

**ARTICLE 5**

**GENERAL PROVISIONS**

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**Section 5.1 Intent.**

The intent of this Article is to provide for those regulations that generally apply regardless of the particular zoning district and to those conditional uses that may be permitted in certain zoning districts.

**Section 5.2 Accessory Buildings, Structures and Uses.**

(a) Detached Accessory Buildings. Except as otherwise permitted in this Zoning Ordinance, all detached accessory buildings located in a residential district are subject to the following:

<u>Districts</u>	<u>Location</u>	<u>Ground Floor Area</u> (Up to)	<u>Minimum Yard Setbacks</u>		
			<u>Side</u> (ft.)	<u>Rear</u> (ft.)	<u>Btw. Bldgs.</u> (ft.)
LR	Rear Yard <sup>1</sup>		3 ft. from lot line	3 <sup>3</sup> ft. from lot line	See footnote 2,3,4
	Side Yard	2% of the lot			
AR	Rear Yard <sup>1</sup>		25	20 <sup>3</sup>	See footnote 2,3,4
	Side Yard	3% of the lot			See footnote 2
C	Rear Yard <sup>1</sup>	10% of the lot	25	40	See footnote 2
I	Rear Yard	200 sq. ft.	See footnote 2	See footnote 2	See footnote 2

1. If located on a corner lot, the detached accessory building may be located in the non-addressed front yard providing the front yard setback is comparable to the principal building on the adjacent lot.
2. No detached accessory building of greater than two hundred (200) square feet shall be located closer than ten (10) feet from a principal building, nor closer than six (6) feet from any other accessory building, regardless of whether or not the buildings are on the same or adjacent lots.
3. Except for detached private garages shall adhere to front yard setback requirements unless said garage is located in the rear yard in which event the garage may be erected three (3) feet side lot line.
4. No accessory structure shall be located closer to the center line of a right-of- way of an abutting street than one hundred and eight (108) feet on unpaved roads and one hundred and fifty (150) feet on State Highways.

- (1) No detached accessory structure shall be more than 2 ½ stories or thirty five (35) feet).

- (2) All accessory buildings shall be architecturally compatible with the principal building (i.e. building materials, roof pitch, height, etc.) if so determined by the association or the subdivision in which the structure exists. A determination of architectural compatibility can be referred to the Planning Commission at the sole discretion of the Zoning Administrator.
- (3) Habitable space is allowed within a detached accessory building subject to the special land use criteria and procedures of Section 3.5 and the following:
  - A. No more than 50% of the total floor area may be occupied as habitable space.
  - B. The space may only be occupied by an immediate family member (i.e. father, mother, daughter, son, grandparent, and grandchild).
  - C. Under no circumstance shall the space be rented or cause to be occupied by someone other than an immediate family member.
  - D. All such detached accessory buildings shall be located no less than twenty (20) feet from a rear or side property line and no less than thirty (30) feet another building.
- (4) The following detached accessory buildings are exempt from the above provisions:
  - A. One (1) shed of up to two hundred (200) square feet in area, no more than fourteen (14) feet tall located within the rear yard.
  - B. Temporary building for the incidental sale of crops or products grown on the premises.
- (5) Before a building permit can be issued, a certificate of zoning compliance shall be sought and will be issued if determined by the Zoning Administrator that all ordinance provisions have been satisfied.

(b) Attached Accessory Buildings (Residential) Except as otherwise permitted in this Zoning Ordinance, all attached accessory buildings located in a residential district (LR, AR) are subject to the following regulations:

- (1) The minimum yard setbacks shall be the same as the main structure and governed by Section 4.10, Schedule of Area, Height and Placement Requirements.
- (2) The height cannot exceed that of the existing main building.
- (3) The floor area cannot exceed forty (40) percent of the principal building.
- (4) Before a building permit can be issued, a certificate of zoning compliance shall be sought and will be issued if determined by the Zoning Administrator that all ordinance provisions have been satisfied.

(c) Decks. Decks requiring a foundation shall be subject to the following:

- (1) The total square footage, excluding steps, shall not exceed the ground floor area of the principal building.
- (2) The deck shall comply with the side and rear yard requirements of the district in which it is located.
- (3) Before a building permit can be issued, a certificate of zoning compliance shall be sought and will be issued if determined by the Zoning Administrator that all ordinance provisions have been satisfied.

(d) Private Swimming Pools. Except as otherwise permitted in this Zoning Ordinance, all private swimming pools (above or below ground) shall be subject to the following:

- (1) Only permitted in the rear or side yard.
- (2) No swimming pool shall be located within ten (10) feet of any building or property line.
- (3) No less than a twenty-five (25) foot separation is required between a pool and a private water well and seventy-five (75) feet from a public or semi-public water well.
- (4) The pool shall be three (3) feet horizontally from any sewer line and ten (10) feet from any septic field.
- (5) The pool shall be at least ten (10) feet horizontally from any point directly under any overhead electrical or telephone line.

- (6) No swimming pool shall be located in an easement.
- (7) All pools (both in ground and above ground) shall be protected by a five (5) foot wall or fence. Any gate or access to the pool shall be equipped with a lock. The fencing material shall be such so that it is not easy for children to climb. The stair or ladder, if it can be locked in an up position so that one cannot climb into the pools, can be used to secure an above ground pool.
- (8) Before a building permit can be issued, a certificate of zoning compliance shall be sought and will be issued if determined by the Zoning Administrator that all ordinance provisions have been satisfied.

### **Section 5.3 Essential Services.**

Essential services shall be permitted as authorized and regulated by law and other ordinances of the Township. The construction of buildings associated with essential services shall be subject to the provisions of Section 3.6, Site Plan Review. Otherwise, the construction, maintenance, and alteration of essential services shall be exempt from the provisions of this Ordinance.

### **Section 5.4 Fences, Walls and Screens.**

Except as otherwise required by this Ordinance, the following regulations shall apply:

- (a) All Districts: Fences, walls and screens shall not to be located in any public right-of-way, clear zone (see Section 5.14 Visibility at Intersections) or any easement granted for the purposes of ingress or egress. These structures may be located on the property line, provided they do not interfere with underground utilities, and the applicant can provide evidence that the structure does not extend onto the adjacent property.
- (b) AR District. Within the limits of the required front yard of a lot in the AR district, no fence wall, or other screening structure shall not exceed six (6) feet in height in the rear unless at least fifty (50) percent of the surface area is open as determined by the Zoning Administrator.
- (c) Residential Districts. Within the limits of the required front yard of a lot within a residential district, no fence wall, or other screening structure shall exceed four (4) feet in height. No such fence, wall or other screening structure located within a side or rear yard shall exceed six (6) feet in height. Refer to Article 2, Definitions, for the definition of required front, side and rear yards and setbacks.
- (d) I and C Districts. Within the limits of the required front yard of a lot within the I and C districts, no fence, wall, or other screening structure shall exceed four (4) feet in height.

(e) The use of barbed wire, spikes, nails, or any other sharp pointed instrument of any kind on top or on the sides of any fence, electric current, or charge in said fences is prohibited except in conjunction with agricultural operations. Barbed wire cradles may be placed on top of fences enclosing public utility buildings or wherever deemed necessary in the interests of public safety.

(f) On waterfront lots, fences that are located between the rear of the principal building and the shoreline shall be of an open-air type, permitting visibility through at least eighty (80) percent of its area.

(g) Retaining walls shall be designed and constructed in accordance with applicable building code requirements.

(h) Fenced dog runs and/or pens shall be located no less than twenty (20) feet from all property lines in all residential zoning districts.

(i) Open Storage.

(1) There shall be no outdoor storage of any industrial or commercial equipment, vehicles and/or other materials, including wastes, unless otherwise provided by this Ordinance. Any storage shall be screened from public view from a public street and from adjoining properties by an enclosure consisting of a wall not less than the height of the equipment, vehicles and all materials to be stored, except in the Industrial, I District and unless specifically covered in this Ordinance. Whenever such open storage is adjacent to a residential zone, in either a front, side or rear lot line relationship, whether immediately abutting or across a right-of-way from such zone, there shall be provided an obscuring masonry wall or wood fence of at least six (6) feet in height.

(2) Such masonry wall or wood fence shall be repaired, maintained and kept in good condition by the owners.

**Section 5.5 General Exceptions.**

The regulations in this Ordinance shall be subject to the following interpretations and exceptions:

(a) Essential Services. Essential services shall be permitted as authorized and regulated by law and other Ordinances of Sanilac Township, it being the intention hereof to exempt such essential services from the application of this Ordinance.

(b) Voting Place. The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a Township or other public election.

(c) Height Limit. The height limitations of this Ordinance shall not apply to chimneys, church spires, flagpoles, essential services or public monuments; provided, however, that the

Planning Commission may specify a height limit for any such structure when such structure requires special land use approval. The Planning Commission shall only give approval if the total height is not adverse to the character of the area, detrimental to the use and/or value of the surrounding properties, and not injurious to the health, safety, and welfare of Sanilac Township. In addition, any height requirement, variance, or waiver in excess of seventy (70) feet shall require mandatory approval of the Federal Aviation Administration.

### **Section 5.6 Home Occupation.**

All home occupations, with the exception of agricultural operations, shall be in single-family residences subject to the following requirements:

- (a) A home occupation must be clearly incidental and secondary to the primary use of the dwelling unit used for dwelling purposes (up to 20% of usable floor area of the principal building).
- (b) A home occupation shall not change the character or appearance of the structure or the premises, or other visible evidence of conduct of such home occupation. There shall be no external or internal alterations not customary in residential areas or structures
- (c) A home occupation use shall not create a nuisance or endanger the health, safety, welfare, or enjoyment of any other person in the area, by reason of noise, vibrations, glare, fumes, odor, electrical interferences, unsanitary or unsightly conditions, fire hazards, or the like, involved in or resulting from such home occupation. Any electrical equipment processes that create visual or audible interferences with any radio or television receivers off the premises or which cause fluctuations in line voltages off the premises shall be prohibited.
- (d) A home occupation shall not generate sewage or water use in excess of what is normally generated from a single-family dwelling in a residential area.
- (e) No employees shall be permitted other than members of the immediate family residing in the dwelling unit.
- (f) A home occupation shall be conducted within the dwelling unit. There shall be no outside display of any kind, or other external or visible evidence of the conduct of a home occupation, with the exception of a sign (nameplate) as described in Article 9.
- (g) There shall be no vehicular traffic permitted for the home occupation, other than as is normally generated for a single-family dwelling unit in a residential area, both as to volume and type of vehicles.
- (h) Parking for the home occupation shall not exceed two (2) spaces. Such spaces shall be provided on the premises. Off street parking is subject to all regulations in Article 10, Off Street Parking and Loading. Parking spaces shall not be located in the required front yard.

(i) No article shall be sold or offered for sale on the premises except as is prepared within the dwelling or accessory building or is provided as incidental to the service or profession conducted therein.

(j) The exterior storage of material, equipment, or refuse associated with or resulting from a home occupation, shall be prohibited.

## **Section 5.7 Home Based Businesses.**

It is the intent of this section to establish standards for a home (family) business, which will insure compatibility with adjacent land uses and maintain the rural and agricultural character of the Township. Home based businesses are permitted in accessory structures in conformance with this Section.

(a) Home based businesses shall be a Special Land Use only in the following districts: AR, LR and subject to Section 5.7.

(b) Home based businesses shall conform to the requirements of Section 5.2, Accessory Buildings, Structures and Uses and all applicable provisions of Section 4.10, Schedule of Area, Height and Placement Regulations.

(c) Home based businesses must be operated solely within a single (1) building or accessory structure, and be located on the same parcel as the operating family's residence. The family operating the family business must reside in the residence.

(d) Home based businesses must be incidental and secondary to the principal use, therefore they shall not occupy a space within any building or structure that is greater in gross square footage than 49% of the gross square footage of the principal residential structure located on the subject property.

(e) The Township may limit the type of home based business. It may also require that the particular business be operated only for a specified period of months or years unless an additional permit is granted. The Township may impose additional conditions and regulations, as it deems necessary, to adequately protect adjoining residents and property owners, and the values of the adjoining properties.

(f) One family member and up to one (1) additional employee shall be allowed to work in the business.

(g) Home based businesses shall not be established on a vacant lot or parcel, or within any platted subdivision or site condominium.

(h) Any expansions to the building or structure approved to contain the home based business, or any additional buildings or structures proposed to be built on the subject property that will

increase or expand the home based business shall be considered an amendment to the original permit, subject to review and approval by the Zoning Administrator.

(i) Home based businesses shall not diminish the value of the land, buildings or structures, in the immediate area, or on the whole.

(j) The nature, location and size of the use shall not change the essential character of the surrounding area, and not disrupt the orderly and proper development of the AR and LR districts. The use shall also not be in conflict with, or discourage the development of the adjacent or neighboring lands or buildings.

(k) Home based businesses shall not be significantly more objectionable to nearby properties by reason of traffic, noise, vibration, dust, fumes, odor, smoke, glare, lights, or disposal of waste, than the operation of any principal permitted use, nor shall the conditional land use increase hazards from fire or other dangers to either the property or adjacent property.

(l) Outdoor storage is subject to review and approval by the Zoning Administrator. No outdoor storage shall be allowed, unless it is adequately screened to effectively block all views from the adjoining, roads and properties. Screening shall consist of evergreen plantings at least six (6) feet in height and spaced so as to form a solid screen, or it may consist of a solid fence made of new materials and attractive in design, and maintained at all times.

(m) The hours of operation of the home based business shall be specified on the application and depending on the type of use and proximity to adjacent single family homes, may be limited at the discretion of the Zoning Administrator.

(n) The use shall not increase traffic hazards or cause congestion on the public roads or streets of the area.

(o) Signs not customarily found in residential areas shall be prohibited, provided however that one non-illuminated name plate, not more than six (6) square feet in area, may be attached to the building, and which sign shall contain only the name, occupation, and address of the premises.

(p) No article shall be sold or offered for sale on the premises except as is prepared within the dwelling or accessory building or is provided as incidental to the service or profession conducted therein.

(q) The Zoning Administrator shall inspect the property once every three (3) years, unless a written complaint is received, to determine if all conditions of the use permit are met. Violations of requirements or conditions of the use permit shall be subject to Section 3.11, Violations and Penalties.

(r) The Zoning Administrator shall forward any and all special land use requests for a home based business to the Planning Commission.



**Section 5.8 Private Boat Houses.**

(a) No front yards shall be required as set forth in the district in which it is located for any boat house constructed over the water of Lake Huron; provided that such boat house is set back from the harbor line as established by the United States Corps of Engineering and set back a minimum of five (5) feet from the side lot line, nor exceed six hundred (600) square feet in area.

**Section 5.9 Open Space Preservation Option.**

At the option of the owner, land zoned AR and LR may be developed for detached single-family residential subdivisions and condominiums in the fashion established under P.A. 177 of 2001, as amended. Land developed under this option must adhere to the following requirements:

(a) Minimum Open Space Required. In all developments proposed under the standards of this option, up to fifty (50%) percent of the “gross buildable area” of the subject property may be perpetually preserved as open space. “Gross buildable area” is defined as that portion of the gross site area that is buildable and specifically excluding areas that are not buildable including, but not limited to open bodies of water, streams, floodplains, wetlands and other such non-buildable areas as defined by the MDEQ.

(b) The following land areas shall not be applied toward satisfaction of the open space provision stated under Section 5.9(a) above:

- (1) Unbuildable land, including wetlands, floodplain area, open bodies of water and streams.
  - i. The area of any public road right-of-way or private road easement.
  - ii. Areas within established lots or units within the development.
  - iii. Public or private golf courses.
  - iv. Any other area that is not buildable.

(c) The following land areas may be applied toward satisfaction of the open space provision stated under Section 5.9(a) above:

- (1) Un-cleared areas of the site left in their natural condition.
- (2) Landscaped greenbelts.

- (3) Public and private parks developed with recreational amenities including but not limited to landscaping, gazebos, benches, play equipment, pathways (woodchip or paved), and wildlife enhancements.
  - (4) Storm water management facilities, including detention, retention and sedimentation basins, up to twenty-five (25%) percent of the total amount of open space required under Section 5.9(a) above.
  - (5) Buildable areas.
- (d) Open Space Standards. Open space intended to satisfy the provisions stated under Section 5.9(a) must adhere to the following standards:
- (1) Open space shall be centrally located, located along the road frontage of the development, located to preserve significant natural features, or located to connect open spaces throughout the development.
  - (2) Open space must be left in its natural condition, provided with recreational amenities, or landscaped. Preserved open space shall not be left primarily as lawn. This subsection shall not apply to storm water management basins.
  - (3) Open space provided along exterior public roads shall generally have a depth of at least one hundred (100) feet, and be either landscaped or left in a natural wooded condition. In either case, open space along exterior public roads shall be provided with a minimum of one (1) evergreen or canopy tree for each forty (40) feet of road frontage. Such plantings shall be planted in staggered rows or clustered into natural groupings to provide a natural appearance. Preservation of existing trees may be credited towards meeting this frontage landscaping requirement.
  - (4) Open space must be accessible. Access can be provided via sidewalks and pathways throughout the development or where open space abuts road rights-of-way within the development.
  - (5) The Planning Commission may require connections with adjacent open space, public land or existing or planned pedestrian/bike paths.
  - (6) Views of open spaces from lots (or units) and roads within the development are encouraged. For larger developments (over one hundred (100) residential units or golf course communities), the Planning Commission may require view sheds of lakes or other areas as a condition of site plan approval. A view shed shall be composed of at least one hundred (100) lineal feet of road frontage having an unobstructed view of a lake or other landscape feature found acceptable to the Planning Commission.

- (7) Where lakes and ponds are located within or abut a development, the Planning Commission may require open space to provide lake access.
- (8) Preservation of Open Space. Open space shall be set aside by the developer through an irrevocable recorded document that is found acceptable to the Planning Commission and Township Board. The following are examples of acceptable means of conveyance:
  - A. Recorded deed restrictions.
  - B. Covenants that run perpetually with the land.
  - C. Conservation easements including, but not limited to those established per the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended (M.C.L. 399.251).
  - D. Land Trust.
- (9) Preservation of open space as described above under Section 5.9(c), shall assure that open space will be protected from all forms of development, except as shown on an approved plat or site plan, and shall never be changed to another use. The recorded document utilized shall indicate the proposed allowable use(s) of the preserved open space. The Planning Commission and Township Board may require the inclusion of open space restrictions that prohibit or require the following:
  - A. Prohibit dumping or storing of any material or refuse.
  - B. Prohibit activity that may cause risk of soil erosion or threaten any living plant material.
  - C. Prohibit cutting or removal of live plant material, except for removal of dying or diseased vegetation or seasonal pruning and necessary maintenance.
  - D. Prohibit use of motorized off-road vehicles.
  - E. Prohibit cutting, filling or removal of vegetation from wetland areas;
  - F. Prohibit use of pesticides, herbicides or fertilizers within or adjacent to wetlands.
  - G. Require that parties who have an ownership interest in the open space maintain the preserved open space.

- H. Require for the provision of standards for scheduled maintenance of the open space.
  - I. Require for the provision of maintenance to be undertaken by Sanilac Township, at the Township's option, in the event that the preserved open space is inadequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon the property owners.
- (10) Continuing Obligation. The preserved open space shall remain perpetually in an undeveloped state subject only to uses approved by the township on the approved site plan or plat. Further subdivision of open space land or its use for other than recreation, conservation or agricultural purposes, except for easements for utilities and septic systems, shall be strictly prohibited.
- (11) Allowable Structures. Any structure(s) or building(s) accessory to a recreation, conservation or agriculture use may be erected within the preserved open space, subject to the approved site plan. Accessory structures may include:
- A. Maintenance buildings;
  - B. Clubhouse;
  - C. Recreation structures (gazebos, boardwalks, docks, etc.);
  - D. Other structures as approved by the Planning Commission.

These accessory structure(s) or building(s) shall not exceed, in the aggregate, one (1%) percent of the required open space area.

- (e) Lot Size Reduction.
- (1) The minimum width and area for lots or units in single-family detached residential developments, as prescribed in the Schedule of Area, Height and Placement Regulations, under Section 4.10 of the Zoning Ordinance, may be reduced by up to fifty (50%) percent when developed using the option provided under this section.
  - (2) Every square foot of lot area reduction proposed below the minimum lot area normally permitted for the district must be preserved as open space, and may be counted toward the open space described above under Section 5.9(a).
- (f) Required yard setbacks shall not be reduced.
- (g) Land shall not be developed using this option in a manner that would necessitate the extension of public sewer or water outside of the Township's established utility district(s).

**Section 5.10                      Similar Permitted Principal and Special Land Uses.**

Land uses which are not contained by name in a zoning district list of uses permitted by right, special land uses, or accessory uses must be referred to the Planning Commission provided that such uses are clearly similar in nature and/or compatible with the listed or existing uses in that district.

**Section 5.11    Single Family Dwellings, Manufactured Housing, Prefabricated Housing.**

(a)    Construction Standards. Minimum construction standards for all one-family dwellings shall be pursuant to all applicable State, Federal and/or local laws, codes and ordinances. Appropriate permits must be obtained from Sanilac County prior to construction.

(b)    Unit Size and Dimensions. Each dwelling unit shall have a minimum width on all elevations of twenty-four (24) feet.

(c)    Sewer and Water Service. All single family dwellings shall be served by public sewer and water service, where available, or approved on-site systems in the case where public sewer and water service are not available.

(d)    Compatibility Determination.

(1)    In terms of construction standards, character, materials, design, appearance, aesthetics and quality, all dwellings shall be compatible, (i.e. meet equal or greater standards), as compared with existing dwellings in the area. The Zoning Administrator shall make the determination of compatibility prior to issuance of a land use permit.

A.    The area of consideration. If the dwelling is to be located in a platted subdivision, planned unit development or site condominium development, it shall be compatible with the houses in the plat. If not in a platted subdivision, planned unit development or site condominium development, it shall be compatible with the dwellings within five hundred (500) feet of the property in question.

B.    The square footage of floor space.

C.    The length, width and height of the structure.

D.    The architectural type and design, including, without limitation, exterior materials, the custom nature of the design, the roof style and the like, to the extent that the same would likely bear upon property values.

- E. The attachment of garages.
- F. Maximum lot coverage shall be in accordance with Section 4.10.

These regulations shall not be construed to prohibit innovative design concepts involving such matters as energy conscious devices, including solar energy, view, unique land contour and/or custom qualities.

- (2) The Zoning Administrator may request a review by the Planning Commission of any dwelling unit with respect to this section. The Zoning Administrator or the Planning Commission shall not seek to discourage architectural variation, but shall seek to promote the reasonable compatibility of the character of dwelling units, thereby protecting the economic welfare and property value of surrounding residential uses and the Township at large.

**Section 5.12 Storage of Vehicles, Machinery and Materials.**

(a) No motor vehicle shall be kept, parked or stored in any district zoned for residential use unless it shall be in operating condition and properly licensed, or kept inside a building. The purpose of this provision is to prevent the accumulation of junk motor vehicles.

(b) All travel trailers, boats, recreational vehicles, and similar vehicles owned by residents of the Township and kept on their individual lots, shall be kept in the rear or side yard, unless prohibited by association or subdivision codicils. Guests are allowed to park in driveway during course of visit.

(c) The storage of vehicles exceeding one (1) ton rated capacity shall be permitted in the Agricultural Residential District (AG) when such vehicles are utilized for farming purposes, licensed as such, and meet the following conditions:

- (1) The parcel of land on which it is stored shall be five (5) acres or more which is actively being farmed.
- (2) The vehicle shall be owned and/or operated by a resident of the premises.

(d) Likewise, no old, rusty and unsightly machinery, machines or parts of machines not suited for use upon the premises, or quantities of old and used materials, shall be kept or stored outside of a building in a Residential District unless suitably screened from view.

(e) No semis shall be parked at any time in Residential Districts.

**Section 5.13                      Temporary Building and Structures.**

(a) No temporary dwelling, whether of a fixed or movable nature, may be erected, altered, or moved upon or used in whole or in part for any dwelling purpose whatsoever for any time whatsoever except as permitted in the following situations:

- (1) If a permanent principal residential structure is destroyed in whole or in part by a natural or man-made event, including, but not limited to fire, flood, windstorm, or tornado, to an extent that it is uninhabitable for a period of time, a mobile home, travel trailer or motor home may be occupied as an emergency temporary structure by the family so displaced during repair or replacement of the permanent dwelling for a period of up to six (6) months. The Zoning Administrator may renew the permit for the use of a temporary dwelling for such purposes for a second six (6) month period, however, in any case, the use of a temporary dwelling for such purpose shall not exceed one (1) year.

(b) Requirements and Procedures. A temporary dwelling, when permitted, shall conform to the following requirements and procedures. No permit shall be issued and no temporary dwelling occupied until requirements (1) through (4) listed below are met.

- (1) An application for a permit for the temporary use and installation of a mobile home, modular, or prefabricated dwelling unit shall be made to the Zoning Administrator. The application shall be accompanied by a plot plan showing the location of the proposed structure to verify compliance with all yard requirements of the zoning district in which it is located, unless a more restrictive provision exists herein.
- (2) The application shall be reviewed by the Planning Commission. Approval of the application may be granted upon a finding that all of the following conditions are met:
  - A. The principal residential structure has been destroyed in whole or in part by fire, explosion, or natural disaster and therefore is uninhabitable.
  - B. The temporary dwelling unit shall be connected to public sewer and water.
  - C. The temporary dwelling unit shall comply with all applicable zoning district requirements including setback, area, bulk, and other requirements, except minimum house size requirements.
- (3) The granting of a permit for an emergency temporary dwelling unit shall be for a period of up to one (1) year from the date of approval by the Planning Commission. Up to one (1) six (6) month extension may be requested in

accordance with the same provisions noted above. Any conditions of approval shall be specified in writing on the permit.

- (4) The temporary dwelling shall be removed within three (3) months of completion of the constructed, replaced, or repaired dwelling.
- (5) The Zoning Administrator shall provide a written statement setting forth the conditions of the use permit to the residents of a temporary dwelling and shall retain a copy in the files of the Zoning Administrator. Upon receiving the permit, the owner/occupant shall indicate by his/her signature that he/she has full knowledge of the terms of the permit and penalty pertaining thereto.
- (6) Any permit issued under this section shall not be transferable to any other owner or occupant.
- (7) The Zoning Administrator shall promptly notify the Township Board and Planning Commission in writing of each approval granted and all conditions attached thereto under this section.

#### **Section 5.14                    Visibility at Intersections.**

On any corner lot in any district having front and side yards, no fence, wall, screen, hedge, sign, or other structure or planting shall obstruct the visibility of street vehicular traffic between the heights of thirty (30) inches and twelve (12) feet above the road grade in an area bounded points which are thirty (30) feet back from the corner along the street (see illustration in Article 2).

#### **Section 5.15                    Private Road Ordinance**

- (a) The intent of this section is to ensure that unobstructed, safe, and continuous access to lots shall promote and protect the health, safety, and welfare of the public through police and fire protection, and ambulance service. Such access is necessary to ensure that such services can safely and quickly enter and exit private property at all times. Roadway access within Sanilac Township should meet minimum standards and specifications to permit the subsequent upgrading and dedication of such access rights-of-way to the Sanilac County Board of Road Commissioners or other municipal corporations when public dedication is desirable or required, and to minimize the number of road cuts and help maintain rural character. The procedures, standards, and specifications hereinafter set forth are determined to be the minimum procedures, standards, and specifications necessary to meet the intent of this Section.
- (b) General Access and Permit Requirements.



- (1) Every lot, unit, or parcel in Sanilac Township that is improved with a building shall:
    - A. Abut a public road or a residential private road.
    - B. Have access for ingress and egress for all vehicular traffic, including fire, police, and ambulance services and vehicles by means of such public road or residential private road.
  - (2) Lots or units not served by a public road shall not be improved with a building subsequent to the date of adoption of this Ordinance, unless a residential private road permit in accordance with this Ordinance has been issued.
  - (3) No person shall construct, alter, or extend a residential private road without compliance with this Ordinance and obtaining a permit as hereinafter provided.
  - (4) All lots or units which have been improved with a building prior to the date of adoption of this Ordinance shall comply with the provisions of this Ordinance, if the Township Board by resolution determines that such compliance is necessary to protect and promote the public health, safety, and welfare in accordance with the purposes set forth within this Ordinance.
- (c) Specifications for Residential Private Roads. All residential private roads shall meet the following minimum requirements and specifications:
- (1) A pre-application meeting with the Zoning Administrator is required.
  - (2) A complete legal description including related utility and drainage easements of the land on which the road is to be built and the names and addresses of the owners is required.
  - (3) A drawing on an aerial map showing the proposed road is required. Proposed improvements (including but not limited to roads, storm sewers, and ditches) shown in plan and profile form indicating all materials, grades, dimensions, and bearings in compliance with the standards set forth in this Ordinance.
  - (4) The roadway surface and turnaround area is required to be centered in the right-of-way.
  - (5) The connection between the right-of-way and the public road shall conform to the standards and specifications of the Sanilac County Road Commission. The applicant shall obtain a road permit issued by the Sanilac County Road Commission prior to approval of any rights-of-way by the Township Board.

- (6) The rights-of-way and road way shall be adequately drained so as to prevent flooding or erosion of the roadway. Ditches shall be located within the rights-of-way. Roadway drainage shall be constructed so that the runoff water shall be conveyed to existing water courses or water bodies. The discharged water shall not be cast upon the land of another property owner unless the water is following an established water course. Connection to County drains shall be approved by the Sanilac County Drain Commissioner prior to the issuance of a permit. Connection to roadside ditches within public road rights-of-way shall be approved by the Sanilac County Road Commission prior to the issuance of a permit.
- (7) The rights-of-way shall provide for ingress, egress, drainage, and installation and maintenance of public and private utilities.
- (8) Any extension of a private road shall meet Ordinance standards and shall require Township approval.
- (9) Private roads shall be designated with the word “private.” Private roads shall be named by the applicant, subject to review and approval by the Sanilac County Road Commission. Private road names shall not conflict with any public road names. The applicant shall be responsible for the erection and maintenance of all street signs and traffic signs required by the Township, the County, and the State.
- (10) All areas disturbed by construction must be top soiled, seeded, and mulched. Steep ditch slopes may require sod, riprap, or other stabilizers to minimize soil erosion. Temporary erosion control measures must be utilized.
- (11) A fee shall be paid as established by the Township Board to defray the costs of inspection, plan review, administration, and enforcement of this Ordinance.
- (12) The application shall be signed by the applicant or agent thereof. If signed by an agent, it shall be accompanied by a duly executed and notarized Power of Attorney, and shall represent that the applicant is making the application on behalf of all persons having an interest in the rights-of-way or the abutting lots, and shall be made under penalties of perjury. Residential Private Roads shall also meet the minimum requirements and specifications as set forth in Table 1, herein.

Table 1  
Minimum Requirements and Specifications for Private Residential Roads

Width of Rights-of-Way	Sixty-six (66) feet
Road Length	No minimum or maximum
Road Width	Eighteen (18) foot driving surface with adequate drainage
Road Identification	Road name and stop sign at entrance
Sub-Base	Remove all organic or unstable material and replace with a

	minimum six (6) inches of compacted sand
Driving Surface	Six (6) inches of crushed limestone or processed road gravel
For Paved Surface	Optional and at builder's direction. Twenty (20) feet.
Turnaround Area/Cul-de-Sac	Seventy-five (75) foot radius right-of-way with fifty (50) foot radius roadway surface
Ditches	Ditches shall be of width, depth, and grades to provide for adequate and positive drainage
Maintenance Agreement	Required
Engineering Certification	Required

(d) Permit Approval Procedure.

- (1) Prior to submitting an application, any potential applicant shall review zoning and other applicable regulations with the Zoning Administrator to ensure completeness of an application.
- (2) Upon receipt of an application and payment of applicable fees, the Township Clerk shall forward the application to the Zoning Administrator who shall review the application for compliance to regulations contained within this Ordinance. The Township Clerk shall also forward the application to the Fire Department serving that location and Land Division Officer for applicable review.
- (3) The Township Zoning Administrator shall require a written report and a stamped and dated letter from a State of Michigan Certified Civil Engineer indicating that the private road has been designed to conform to the standards set forth in this Ordinance.
- (4) The Township Zoning Administrator shall consider the application and all relevant information including Fire Marshall approval and Land Division Officer approval and, if the application is complete, shall grant the permit.
- (5) Upon completion of road construction and inspections, the Zoning Administrator and Fire Marshall shall make recommendation to the Township Board for final approval.

(e) Expiration of Approval of Permits. A permit shall be valid for a period of one (1) year from the date of issuance. The Township Board may extend the permit for up to six (6) months. If the required improvements have not been completed upon the expiration of the permit, then the permit shall be void and all deposits shall be forfeited to Sanilac Township.

(f) Recording of Rights-of-Way. The rights-of-way, including all agreements, shall be recorded in the office of the Register of Deeds for Sanilac County prior to the issuance of

any zoning permit. Proof of recording shall be provided to the Township Clerk before final approval is granted.

- (g) Zoning Permits. No zoning permit will be issued for any lot accessed by a residential private road subject to the provisions of this Ordinance until the Township Board has issued a final approval of the road.
- (h) Maintenance Agreement. A maintenance agreement received by the Township Attorney and approved by the Township Board shall be filed with the Township Clerk and recorded with the Sanilac County Register of Deeds for any maintenance for the residential private road. All parcels accessing the residential private road shall be part of the agreement. Proof of recording shall be provided to the Township Clerk before final approval is granted. The agreement will specifically address the liability and responsibility of the parties to the agreement to maintain the private road pursuant to the specifications provided for in this and other applicable Ordinances, including but not limited to the responsibility of removing snow from said private road and maintaining clear road width for ingress and egress of emergency vehicles.
- (i) Variances. When there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance such as topographical or other physical characteristics of a parcel, or when a variation of construction standards is requested, the Township Board shall have the power to vary or modify the application of the provisions of this Ordinance so that the intent and purpose of the Ordinance shall be observed, public safety secured, and substantial justice done. The Township Board may request inspection, review, and recommendation by the Township Engineer. Cost of such inspections, review, and recommendation from Township Engineer shall be the responsibility of the applicant.
- (j) Violations. Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor and shall be subject to a fine not exceeding five hundred dollars (\$500.00) and/or by imprisonment not to exceed ninety (90) days. Any access which is used in violation of the terms of this Ordinance shall be and the same is hereby declared to be a nuisance per se, and such use may be abated, restrained, enjoined, and prohibited upon the commencement of an appropriate action in the Circuit Court.
- (k) Sanilac Township Liability. The applicant for a private road approval, all owners of the private road and lots or units thereon, all those who utilize the private road, and all persons securing a building permit to construct a building served by the private road or all agree that, by applying for and securing a permit for a building that utilizes the private road and by utilizing the private road, they shall indemnify and will save and hold the Township (as well as its officers, agents, and employees) harmless for, from, and against any and all claims, causes of action, costs, and damages for personal injury and/or property damage arising out of the use of the private road or the failure to properly construct, maintain, repair, and/or install the private road or any appurtenances thereto.

This shall run with the land and shall bind all purchasers of properties benefited by the private road.

- (1) **Termination.** The lot owners' responsibility and liability for road maintenance shall cease for those roads or portions thereof which are dedicated or conveyed for public use and have been accepted by Sanilac County for said purpose.

## **Section 5.16 On-site Wind Energy Systems**

**(a) Intent and Purpose.** It is the intent and purpose of this section to establish rules and regulations for the construction, alteration, and operation of On-site Wind Energy Systems, while protecting the health, welfare, safety, and quality of life of the general public, and to ensure compatible land uses in the vicinity of the areas affected by such facilities. The provisions of this section shall supplement other provisions of this ordinance regarding Special Land Uses for Wind Energy Systems. In the event of a conflict between the provisions of this section and any other section of this ordinance, the provisions of this section shall apply.

**(b) Definition.** An On-site Wind Energy System is an electricity generating system consisting of one or more wind turbines under common ownership or control which produces electricity primarily intended for use on the premises where the On-site Wind Energy System is located and which does not exceed 100 feet in total height. This definition includes substations, towers, cables, wires, poles and other buildings and accessories used on the production of electricity by said facility. An On-site Wind Energy System may be referred to in this ordinance as an OWES.

**(c) Accessory Use by Right.** An OWES shall be considered an accessory use by right in all zoning districts.

**(d)** No OWES may be located, constructed, maintained or operated on any parcel which does not meet all of the following requirements:

**(1) Maximum Height.** A maximum total height of 100 feet

**(2) Setback.**

A wind turbine tower may not be located closer to any property line and the nearest right of way line for any public road than One and One-half (1 ½ ) times the total height of the wind turbine measured from the center of the tower. All other parts of the OWES, including the guy wire anchors, may not be located closer than ten (10) feet from any property line and the nearest right of way line for any public road, or the minimum setback distance in the zoning district in which the OWES is located, whichever is greater.

**(3) Sound.**

Sound pressure level shall not exceed forty (40) dB(A) LAmax at the property line closest to the wind energy system.

**(4) Signal Interference.**

No OWES shall interfere with any existing fixed broadcast, retransmission or reception antennae for radio, television, wireless telephone or other personal communication system or emergency broadcast system unless the owner/operator provides a replacement signal to the affected party at no additional cost that will restore reception to at least the level present before the operation of the OWES. No OWES shall causes significant electromagnetic interference to any microwave communication link which is in operation at the time a certificate of zoning compliance for the OWES is issued.

**(5) Visual Appearance.**

All On-site Wind Energy Systems shall meet the following visual requirements:

- (A) On-Site Wind Energy Systems and accessory structures shall be painted a non-reflective non-obtrusive color. The exterior shall be maintained in good condition and the towers shall be repainted whenever rust, corrosion or peeling or flaking paint is visible.
- (B) On-site Wind Energy Systems shall not be lighted unless so required by statute, ordinance, rule, or regulation.
- (C) On-site Wind Energy Systems shall contain no letters, numbers, or symbols other than the name of the manufacturer and the name of the owner/operator unless otherwise required by this ordinance or any other statute, ordinance, rule, or regulation. Any such letters, numbers, or symbols may not exceed six inches in height. Every On-site Wind Energy System must have a sign or lettering identifying its owner/operator and containing contact information.

**(6) Construction Codes, Towers, &Interconnection Standards.**

On-site Wind Energy Systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. On-site Use wind energy systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and local jurisdiction airport overlay zone regulations. An interconnected On-site Use wind energy system shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this requirement.

**(7) Safety.**

An On-site Wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly

visible to a height of at least six feet above the guy wire anchors. The minimum vertical blade tip clearance from grade shall be twenty(20) feet for a wind energy system employing a horizontal axis rotor.

**(e) Site Plan.** An application for a zoning compliance certificate for an OWES shall be accompanied by a site plan which shall contain all of the following in addition to any other information required by this ordinance:

**(1)** The dimensions and location of all boundary lines and contiguous public roads for the parcel on which the OWES will be located.

**(2)** The location, height, and dimensions of all existing and proposed structures, driveways, and other above ground infrastructure and the distance from all property lines and public roads.

**(3)** Certification that applicant has complied or will comply with all applicable federal, state, and local laws and regulations.

**(4)** Certification that the sound pressure level of the proposed OWES will not exceed the limits provided herein.