

ARTICLE 6 GENERAL PROVISIONS

SECTION 6.100 ACCESSORY STRUCTURES

Section 6.101 Accessory Structures.

The following shall apply to all new accessory structures in the Township, and to alterations, renovations, expansions or other work that includes exterior changes to existing structures:

A. General Standards.

1. **Timing of construction.** An accessory structure shall be constructed or established on a lot concurrent with or after construction of establishment of the principal building or use on the same lot.
2. **Vehicle shelters.** Carports and temporary vehicle shelters shall be considered accessory structures and shall comply with the requirements of this Section.
3. **Location in proximity to easements or rights-of-way.** Accessory structures shall not be located within a dedicated easement or right-of-way.
4. **Dimensional standards.** Accessory structures shall conform to the area, height, bulk, and setback requirements of Article 3 (Dimensional Standards).
5. **Additional standards for residential accessory structures.** The following standards shall apply to all structures accessory to RESIDENTIAL USES:
 - a. Such accessory structures shall be set back behind the front building line of any principal building on the same lot.
 - b. Detached accessory structures shall be set back a minimum of ten (10) feet from any principal building.
 - c. For residential lots with 0.5 acres or less in lot area, the ground floor area of all accessory structures shall not exceed the ground floor area of the principal dwelling.

B. Approval Required.

It shall be unlawful for any person to construct or cause to be constructed any accessory structure upon any lot without having first obtained all necessary permits or approvals.

1. Construction, alteration or relocation of structures accessory to OFFICE, SERVICE, AND COMMUNITY USES, COMMERCIAL USES, INDUSTRIAL, RESEARCH, AND LABORATORY

USES, and OTHER USES and exceeding 120 square feet in floor area shall be subject to site plan approval per Section 12.01 (Site Plan Review).

2. Construction, alteration or relocation of structures accessory to RESIDENTIAL USES and exceeding 100 square feet in floor area shall be subject to Zoning Inspector approval per Section 1.07 (Permits and Certificates of Zoning Compliance).
3. Construction, alteration or relocation of structures accessory to RURAL USES, except agricultural structures as regulated by the Right to Farm Act (P.A. 93 of 1981, as amended), shall be subject to Zoning Inspector approval per Section 1.07 (Permits and Certificates of Zoning Compliance).
4. Construction, alteration or relocation of accessory structures shall be subject to building permit approval where required by the State Construction Code enforced by Washtenaw County.

Section 6.102 Fences.

All fences and similar enclosures shall conform to the following:

A. General Standards.

The following shall apply to fences in all zoning districts:

1. Fences shall comply with the unobstructed sight distance standards of Section 3.208 (Corner Clearance Zones).
2. Where one side of a fence or wall has a more finished appearance than the other, the side with the more finished appearance shall face the road or adjacent lots (see illustration).
3. It shall be unlawful to erect a fence consisting of tires, vehicle parts, pallets, trash or any materials capable of providing habitat for pests or vermin.
4. Use of razor or barbed wire, electrified fences, spikes, and similar security materials on any fence shall be prohibited, except as follows:
 - a. Barbed or electric wire fences shall be permitted accessory to permitted RURAL USES, public utility facilities, and essential service uses in any zoning district.
 - b. The Planning Commission may approve use of razor or barbed wire, electrified fences, spikes, and similar security materials on any fence where deemed necessary for security purposes or public safety.

B. Location and Height.

Fence height shall be measured from ground level adjacent to the highest point of the fence. Fill shall not be used for the purpose of achieving a higher fence than otherwise

permitted. Where the grade is not level, the maximum fence height shall be equal to the average fence height within four (4) feet of any fence post (see illustration).

1. No fence in the Residential Districts shall be located within any front yard area between the front building line and the road right-of-way. Fences located within a front yard in any other zoning district shall not exceed four (4) feet in height.
2. Perimeter fences on all lots of record in all residential zoning districts that enclose property or are within a required side or rear yard shall not exceed six (6) feet in height. Such fences shall not extend toward the front of the lot nearer than the front of the principal building or the required minimum front yard setback, whichever is greater.
3. Fences in non-residential zoning districts shall not exceed six (6) feet in height, except where otherwise permitted by this Ordinance.

C. Maintenance.

Fences shall be maintained in good condition to not endanger life or property. Such maintenance shall be the responsibility of the property owner. Damaged or missing components shall be replaced or repaired, and exposed surfaces shall be painted, stained or similarly treated. Any fence determined by the Zoning Inspector to be a nuisance due to lack of maintenance or otherwise shall be removed or repaired by the owner within 30 days after receipt of a notice from the Zoning Inspector.

D. Existing Fences.

Fences lawfully erected prior to the effective date of adoption or amendment of this Ordinance that do not conform with provisions of this Section shall be considered nonconforming structures subject to the provisions of Article 16 (Nonconformities).

E. Approval Required.

It shall be unlawful for any person to construct or cause to be constructed a fence in the Township without having first obtained all necessary permits or approvals, as follows:

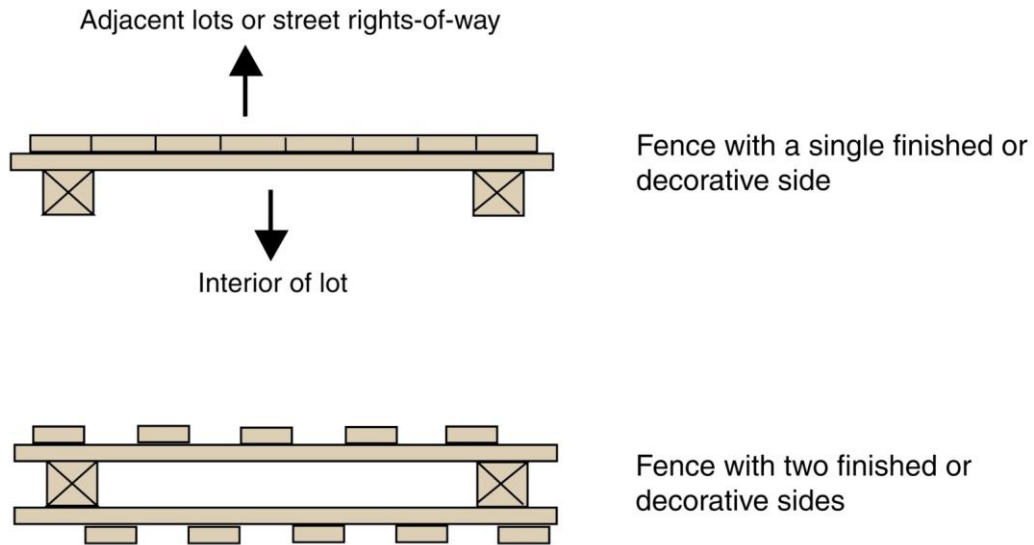
1. Construction, alteration or relocation of fences accessory to OFFICE, SERVICE, AND COMMUNITY USES, COMMERCIAL USES, INDUSTRIAL, RESEARCH, AND LABORATORY USES, and OTHER USES shall be subject to site plan approval per Section 12.01 (Site Plan Review).
2. Construction, alteration or relocation of fences accessory to RESIDENTIAL USES and exceeding ten (10) feet in length shall be subject to Zoning Inspector approval per Section 1.07 (Permits and Certificates of Zoning Compliance).
3. The standards of this Section shall not apply to fences accessory to RURAL USES on recorded lots having a lot area in excess of ten (10) acres.

Section 6.103 Swimming Pools, Spas, and Hot Tubs.

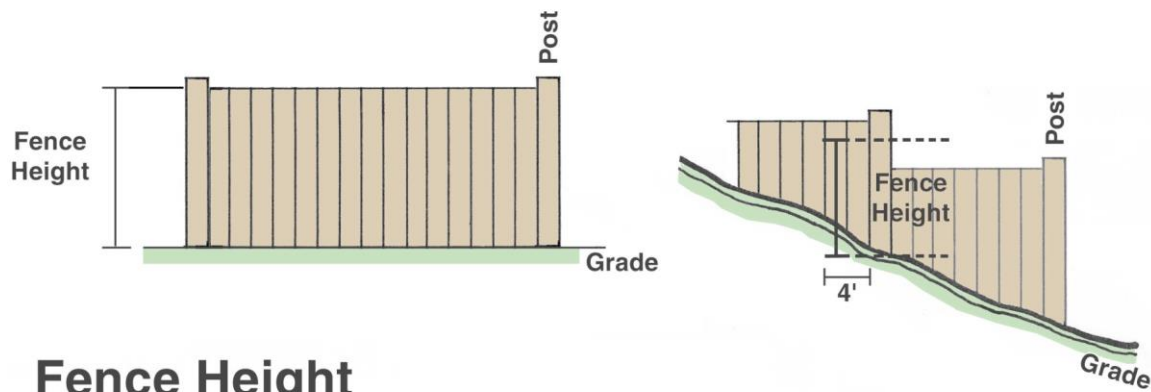
Outdoor swimming pools, spas, and hot tubs with a diameter exceeding twelve (12) feet, a depth exceeding four (4) feet or an area exceeding 100 square feet permanently or temporarily placed in, on or above the ground shall be permitted as an accessory structure in all zoning districts subject to the following:

1. Swimming pools, spas, and hot tubs shall conform to the area, height, bulk, and setback requirements of Article 3 (Dimensional Standards).
2. There shall be a distance of not less than ten (10) feet between the outside wall of a swimming pool and any principal building on the same lot. This requirement shall not apply to spas or hot tubs.
3. To prevent unauthorized access and protect the general public, swimming pools, spas, and hot tubs shall be secured and completely enclosed by a minimum four (4) foot high fence with a self-closing and latching gate.
 - a. Aboveground pool walls four (4) feet or more in height shall satisfy this requirement, provided that the pool ladder or steps shall be capable of being secured, locked or removed.
 - b. The Zoning Inspector may waive this requirement upon determining that the swimming pool, spa or hot tub is otherwise secured against unauthorized access.
4. No swimming pool shall be located directly under utility wires or electrical service leads. A minimum ten (10) foot horizontal setback shall be maintained from the pool perimeter to the vertical plane of the overhead wire.
5. A setback distance of at least three (3) feet horizontally shall be maintained from a permanent pool to any sanitary sewer line and any underground water, electrical, telephone, gas or other pipes and conduits, except for parts of the swimming pool system.
6. Swimming pools, spas, and hot tubs shall comply with all applicable provisions of the State Construction Code enforced by the Washtenaw County and any requirements of the Washtenaw County Environmental Health Division.
7. Construction, alteration or relocation of swimming pools, spas, and hot tubs shall be subject to Zoning Inspector approval per Section 1.07 (Permits and Certificates of Zoning Compliance).

ILLUSTRATIONS



Orientation of Finished Side - Top View



Fence Height

SECTION 6.200 OTHER PROVISIONS

Section 6.201 Temporary Dwelling.

No cabin, garage, cellar, or any fixed or moveable temporary structure may be erected, altered or moved upon or used for any dwelling purposes, except in accordance with the following:

1. If a permanent dwelling is destroyed or damaged by fire, flood, windstorm or similar natural or man-made event, or otherwise rendered uninhabitable for a period of time, a temporary dwelling may be moved on to the lot for use as a residence during replacement or repair of the permanent dwelling.
2. Such temporary dwellings shall be subject to approval of a certificate of zoning compliance by the Zoning Inspector per Section 1.07 (Permits and Certificates of Zoning Compliance). The certificate shall establish a date for removal of the temporary dwelling, which shall not exceed 730 calendar days (two years) from the date that the certificate was issued by the Township.
3. A performance guarantee in the amount of one thousand dollars (\$1,000) shall be provided to the Township to ensure removal of the temporary dwelling, per Section 1.08C (Performance Guarantees).
4. The temporary dwelling shall conform to the requirements of Article 3 (Dimensional Standards), and shall be connected to an approved potable water supply and sanitary sewage treatment and disposal system. Temporary use of a private on-site well or septic system shall be subject to Washtenaw County Environmental Health Division approval.
5. The temporary dwelling shall be removed within 14 calendar days of re-occupancy of the replaced or repaired permanent dwelling, as determined by the date listed on a certificate of occupancy issued under the authority of the State Construction Code enforced by Washtenaw County.
6. The Zoning Inspector shall notify the Planning Commission and Township Board of each certificate of zoning compliance issued under this Section.

Section 6.202 Transient and Amusement Enterprises.

Circuses, carnivals, other transient amusement enterprises, music festivals and similar temporary gatherings of people, may be permitted in any zoning district except the A-1 (Agricultural-Conservation) District, subject to approval by the Township Board and the following:

1. Such enterprises may be permitted only upon a finding by the Township Board that the location of such an activity will not adversely affect adjoining properties or adversely affect public health, safety, morals or general welfare.
2. The Township Board may require posting of a performance guarantee, per Section 1.08C (Performance Guarantees) in an amount sufficient to hold the Township free of all liabilities incidental to the operation of such activity and indemnify any adjoining land owners for any damage resulting from the operation of such activity, and which damages shall be provable before the court having jurisdiction over the premises upon which the damages occurred and payable through such court.

Such transient and amusement enterprises may be permitted accessory to RURAL USES in the A-1 (Agricultural-Conservation) District in accordance with the standards of Article 4 (Land Use Table) and Section 5.101 (Farm-Based Tourism or Entertainment Activities).

Section 6.203 Access Through Yards.

For the purpose of this Ordinance, 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. Any walk, terrace or other pavement serving a like function and not in excess of nine (9) inches above grade shall be permitted in any required yard and not be considered to be a structure.

Section 6.204 Property Maintenance.

Each property owner shall be responsible for keeping their lot and buildings clean and free of any accumulation or infestation of dirt, filth, rubbish, garbage, vermin or other matter. Any hazardous places on a lot shall be fenced and secured.

Section 6.205 Property Between the Lot Line and Road.

The area between the lot line and edge of road pavement shall be maintained with grass or other suitable groundcover. Property owners shall be responsible for the condition, cleanliness and maintenance of the areas within the road right-of-way in front of their lot between their lot lines and the pavement edge.

Section 6.206 Voting Place.

The provisions of this Ordinance shall not be construed to interfere with the temporary use of any property as a voting place in connection with any public election.

Section 6.207 Essential Services.

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 federal, state, county, and local regulations, and shall be consistent with the list of uses permitted in each zoning

district. It is the intent of this Section to ensure conformity of all structures, uses, and storage yards to the requirements of this Ordinance wherever such conformity shall be practicable and not in conflict with the specific requirements of such franchise, state legislation or Township Ordinance.

Section 6.208 Performance Standards.

No activity, operation or use of land, structures or equipment shall be permitted where such activity, operation or use produces an environmental impact or irritant to sensory perception that exceeds the standards of this Section.

A. Purpose and Scope.

The purpose of this Section is to establish controls on the impacts generated by permitted uses so as to prevent an unreasonable negative impact that might interfere with another person's use of his or her property, or that might cause harm to the public health safety, and welfare.

1. **Scope.** No structure or land shall hereafter be used or occupied, and no structure or part thereof shall be erected, altered, reconstructed or moved after the effective date of this Ordinance, except in conformity with all applicable performance standards set forth in this Section. No site plan or other land use or development application shall be approved that is not in conformity with the requirements of this Section.
2. **Submission of additional data.** Nothing in this Section shall preclude the applicant or other interested party from submitting additional data or evidence related to a specific case. In consideration of such data or evidence, the Planning Commission may waive or modify the regulations set forth in this Section, provided that the Planning Commission finds that no harm to the public health, safety or welfare will result, and that the intent of this Ordinance will be upheld.
3. **Higher standard.** The regulations of this Section shall govern, except where a higher standard is imposed by a federal state, county or local regulatory agency with jurisdiction.

B. Surface Water Flow.

No site plan review application and no proposal for division of land shall be approved if subsequent development within the required setbacks would result in identifiable disruption to the existing or natural flow of water within drainage ditches, natural water courses, or drains having a recorded easement.

C. Dust, Smoke, Soot, Dirt, Fly Ash and Products of Wind Erosion.

Dust, smoke, soot, dirt, fly ash, and products of wind erosion shall be subject to the regulations established in conjunction with the Michigan Environmental Protection Act (P.A. 451 of 1994, as amended), or other applicable state or federal regulations. No

person, firm or corporation shall operate or maintain any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, unless such processes or devices use or are equipped with recognized and approved equipment, methods, or technology to reduce the quantity of gas-borne or airborne solids or fumes emitted into the open air.

The drifting of air-borne matter beyond the lot line, including wind-blown dust, particles or debris from open stock piles, shall be prohibited. Emission of particulate matter from material products, or surfaces subject to wind erosion shall be controlled by paving, oiling, wetting, covering, landscaping, fencing, or other means.

D. Odor.

Offensive, noxious, or foul odors shall not be allowed to escape into the atmosphere in concentrations which are offensive, which produce a public nuisance or hazard on adjoining property, or which could be detrimental to human, plant, or animal life.

E. Glare and Heat.

Any operation or activity which produces glare shall be conducted so that direct and indirect illumination from the source of light does not exceed one (1.0) footcandle when measured at any point along the property line of the site on which the operation is located. Any operation that produces intense glare or heat shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines. If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time.

F. Fire and Safety Hazards.

The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with all applicable state, county and local regulations, including the Michigan Fire Prevention Code (P.A. 207 of 1941, as amended).

G. Sewage Wastes and Water Pollution.

Sewage disposal (including septic systems) and water pollution shall be subject to the standards and regulations established by federal state, county, and local regulatory agencies, including the Michigan Department of Health, the Michigan Department of Environmental Quality, the Washtenaw County Environmental Health Division, and the U.S. Environmental Protection Agency.

H. Gases.

The escape of or emission of any gas that is injurious or destructive to life or property, or that is explosive, is prohibited. Gaseous emissions shall be subject to regulations established in conjunction with the Michigan Environmental Protection Act (Public Act 451 of 1994, as amended), federal clean air regulations, and any other applicable state or federal regulations. Accordingly, gaseous emissions measured at the property line at

ground level shall not exceed the levels indicated in the following chart that is based on the National Ambient Air Quality Standards:

Gas	Maximum Emissions Level	Sampling Period
Sulfur dioxide	0.14 ppm	24 hours
Hydrocarbons	0.24 ppm	3 hours
Photochemical oxidants	0.12 ppm	1 hours
Nitrogen dioxide	0.05 ppm	Annual
Carbon monoxide	9.0 ppm	8 hours
	35.0 ppm	1 hours
Lead	1.5 Dg/cubic meter	3 months
Mercury	0.01 mg/cubic meter	10 hours
Beryllium	2.0 Dg/cubic meter	8 hours
Asbestos	0.5 fibers/cc	8 hours

Notes Related to Table:

- a. ppm = parts per million
- b. Dg = micrograms
- c. mg = milligrams
- d. cc = cubic centimeters

I. Electromagnetic Radiation and Radio Transmission

Electronic equipment required in an industrial, commercial or other operation shall be designed and used in accordance with applicable rules and regulations established by the Federal Communications Commission (FCC). The operation of such equipment shall not interfere with the use of radio, television, or other electronic equipment on surrounding or nearby property.

J. Radioactive Materials

Radioactive material wastes and emissions, including electromagnetic radiation, shall not exceed levels established by occupational and health standards and state and federal agencies that have jurisdiction. No operation shall be permitted that causes any individual outside of the lot lines to be exposed to any radiation exceeding the lowest concentration permitted for the general population by federal and state laws and regulations currently in effect.

K. Procedures for Determining Compliance.

In the event that the Township receives complaints or otherwise acquires evidence of possible violation of any of the performance standards set forth in this Section, the following procedures shall be used to investigate, and if necessary, resolve the violation:

1. **Official investigation.** Upon receipt of evidence of possible violation, the Zoning Inspector or designated Township consultant shall make a determination whether there is reasonable cause to suspect the operation is indeed in violation of the performance standards.

Upon initiation of an official investigation, the Zoning Inspector or designated Township consultant shall be empowered to require the owner or operator of the facility in question to submit data and evidence deemed necessary to make an objective determination regarding the possible violation. Failure of the owner or operator to supply requested data shall constitute grounds for taking legal action to terminate the use or deny or rescind any permits required for continued use of the land. Data which may be required includes, but is not limited to the following:

- a. Plans of the existing or proposed facilities, including buildings and equipment.
 - b. A description of the existing or proposed machinery, processes, and products.
 - c. Specifications for the mechanisms and techniques used or proposed to be used to control emissions regulated under the provisions of this Section.
 - d. Measurement of the amount or rate of emissions of materials purported to be in violation.
2. **Method and cost of determination.** The Zoning Inspector or designated Township consultant shall take measurements and complete investigation necessary to make an objective determination concerning the purported violation. Where required measurements and investigation can be accurately made using equipment and personnel normally available to the Township without extraordinary expense, such measurements and investigation shall be completed before notice of violation is issued. If necessary, skilled personnel and specialized equipment or instruments shall be secured to make the required determination.

If the alleged violation is found to exist in fact, the costs of making such determination shall be charged against those responsible, in addition to such other penalties as may be appropriate. If it is determined that no substantive violation exists then such costs shall be paid by the Township.

3. **Appropriate remedies.** If, after appropriate investigation, the Zoning Inspector or designated Township consultant determines that a violation does exist, written notice of the violation shall be provided to the owners or operators

of the facility deemed responsible requesting that the violation be corrected within a specified time limit.

- a. **Correction of violation within time limit.** If the alleged violation is corrected within the specified time limit, the Zoning Inspector or designated Township consultant shall note "violation corrected" on the Township's copy of the notice, which shall be retained on file.
 - b. **Violation not corrected and no reply from owner or operator.** If there is no reply from the owner or operator within the specified time limits and the alleged violation is not corrected, then the Township shall take such action as may be warranted to correct the violation. in accordance with the regulations set forth in this Section.
 - c. **Reply requesting time extension.** If a reply is received within the specified time limit indicating that an alleged violation will be corrected, but that more time is required, the Township may grant an extension upon determining that the extension is warranted because of the circumstances in the case and will not cause imminent peril to life, health, or property.
 - d. **Reply requesting technical determination.** If a reply is received within the specified time limit request further review and technical analysis even though the alleged violations continue, then the Township may call in properly qualified experts to complete such analysis and confirm or refute the initial determination of violation.
4. **Costs and penalties incurred.** If expert findings indicate that violations do exist in fact, the costs incurred in making such a determination shall be paid by the persons responsible for the violations in addition to other applicable penalties under this Ordinance. Such costs shall be billed to those owners or operators of the use deemed responsible for the violation. If the bill is not paid within 30 calendar days, the Township may take necessary action to recover such costs, or may charge such costs against the property where the violation occurred.

Section 6.209 Dumping and Filling of Land.

Filling or depositing of any type of earth material, topsoil, gravel, rock on land shall be prohibited in all zoning districts, except in accordance with an approved development plan. The use of land for filling, depositing or storing, temporarily or permanently, of garbage, rubbish, construction debris, or other wastes or by-products shall be prohibited in all zoning districts, except within an approved sanitary landfill or in accordance with applicable Township ordinances. Such activities shall further comply with Township Ordinance No. 2007-02, which regulates certain dumping and fill activities.

This Section shall not apply to common household gardening, farming, general ground care of a residential or agricultural character, and normal soil changes for basement or foundation construction.