

Chapter 4 ■ General Regulations

SECTION 4.1 USE REGULATIONS

- a. CORNER CLEARANCE. No fence, wall, shrubbery, sign or other obstruction to vision above the height of three (3') feet from the established road grades shall be permitted within the triangular area formed at the intersection of any road right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of thirty (30') feet from their point of intersection.
- b. LARGE ANIMAL MAINTENANCE. Large animals which are used essentially for pets, contests, riding, educational or other special purposes as individual animal specimens are permitted by right in the residential districts (A-G, R-A & R-B).
 - (1) REGULATIONS. In addition to, and notwithstanding the above, the following regulations shall be applicable to the maintenance of large animals:
 - i. Adequate fencing shall be provided to contain the large animals on the parcel(s) in which the large animals are being kept.
 - ii. The refuse and waste resulting from the maintenance of the large animals shall be controlled upon the parcel(s) and shall be managed in such a way so as to minimize hazards of health and offensive effects upon neighboring property owners and the public. A nuisance presumption exists if manure piles are kept less than fifty (50) feet from a parcel line or if not kept inside an appropriate three-sided storage enclosure at least five (5) feet from the parcel boundary lines.
 - iii. All feed and other substances and materials on the premises for the maintenance of large animals shall be stored in appropriate enclosed receptacles and structures, excepting such storage as may otherwise be accomplished without adversely affecting the neighbors of the premises or the public health, safety and welfare of the citizens of the Township. Storage is permissible within required accessory structures.
 - iv. Unreasonable amounts of odors, dust, noise and drainage shall be controlled so as to not become a nuisance, hazard or annoyance to adjoining property owners or the general public.
 - v. Animal manure may only be transported upon public roads in equipment that is maintained in good condition and constructed and operated to ensure that waste material is not spilled during transportation.
 - vi. All large animal structures, excluding fences, are subject to the township setback requirements as set forth in this ordinance.

- (2) ENFORCEMENT. Violations of this section are subject to the enforcement provisions set forth in Section 9.3 of Chapter 9 to this ordinance.

The Township Board may order the removal of large animals from the premises only in the event that the maintenance of said large animals cannot be timely remedied through abatement so as to avoid the creation of an imminent danger to the public health, safety and welfare. If ordered by the Township Board, such a removal order shall be limited to a minimum number of large animals necessary to abate said danger.

- (3) OTHER ENFORCEMENT AGENCIES. Concerns regarding the welfare of large animals can be made to the Midland County Animal Control and the Michigan Department of Agriculture & Rural Development.

- c. COMMERCIAL FARM ANIMALS. All commercial farm animal structures excluding fences must be at least fifty (50') from all property lines and one hundred (100') from all dwellings excluding the dwelling on the property with the commercial farm animal, unless in conflict with the Michigan Right to Farm Act 93 of 1981.
- d. WILD OR EXOTIC ANIMALS. To the extent prohibited by Michigan law, no wild, exotic or vicious animal shall be kept permanently or temporarily in any district in the Township except in an accredited American Association of Zoologies Parks and Aquariums facility.

SECTION 4.2 DWELLING REGULATIONS

- a. ONE SINGLE FAMILY DWELLING PER PARCEL UNLESS THE PARCEL IS GREATER THAN TWO (2) ACRES. Unless the structure is part of an approved Planned Unit Development, only one (1) single family dwelling will be allowed to be erected on a parcel unless a parcel is greater than two (2) acres in which case a maximum of two (2) single family dwellings can be erected on the parcel. This provision does not apply if the structure at issue is part of an approved Planned Unit Development. The limitations set forth in this section also does not apply to temporary dwellings to the extent permitted in Chapter 7 and specifically Section 7.11.
- b. ACCESSORY BUILDING NOT FOR DWELLING USE. No portion of an accessory building in any zoning district is to be used as a dwelling.
- c. MOBILE HOME AS A DWELLING. A mobile home placed on a parcel may be utilized as a single-family dwelling on a parcel; however, said mobile home shall comply with all codes and standards as deemed applicable to said mobile home by the Township Code Authority or its successor. A mobile home must qualify for a certificate of occupancy or equivalent to the extent required by the Township Code Authority or its successor.
- d. No part of an accessory building in any zoning district is to be used as a dwelling.

SECTION 4.3 PARCEL REGULATIONS

ACCESS TO A ROAD. All parcels created after the effective date of this Ordinance shall have access to a public road or approved private road.

SECTION 4.4 BUFFERING REGULATIONS

The intent and purpose of the buffer zone is to protect residential uses from the negative impacts associated with nonresidential uses where residential and nonresidential uses abut. These negative impacts include, but not limited to, noise, debris, odors, dust, dirt, traffic, soil erosion, rainwater runoff and in some cases visible aspects of the abutting use. The buffer zone is also intended to prevent and improve blight in both residential and commercial areas by encouraging improvements to uses that abut residential districts.

- a. Buffers are required for home occupations (brick & mortar), commercial or industrial property on the side which abuts residentially zoned property. Buffers are required even when the adjacent lot is unimproved. A buffer will be required when any parcel used for commercial or industrial purposes is expanded by way of an addition or demolition or a special land use approval is requested or a site plan review is requested. Buffers are not required on commercial lots that are already developed as such.
- b. A buffer may consist of both a physical distance separation and a physical sight, sound and odor separation as described in this Ordinance by a fence, wall, berm or screen.
- c. The Planning Commission shall determine the character of the buffer based on the following criteria:
 - a. Traffic impact
 - b. Increased building and parking lot coverage.
 - c. Increased outdoor sales, display and manufacturing area.
 - d. Physical characteristics of the site and surrounding area such as topography, vegetation, etc.
 - e. Visual, noise and air pollution levels.
 - f. Health, safety and welfare of the Township.

SECTION 4.4 STRUCTURE REGULATIONS

PERMITTED HEIGHT EXCEPTIONS. The following exceptions shall be permitted to height limitations in the DIMENSIONS lists of the DISTRICT REGULATIONS chapters, subject to an approved site plan. These permitted exceptions shall not be for human occupancy or dwelling.

- 1) Appurtenances to mechanical or structural functions, such as elevator and stairwell penthouses, ventilators, heating or air conditioning equipment, water storage tanks, and safety equipment shall be permitted to a maximum height of fifty-five (55') feet in the Commercial Zoning District and sixty (60') feet in the Industrial Zoning District.
- 2) Special structures, such as chimneys or smoke stacks, shall be permitted to a maximum height of one hundred seventy five (175') feet in the Industrial Zoning District.
- 3) Structures for purely ornamental purposes such as religious spires, belfries, cupolas, domes, ornamental towers, flagpoles and monuments shall not exceed seventy-five (75') feet in height.

- 4) Residential wind turbines or flagpoles shall be permitted to a maximum height of sixty-five (65') feet in any Residential Zoning District.
- 5) Height exceptions for wireless communication facilities shall be subject to the requirements of Chapter 11 (Wireless Communication Facilities) of this Ordinance.

SECTION 4.5 NONCONFORMITIES

- a. **INTENT.** It is the intent of this section to permit the continuation of any lawful use of a building or land existing as of the effective date of this Ordinance. However, it is hereby declared that nonconformance with the provisions of this Ordinance is not in the best interests of the Township and ought to be discontinued as circumstances permit. Any nonconforming building, structure or use shall not be enlarged or expanded and may be changed, repaired, or reconstructed only as prescribed by this Section.
- b. **HISTORIC PROPERTIES.** Any nonconforming property in Lee Township which is listed on the State or National Register of Historic Places is specifically excluded from any requirement of this Section which would damage the historic character of the property. When any such property is the subject of any administrative decision, the input of Michigan's State Historic Preservation Officer shall be requested in writing not less than 30 days before any regulatory action may take effect.

Historic buildings and structures built or located in 1930 or before may be enlarged, increased or extended to occupy a greater area of land than was occupied at the effective date of this Ordinance, provided such expansion, enlargement, extension or location is approved by the Planning Commission, if required by the zoning ordinances, and further subject to site plan approval in accordance with Chapter 8 - Site Plan Review. In approving or disapproving site plans, the Planning Commission shall consider off-site impacts of the structure on abutting and surrounding uses, especially residences.

- c. **LEGALITY OF NONCONFORMITIES.** Nonconformities will be classified as "legal" or "illegal" based on the following guidelines. Regulation of nonconformities will vary based on their legality.
 - 1) **ILLEGAL** nonconformities are those that have been developed in conflict with zoning regulations.
 - 2) **LEGAL** nonconformities are those that meet each applicable criterion, listed below. Note that temporary signs are not considered legal nonconforming structures.
 - a) The nonconformity existed legally before the effective date of this Ordinance.
 - b) The nonconformity complied with the District Regulations of the previous zoning ordinance or existed legally through a special use permit or variance.
 - c) Nonconforming Setback or Lot Size only: The nonconformity resulted from land acquisition by a government agency, such as for a road right-of-way.
 - d) Nonconforming Buildings or Structures only: The building or structure does not extend into a public right-of-way, or over a neighboring property line.

- d. LOSS OF LEGAL NONCONFORMING STATUS. If a nonconforming use of land or structure ceases for any reason for a period of one year or more, any reuse of the land or structure must conform to all requirements of this Ordinance.
- e. EXPANSION OF NONCONFORMITY PROHIBITED. No structure may be enlarged or structurally altered in such a way as to increase its nonconformity. A reduction of the degree of nonconformance in one respect is not permitted to offset an increase in the degree of nonconformance in another respect. Thus, square footage may not be "traded" from one portion of a building to another. Nor may one nonconforming use be replaced by another unless the degree of nonconformance is reduced in some way. This regulation excludes single family homes in the commercial and industrial districts.
- f. RECONSTRUCTION AND RESTORATION. Any lawful nonconforming use damaged by fire, explosion or act of God, or by other causes may be restored, rebuilt or repaired provided that the reconstruction or restoration work does not increase the footprint of the existing structure. If the damage includes greater than 40% of the structure, the entire structure must be brought up to the current building code.

All such restoration must be started within a period of one year of the time of such damage and diligently pursued to completion. The Zoning Board of Appeals may extend the period of time for restoration of any such building or structure when a bona fide emergency renders it impossible to make the restoration of the building or structure within the required time period. No fee shall be charged for an appeal to the Zoning Board of Appeals under the provisions of this section. Any basements, large holes, etc. remaining on the site after removal of the structure shall be filled in and leveled within ninety (90) days of removal of the structure. Residential structures in the commercial district are exempt from these requirements. Residential structures undergoing reconstruction or restoration for purposes of providing handicapped facilities are exempt from these requirements.

- g. REPAIR. Nothing in this Ordinance shall prohibit the repair, improvement, or modernizing of a lawful nonconforming building to correct deterioration, obsolescence, depreciation, or wear. No repair may enlarge or structurally alter the structure in such a way as to increase the nonconformity. Residential structures undergoing repair for purposes of providing handicapped facilities are exempt from these requirements.
- h. CHANGING USES. If no structural alterations are made, the Board of Appeals may authorize a change from one nonconforming use to another nonconforming use, PROVIDED the proposed use would be more suitable to the zoning district in which it is located, than the nonconforming use which is being replaced. Whenever a nonconforming use has been changed to a more nearly conforming use or to a conforming use, such use shall not revert or be changed back to a nonconforming or less conforming use.
- i. NONCONFORMING LOTS. In any district in which single family dwellings are permitted, a single-family dwelling and the accessory buildings may be erected on any single legal lot of record at the effective date of adoption or amendment of this Ordinance. Yard dimensions shall conform to the regulations for the district in which the parcel is located.