Planning Commission may require the location of a street approximately parallel to and on each side of such right-of-way at a distance suitable for the development of an appropriate use of the intervening land such as for parks in residential districts. Such distances shall be determined with due consideration of the minimum distance required for approach grades to future grade separation. The standards of Article 21A.00 establish minimum acceptable landscape buffer requirements in these circumstances.
7. **Half Streets.** Half streets shall be prohibited, except where the parcel is adjacent to another recorded and dedicated half street or when a contemporaneous development proposal includes the required adjacent half street. Wherever there exists adjacent to the tract to be subdivided, a dedicated or recorded half street, the other half of the street shall be recorded to complete the street.

8. **Reconstruction.** Where a condominium incorporates existing public streets or private roads which are not in conformance with current standards, such facilities shall be reconstructed as necessary to improve the road to the extent required by the LCRC for public roads.
 9. **Walkways.** Walkways or sidewalks may be required by the Planning Commission to create safe pedestrian circulation routes in condominiums. Such walkways or sidewalks shall be not less than five (5) feet in width, constructed of concrete or plant mixed bituminous material, not less than four (4) inches thick.
 10. **Conformance to Zoning District Standards.** All lots created in a condominium must conform to the minimum standards, including required width and area, as established in this Ordinance for the zoning district where the condominium lot is located. Corner lots shall provide adequate width so that a front yard setback can be established from each fronting street.
 11. **Through Lots.** Through lots (lots with frontage on two parallel streets) are prohibited, except in the case of a reverse frontage lot that abuts a major thoroughfare where vehicular access to the major thoroughfare is prohibited.
 12. **Greenbelts or Buffers.** Lots located adjacent to a County mile or half-mile road shall be screened with a greenbelt, berm or buffer strip in accordance the provisions of Article 21A.00. The Planning Commission shall determine the appropriate method of landscape screening.
- D. **Modification of Design Standards.** The Planning Commission may recommend approval of a modified design standard in a particular application where it can be demonstrated that the modified standard meets sound planning, safety and engineering requirements. Modifications to these design standards shall be considered and recommended for approval or denial by the Planning Commission. The Township Board shall consider the recommendation of the Planning Commission and take final action on the request for a modified design standard.
- E. **Applicability of Private Road and Public Street Standards.** Private roads and driveways within site condominiums must meet the road design, construction, maintenance agreement, and public hearing requirements of Article 24, Private Road Land Developments. The review and approval process for site condominiums shall follow the process outlined in Section 21.43.G of this article. Any condominium with public streets shall meet the standards of, and be accepted by; the Livingston County Road Commission.

- F. Utilities.** The condominium plan shall grant utility easements or the right of access to utility easements as required by the Township to construct, operate, inspect, maintain, repair, alter, replace and/or remove pipelines, mains, conduits and other installations of a similar character for the purpose of providing public utilities. Public utilities shall include, but not be limited to, conveyance of sewage, water and storm water runoff across, through and under the property subject to such easement, and excavating and filling ditches and trenches necessary for the location of such structures.
- G. Review Process for Site Condominiums.** Prior to the issuance of a building permit for construction of a site condominium project, the project must be reviewed by the Planning Commission and approved by the Township Board according to the following procedure. Conventional condominium projects as defined in this Section shall not be required to follow this review procedure and shall be required to follow the site plan review process in Article 23.
- 1. Concept Plan Review.**
- a. Planning Commission Recommendation.** The applicant shall submit a concept plan, with information listed in Table 21.2 for review by the Planning Commission. The Planning Commission shall forward a written recommendation to the Township Board to approve or deny the concept plan within 45 days of the submittal of a complete concept plan, or hearing for any proposed private road if required by Article 24 of this ordinance. The Planning Commission shall impose conditions on the concept plan as deemed necessary to comply with concept plan review standards in Table 21.2.
 - b. Township Board Approval or Denial.** The Township Board shall consider the recommendation of the Planning Commission, review the concept plan and approve or deny the concept plan. All conditions imposed by the Planning Commission on the concept plan shall be resolved prior to approval of the concept plan by the Township Board or the plan shall be sent back to the Planning Commission for reconsideration.
 - c. Concept Plan Information.** The concept plan shall include all information indicated as required for concept plan submittal in Table 21.2.
 - d. Review Standards.** In reviewing the concept plan, the Planning Commission and Township Board shall consider whether the project conforms to the appropriate design and layout standards of the Subdivision Control Ordinance, Article 24 Private Road and Shared

Private Driveway Standards and Section 23.03, Standards for Site Plan Review. A review by the Township Engineer may be required at the concept review stage.

2. **Review by Outside Agencies.** The applicant shall submit the concept plan, as approved, to those outside agencies with review or permit authority over the project as determined by the Planning Commission. Such agencies shall include but not be limited to:

- a. County Road Commission;
- b. County Drain Commissioner;
- c. County Health Department;
- d. Michigan Department of Transportation; and
- e. Michigan Department of Natural Resources.

3. **Final Site Plan Review.**

- a. **Planning Commission Recommendation.** Following submittal of the concept plan to applicable outside agencies, the applicant shall revise the plan if required and shall submit a final site plan to the Planning Commission. The final site plan submittal shall include evidence that the plan was submitted as required for outside agency review and shall include all review letters that have been obtained. If major modifications to the site plan are required as a result of outside agency review, the site plan shall be re-submitted for concept plan review. A determination of a major modification shall be made by the Zoning Administrator and shall follow the guidelines outlined below under "Plan Amendments". The Planning Commission shall review the final site plan, along with comments by outside agencies, and shall forward a written recommendation to approve, approve with conditions, or deny the final site plan to the Township Board.
- b. **Township Board Approval or Denial.** The Township Board shall review and approve, approve with conditions or deny the final site plan.
- c. **Final Site Plan Information.** The final site plan must include all information indicated as required in Table 21.2 of this Section.
- d. **Document Submittal Requirements.** All pages of all documents submitted must include the name of the project, name of the engineer, date submitted, date of original drawing and date of all revisions. Final documents must be verified by the developer/owner including a listing of all voided and current drawings.

- e. **Review Standards.** In reviewing the final site plan, the Planning Commission and Township Board shall consider whether the project meets the design and layout standards of the Subdivision Control Ordinance, the Township's Private Road Standards and Section 23.03 of the Zoning Ordinance, Standards for Site Plan Review. The Planning Commission and Township Board shall also consider comments of the Zoning Administrator regarding the proposed condominium by-laws and master deed and shall require any necessary modifications to these documents.
- 4. **Engineer Review and Final Documents.** If required, the Township Engineer shall review construction plans and establish any necessary financial guarantee requirements, and to confirm that the applicant has obtained all required permits from outside agencies, prior to the issuance of a building permit. As-built plans for the project, including all roads and utilities shall be submitted in accordance with Section 21.43.L below. Final by-laws and condominium documents shall be submitted in accordance with Section 21.43.M.
- 5. **Site Plan Amendments.** Proposed amendments to an approved condominium site plan shall be submitted to the Zoning Administrator for a determination by the Planning Commission of whether such amendments constitute a major or minor modification to the approved site plan. Major amendments shall require a complete re-review of the project beginning with concept plan review. Minor amendments shall require a re-review and approval beginning with final site plan review.
- 6. **Guidelines to Distinguish Major and Minor Amendments.** Major amendments or modifications to an approved final or concept plan include, but are not limited to, modifications which substantially alter the alignment of a road, change the size or location of drainage facilities, increase the length of a cul-de-sac, increase traffic volumes, change traffic circulation or that increase the density or intensity of the project. Minor amendments or modifications include changes that are determined to be only minor adjustments to the location of roads or the size or location of approved drainage facilities or other changes which do not increase traffic volumes or circulation or the intensity or density of a project. For example, a proposal to eliminate or add an access point, or to increase the number of residential units would be a major amendment. A proposal to decrease the number of residential units or to adjust the location of an approved road would be a minor amendment. The determination of whether a proposal constitutes a major or minor amendment shall be made by a subcommittee of the Planning Commission.

- H. **Boundary Relocation.** The relocation of boundaries between adjoining condominium units as defined and restricted in Section 148 of the Condominium Act (only if expressly permitted by the condominium documents) shall conform to all setback requirements of Article 20 for the district in which the project is located, shall be submitted to the Township Board for review and approval, and these requirements shall be made a part of the bylaws and recorded in the master deed.
- I. **Subdivision of Unit Sites.** Subdivision of condominium unit sites or lots is permitted subject to approval by the Township Board and the submittal of the amended bylaws and master deed to determine the effect of the subdivision on conditions of zoning or site plan approval, and shall be made as part of the bylaws and recorded as part of the master deed.
- J. **Water and Waste Water.** The condominium project shall comply with and meet all federal, state and county standards for a fresh water system and waste water disposal.
- K. **Master Deed.** The project developer shall furnish the Zoning Administrator with ten (10) copies of the proposed consolidated master deed, bylaws and proposed plans. The master deed and bylaws shall be reviewed for compliance with the Township's Code of Ordinances and to ensure that an assessment mechanism has been included to guarantee adequate funding for maintenance of all common elements. The common area funding responsibility of the association shall include any necessary drainage-ways and the cost to periodically clean-out such drainage ways to keep them functioning as intended in the approved drainage plan. The Master Deed shall clearly state the responsibility of the owner and co-owners and shall state that all amendments to the condominium must conform to Township, County and State laws and regulations. The Master Deed shall also include any variances granted by township, county or state authorities and include a hold harmless clause from these variances.

Master Deeds submitted to the Township for review shall not permit contraction of the condominium (whereby co-owners can withdraw from the condominium and responsibility for maintenance of common elements) without re-submittal of the master deed and bylaws to the Township Board for review and approval. Fees for these reviews shall be as established, from time to time, by the Township Board.

- L. **As-built Plan and Occupancy.** Submission of an as-built plan of a condominium project is required. The Zoning Administrator may allow occupancy of the project before all improvements required are installed provided that an acceptable financial guarantee is submitted to the Township Clerk, sufficient in amount and type to provide for the installation of improvements. The amount of the financial guarantee shall be determined by the Township Board based on an estimate of the Township Engineer.

M. Consolidated Master Deed, Final Bylaws, and Final Site Plan. Upon approval of the final condominium site plan, the applicant shall furnish the Township Clerk a copy of the final bylaws and consolidated master deed inclusive of all exhibits, especially exhibit B. These final documents shall be submitted for review by the Township Attorney and such other representatives as the Township Board determines appropriate. The Board shall rely upon the expert advice of the Township representatives regarding the documentation. When the Township determines that the documentation is consistent with the approved preliminary plans and documentation and that the documents are ready for recordation, the documents shall be accepted and entered into the official Township records. A site plan shall be provided on mylar sheets of eleven (11) inches by seventeen (17) inches and shall provide all parcel dimensions, unit areas, and a cover sheet and such other information as is required to be submitted to the local government by the Michigan Condominium Act.

N. Survey and Monument Requirements. Monuments shall be set at all boundary corners and deflection points and at all road right-of-way intersection corners and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lot lines.

The Township Engineer may grant a delay in the setting of required monuments or irons for a reasonable time, but not to exceed one year, on condition that the developer shall deposit with the Township an acceptable financial guarantee in an amount to be determined by the Township based on the actual cost to set the monuments and irons as required. Such deposit shall be returned to the developer upon receipt of a certificate by a surveyor licensed in the State of Michigan that the monuments and irons have been set as required within the time specified. If the developer defaults, the Township shall promptly require a licensed surveyor to set the monuments and irons in the ground as shown on the condominium site plans, at a cost not to exceed the amount of the security deposit.

Road rights of way shall be described separately from individual condominium lots and shall be accurately delineated by bearings and distances on the condominium subdivision plan and the final site plan. Road rights-of-way shall be for roadway purposes and for the purposes of locating, installing, maintaining, and replacing public utilities. The developer shall dedicate any required easements to the Township for all public water and sanitary sewer lines and appurtenances.

O. Compliance with Other Statutes and Ordinances. All condominium projects shall comply with federal, state and local laws, statutes and ordinances.

TABLE 21.2 SITE CONDOMINIUM SUBMITTAL REQUIREMENTS	Concept Plan	Final Site Plan	Final Documents
An application form and payment of review fees established by the Township Board.	■	■	■
Name(s) and address of the applicant and the owner of record of the subject site. The applicant shall indicate interest in the land as land contract interest, or fee simple ownership.	■	■	■
Names, address and professional seals of the designer, engineer or land surveyor who designed the site condominium layout.		■	■
Location by Section, Town and Range, or by other legal description, and an area map showing the general relationship of the proposed site condominium project to the surrounding area within one-half mile at a scale of not less than 1" = 500'.	■	■	■
Proposed name of subdivision, site condominium project.		■	■
Fifteen (15) copies of the submitted plans on paper not greater than twenty-four (24) inches by thirty-six (36) inches, drawn to an engineers scale no smaller than 1" = 100'. For large projects, one overall plan shall be provided, with sections at a larger scale such as 1" = 20'.	■	■	■
Date, revision dates, and north arrow.	■	■	■
EXISTING SITE INFORMATION			
Site Analysis including general topography, wetlands and woodlands	■	■	
Lines and dimensions for the site condominium project boundaries.	■	■	■
Boundaries and dimensions for any phase. All phases shall be numbered in the order in which they are intended to be constructed.	■	■	■
All existing and proposed property lines in or within two hundred (200) feet of the proposed site condominium project. Existing lines should be graphically distinguished from proposed lines.		■	■
Zoning district classification for all land parcels within and adjacent to the site condominium site.	■	■	■
Boundaries of floodplain or wetlands regulated by the MDEQ, with documentation and credentials supporting that the boundary was determined by a qualified firm or individual.		■	■
Existing buildings or other structures in or within one hundred (100) feet of the proposed site condominium project.		■	■
PROPOSED SITE CONDOMINIUM PROJECT			
NATURAL FEATURES			
Topography drawn as contours at an interval of not less than two (2) feet for the subject site and a general description of topography within one hundred (100) feet of the site. Topography shall be based on U.S.C. and G.S. Datum. Existing and proposed topography lines shall be shown in a manner which is easily distinguishable.		■	■
Boundaries of wetlands regulated by the MDEQ as established by a qualified wetland consultant.	general	■	■
Location of regulated trees and woodlands	general	■	■

TABLE 21.2 SITE CONDOMINIUM SUBMITTAL REQUIREMENTS	Concept Plan	Final Site Plan	Final Documents
Inventory of regulated trees and woodlands			■
Location and elevation of any floodplain areas	general	■	■
LOT ARRANGEMENT			
Layout of lots	■	■	■
Lot information including: numbers, dimensions, square footage per lot.		■	■
Building setbacks: dimensions of required building front, side, and rear yard setbacks (i.e. building envelopes). Distances from any shore line or wetland boundary should be clearly dimensioned.		■	■
An indication of the ownership, and existing and proposed use of any parcels identified as "excepted" on the site plan. If the applicant has an interest or owns any parcel identified as "excepted," the condominium site plan shall indicate how this property could be developed in accordance with the requirements of the existing zoning district in which it is located and with an acceptable relationship to the layout of the proposed site plan in terms of utilities, streets and land uses.	■	■	■
STREETS			
Traffic impact study if required by Section 23.05.		■	■
Name, location, and right-of-way widths of existing or proposed public or private streets in or within two hundred fifty (250) feet of the site.	■	■	■
Method of connection with adjoining street system.	■	■	■
General layout of proposed streets	■	■	
Names of proposed streets		■	■
Details on street design including curve radii, rights-of-way, cross sections, gradient, street signs, etc.		■	■
Street Lighting: the location for any street lights shall be shown. A diagram of a typical street light planned to be installed shall be provided.		■	■
Location of school bus stops and documentation from the school district			■
SIDEWALKS AND BIKE PATHS			
Locations of proposed sidewalks, bike paths and similar facilities		■	■
Details on the width, materials, grades, etc.		■	■
MAIL BOX CLUSTERS			
Proposed location of mail box clusters		■	■
Details on mail box cluster design and letter from Post Office		■	■
LANDSCAPE PLAN			
A general conceptual landscape plan illustrating buffer zones and greenbelts.	■	■	
Location and details of street trees, buffer zones and greenbelts including plant lists.			■
Cost estimates for landscape and woodlands replacement plans		■	■
Entry Features: A detailed drawing to scale of any proposed entrance features including dimensions of boulevards, walls, landscaping signs or lighting.		■	■

TABLE 21.2 SITE CONDOMINIUM SUBMITTAL REQUIREMENTS	Concept Plan	Final Site Plan	Final Documents
PUBLIC RESERVATIONS AND EASEMENTS			
Indication of parcels of land intended to be dedicated or set aside for public use or for the use of property owners in the subdivision.	general	■	■
Documentation of dedication or reservation			■
Existing or proposed easements in or within one hundred (100) feet of the site. Information should include the width and purpose for all easements.		■	■
UTILITIES			
General layout of water and sanitary sewer lines	■		
Sewage disposal: Location and sizes of lines, or location of septic fields, for sewage disposal by a method approved by the Livingston County Health Department or the MDEQ and the Township Board. Utility information shall be shown for the site and for a distance two hundred (200) feet outside of the site.		■	■
Water system: Location and sizes of lines, or location of wells for proposed water supply by a method approved by the Livingston County Health Department or the MDPH (Michigan Dept. of Public Health) and the Township Board. Utility information shall be shown for the site and for a distance two hundred (200) feet outside of the site.		■	■
Location, sizes and other information on underground utilities present and other proposed utilities. Utility information shall be shown for the plat and for a distance two hundred (200) feet outside of the plat.		■	■
General plans for storm water.	■		
Drainage: An indication of storm drainage proposed by methods acceptable to the Township and/or the Livingston County Drain Commissioner. Storm water runoff calculations shall be provided to analyze the adequacy of proposed drainage facilities.		■	■
Construction cost estimate of utilities, roads and other facilities to establish financial guarantee requirements			■
CONDOMINIUM DOCUMENTS			
Master deed and bylaws.		■	■
As-built plans			■

SECTION 21.44 DETERMINATION OF "SIMILAR USES"

In recognition that every potential use cannot be addressed in this zoning ordinance, each nonresidential article list of uses includes the phrase "uses of the same nature or class as uses listed in this district as either a Principal Use Permitted or a Special Land Use, but not listed elsewhere in this Zoning Ordinance, as determined by the Planning Commission based on the standards of Section 21.44" at the end of the list of Special Land Uses. The Planning Commission shall make a determination of "Uses of the same nature and class" at a public hearing according to the following standards:

- A. **Not Listed.** A finding that the proposed use is not listed as a principal use permitted or special land use in any zoning district.
- B. **Similar Use.** If the use is not addressed in this Ordinance, the Planning Commission shall select the use listed in this Ordinance which most closely resembles the proposed use, using criteria such as potential impact on property values, traffic generated, aesthetics, noise, vibration, dust, smoke, odor, glare and other objectionable impacts on public health, safety and welfare. The Planning Commission may determine that there is no similar use and that the use should be prohibited according to the standards of "Prohibited Uses in Section 21.45."
- C. **Similar Use Conditions.** Once a similar use is determined, the proposed use shall comply with any special conditions or special land use standards that apply to the similar use.
- D. **Amendment Request.** The Planning Commission or applicant shall have the option to request an amendment to the zoning ordinance to specifically address the use in question, rather than treating the proposed use as a similar use.
- E. **Text Amendment.** The determination as to whether a proposed use is similar in nature and class to other principal uses permitted or special land uses within a district should be considered as an expansion of the use regulations, not a variance applying to a particular situation. Any use determined by the Planning Commission to be a "use of the same nature or class as uses listed" shall thereafter be included in the enumeration of the uses. Further, the Planning Commission shall proceed with a text amendment to this Ordinance, consistent with the provisions of Article 29, so that the use shall be incorporated in a Zoning District as determined appropriate.

SECTION 21.45 PROHIBITED USES

Certain uses may not be appropriate within Tyrone Township given the existing development pattern, environmental conditions and overall character in the community. In accordance with the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, a Zoning Ordinance or zoning decision can totally prohibit the establishment of a requested land use within a township if there is not an appropriate location within the community or the use is unlawful, even if there is a demonstrated need for that land use either in the township or surrounding area. In determining there is no appropriate location for the use within the township, the Planning Commission shall consider the following:

- A. The land area required by the proposed use;
- B. Existing environmental conditions and potential environmental hazards;
- C. The potential impact on surrounding properties in terms of traffic, noise, lighting, property valuation and views;

- D. Demand and capacity of utilities and municipal services to support the proposed use; and
- E. A finding that there is an alternative land use that will provide the property owner with a reasonable rate of return on investment.

SECTION 21.46 ESSENTIAL PUBLIC SERVICES AND REQUIRED UTILITIES

- A. **Buildings and Structures.** Essential services buildings and structures shall be permitted, as authorized under any franchise in effect within the Township. Such essential services shall be subject to State laws, Township Ordinances and regulations in addition to being consistent with the list of uses permitted in each zoning district. It is the intent of this section to ensure conformity of all buildings, structures, uses and storage yards to the requirements of this Zoning Ordinance wherever such conformity shall be practicable and not in conflict with the specific requirements of such franchise, state legislation or Township Ordinance. In the absence of such conflict, the Zoning Ordinance shall prevail. Appeal from the application of this Ordinance in regard to any essential service may be made to the Board of Zoning Appeals.
- B. **Public and On-Site Utilities.** Prior to issuance of a building permit under the terms of this Ordinance, the applicant shall obtain engineering approval from the Township. On-site septic systems shall be designed in accordance with the standards of the Livingston County Health Department.

SECTION 21.47 MAINTENANCE OF COMMONLY-OWNED PRIVATE FACILITIES

The purpose of this Section is to insure the quality, construction, maintenance and replacement of commonly owned private facilities and land whether improved or unimproved. These facilities include, but are not limited to detention ponds, retention basins, lighting, open space, wetlands, signs, landscaping, fences, screen walls, drains, trails and sidewalks to which more than two owners of lots or condominiums have rights of use or access or enjoyment; or which are owned in common by an association of owners. Prior to approving such commonly owned private facilities, the applicable township approving body shall approve legal documents which assure the continuing maintenance and periodic replacement of any commonly-owned private facilities. (See also Article 24 for maintenance requirements for private roads.)

The documents shall address the items listed below:

- A. **Define what is Owned.** Define what is owned and by whom, including the specific location and parameters of the individual units and the ownership interest in the commonly owned private facilities of owners or an association;

- B. Binding Agreement.** Establish a system of interlocking relationships binding each owner to all other owners for the purpose of maintaining and preserving commonly owned private facilities;
- C. Maintenance of Appearance.** Establish protective standards or restrictions designed to establish limits and assure that a certain level of appearance is maintained;
- D. Administrative Function.** Create an administrative vehicle, or owners' association, to manage those elements shared in common and to enforce standards;
- E. Financing.** Provide for the operation and financing of an association or administrative vehicle;
- F. Transfer of Responsibility.** If applicable, specify the process involved in effecting the transfer responsibility for the commonly-owned private facilities from the developer to the unit owners or lot owners collectively or to a governmental agency of appropriate responsibility;
- G. Easements.** Set forth proper access and utility easements for the owners or an association;
- H. Definition of Facilities.** Commonly owned private facilities shall be defined in the legal descriptions consistent with approved plans or engineering drawings;
- I. Shared Expenses.** For new developments, membership in an association shall be mandatory and owners shall have an obligation to share responsibility for expenses incurred in meeting responsibilities for maintaining commonly-owned private facilities;
- J. Easement Rights.** Restrictions and reservations are to be permanent, and all owners are to be granted perpetual easements or rights of use of such commonly-owned private facilities;
- K. Association Responsibilities.** Responsibilities of the association shall include obtaining appropriate property, casualty and liability insurance covering the commonly-owned private facilities and association activities, as well as responsibility for meeting the obligation of payment of local taxes;
- L. Reserve Funds.** The establishment of a sinking fund or reserve fund for the purpose of capital repair and replacement of commonly-owned private facilities and equipment;
- M. Assessments.** Provisions that the township has the right to maintain and operate the common areas and to assess the owners the cost of this service or seek court action to protect the public, under certain extreme circumstances, where in the sole judgment of the township, health, welfare, and safety are threatened, and the association does not perform its responsibilities;

- N. Transfer of Ownership.** Provisions for the transfer of ownership or the responsibility for administration, maintenance and replacement of commonly-owned private facilities to the Livingston County Drain Commissioner, Livingston County Road Commission or to Tyrone Township (provided that the facilities are upgraded to meet current standards and the cost for such upgrading is assessed to property owners benefitting from the facility) and satisfactory evidence that the applicable governmental entities will accept responsibility or ownership, as applicable; and,
- O. Township Board Authority.** If the Township Board determines that the public health, safety or welfare is threatened because of non-performance by owners or an association whose commonly-owned private facilities were approved under this ordinance, the Township Board shall, after holding a public hearing with due notice to owners of affected property, undertake any of the following:
- 1. Assessments.** Actions necessary to eliminate the threat to public health, safety or welfare, and assessment of the benefitted owners, in an equitable fashion, for the costs of such actions, including maintenance, or replacement, administrative and engineering costs;
 - 2. Administration.** Appointment by an appropriate court of a trustee to administer the affairs of the owners of commonly-owned private facilities or an association; and,
 - 3. Enforcement.** Obtain an order from an appropriate court enforcing the owners' or association's covenants or responsibilities.

SECTION 21.48 DIVISION OR COMBINATION OF LOTS IN RECORDED PLATS OR UNPLATTED PARCELS

No division shall be approved unless the lots or parcels meet the minimum requirements of the Zoning Ordinance and other applicable ordinances and regulations including the Michigan Land Division Act, as amended, the Tyrone Subdivision Control Ordinance, Land Division Ordinance and all other statutes and ordinances adopted to regulate the division of land.

SECTION 21.49 KEEPING OF PETS

- A. Household Pets Permitted As Accessory Use.** Household pets are allowed in any residential district as an accessory use provided that they are supplied with proper food, drink, shelter and protection from the weather, and are not treated in a cruel or inhumane manner. Those areas where pets are kept shall be maintained in a sanitary manner so as to not be a nuisance because of odor, attraction of flies, or vermin. Household pets shall be confined to the premises of their owners or custodians except when under the reasonable control of some responsible person.
- B. Limitation on Number of Dogs.** No more than the following number of dogs six months of age or older shall be kept or housed per dwelling unit in a residential district.

LOT AREA	MAXIMUM NUMBER OF DOGS
0 – 0.5 acres	2
0.51 - 2.0 acres	3
2.01 – 4.0 acres	4
4.01 – 6.0 acres	5
6.01 – 10.0 acres	6

On a lot greater than 10 acres in area, more than 6 dogs may be kept as household pets subject to a public hearing by the Planning Commission, and site plan approval by the Township Board following recommendation by the Planning Commission. Such dogs shall not be kept for sale, boarding, breeding or training purposes, for remuneration, or otherwise so as to constitute a kennel as defined in Article 2 of this Ordinance. In considering approval, the following shall be met:

1. The area used by the dogs shall be enclosed and/or fenced and buffered from the view of all neighbors and the road by appropriate landscaping or privacy fencing as approved by the Township.
2. Accessory buildings wherein dogs are kept, dog runs, and/or exercise areas shall not be located nearer than one hundred fifty (150) feet to any adjacent property line and two hundred (200) feet from the road right-of-way.
3. A satisfactory plan for the proper sanitary disposal of animal waste shall be provided.
4. The applicant must submit a written description of the measures that will be taken to ensure that noise and odor will be limited, to ensure that the animals will be controlled and not vicious or otherwise dangerous to the public, and the

means to protect the neighbors from possible nuisance or annoyance, all demonstrated to the Township's satisfaction.

5. The Planning Commission may recommend, and the Township Board may modify these, or require other conditions consistent with the purposes of this Ordinance which may be necessary based on the individual circumstances of the location, size, nature of the use, or other factors specific to the site and use.
- C. Reasonable Control.** It shall be unlawful for any dog not to be confined upon the premises of its owner or custodian, except when that dog is otherwise under the reasonable control of some responsible person.
- D. Barking.** It shall be unlawful for any person to keep or harbor a dog which by loud or frequent or habitual barking, yelping or howling, causes a serious annoyance to the neighborhood, or which disturbs the peace and quiet.
- E. Enforcement.** Unlawful activities as described in this Section shall be subject to enforcement and civil infractions as set forth elsewhere in this Ordinance.

SECTION 21.50 USE OF AGRICULTURAL LAND FOR DISPOSAL OF EFFLUENT

The use of agricultural land for disposal of effluent from septic tank or sewage treatment facilities is regulated by state and county health agencies. However, the land owner and disposal operator shall notify the Township of the operation, the frequency of operation, and the volume. The operator is responsible for any damage created by the operation or method of application. Effluent shall not be applied when the soil is unable to absorb the fluid such as when frozen or saturated by heavy rain.

SECTION 21.51 OPEN SPACE DESIGN REQUIREMENTS

- A. Intent.** The intent of the Township's open space design requirements is to preserve land areas with tree cover, wetlands, woodlands, lowlands along streams, and other natural features worthy of scenic preservation and to provide buffer areas adjacent to property lines, public streets and roads, so as to maintain substantial yard areas and thereby assist in preservation of the rural character of the Township.
- B. Exclusions.** Open space shall not include:
1. **Certain Easements.** Areas devoted to public or private streets or the easement for shared driveway or private roads.
 2. **Public Lands.** Land that has been or will be conveyed to a public agency via a purchase agreement for such uses as parks, schools or other public facilities.

3. **Yard Setbacks.** Required yard setback areas as specified in Section 20.01.
 4. **Parking Lot Surfaces.** Parking lot surfaces and required parking lot landscape features.
 5. **Certain Sidewalks.** Sidewalk pavement surfaces when the sidewalks are provided for nonrecreational purposes. However, pedestrian and bicycle trails can be included in open space area determination when the trails are intended to be used for recreation or the trails provide access in open space areas.
 6. **Retention Pond Percentage.** More than twenty-five (25) percent of the surface water area of a required storm water drainage retention pond
 7. **Sanitary System Lagoons.** Surface areas of lagoons established in conjunction with sanitary septic systems.
- C. **Yard Setback Exceptions.** The Planning Commission may allow specified areas located within the required yard setback or setbacks of an individual parcel to be included as required open space, if the Commission finds that the protection of that open space area is consistent with the intent of the open space concept.
- D. **Perimeter Open Space Measurement.** If the Planning Commission allows required open space to be located within the yard perimeter, the setback shall be measured from the closest point of the open space boundary.
- E. **Submerged Land Open Space.** Not more than twenty-five (25) percent of the minimum open space area provided to satisfy the requirements of this Ordinance shall be included in submerged land surface area where the land surface elevation is lower than the high water mark of the body of water.
- F. **Wetland Open Space.** Not more than thirty-five (35) percent of the minimum open space area provided to satisfy the requirements of this Ordinance shall be included in a wetland protected by the Natural Resources and Environmental Protection Act (PA 451 of 1994, as amended).
- G. **Site Plan Requirements.** Designated permanent open space must be shown on the plans, dimensioned on the site drawing, and an open space calculation chart must be provided. Designated permanent open space must be also be described within the legal description with a notation that the open space so described shall be permanently maintained by the titleholder and within the open space no permanent structures may be built except as permitted in Sections 21.51.M and O.
- H. **Relocation.** Open space may be relocated if the Planning Commission and Township Board find that the original intent of the open space requirement may be met at another location within the lot, parcel, or condominium unit.

- I. **Public/ Private Open Space.** Open space may be made available for the use of all residents of Tyrone Township at the discretion of the Owner, unless the Planning Commission finds that size, location, type of development, cost of development or maintenance, or availability of public open space would make public use undesirable or unnecessary.

- J. **Maintenance Agreement.** If open space is not dedicated to public use, it shall be protected by an open space maintenance agreement as described herein. With regard to the privately owned open space, the open space maintenance agreement shall:
 1. **Identify.** Identify the open space land owner(s).

 2. **Maintenance.** Provide a method and approximate schedule of maintenance for irrigation, lawn mowing, tree pruning, shrub trimming and other similar regular maintenance that may be required, if applicable.

 3. **Removal of Vegetation.** Provide for removal of dead and diseased vegetation, if applicable.

 4. **Responsibility.** Assign responsibility for maintenance, payment of taxes and insurance to a private entity willing to assume the responsibility.

 5. **Compulsory Membership.** Establish any necessary compulsory membership and compulsory assessment provisions and provide guarantees that any association formed to own and maintain open space will not be dissolved without the consent of the Township Board.

 6. **Specific Requirements.** Provide such other specifications as may be deemed necessary for the particular open space as determined by the Planning Commission and Township Board.

 7. **Perpetual Open Space.** Assure that the open space will be protected from all forms of development, except as shown on an approved plan as permitted by Section 21.51.M and O, and shall never be changed to another use. Legal instruments such as deed restrictions, homeowner's association bylaws, or similar devices shall be used to assure continued maintenance of the open space and to guarantee the open space shall be used only for open space purposes in perpetuity.

 8. **Proposed Uses.** Indicate any proposed use(s) of the dedicated open space. The Planning Commission may require the inclusion of restrictions that prohibit the following:
 - a. **Dumping.** Dumping or storage of any material or refuse.

- b. Soil Erosion.** Activity that may cause risk of soil erosion or threaten any living plant material.
 - c. Living Plant Material.** Removal of live plant material except for removal of dying or diseased vegetation.
 - d. Motorized Vehicles.** Use of motorized off road vehicles.
 - e. Pesticides.** Use of pesticides, herbicides or fertilizers.
 - f. Other Activity.** Any activity or use that is not consistent with the intent of the Open Space regulations (Section 21.51.A).
- 9. Public Nuisance.** Provide for maintenance to be undertaken by the Township of Tyrone in the event that the dedicated open space is inadequately maintained, or is determined by the Township Board, in its sole discretion, to be a public nuisance. In the event such maintenance is required by the Township Board, costs for the actual work and administration of the work shall be spread among the property owners and shall be due and payable with the next Township tax collection.
- K. Road Frontage.** Open space may be located along road frontage in order to preserve and enhance significant natural features or connect open spaces.
- L. Connections.** Connections with adjacent open space, public land or existing planned pedestrian/bike paths may be required by the Planning Commission.
- M. Accessory Buildings.** Any structure(s) or building(s) accessory to a recreation, conservation, or agricultural use may be erected within the open space subject to an approved site plan.
- N. Agricultural Use.** At the discretion of the Township Board, upon recommendation from the Planning Commission, a portion or all of the open space may be used for agricultural purposes. Such agricultural uses shall be clearly specified in documentation prepared by the applicant to accompany the proposed open space. In the event that the open space ceases to be used for the specified agricultural purpose, the open space shall be used only for other open space purposes specified in this Section (21.51).
- O. Additional Considerations.** A subdivision plat, any development subject to site plan review and under this Ordinance, any land division that results in four (4) or more total parcels is subject to the following provisions in addition to those above:
 - 1. Special Recommendations:** The Township Board, upon recommendation from the Planning Commission, may include the following land areas toward the minimum open space area provided to satisfy the requirements of this Ordinance:

- a. **Private Recreational Facilities.** Private recreational facilities, such as golf courses or swimming pools, that are limited to the use of the owners or occupants of the parcels located within the development.
 - b. **Historic Buildings.** Historic building sites or historical sites, parks, parkway areas, and ornamental parks such as botanical gardens.
 - c. **Seasonal Detention Areas.** Storm water detention areas that are usually dry except during and immediately following storm events. Such detention areas must be landscaped and shaped to appear as natural topographic depressions and shall not include a paved channel or pond liner.
2. **Roadside Open Space.** Open space along the exterior public roads shall generally have a depth of not less than one hundred (100) feet, either landscaped or preserved in a natural wooded condition. The open space along the exterior public roads shall be landscaped with a minimum of one (1) evergreen tree or canopy tree for each twenty (20) feet of road frontage. Such plantings shall be planted in staggered rows or clustered into groupings to provide a natural appearance. Preservation of existing trees may be credited towards meeting the frontage landscaping requirement.

SECTION 21.52 SUPPLEMENTARY SHORELAND REGULATIONS

Intent and Purpose. In its deliberations leading to the adoption of these regulations, the Township Board has recognized and concluded that the use of water resources, including the inland Lakes situated in the Township, should be considered within a framework of long term costs and benefits to the Township, and that it is desirable to retain and maintain the physical, cultural, and aesthetic characteristics of the Lakes in the Township. Moreover, it has been recognized that, as shorelines of Lakes become further developed or redeveloped, the cumulative impact of boat usage from further development or expansion of existing uses must be regulated in order to preserve and protect the rights of riparian owners as well as the Township as a whole, and in the interest of the public's health, safety and welfare to prevent and curtail the overcrowding of the Lakes in the Township and to protect water quality and land resources related to Lakes in the Township. It has further been recognized that the lack of regulation shall result in a nuisance condition and an impairment of these important and irreplaceable natural resources of the Township, and shall further result in the destruction of property values and threaten the public health, safety and welfare of all persons making use of Lakes within the Township and properties adjacent to Lakes in the Township. Accordingly, it is the intent and purpose of the Township Planning Commission and the Township Board to adopt reasonable regulations for use of waterfront properties in the Township. These regulations are also intended to reinforce the implementation of the Michigan National Resources and Environmental Protection Act 451 of 1994, and Michigan Riparian Law.

Regulations Applicable to Lots or Parcels Under Common Ownership or Use

A. Scope and Applicability.

1. **Minimum Standards.** The terms and provisions of these regulations shall be interpreted as minimum standards and requirements for the promotion and protection of the public health, safety and welfare and for the public peace and preservation of natural resources and public and private property, and for the appropriate use and development of waterfront properties in the Township.
2. **Infringement.** These regulations are not intended to interfere with, abrogate, annul, or repeal any other law, ordinance, governmental rule or regulation previously in effect, including any other ordinance regulating boat launching or usage. In instances where these regulations specifically provide a greater restriction or higher standard than other ordinances, the provisions of these regulations shall govern.
3. **Application.** These regulations shall apply to:
 - a. **New Parcels.** Parcels, or Condominium Units with Water Frontage created or recorded after the effective date of these regulations;
 - b. **Common Use Lots.** Lots, Parcels or Condominium Units of record with Water Frontage existing prior to the effective date of these regulations that were not Common Use Lots, and Lots, Parcels or Condominium Units that may be a Common Use Lot by definition however were not providing common use access to a Lake prior to the effective date of these regulations;
 - c. **Association Lots.** Lots, Parcels or Condominium Units with Water Frontage that have been providing common use access to a Lake for a defined geographical area or a specific number of Lots, Parcels, Condominium Units or Dwelling Units through an association or subdivision/condominium deed, grant, reservation, covenant, or other recorded instrument prior to the effective date of these regulations, and where it is proposed to expand the geographical area, number of Lots or Persons that are provided common use access to a Lake through said Common Use Lot; and,
 - d. **Expansion or Repair.** The expansion, enlargement, repair or replacement of improvements at, or increase in intensity of use of any Lot, Parcel or Condominium Unit used for access to a Lake, Recreational Site, Boat Launching Site, Docking area or marina.

- B. **Common Use Lots Exempted from Ordinance.** Common Use Lots of record legally existing prior to the effective date of these regulations that have been providing

common use access to a Lake for a defined geographical area, a specified number of Lots, Parcels, Condominium Units, Dwelling Units or to Persons through an association, subdivision, condominium deed, grant, reservation, covenant, or other recorded instrument are exempt from these regulations, except as provided in Section 21.52 A. 3(c) and (d) above, and provided, however, that any dock or marina on or from a Common Use Lot shall be subject to the requirements of the State of Michigan under the Natural Resources and Environmental Protection Act 451 of 1994.

- C. **Area and Bulk Requirements.** Common Use Lots shall comply with the minimum area, dimensional and configuration requirements for the zoning district in which the property is located as well as the development requirements provided in paragraph D of 21.52 of these regulations.

- D. **Developmental Requirements.** The issuance of a Special Land Use Permit for a Common Use Lot for access to a Lake, Recreational Site, Boat Launching site, and/or Boat Docks and Docking shall be conditioned upon all of the following:
 - 1. **Deed Requirements.** A deed, plat, covenant, restriction, easement, or other instrument conveying, granting and/or reserving the right to common use of the Lot, Parcel or Condominium Unit specifically identifying the Parcels, Lots, properties, Dwelling Units or Persons that are entitled to use of the Common Use Lot and also including a restrictive covenant prohibiting the use of the Common Use Lot for Boat liveries, public or commercial beaches, marinas, public Boat Launching sites, public access, or for any recreational use operated for profit. Said instrument shall further provide that the uses of the Common Use Lot shall be limited to and enjoyed exclusively by the owners and occupants of the property included in said instrument, and that the right of use may not be further assigned, gifted, leased or rented. A copy of the instrument shall, prior to recording, be provided to, reviewed by, and approved by the Township's attorney for compliance with this requirement.

 - 2. **Minimum Frontage.** The Common Use Lot shall have a minimum frontage equal to the minimum frontage required by the applicable zoning district, however it shall not be less than 150 feet at the water's edge measured by a straight line which intersects each side lot line at the water's edge; be a minimum depth of 200 feet measured at the minimum distance between the water's edge and the lot line which is opposite the water's edge, and have a minimum area of 30,000 square feet.

 - 3. **Parking.** The amount and duration of automobile parking on a Common Use Lot, if any, shall be determined by the Planning Commission.

 - 4. **Common Use.** For uses other than Boat Docks and Docking, such as sites for access to a Lake, Recreational Sites, and Boat Launching sites, the Common Use Lot shall have as a minimum, 75 feet of frontage at the water's edge for each Dwelling Unit being served. (That is, four Dwelling Units require the Common

Use Lot to have a minimum of 300 feet of water frontage). Frontage at the water's edge shall be measured by a straight line which intersects each side lot line at the water's edge. Artificial shoreline may not be used to increase the calculated Water Frontage.

5. **Performance Guarantee.** Prior to issuance of a Special Land Use Permit, the Township may require submission of a performance guarantee.
 6. **Maximum Number of Boats.** For the Docking of Boats, the maximum number of Boats that may be Docked at a Common Use Lot shall be one Boat for each 75 feet of Water Frontage. (That is, if four Boats are to be Docked at the Common Use Lot, there is to be a minimum of 300 feet of Water Frontage.) Frontage on the water's edge shall be measured by a straight line which intersects each side lot line at the water's edge. Artificial shoreline may not be used to increase the calculated Water frontage.
 7. **Boat Dock Facility.** A Boat Dock facility must obtain a permit for marina operation from the State of Michigan in accordance with the administrative rules of Michigan as promulgated under the Natural Resources and Environmental Protection Act, the Act 451 of 1994.
 8. **Boat Dock Facility Design.** The design for a Boat Dock facility shall meet all of the standards for marinas as established by the Michigan Department of Natural Resources and any other governmental entity.
 9. **Channels and Canals.** Boat docks and Boat Launching is not permitted from any man made channel or canal.
 10. **Individual Boat Docks.** Boat docks may be used only by individuals residing on or in the Lot, Parcel, Condominium Unit or Dwelling Unit identified as required in Section 21.52.D.(1) and Boat Docks, Boat slips, Boat Launching, Lake access, Docking privileges or storage of Boats upon the shore land of any Lot, Parcel, or Condominium Unit shall not be leased, rented, conveyed, granted, gifted, or in any way used for compensation, except in conjunction with the lease or rental of the Dwelling Unit entitled to use the Common Use Lot as provided by these regulations.
- E. **Specific Standards and Findings.** In addition to the Development Requirements set forth in Section 21.52.D above, and the requirements, standards, and findings of Articles 22 and 23, a Special Land Use Permit for uses regulated by these regulations shall be issued only when the Planning Commission and Township Board affirmatively determine, based upon specific evidence presented, the record before it, and based upon such studies as the Planning Commission or Township Board may determine appropriate, that:

1. **Rights of Use.** The proposed use will not unreasonably interfere with the rights of usage and enjoyment by owners of property abutting the Lake;
 2. **Natural Appearance.** The proposed use does not impair the natural appearance of said Lot, Parcel or Condominium Unit;
 3. **Overcrowding.** The proposed use will not result in the overcrowding of the Lot, Parcel, or Condominium Unit or the overcrowding or overuse of the Lake or the Lake's surface;
 4. **Surface Area Capacity.** The Lake to be affected has surface area capacity available to handle increased traffic upon the Lake without impairment to health, safety, and welfare of the users of the Lake;
 5. **Environmental Impact.** The proposed use will not result in the environmental degradation of the Lake; and
 6. **Noise.** The proposed use will not produce unreasonable noise or annoyance to surrounding properties.
- F. **Regulations Applicable to All Lots and Parcels.** To protect the lakes, rivers, and streams within Tyrone Township, to minimize conflicts which might arise between adjacent neighbors, and to ensure compliance with Michigan Riparian Law, the following regulations are set forth:
1. **Private docks on residential waterfront lots** shall be located and used in compliance with this Ordinance and Michigan Riparian Law. Watercraft permanently docked or moored at a private dock must be titled to an individual residing in the Dwelling unit, as required by Michigan Riparian Law. Boat docks, boat slips, boat launching, lake access, and docking privileges upon the shoreland or bottom land of any Lot, Parcel, or Condominium Unit shall not be leased, rented, conveyed, granted, gifted, or in any way used for compensation, except in conjunction with the lease or rental of the Dwelling Unit entitled to use the lot or parcel. Lessors and Renters may have their watercraft docked or moored only during the active lease or rental period.
 2. **Docks located on Common Use or commercial zoned or used waterfront lots** shall be located and used in compliance with Michigan Riparian Law and Section 21.52.A thru E.
 3. **Water or Wetland Frontage.** For all lots with yard spaces adjacent to or abutting water or a wetland (defined as a lake, pond, stream, drainageway, wetland, or river), no structures, fences or decks extending more than twelve (12) inches above grade shall be permitted within fifty (50) feet of the ordinary high water mark of the water or wetland. The only exceptions to this provision

shall be for those docks, boat storage, and other accessory structures specifically permitted in Section 21.02.A.2.e. This regulation shall not apply if the wetland, pond, or drainage way is located solely on the subject lot or parcel, or if it is the determination of the Planning Commission the adjacent lots, parcels, and wetlands will not have their clear vision obstructed, and placement will not adversely impact water inflow, water outflow, or wildlife.

4. **Docks and Boat Storage Structures on Waterfront Lots.** On residential lots abutting a water body, docks and boat storage structures for the use of the individual property owners are permitted as accessory structures to a residential use. Docks and open boat storage structures may be located in the water not less than ten (10) feet from the side lot lines. All other accessory structures must be located not less than fifty (50) feet from the ordinary high water mark of the water body. Permanent structures must also comply with the regulations set forth by the MDNR and/or MDEQ and must be validly permitted.
5. **Additional Regulations.** For additional boat, trailer, and recreational vehicle storage regulations reference Section 21.19.C.

SECTION 21.53 PONDS

- A. **Definition.** Pond means an excavation or alteration of a watercourse by damming or excavation or combinations thereof, for the purpose of creating a body of water greater than 500 square feet in area for use as an irrigation source, for livestock watering, for fish or aquatic life production, for recreational or aesthetic purposes, or for a landscape amenity.

Regulated storm water retention/detention ponds shall meet all standards of the Livingston County Drain Commission.

- B. **Permit and Approval.** Ponds shall be permitted as an accessory use in all zoning districts. A sketch plan shall be submitted for administrative approval to the Zoning Administrator. The sketch plan shall include the following information:
1. **Location.** The location of the pond on the site and the setback from all property lines, existing shorelines, utilities, wells, and other improvements.
 2. **Size.** The size, depth, and water capacity of the pond.
 3. **Water Source.** The water source and method of water discharge.
 4. **Site Topography.** The topography and slope of the pond.

5. **Minimum Slope.** The topography and slope of the pond tributary area at a minimum of two (2) foot contour intervals for a distance extending thirty (30) feet from the water's edge.
 6. **Additional Information.** Additional information as requested by the Zoning Administrator to determine compliance with these standards.
- C. **Exception.** If the pond is part of a development that is undergoing site plan review, the Planning Commission shall have the authority to grant an exception to these standards for aesthetic reasons as long as the public health, safety, and welfare are maintained.
- D. **Uses.** No commercial activities, including public fishing or sale of excavated material, shall be allowed.
- E. **Setbacks.** Ponds shall be located no closer than:
1. **Adjoining Property.** 20 feet to any adjoining property line.
 2. **Water Well.** 10 feet to any drinking water or well.
 3. **Septic System.** 100 feet to any part of a septic system.
- F. **Design Standards.** The following design standards shall apply to the design of the pond:
1. **Drainage.** Ponds shall be designed and maintained to prevent runoff, overflow, spillage, or seepage from encroaching upon adjacent properties.
 2. **Erosion.** No pond shall be constructed, installed, or maintained, which either causes or contributes to erosion.
 3. **Slope.** The banks or sides of the pond shall be constructed so that for each five (5) feet in horizontal distance there is not more than one (1) foot vertical elevation change (5:1 slope) for a minimum distance of five (5) feet from the water's edge into the pond. The Planning Commission, upon site plan review, may grant an exception to the slope requirements for commercial and industrial land uses.
 4. **Excavated Material.** All of the disturbed ground around the excavation shall be seeded with adapted grasses and legumes. There must be no adverse impacts on adjacent parcels due to drainage from the placement of excavated materials.
- G. **Other Permits and Approvals.** Ponds shall be subject to all applicable Federal, State and County permits. This is particularly important for ponds located within flood plains, wetlands, streams, or natural drainage courses. If an MDEQ permit is required, a copy shall be submitted to the Zoning Administrator upon approval and a Township

permit shall not be required. Any rules or regulations of the Livingston County Drain Commissioner shall supersede these requirements.

- H. **Maintenance.** The pond must be maintained and operated in a manner that is consistent with the health, safety, and welfare standards of the Township, County, and State in order to avoid becoming a public nuisance in terms of odor, appearance, noise, pests, etc.
- I. **Stormwater Retention/Detention.** Ponds used for stormwater management shall be reviewed and approved by the Township Engineer according to the requirements of the County Drain Commissioner. Approval of the Township Engineer is required prior to final approval by the Planning Commission.
- J. **Multiple Lot Ownership.** The creation or alteration of a pond that encompasses parts of more than one parcel shall be approved only if the owners of all properties involved are joint applicants for the permit and a written maintenance agreement signed by all property owners establishing financial responsibility is provided for Township approval. Applicable setback requirements established above must be met on all involved parcels. If the pond is part of a planned development, site condominium, or similar development with a property owners association, maintenance responsibilities can be assigned to an association in the by-laws or similar development standards text, provided that sufficient financial support is available in the event the association does not follow through.

SECTION 21.54 ACCESS MANAGEMENT

The purpose of this Section is to provide access standards which will facilitate through-traffic operations, ensure public safety along roadways, and protect the public investment in the street system, while providing property owners with reasonable, though not always direct, access. The standards are specifically designed for streets whose primary function is the movement of through-traffic as opposed to local streets whose primary function is access to adjacent properties. The standards, created consistent with Michigan Department of Transportation standards, are based on extensive research in Michigan and nationally that supports access management standards as an effective mechanism to achieve the purpose stated above.

A. Application of Standards

- 1. **Access Standards.** The access standards contained herein shall be required in addition to, and where permissible shall supersede, the requirements of the Michigan Department of Transportation and the Livingston County Road Commission.
- 2. **Access Points.** The standards herein refer to all access points (driveways, street intersections and private road intersections) except an existing driveway to a

single family or two-family dwelling on a single lot or parcel of record.

3. **Alternative Standards.** For expansion and/or redevelopment of existing sites where the Planning Commission determines full compliance with standards of this Section is unreasonable or unnecessary, the standards shall be applied to the maximum extent possible. In such situation, suitable alternatives which substantially achieve the purpose of this Section may be accepted by the Planning Commission, provided that the applicant demonstrates all of the following apply.
 - a. **Lot Size.** The size of the lots is insufficient to meet the dimensional standards.
 - b. **Vehicle Trips.** The use will generate less than five-hundred (500) total vehicle trips per day or less than seventy-five (75) total vehicle trips in the peak hour of travel on the adjacent street, based on rates developed by the Institute of Transportation Engineers.
 - c. **Means of Access.** There is no other reasonable means of access.
 - d. **Public Safety.** Public safety will not be compromised by the modification sought.
 - e. **Agency Approvals.** The requested modification is acceptable to the enforcing road agency (MDOT or LCRC).
4. **Internal Streets.** Internal local residential subdivision and condominium streets are not regulated by these provisions. Such subdivision and condominium streets must comply with the design requirements of the Livingston County Road Commission or the private road requirements of this Ordinance.

B. General Standards for Driveway Location

1. **Location Standards.** Driveways shall be located to minimize interference with the free movement of traffic, to minimize interruption of traffic operations at intersections, to minimize the need for crossovers for any median, to reduce conflicts with existing access points on both sides of a roadway, to provide adequate sight distance, and to provide the most favorable driveway grade.
2. **Rights-of-Way.** Driveways including the radii, but not including the right turn lanes, passing lanes and tapers, shall be located entirely within the right-of-way frontage, unless otherwise approved by the Michigan Department of Transportation or Livingston County Road Commission, as applicable, and upon written certification from the adjacent property owner agreeing to any encroachment beyond the right-of-way.

- 3. Outlet Requirements.** Driveways shall be constructed with an outlet onto a public or private road built to the minimum design standards of the Livingston County Road Commission.
- C. Standards for the Number of Driveways.** The number of driveways permitted shall be the minimum necessary to provide reasonable access for regular traffic, service vehicles and emergency vehicles, while preserving traffic operations and safety along the public roadway.

 - 1. Shared Driveways.** One (1) access route shall be permitted for each separately owned lot. Where possible, the access route shall be a shared driveway or a service drive. Where it is not possible to provide shared access, a driveway providing access to a lot shall be permitted if such driveway can be constructed in accordance with the standards of this Ordinance and other applicable Township, State and County requirements. A paired driveway system with one-way traffic flow between an entrance and an exit onto the public roadway shall be permitted when the entrance and exit routes can be located in accordance with the applicable Township, State and County requirements.
 - 2. Single Driveway.** One (1) driveway shall be permitted for each single-family or two-family residential lot. Whenever possible, creation of additional driveways for residential use shall be avoided. Adjacent lot owners are encouraged to create a single shared driveway on the common lot line in order to reduce the total number of driveways intersecting with the fronting street or road.
 - 3. Additional Driveways.** When the Planning Commission is considering a request for land division, the Commission shall consider the potential for future driveway locations to serve the new lots. The applicant shall be required to demonstrate the ability to create driveway locations designed in accordance with the provisions of this section to serve each lot. The Planning Commission may require the use of shared driveways to provide access for the lots.
 - 4. Secondary Access.** Certain developments with significant traffic generation characteristics may require consideration of an additional driveway to reduce delays for motorists exiting the lot. Where possible, such additional driveways shall be located on a side street or service drive, or be shared with an adjacent use, or designed for right-turn-in or right-turn-out only traffic movements. All such driveways shall meet the spacing and location requirements of these regulations and other applicable Township, State, and County requirements. In order to be considered for an additional driveway on an arterial road, combined traffic volumes of entering and exiting vehicles for the proposed development shall exceed one-hundred (100) directional trips during the peak hour of traffic and a traffic impact study shall be prepared by the applicant in accordance with the provisions of Section 23.05 of this Ordinance. When a traffic impact study is required, the Commission shall forward a copy of the study to the Michigan

Department of Transportation or the Livingston County Road Commission, as appropriate.

5. **Trip Generation Characteristics.** Uses where an additional driveway could be considered are influenced by the trip generation characteristics of the adjacent and nearby uses and the traffic volumes on the adjacent roadway. The following land uses may require installation of an additional driveway.
 - a. **Multiple Family.** Multiple family development with over 250 dwellings.
 - b. **Grocery Store.** Grocery store with over 30,000 square feet of gross floor area.
 - c. **Shopping Center.** Shopping center with over 40,000 square feet of gross floor area.
 - d. **Hotel or Motel.** Hotel or motel with over 400 rooms.
 - e. **Industrial Development.** Industrial development, including warehousing operations, with over 100,000 square feet of gross floor area or 100 employees, or to provide access for motor freight carriers to loading/unloading docks and similar facilities.
 - f. **Mobile Home Parks.** Mobile home park with over 300 dwellings.
 - g. **Office Buildings.** Office building with over 75,000 square feet gross floor area.
 - h. **Fast Food Restaurant.** Fast food restaurant with over 6,000 square feet gross floor area.
 - i. **Traditional Restaurant.** Standard restaurant with over 20,000 square feet gross floor area.
6. **Additional Driveways.** One (1) or more additional driveway(s) may be permitted in accordance with one (1) or more of the following circumstances.
 - a. **Continuous Frontage.** An additional driveway may be allowed for properties with a continuous frontage along a roadway of more than five hundred (500) feet, and one (1) additional driveway for each additional five hundred (500) feet of such frontage, when the Planning Commission determines the design meets the purpose and standards of this Article.
 - b. **Poor Level of Service.** The Planning Commission may determine additional driveways are justified when a traffic impact study, submitted

by the applicant and accepted by the township, clearly demonstrates that a poor Level of Service (a designation of “E” or “F,” as described in the Highway Capacity Manual, by the Transportation Research Board, Washington, D.C.) would result at the access point and the additional access point will not compromise traffic operations along the roadway. The burden of such documentation is on the applicant.

D. Driveway Spacing Standards

1. **Minimum Spacing Requirements.** Minimum spacing requirements between a proposed commercial driveway and an intersection shall be measured from the near edge of the proposed driveway, measured at the throat perpendicular to the street to the near lane edge of the intersecting cross road, in accordance with the table on the next page.

MINIMUM DRIVEWAY SPACING FROM STREET INTERSECTIONS		
Location of Driveway	Minimum Spacing for a Full Movement Driveway	Minimum Spacing for a Channelized ¹ Driveway or Along a Median Cross-section
Along a Major Thoroughfare ² , Intersecting Street is a Major Thoroughfare	250 feet	150 feet
Along a Major Thoroughfare ² , Intersecting Street is not a Major Thoroughfare	200 feet	150 feet
Along Other Roads	150 feet	100 feet

¹ A channelized driveway is one that includes a physical design that will prevent left turns into and out of a site. The design may be supplemented by signs, but signs alone shall not satisfy the description for a channelized driveway.

² Major thoroughfares include: Old US-23, Center Road, Linden Road, Hogan Road, White Lake Road, Faussett Road, Denton Hill Road, Hartland Road, Tipsico Lake Road and any other County primary roads, state trunk lines, or roads with a right-of-way of at least eighty six (86) feet.

2. **Alignment.** To reduce left-turn conflicts, new driveways shall be aligned with those across the roadway where possible. If alignment is not possible,

driveways should be offset a minimum of two hundred fifty (250) feet from those on the opposite side of the roadway. Longer offsets may be required depending on the expected in bound left-turn volumes of the driveways.

3. **Minimum Spacing.** Minimum spacing between two driveways, measured from near edge to near edge of the driveways, shall be determined based upon posted speed limits along the frontage.

SPACING BETWEEN COMMERCIAL DRIVEWAYS	
Posted Speed Limit (MPH)	Minimum Driveway Spacing (In Feet)
25	150
30	175
35	200
40	300
45 and higher	350

E. Access Standards for Shared Commercial and Industrial Driveways and Service Roads

The use of shared driveways and service roads, in conjunction with driveway spacing, is intended to preserve traffic flow along major thoroughfares and minimize traffic conflicts, while retaining reasonable access to the property. Where noted above, or where the Planning Commission determines that reducing the number of access points may have a beneficial impact on traffic operations and safety while preserving the property owner's right to reasonable access, access from a side street, a shared driveway or service road connecting two or more properties or uses may be required.

In addition to the standards indicated below, if such shared driveways and service roads are not owned and maintained by the Livingston County Road Commission or the Michigan Department of Transportation, the shared driveway or road must be designed and maintained in accordance with the standards for a private road or shared driveway, as appropriate, stated elsewhere in this Ordinance.

1. **Service Drives.** Service drives, frontage roads or parking lot maneuvering lane connections between lots or uses may be required by the Planning Commission in the following cases. The Planning Commission may require construction of the improvement by the applicant or creation of an easement for such a drive to be provided in the future:
 - a. **Spacing Standards.** Where the spacing standards between driveways or from intersections cannot be reasonably met.

- b. **Interference.** When the driveway could potentially interfere with traffic operations at an existing or potential traffic signal location.
 - c. **Congestion.** Where the site is along a portion of a major thoroughfare where congestion exists or there is a recorded history of a high number or rate of accidents in relation to similar locations in the Township or long similar roadways in the state.
 - d. **Sight Distance.** The property frontage has limited sight distance.
 - e. **Emergency Access.** The fire department recommends a second means of emergency access.
- 2. **Future Construction.** Where the construction of the service drive will occur in the future, a timing mechanism and performance guarantee shall be provided.
 - 3. **Township Specifications.** Service drives shall be constructed in accordance with the specifications of the Township. Generally, the pavement width shall be at least twenty-two (22) feet on the service drive pavement. Access points to the service drive shall be in accordance with the applicable spacing standards of this Article.

F. Driveway Design

Driveways shall be designed according to the standards of the MDOT or the LCRC and in accordance with the following:

- 1. **High Traffic Generators.** For high traffic generators (uses producing 50 or more peak hour left turns, or where left turn movements have Level of Service "D" or worse, as described in the Highway Capacity Manual, by the Transportation Research Board, Washington D.C.) or for commercial driveways along roadways experiencing or expected to experience high traffic volume, as determined by the Planning Commission, two egress lanes may be required (one being a separate left turn lane).
- 2. **Boulevard Entrance.** Where a boulevard entrance is designed by the applicant or required by the Planning Commission, a fully curbed island shall separate the ingress and egress lanes. The radii forming the edges on this island shall be designed to accommodate the largest vehicle that will normally use the driveway. The minimum area of the island shall be one hundred eighty (180) square feet. The Planning Commission may require landscaping on the island; however any portion within the public right-of-way shall conform to applicable road agency standards. Such landscaping shall not be less than ten (10) feet in width and tolerant of roadway conditions. Offset alignment of boulevard entrances shall be required.

3. **Clear Vision.** All driveways shall be designed to provide unobstructed clear vision zones in accordance with the requirements of Section 21.39.

G. Modification of Standards for Special Situations

During site plan review the Planning Commission shall have the authority to modify the standards of this Article upon consideration of all the following. However, a self-created hardship shall not be sufficient basis for modification of the standards.

1. The standards would prevent reasonable access to the site.
2. An existing site has insufficient frontage to meet the requirements of this Article.
3. Access via a shared driveway or service/frontage road is not possible due to the presence of existing buildings or topographic conditions.
4. Roadway improvements (such as the addition of a traffic signal, a center turn lane or bypass lane) will be made to improve overall traffic operations prior to project completion, or occupancy of the building.
5. The use involves the redesign of an existing development or a new use which will generate less traffic than the previous use, and does not pose a significant problem to safe and efficient traffic operations.
6. The proposed location and design is supported by the Michigan Department of Transportation of the Livingston County Road Commission depending on which agency has jurisdiction. The Planning Commission may also request that the applicant provide a traffic impact study to support the requested access design. When a traffic impact study is required, the Commission shall forward a copy of the study to the Michigan Department of Transportation or the Livingston County Road Commission, as appropriate.
7. The modification shall be for the minimum amount necessary, but in no case shall spacing of a full-access driveway be less than seventy-five (75) feet between the driveways, or less than fifty (50) feet between a driveway and an intersection.
8. Where there is a change in use or expansion at a site that does not comply with standards herein, the Planning Commission shall determine the amount of upgrade needed in consideration of the existing and expected traffic pattern and the capability to meet the standards herein to the extent practical.

SECTION 21.55 MEDICAL MARIJUANA USES

- A. Findings.** These requirements for Medical Marijuana Uses are based on the following findings of fact:
- 1. Voter Approved.** Voters in the State of Michigan approved Initiated Law 1 of 2008 authorizing the use of marijuana for certain medical conditions, resulting in the passage of the Michigan Medical Marihuana Act, MCL 333.26421 et seq., as amended (“the Act”).
 - 2. Legislative Amendments.** PA 460 of 2012, PA 512 of 2012, PA 281 of 2016, PA 283 of 2016.
 - 3. Intent.** The intent of the Initiated Law was to enable certain persons specified in the Act who comply with the registration provisions of the Act to legally obtain, possess, cultivate/grow, use, and distribute marijuana, and to assist specific registered individuals identified in the Act without fear of State law criminal prosecution under limited, specific circumstances set forth in the Act.
 - 4. Controlled Substance.** Despite the specifics of the Act and the permitted activities set forth therein, marijuana remains a controlled substance under Michigan and Federal law. Obtaining, possession, cultivation/growth, use, and distribution of controlled substances has a potential for abuse that should be closely monitored and regulated, to the extent permissible under the Act, by local authorities. Given the effect of the Act on municipalities, it is in the best interest of municipalities to use their zoning authority to adopt reasonable regulations to mitigate and/or prevent harmful secondary effects that could negatively affect health, safety, welfare, and quality of life of their residents.
- B. Purpose.** It is the purpose of this Section to impose specific requirements for those individuals registering with the State of Michigan as a “qualifying patient” or a “primary caregiver” as those terms are defined in the Act, and to regulate the conduct of activity pursuant thereto in the Township so as to protect the health, safety and welfare of the general public. Tyrone Township is not legalizing or permitting the use of controlled substances within its borders, whether that substance is medical marijuana or any other identified as a controlled substance. Rather, Tyrone Township is establishing locations and regulations for uses set forth in the Act to comply with the Act. If after adoption, any portion of the Act is repealed, or any portion of the Act is deemed unconstitutional by the Michigan Supreme Court or a lower Michigan court decision chosen not to be heard by the Michigan Supreme Court, any activities or uses within this Ordinance applicable to the repealed or unconstitutional portion of the Act are immediately repealed as well. At the time of adoption, the Michigan Supreme Court and Michigan Attorney General had ruled or opined collectives, dispensaries, or

cooperative establishments existing to allow primary caregivers or qualifying patients to share or transfer medical marijuana between primary caregivers or between qualifying patients, or which allow contact with or access to medical marijuana by those not registered with the State of Michigan as primary caregivers or qualifying patients, are not permitted by the Act.

It is further intended that nothing in this Section be construed to allow persons to engage in conduct that endangers others or causes a public nuisance, or to allow use, possession or control of marijuana for nonmedical purposes or allow activity relating to cultivation/growing, distribution or consumption of marijuana that is otherwise illegal under State law.

- C. **Prior Use.** Any use which purports to have engaged in the medical use or distribution of marijuana prior to the enactment of this Section shall be deemed not to have been a legally established use under the provisions of the Zoning Ordinance, and such use shall not be entitled to claim legal nonconforming status.

- D. **Definitions.** For purposes of this Ordinance, the words and phrases contained herein shall have the meanings set forth in the Act and the regulations adopted by the State of Michigan, Department of Community Health, pursuant to authority conferred by Section 5 of the Act, inclusive of all amendments to the Act. For the purposes of this Ordinance, the terms “marijuana” and “marihuana” as used here, in the Act, and elsewhere, shall be synonymous.
 - 1. **Drug Paraphernalia** means all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, prepackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance as defined in Section 7104 of the Michigan Public Health Code (Act 368 of the MI Public Acts of 1978, as amended) in violation of the laws of the State of Michigan.
 - 2. **Medical Marijuana Caregiver Operation or Caregiver Operation** means any registered primary caregiver who cultivates produces, sells, distributes, possesses, transports, or makes available marijuana in any form to a qualifying patient for medical use. The term “caregiver operation” shall not include the private possession, production, or medical use of marijuana by a registered qualifying patient in compliance with the restrictions of this ordinance.
 - 3. **Medical Marijuana Collective, Cooperative, or Dispensary** means any facility, structure, dwelling, or other location where medical marijuana is grown, cultivated, processed, stored, transmitted, dispensed, consumed, used, given, delivered, provided, made available to and/or distributed by two or more of the

following: a registered primary caregiver, or registered qualifying patient. The term “collective” or “cooperative” or “dispensary” shall not apply to a registered primary caregiver that provides necessary care and marijuana for medical use exclusively to his/her five or fewer designated qualifying patients in strict accordance with the Act, ~~and~~ the Administrative Rules of the Michigan Department of Community Health, and this Ordinance. A marijuana collective, cooperative, or dispensary shall not include the following uses that are in compliance with this Ordinance and all laws and rules of the State of Michigan, and intended for on-site patient use only: a State-licensed health care facility, a state-licensed residential care facility for the elderly or infirm, or a residential hospice care facility.

4. **Medical Use of Marijuana**, also known as **Marihuana**, also known as **Cannabis** has the meaning given to it in Section 7601 of the Michigan Public Health Code, as it is referred to in Section 3(d) of the Act. Any other term pertaining to marijuana used in this Section shall have the meaning given to it in the Act and/or in the General Rules of the Michigan Department of Community Health issued in connection with the Act.
 5. **Primary Caregiver or Registered Primary Caregiver** is defined as set forth in the Act.
 6. **Qualifying Patient or Registered Qualifying Patient** is defined as set forth in the Act.
- E. **Compliance Required.** “Qualifying patients” or “primary caregivers” as those terms are defined in the Act, shall comply with the requirements of Section 21.55.G for qualifying patients, and the requirements of Section 21.55.H for primary caregivers. The medical use of marijuana shall comply at all times and in all circumstances with the Act and the General Rules of the Michigan Department of Community Health. Caregiver operations shall be available for inspection, during business hours, by the Township Supervisor or his designee, to confirm the operation is operating in accordance with State laws and Township ordinances.
- F. **Prohibited Uses and/or Activities.** It shall be unlawful to establish or operate a for-profit or nonprofit Medical Marijuana Collective, Cooperative, or Dispensary in Tyrone Township. Marijuana Facilities, inclusive of growers, processors, secure transporters, provisioning centers, and safety compliance facilities, are also prohibited.
- G. **Requirements for Qualifying Patients.** Any person who has been issued and possesses a valid registry identification card as a qualifying patient as set forth in the Act shall comply with the following requirements:

1. **Consumption.** Consumption of marijuana by a qualifying patient shall not occur at a medical marijuana caregiver operation, and, as set forth by the Act, shall not consume marijuana on any form of public transportation, or in any public place, except that a qualifying patient who resides in the same dwelling unit as his/her caregiver may consume at that dwelling unit.

H. Requirements for Caregiver Operations. Any person who has been issued and possesses a valid registry identification card as a primary caregiver as set forth in the Act is a “medical marijuana caregiver operation” for the purposes of this Ordinance, and shall comply with the requirements below.

1. **Where Permitted.** The site must be under the control, through written lease, contract, or deed, in favor of the primary caregiver or registered qualifying patient associated with that facility.
 - a. If the registered qualifying patient has site control, only the primary caregiver for that qualifying patient shall access the growing portion of the structure, and if the structure is a residence, only those qualifying patients residing in the residence may be supported by that primary caregiver.
 - b. Qualifying Patients, unless residing in the single family structure, are prohibited from entering the structure where growing is occurring. Those Qualifying Patients residing in the single family structure must comply with Section 21.55.H.2;
 - c. There shall be no outward appearance of a caregiver operation.
2. **One Caregiver per Approved Caregiver Operation.** The structure and location from which a primary caregiver grows, cultivates, or otherwise provides services to his or her qualifying patients shall not be used by more than one primary caregiver for that primary caregiver’s services as allowed under the Act.
3. **Delivery Required.** Transfers of medical marijuana from the primary caregiver to his or her qualifying patient(s) shall be accomplished only by the delivery of medical marijuana by the primary caregiver to the home of the qualifying patient. No onsite transfer to a qualifying patient is permitted.
4. **Sales of Paraphernalia Prohibited.** No sales of drug paraphernalia as defined herein are permitted, except to the qualifying patients of that caregiver.
5. **Signage.** A primary caregiver operation shall not bear any sign or emblem that would indicate the presence of the MMMA related activity.

6. **Consumption.** Consumption of marijuana by a qualifying patient shall not occur at a caregiver operation, and, as set forth by the Act, shall not consume marijuana on any form of public transportation, or in any public place, or at a primary caregiver's dwelling unit. In the case where a registered caregiver is also a registered qualifying patient, consumption exclusively by the caregiver/patient at the caregiver/patient's dwelling unit is permitted. Also a qualifying patient who resides in the same dwelling unit as his/her caregiver may consume at the same dwelling unit.

- I. **Growing of Medical Marijuana.** Growing of marijuana shall only be allowed as set forth in the Act, including the requirement that plants must be located within an enclosed, locked facility. An enclosed locked facility means:
 1. **For marijuana grown indoors,** a closet, room, or other comparable, stationary, and fully enclosed area equipped with secured locks or other functioning security devices that permit access only by the registered primary caregiver or registered qualifying patient associated with that facility.

 2. **For marijuana grown outdoors:**
 - a. An area that is not visible to the unaided eye from an adjacent property when viewed by an individual standing at ground level or from a permanent structure; and

 - b. Plants are grown in a stationary structure that is enclosed on all sides, except for the base, by six foot high chain link fencing, wooden slats, or similar fencing/wall material that prevents access by the general public and that is anchored, attached or affixed to the ground; and

 - c. Located on land that is owned, leased, or rented by either a registered primary caregiver or the registered qualifying patient for whom the marijuana plants are grown; and

 - d. Equipped with functioning locks and other security devices that restrict access to only the associated qualifying patient or caregiver.

 - e. The required fencing or wall shall be of new, high quality material, shall meet all County and Township Code requirements, and is subject to Township inspection at any time to insure that it remains in proper and functioning condition.

- J. **Lighting.** If a room with windows is utilized as a growing location, any lighting between 10 PM and 7 AM shall be shielded to prevent ambient light spillage onto adjacent residential properties.

- K. Building Approvals.** Any building or structure used for cultivation of marijuana shall obtain all necessary building, plumbing, electrical, and any other necessary permits and approvals to ensure the facility meets current code standards. In addition, the facility shall be subject to inspection to ensure compliance with applicable fire code and the security requirements of the Act.
- L. MMMA Amendments / SEVERABILITY.** The regulations herein pertaining to Medical Marijuana use shall at all times refer to and comply with Initiated Law 1 of 2008, inclusive of any and all amendments to the Act, and any and all related regulations and their amendments. If any section of these regulations is found to be inconsistent with or in violation of the Act, only that section shall cease to have effect; all other sections shall remain in full force and effect.

SECTION 21.56 RETAIL SALES OF FIREWORKS

- A. Township Regulations Apply.** Nothing in this Ordinance shall exempt retailers who have obtained a consumer fireworks certificate and/or registered online for the sale of low impact fireworks from ensuring that the proposed site is in compliance with all property maintenance regulations and other applicable Township ordinances, or from submitting to the Township all applications and supporting documentation required by any other provisions of the Township Zoning Ordinance, pertaining generally, without specific reference to fireworks, to retail sales, permanent or temporary structures, temporary sales, and land use regulations.
- B. Commercial Use.** Sales of fireworks is defined as a commercial use and thus is permitted only in the PCS, PCI, B-1, B-2 and ES zoning districts. Sales from a permanent structure must comply with all applicable regulations and processes for retail sales in that zoning district.

SECTION 21.57 OUTDOOR FURNACE REGULATIONS

Intent and Purpose: To protect the public health, safety, and general welfare of the citizens of Tyrone Township by requiring that all permitted Outdoor Solid Fuel Fired Furnaces and Boiler Systems are properly located, installed, and maintained consistent with these regulations and the manufacturer's instructions.

A. DEFINITIONS

“Existing” or “In Existence” means an Outdoor Furnace that is completely and correctly installed and operational pursuant to the manufacturer's specifications prior to the effective date of this Ordinance.

“Firewood” means trunks and branches of trees and bushes but does not include leaves, needles, and vines or brush smaller than three inches (3”) in diameter.

“Fire Marshal” means the Fire Marshal of the Township, or other person designated by the Township.

“Nuisance Factors” as defined in the Township of Tyrone Ordinance No. 36

“Outdoor Furnace” means a boiler or furnace, fueled by wood, coal, corn or any other approved type of fuel, located outside the structure it is used to heat with the designated purpose of providing heat for water and/or air for a residence or any other structure. Outdoor Furnace does not include boilers or furnaces fueled by natural gas, propane, or fuel oil if the boiler or furnace has been inspected and approved by the Livingston County Building Department.

"Owner" means the owner of the lot or parcel upon which an Outdoor Furnace is located or the owner of an Outdoor Furnace or both.

"Refuse" and "Yard Waste" shall mean, for the purposes of this Ordinance, and shall refer to any waste material, including but not limited to: leaves, grass, garbage, and other similar organic material; construction and demolition waste material; automobiles or parts thereof; flammable (excluding clean natural wood), toxic or explosive material; electrical wiring, rubber products, and plastic products.

"Township" means the Township of Tyrone, Livingston County, Michigan.

“Untreated Lumber” means dry wood which has been milled and dried but which has not been treated or combined with any petroleum product, chemical, preservative, glue, adhesive, stain, paint, or other substance.

“Warning Letter” means written correspondence prepared by an authorized Township official advising the recipient of the violation and directing the person to correct the alleged violation.

B. GENERAL PROVISIONS

1. Outdoor Furnaces are prohibited in the Township, except as specifically authorized in this Ordinance.
2. All Outdoor Furnaces shall be laboratory tested and listed to comply with appropriate safety standards such as UL (Underwriters Laboratories) or ANSI (American National Standards Institute) and constructed, used, and maintained so as to be in compliance with the provisions of the State Construction Code

and all applicable statutes, rules, regulations, codes, ordinances, and the manufacturer's specifications.

3. All Outdoor Furnaces shall comply with all of the following provisions:
 - a. Permitted Fuel – Only Firewood, Untreated Lumber, and materials that are designed and manufactured for use in Outdoor Furnaces (such as coal, corn, and wood pellets) are permitted to be burned in any Outdoor Furnace. Burning of any and all other materials, including refuse and yard waste, in an Outdoor Furnace is prohibited.
 - b. Permitted Zones – Outdoor Furnaces shall only be permitted in the FR, RE, and R-1 zoning districts on lots or parcels having an area not less than 60,000 square feet.
 - c. Spark Arrestors – All Outdoor Furnaces shall be equipped with properly functioning spark arrestors.
4. All Outdoor Furnaces shall be considered accessory structures as defined in Section 2.01. In accordance with this definition, all Outdoor Furnaces shall comply with the setbacks for an accessory structure as required in Section 20.01. The Outdoor Furnace shall NOT be counted against the allowable number of permitted accessory structures. In addition the following shall apply:
 - a. In no case shall the Outdoor Furnace be placed in the front yard of the subject parcel.
 - b. No Outdoor Furnace shall be closer than 300 feet to any residence not served by the Outdoor Furnace.
 - c. The Outdoor Furnace shall be located on the property, in relation to the residence being served, in compliance with all manufacturer recommendations and or testing and listing requirements for clearance to combustible materials.
5. **Violations.** Failure to comply any provision of this Ordinance shall subject the Owner to penalties as provided in Section 8 of this Ordinance. However, prior to issuing a municipal civil infraction citation or initiating any court proceeding, the Township may issue a Warning Letter advising the recipient of a violation of this Ordinance and ordering corrective action be taken. The Township may permit a reasonable amount of time for correcting the violation, but in no event shall the correction period be longer than thirty (30) days.

C. EXISTING OUTDOOR FURNACES

1. Notwithstanding the required minimum lot or parcel area, location, chimney height, and setbacks required by this Ordinance, an Outdoor Furnace in existence prior to the effective date of this Ordinance shall be permitted to remain, subject to the following conditions:
 - a. The Existing Outdoor Furnace does not constitute a Nuisance Factor; and
 - b. Existing Outdoor Furnaces cannot be (i) relocated, (ii) attached to or provide heat to new buildings, (iii) expanded in size, or (iv) replaced, unless it complies with every provision of this Ordinance. However, nothing in this Ordinance shall prohibit the regular repair and maintenance of an Existing Outdoor Furnace so that it is operated in a safe manner and according to the manufacturers specifications.
2. Outdoor Furnaces that are not completely and correctly installed and operational pursuant to the manufacturer's specifications prior to the effective date of this Ordinance shall not be considered "Existing" or "In Existence" and shall meet all of the requirements of this Ordinance.

D. APPLICATION FOR PERMIT. No person shall install, allow, maintain, or cause the use of any Outdoor Furnace without first obtaining a Land Use Permit from the Township and all other permits required for installation and operation of an Outdoor Furnace.

1. Application for Land Use Permit shall be made on the form(s) provided by the Tyrone Township Zoning Administrator.
2. In addition to any other requirement, an application for a Land Use Permit shall include:
 - a. A plot plan showing location, dimensions, and types of all existing structures on the owner's property, including residences and structures within 300 ft from the Outdoor Furnace.
 - b. Detailed specifications, installation, and operation manuals of the Outdoor Furnace published by the manufacturer.
 - c. A statement of intended use of the Outdoor Furnace.
 - d. Consent by the Owner for the Township or any other governmental official to enter the lot or parcel for the purpose of inspection.

3. The owner or occupant of the property shall obtain an electrical, mechanical, and land use permit for each Outdoor Furnace prior to installation, and any required inspections shall be completed and approved prior to use of the Outdoor Furnace.
 4. Outdoor Furnaces shall have a permanently attached chimney extending at least 15 feet above the unit base grade. The Fire Marshall and Tyrone Township Planning/Zoning Administrator, or their designee(s) may approve a lesser height on a case-by-case basis if necessary to comply with manufacturer's recommendations, provided the smoke from a lower chimney height shall not create a nuisance factor for neighbors. This approval shall be issued in writing by the Fire Marshall and Tyrone Township Planning/Zoning Administrator or their designee(s). This approval may be revoked by the Fire Marshall or Tyrone Township Planning/Zoning Administrator, or their designee, if such officials are satisfied that the lower chimney height results in, or creates a nuisance factor as that term is defined in this Ordinance.
 5. Failure to obtain all required inspections, permits and approvals for an Outdoor Furnace or failure to provide copies of all required inspections, permits or approvals shall be a violation of this Ordinance and subject to penalty as provided in Section 8 of this Ordinance.
- E. NUISANCE FACTORS.** If any Outdoor Furnace (permitted or otherwise) constitutes a Nuisance Factor, the Owner shall immediately cease using the Outdoor Furnace and shall abate the Nuisance Factor. Abating the Nuisance Factor shall include, but not be limited to removing the Outdoor Furnace. The Township shall be entitled to abate the Nuisance Factor in the manner set forth in the Tyrone Township Civil Infraction Ordinance, Ordinance No. 39, as amended.
- F. PENALTIES FOR VIOLATIONS.** Violations of the provisions of this Ordinance shall constitute a municipal civil infraction. Any person, firm, association, partnership, corporation, or entity who is found responsible or admits responsibility for a municipal civil infraction shall be subject to a civil fine and costs. The civil fines are set forth in the Tyrone Township Civil Infraction Ordinance, Ordinance No. 39, as amended, unless otherwise specified. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation of this Ordinance continues to exist shall constitute a separate violation of this Ordinance. The Township shall be entitled to its costs, including reasonable attorney fees, from any person that has violated or permitted the violation of any provision of this Ordinance.

SECTION 21.58 KEEPING AND DISPLAY OF EXOTIC ANIMALS AND WILD ANIMALS

- A. Intent.** The intent of these regulations is to ensure that the keeping of exotic and wild animals does not interfere with the health and safety of the public at large. It is also the intent of the regulations to ensure that the animals that are permitted to be kept in the Township are handled in a positive and responsible manner to protect the well-being of the animals. It is also the intent to ensure that, where permitted, the keeping of exotic or wild animals does not alter the character of the surroundings.
- B. Proof of License.** The applicant shall provide proof of a valid and current United States Department of Agriculture (USDA) Exhibitor license in order for the permit application to be considered.
- C. Prohibited Animals.** The following groups of animals shall not be permitted in the Township, except in the FR District subject to special land use approval by the Township, or as may be expressly permitted elsewhere in this Ordinance:
- 1. Exotic Animals.** See definition in Section 2.01 of the Ordinance.
 - 2. Wild Animals.** See definition in Section 2.01 of the Ordinance.
 - 3. Animals Otherwise Prohibited.** Animals and species prohibited by Livingston County, the State of Michigan and the United States of America.
- D. Exceptions.** The following exotic and wild animals shall be exempt from the prohibitions listed in this Section 21.58 (C) of the Ordinance:
- 1.** Those animals typically legally sold in the State of Michigan and kept as pets.
 - 2.** Those animals held in a zoological park or wildlife sanctuary that is licensed to operate by the State of Michigan and/or the USDA.
 - 3.** Those animals held for not more than three (3) months by an accredited veterinarian for the purpose of temporarily harboring and treating an injured, mal-nourished, or otherwise abandoned animal.
 - 4.** Those animals held for a bona fide farm or agricultural use as defined in Public Act No. 93 of 1981 (MCL 286.471 et seq.), the Michigan Right to Farm Act.

- E. Development and Use Standards.** Except as otherwise noted, the keeping of exotic or wild animals or both shall require Special Land Use and Site Plan approval, subject to Article 22 Special Land Uses and Article 23 Site Plan Review and Impact Assessment of this Ordinance, and compliance with the standards of those sections. Additionally, keeping of such animals shall be subject to the following:
- 1. Keeping of Animals.** All animals are to be kept in a manner determined by the USDA to be safe and sanitary for animals, caretakers, and the public.
 - 2. Proof of USDA License.** Applicant must provide proof of a valid USDA license for the activities proposed for consideration. After the permit is approved, the owner shall submit proof of valid USDA licensure on an annual basis to the Township.
 - 3. Proof of Insurance.** Applicant must provide proof of an active liability insurance policy. After the permit is approved, the owner shall submit proof of a valid policy on an annual basis to the Township.
 - 4. Accessory Activities.** Proposed activities other than the display of animals, including but not limited to animal petting, animal feeding, and animal riding, must be described during the Special Land Use permitting process, and any site plan must show site considerations for such activities. Proposed occupant loads, hours of operation, parking accommodations, provision of sanitary facilities, and other details common to temporarily entertaining/accommodating guests shall be provided.
 - 5. Enclosure Location.** An accessory building or fenced enclosure used to house exotic or wild animals, as permitted by these regulations, shall not be located nearer than 50 feet from any property line.
 - 6. Enclosure Requirements.** Accessory buildings or fenced enclosures used to house exotic or wild animals or both, as permitted by these regulations, shall not be located closer than 50 feet from any existing dwelling on adjacent properties. Fencing greater than six (6) feet in height shall be subject to applicable Special Land Use (Article 22) and Site Plan (Article 23) approvals. Depending on the configuration of the site, the Planning Commission may require the additional requirement of secondary containment methods to be located on site.

7. **On-site Chemicals.** All animal medications, tranquilizers, and chemicals not common in residential or agricultural practice shall be contained in a locked facility or portion of a facility on site.
8. **Nuisance.** Animals shall be kept in a matter so as not to be a nuisance because of sound, visual presence, or odor.
 - a. Organic waste shall be disposed of in a manner which does not result in excessive odor. Waste shall not be composted or spread in such a manner that the Livingston County Drain Commissioner finds harmful to surface or ground waters. Waste shall not be handled in a manner that encourages the breeding of flies or other vermin.
 - b. Screening may be required to minimize visual and aural nuisances, where the Planning Commission sees appropriate.
9. **Facilities.** Adequate drainage, fresh water, and hard surface facilities shall be provided to promote a clean and healthy environment for all animals and humans occupying and using the site.
10. **Landowner Requirements.** On parcels that are less than ten (10) acres in area, the animals must be housed and maintained on the land of the owner or lessor of the principal residence. Land cannot be leased to increase the size of the primary parcel, thereby allowing for more animals than would be allowed on the primary parcel.
11. **Carcass Disposal.** All animal carcasses shall be properly disposed of subject to Livingston County, State of Michigan, or USDA standards, with assurance that no regulated animal offspring are released into the wild.
12. **Disaster Recovery Plan.** The applicant shall provide a disaster recovery plan that attempts to define how the owner will react to natural or man-made disasters, including, but not limited to, blizzards, fire, floods, power outages, and tornados.
13. **List of Animals.** The applicant shall provide a list of animals that are kept on site at the time of application. After the permit is approved, the owner shall be responsible for maintaining an up-to-date list of species and number of animals with the Township. The Township shall be notified within ten (10) days of an addition or subtraction to the animal

list. Changes to the list of animals that do not require adding or moving fences, structures, or enclosures shall not require approval of an updated site plan per Section 21.58.E.15.

- 14. Additional Site-Specific Requirements.** The Planning Commission may require additional site-specific requirements prior to the approval of a Special Land Use application.
 - 15. Alterations to the Site.** In the event that adding animals requires adding or moving fences, structures, or enclosures, or making other site alterations, the owner shall be required to submit an application to amend the approved Site Plan and Special Land Use permit. Approval of proposed conditions must be granted prior to commencement of alterations.
- F. Violations.** Persons found to be in violation of these regulations shall be subject to the following:
- 1. Zoning Violations.** See Section 30.13, Violations, of the Ordinance.
 - 2. Care of Animals.** At the discretion of the Code Enforcement Officer, animals kept in a manner contrary to the Special Land Use approval may be impounded, transported to a licensed facility, or euthanized at the cost of the violator.
 - 3. Revocation of Permit.** Violation of and/or refusal to comply with all approved conditions of Special Land Use approval shall result in revocation of the Tyrone Township Special Land Use permit.

SECTION 21.59 RECREATIONAL MARIJUANA (MARIHUANA) USES

- A. Licensed Recreational Marijuana Establishments/Facilities.** Tyrone Township elects to opt out, and therefore prohibits, any and all establishments eligible to be licensed for recreational Marijuana uses by the State of Michigan and/or Tyrone Township, inclusive of qualifying Adult-Use (Recreational) Marijuana facilities, in all zoning districts.

REVISIONS:

- 2000 DECEMBER - Section 21.02.A, 21.02.B and D; 21.08; 21.37; 21.43.C.1 - 12; 21.43.L; Section 21.08; 21.25, 21.37, 21.43.C. 1- 11 and 21.43.
- 2001 FEBRUARY - Section 21.02.
- 2002 DECEMBER - Section 21.25.B, C, D, and E.
- 2004 MARCH – Sections 21.35, 21.36 and 21.40, deleted; 21.52 (new), 21.54 (formerly 24.07).
- 2005 SEPTEMBER - Sections 21.09, 21.15, 21.51, and 21.53 Ponds (new).
- 2007 APRIL - Sections 21.17 and 21.42.
- 2010 MAY - Section 21.19.
- 2012 MAY - Section 21.02.J Accessory Structure Provisions (new); Section 21.43 restructured due to duplicate 21.43.G.
- 2012 JUNE - Added PCS District to 21.16, 21.32, 21.42, and 21.45.
- 2012 SEPTEMBER - Amended Section 21.32 Wireless Communications to comply with amended Public Act 110 of 2006.
- 2012 OCTOBER - Amended Section 21.49 Keeping of Pets to define the keeping of household pets and the number of dogs permitted, and the ability to enforce pet control.
- 2013 JANUARY – Added PIRO District to 21.16, 21.32, and 21.42.
- 2013 OCTOBER – Amended 21.17.A.5 and added 21.17.A.6 (Antenna Regulation) to comply with Telecommunications Act of 1996.
- 2013 OCTOBER – Added Section 21.55 Medical Marijuana Uses.
- 2013 OCTOBER – Revised Section 21.02 Accessory Buildings and Structures Provisions, added Accessory Building & Structures Regulations Summary Table.
- 2014 SEPTEMBER – Added the following Sections: 21.25.E.2.m., 21.31.F., and 21.56. Revised 21.16.
- 2015 APRIL – Amended Section 21.55 Medical Marijuana Uses to provide outdoor growing regulations in compliance with Michigan Public Act 512 of 2012.
- 2015 JULY – Amended Section 21.16 Noise to establish standards for the determination of excessive noise that do not require a sound measuring device.
- 2016 APRIL – Added PCI to Table 21.1 (Section 21.42). Added Section 21.57 Outdoor Furnace Regulations.
- 2016 OCTOBER – Amended Section 21.52 Supplementary Shoreland Regulations to consolidate existing regulations. Added Section 21.58 Keeping and Display of Exotic Animals and Wild Animals.
- 2018 FEBRUARY – Changed "registered" to "licensed" designer to clarify in the following sections: 21.03.B., 21.17.B.3., and 21.43.N. Added reference to the Michigan Condominium Act (Act 59 of 1978, as amended) in Section 21.43.
- 2018 SEPTEMBER – New subsection 21.02.H. to allow detached accessory structures on adjacent lots in certain districts.
- 2018 DECEMBER – Amended 21.55 Medical Marijuana to minimize township liability from known unenforceable regulations.
- 2019 JULY - Section 21.59 – Recreational Marijuana Uses (new), to prohibit recreational marijuana facilities and establishments in all zoning districts;
- 2019 NOVEMBER - Section 21.14 – Home Occupations: to redefine review requirements, update permitted home occupations, permit signs in certain cases, and to redefine the space limits. Section 21.16 – Noise, to update fireworks regulations for consistency with PA 634 of 2018 and PA 635 of 2018, and to add clarification to enforcement of noise violations.

ACCESSORY BUILDING & STRUCTURES REGULATIONS SUMMARY*

RESIDENTIAL ACCESSORY BUILDINGS AND STRUCTURES	ZONING DISTRICT, LOT SIZE AND LOCATION						
	FR & RE Districts			LK-1, R-1, R-2 districts	Lakefront Lots	RM-1 district	MHP district
	FR & RE lots 2 acres or less in area	FR & RE lots more than 2 acres in area	FR & RE lots 20 acres or more in area		LK-1, R-1, R-2, & RE districts		
ATTACHED BUILDINGS AND STRUCTURES							
General	Must conform to all regulations for principal building. Sec. 21.02.A.1						Location, height and number of accessory buildings and structures is governed by Zoning Ordinance Article 10 Section 21.02.F.1
Number: Maximum	One attached accessory building Sec. 21.02.B.1	No maximum Sec. 21.02.B.1	No maximum Sec. 21.02.B.1	One attached accessory building Sec. 21.02.C.1	One attached accessory building Sec. 21.02.B.1, Sec. 21.02.C.1 & Sec. 21.02.D.1	--	Location, height and number of accessory buildings and structures is governed by Zoning Ordinance Article 10 Section 21.02.F.1
Building Size	--	--	--	Attached accessory structure that is not a garage may not occupy more than 25% of the required rear yard nor shall the total attached accessory floor area exceed 50% of total floor area of principal building Sec. 21.02.C.5, Sec. 21.02.D.5 & Sec. 21.02.E.3			Location, height and number of accessory buildings and structures is governed by Zoning Ordinance Article 10 Section 21.02.F.1
DETACHED BUILDINGS AND STRUCTURES							
Number: Maximum	One detached accessory building Sec. 21.02.B.1	No maximum Sec. 21.02.B.1	No maximum Sec. 21.02.B.1	One detached accessory building Sec. 21.02.C.1 & Sec. 21.02.D.1	One detached accessory building Sec. 21.02.B.1, Sec. 21.02.C.1 & Sec. 21.02.D.1	--	Location, height and number of accessory buildings and structures is governed by Zoning Ordinance Article 10 Section 21.02.F.1

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ACCESSORY BUILDING & STRUCTURES REGULATIONS SUMMARY*

RESIDENTIAL ACCESSORY BUILDINGS AND STRUCTURES	ZONING DISTRICT, LOT SIZE AND LOCATION						
	FR & RE Districts			LK-1, R-1, R-2 districts	Lakefront Lots	RM-1 district	MHP district
	FR & RE lots 2 acres or less in area	FR & RE lots more than 2 acres in area	FR & RE lots 20 acres or more in area		LK-1, R-1, R-2, & RE districts		
Location: Yards	Rear yard only, except as modified in other sections of the ordinance Sec. 21.02.B.2.a	Side or rear yard location permitted Sec. 21.02.B.2.c	Front yard location permitted on parcels with at least 466 ft. road frontage Sec. 21.02.B.2.d	Rear yard only, except as modified in other sections of the ordinance Sec. 21.02.C.2.a & Sec. 21.02.D.2.a	In front or side yard, & shall not obstruct lake views from adjacent dwellings Sec. 21.02.C.4 & Sec. 21.02.D.4	Rear yard only, except as modified in other sections of the ordinance Sec. 21.02.E.1	Location, height and number of accessory buildings and structures is governed by Zoning Ordinance Article 10 Section 21.02.F.1
	On corner lots, detached accessory bldgs. and structures must comply with front yard setbacks on both street frontages Sec. 21.02.B.2.a	On corner lots, detached accessory bldgs. and structures must comply with front yard setbacks on both street frontages Sec. 21.02.B.2.a	On corner lots, detached accessory bldgs. and structures must comply with front yard setbacks on both street frontages Sec. 21.02.B.2.a	On corner lots, detached accessory bldgs. and structures must comply with front yard setbacks on both street frontages Sec. 21.02.C.2.a. & Sec. 21.02.D.2.a	On corner lots, detached accessory bldgs. and structures must comply with front yard setbacks on both street frontages Sec. 21.02.B.2.a, Sec. 21.02.C.2.a & Sec. 21.02.D.2.a	--	--
	If attached building or structure is in front or side yard, then detached building or structure shall be in rear yard only Sec. 21.02.B.2.b.1	--	Children’s school bus shelter permitted in front yard, must be removed in summer Sec. 21.02.B.2.d	If attached building or structure is in front or side yard, then detached building or structure shall be in rear yard only, <u>except</u> on lakefront lots Sec. 21.02.C.2.b.1	--	--	--

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ACCESSORY BUILDING & STRUCTURES REGULATIONS SUMMARY*

RESIDENTIAL ACCESSORY BUILDINGS AND STRUCTURES	ZONING DISTRICT, LOT SIZE AND LOCATION						
	FR & RE Districts			LK-1, R-1, R-2 districts	Lakefront Lots	RM-1 district	MHP district
	FR & RE lots 2 acres or less in area	FR & RE lots more than 2 acres in area	FR & RE lots 20 acres or more in area		LK-1, R-1, R-2, & RE districts		
	If no attached bldg. or structure in front or side yard, any detached bldg. or structure shall be only in rear or side yard Sec. 21.02.B.2.b.2	--	--	If no attached bldg. or structure in front or side yard, any detached bldg. or structure shall be only in rear or side yard, <u>except</u> on lakefront lots Sec. 21.02.C.2.b.2	--	--	--
	Not permitted between the principal structure and road <u>except</u> on corner lots where the detached accessory may be closer to the side street than the principal bldg. but shall comply with the required front setback along the side street Sec. 21.02.B.2.b.3	--	Not permitted directly in front of principal bldg. or structure Sec. 21.02.B.2.d	Not permitted between the principal structure and road, <u>except</u> on lakefront lots, and <u>except</u> on corner lots where the detached accessory may be closer to the side street than the principal bldg. but shall comply with the required front setback along the side street Sec. 21.02.C.2.b.3	On corner lots the detached accessory may be closer to the side street than the principal bldg. but shall comply with the required front setback along the side street Sec. 21.02.D.2.b.3	--	--
Location: Setbacks	Shall meet setbacks listed in Schedule of Regulations Sec. 20.01			Shall meet setbacks listed in Schedule of Regulations Sec. 20.01 (unless modified per Section 21.02.G)	Shall meet setbacks listed in Schedule of Regulations Sec. 20.01		
	On parcels with frontage on both U.S. 23 and either White Lake Rd., Center Rd. or Faussett Rd., accessory buildings and structures shall be set back at least 150 feet from the U.S. 23 r.o.w. Sec. 21.02.A.2.c.					--	Exempt from 150 ft. U.S. 23 setback Sec. 21.02.A.2.c

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ACCESSORY BUILDING & STRUCTURES REGULATIONS SUMMARY*

RESIDENTIAL ACCESSORY BUILDINGS AND STRUCTURES	ZONING DISTRICT, LOT SIZE AND LOCATION						
	FR & RE Districts			LK-1, R-1, R-2 districts	Lakefront Lots	RM-1 district	MHP district
	FR & RE lots 2 acres or less in area	FR & RE lots more than 2 acres in area	FR & RE lots 20 acres or more in area		LK-1, R-1, R-2, & RE districts		
	--	--	Setback 150 ft. from road r.o.w. and 250 ft. from principal bldg.. or structure Sec. 21.02.B.2.d	--	--	--	--
Location: Water or Wetland Frontage (lake, pond, stream, drainageway, wetland, river)	No structures, fences or decks more than 12 inches above grade permitted within 50 ft. of established water's edge, except docks, boat storage and other accessory structures as specifically permitted in Section 21.02.A.2.e Sec. 21.02.A.2.d						
	Planning Commission may require rear yard setback to be greater than 50 ft. to preserve sight lines to water, but not greater than the average setbacks of the adjacent bldgs. Exceptions to rear setback averaging may be given by the Planning Commission for coves, peninsulas and setbacks that differ by more than 40 ft. Sec. 21.02.A.2.d						
	Docks and boat storage structures for the use of individual property owners are permitted on residential lots abutting a water body. Docks and open boat storage structures permitted in the water not less than 10 ft. from side lot lines. All other accessory structures shall be min. 50 ft. from established edge of water. Sec. 21.02.A.2.e						
Location: Lot Lines	Not located closer than 10 ft. to principal building or 20 ft. from the rear lot line Sec. 21.02.B.3						Location, height and number of accessory buildings and structures is governed by Zoning Ordinance Article 10 Section 21.02.F.1
	If rear lot line is alley r.o.w., accessory structure shall be setback min. 1 ft. from rear lot line Sec. 21.02.A.2.b						--

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ACCESSORY BUILDING & STRUCTURES REGULATIONS SUMMARY*

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	FR & RE Districts			LK-1, R-1, R-2 districts	Lakefront Lots	RM-1 district	MHP district
	FR & RE lots 2 acres or less in area	FR & RE lots more than 2 acres in area	FR & RE lots 20 acres or more in area		LK-1, R-1, R-2, & RE districts		
	No accessory structure shall be located in an easement or road r.o.w. Sec. 21.02.A.2.b						--
Height	Shall not exceed maximum height in Schedule of Regulations, Sec. 20.01 Sec. 21.02.A.2.a			Shall not exceed maximum height in Schedule of Regulations, Sec. 20.01 (unless modified per Sec. 21.02.G) Sec. 21.02.A.2.a	Shall not exceed maximum height in Schedule of Regulations, Sec. 20.01 (unless modified in R-1, R-2 and LK-1 per Sec. 21.02.G) Sec. 21.02.A.2.a		--
Building Size	--	--	--	Detached accessory structure shall not occupy more than 25% of required rear yard or exceed 50% of total floor area of principal building, nor shall it occupy more than 40% of any non-required rear yard. Sec. 21.02.C.5 & Sec. 21.02.D.5	Front yard detached accessory buildings shall not occupy more than 40% of non-required front yard. Sec. 21.02.D.5	Detached accessory structure shall not occupy more than 25% of required rear yard or exceed 50% of total floor area of principal building, nor shall it occupy more than 40% of any non-required rear yard. Sec. 21.02.E.3	Location, height and number of accessory buildings and structures is governed by Zoning Ordinance Article 10 Section 21.02.F.1
	--	--	--	In no event shall a detached accessory structure exceed 800 sq. ft., except as may be permitted under Sec. 21.02.G (excludes RE and RM-1) Sec. 21.02.C.5, Sec. 21.02.D.5 & Sec. 21.02.E.5			--
Structures Constructed Prior to Principal Structures	Construction of accessory bldg./structure only permitted with construction of a principal bldg./structure. If principal bldg. not constructed within 1 year, the accessory bldg. shall be deemed temporary and removed. Sec. 21.02.A.2.f						--

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ACCESSORY BUILDING & STRUCTURES REGULATIONS SUMMARY*

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	FR & RE Districts			LK-1, R-1, R-2 districts	Lakefront Lots	RM-1 district	MHP district
	FR & RE lots 2 acres or less in area	FR & RE lots more than 2 acres in area	FR & RE lots 20 acres or more in area		LK-1, R-1, R-2, & RE districts		
	If principal structure is destroyed by fire, flood, tornado or other natural disaster, an existing accessory bldg. may remain for up to 2 yrs. Sec. 21.02.A.2.f						--
Design Standards	--	--	--	Shall be harmonious with height, character and scale of surrounding buildings and topography. Exterior surfaces shall be similar to surrounding structures. Metal pole barns and structures with ag. or industrial metal finishes may not be permitted if not compatible with surface finish materials of surrounding structures. Sec. 21.02.C.6, Sec. 21.02.D.6, Sec. 21.02.E.4 & Sec. 21.02.F.3			
Modification of Standards	--	--	--	Sec. 21.02.G applies to R-1, R-2, and LK-1		--	--
INCIDENTAL OR TEMPORARY ACCESSORY BUILDINGS AND STRUCTURES							
Temporary Accessory Buildings and Structures	Temporary accessory structures that do not require permanent attachment to ground, such as inflatable pools, moveable carports, swing sets, picnic tables, play houses and similar, shall comply with height, setback and coverage requirements for detached accessory structures. Sec. 21.02.A.3.a						
	Temporary structures permitted under Sec. 21.31 shall also meet the height, setback, and coverage requirements for permanent structures. Sec. 21.02.A.3.a						
Incidental Accessory Buildings and Structures	1 accessory bldg.. or structure that is 100 sq. ft. or less is permitted per lot without a land use permit, and does not count as one of the permitted accessory structures on the lot. Sec. 21.02.A.3.b						
	Accessory bldg.. or structure that is less than 100 sq. ft. in area shall be min. 4 ft. from principal bldg.. and 4 ft. from any lot line. Sec. 21.02.A.3.b						
Exempt Structures	Flag poles, mail boxes lawn ornaments, landscaping and similar items shall be exempt. Sec. 21.02.A.3.c						

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Swimming Pools	Sec. 21.02.A.4.b – see Sec. 21.21						
Signs	Sec. 21.02.A.4.c - Permitted as accessory structures, subject to Article 27						
Fences	Sec. 21.02.A.4.d – see Sec. 21.13						--
Contractor’s Limited Storage	--	Sec. 21.02.B.4 - see Sec. 22.05.S (3 ac. min. lot area)		--	--	--	--
Gazebos	Sec. 21.02.A.4.a						--

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