

Article 28 SUPPLEMENTAL PROVISIONS

Section 28.01 Purpose

The purpose of this Article is to recognize that there are certain conditions concerning land uses that warrant specific exceptions, regulations, or standards in addition to the regulations contained elsewhere in this Ordinance, and to establish such exceptions, regulations, and standards. The following supplemental provisions apply to all zoning districts unless otherwise indicated.

Section 28.02 Conditional Approvals

A. Conditions on Discretionary Decisions: The Planning Commission, Zoning Board of Appeals, and Township Board may attach conditions to the approval of a site plan, special land use, variance or other discretionary approval. Such conditions shall be based upon standards in this Ordinance and may be imposed to:

1. Insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
2. Protect the natural environment and conserve natural resources and energy.
3. Insure compatibility with adjacent uses of land.
4. Promote the use of land in a socially and economically desirable manner.

B. Requirements for Valid Conditions: Conditions imposed shall meet all of the following requirements:

1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

C. Record of Conditions and Changes: Any conditions imposed shall be recorded in the record of the approval action. These conditions shall not be changed except upon the mutual consent of the approving authority and the property owner.

D. Performance Guarantees: Performance guarantees may be required to ensure compliance with conditions on discretionary decisions pursuant to the requirements of Section 3.06.

Section 28.03 One Single-Family Dwelling to a Lot

No more than one (1) single family dwelling unit shall be permanently established on a lot or parcel, unless specifically provided for elsewhere in this Ordinance.

Section 28.04 Moving Buildings

No existing building or structure within or outside of the Township shall be relocated upon any lot within the Township unless the building or structure meets all provisions of this Ordinance and the Michigan Construction Code.

Section 28.05 Essential Services

Essential services shall be permitted as authorized and regulated by law and other ordinances of the Township, it being the intention hereof to exempt such essential services from the application of this Ordinance. This exception shall not apply to administrative buildings, communication towers, public utility storage yards, and similar above-ground structures and uses associated with such essential services.

Section 28.06 Earth Sheltered Homes

The bottom edge of an earth berm abutting a wall or roof of a dwelling shall meet the setback requirements for the district in which it is located.

Section 28.07 Permitted Setback Encroachments for Principal Buildings

A. Architectural features part of a principal building other than an agricultural building, such as cornices, eaves, gutters, chimneys, pilasters and similar features, may project a maximum of two and one-half (2 1/2) feet into a required setback area but in no case shall such projection extend into a road right-of-way.

B. Balconies, fire escapes, and outside stairways of open construction, part of a principal building other than an agricultural building, may project a maximum of five (5) feet into a required setback area but in no case shall such projection extend into a road right-of-way.

Section 28.08 Frontage, Access and Roads

A. Frontage/Access: All lots hereinafter created in the Township shall have frontage on a public road and take their access from such frontage so as to provide safe, convenient vehicular access to all buildings on such lot, including for fire protection, other emergency vehicles, and any required off-street parking. This subsection shall not apply to buildings and activities associated with a farm operation.

1. All plans for structures to be erected, altered, moved or reconstructed, and use of premises within the Township shall contain a plan for the proposed driveway access to the premises which shall be part of the plot plan or site plan pursuant to Article 4. Driveways shall comply with the following standards:
 - a. Driveways shall be within ten (10) degrees of perpendicular to the abutting road, for a minimum distance of twenty (20) feet from the road right-of-way, and shall be no closer than ten (10) feet to a side lot line except where located within a platted or condominium subdivision.
 - b. No driveway shall serve more than one (1) single family dwelling or more than one (1) dwelling unit in a two family dwelling unless specifically approved otherwise.
 - c. Non-residential driveway ingress and egress points shall not be closer than one-hundred (100) feet to the intersection of any two (2) roads or closer than one hundred (100) feet to an adjacent driveway, except upon a finding by the site plan approving body that lesser separation distances shall not undermine the public health, safety and welfare based on projected turning patterns and vehicle trips.

B. Roads:

1. All roads shall be subject to site plan approval according to Article 4. Review under Article 4 shall also address the appropriateness of the location, character and extent of such roads in compliance with Section 10 of Public Act 168 of 1959, The Township Planning Act.
2. Public roads shall be designed and constructed according to the most current standards of the Ingham County Road Commission except where such agency approves exceptions to such standards according to a submitted site plan, and the Planning Commission affirms such exceptions.
3. No lot shall rely on a private easement for access to such lot. Such private easements for access, sometimes referred to as "private roads" and not accepted by the Ingham County Road Commission for general public use, are prohibited. See Section 28.08(A).

Section 28.09 Configuration of Lots

A. All lots shall conform to the following configuration requirements:

1. The depth of a lot shall not exceed 4 times its width.
2. In the case of corner lots and through lots that meet the minimum frontage requirement along both roads, the owner of the lot shall elect which lot line and yard shall serve as the front of the lot. The street address assigned to the lot pursuant to Locke Township Ordinance Number 3 of 1992, as amended, shall be based upon such selected front of the lot, and access to such lot, pursuant to Section 28.08, shall be from such selected front of the lot.

B. In addition to compliance with subsection (A) above, all lots not part of a platted or condominium

subdivision shall conform to the following configuration requirements:

1. The minimum lot width dimension standard delineated by Table 10-4 shall extend from the front lot line of the lot toward the rear lot line of the lot for at least the minimum distance necessary to meet the minimum lot area standard of Table 10-4. See definition for "lot area" in Article 29.
2. Side lot lines shall extend from the front lot line at 90 degree (90°) angles for at least the minimum distance necessary to ensure compliance with subsection (1) above. However, in the case where a 90 degree (90°) angle would result in one (1) or more side lot lines not being parallel to the nearest section line or road that they face, such lot lines shall be either at a 90 degree (90°) angle to the front lot line or parallel to such section line or road, provided compliance with subsection (1) above is maintained

C. In addition to compliance with subsection (A) above, lots in a platted or condominium subdivision shall conform with the minimum lot width and frontage standards of Table 10-4 except that such frontage and width standards may be reduced where the front lot line abuts a curvilinear segment of a road, including a cul-de-sac, where without such reduction, such lots would be unnecessarily excessive in lot width or lot area, or otherwise result in irregular or impractical configurations. However, such frontage reduction shall not exceed fifty percent (50%) nor result in frontage less than sixty-six (66) feet, and such lot shall comply with the minimum lot width requirement of Table 10-4 at the proposed building setback line and over at least seventy percent (70%) of the lot area.

Section 28.10 Single Family Dwelling Standards

A. All single family detached dwellings shall comply with the following standards, provided that the following standards shall not apply to mobile homes located in a licensed mobile home park, except to the extent required by state or federal law.

1. A single family dwelling shall have a minimum floor area as required by the district in which it is located, a minimum width across any front, side or rear elevation of twenty-four (24) feet, and a minimum of interior floor to ceiling height of seven and one-half (7 ½) feet.
2. A single family dwelling shall comply in all respects with the Michigan Building Code. Where a dwelling is required by law to comply with federal or state standards or regulations for construction (as in the case of mobile homes) and where such standards or regulations for construction are different than those imposed by the building code, then and in that event such federal or state standard or regulation shall apply.
3. A single family dwelling shall be firmly attached to a permanent foundation constructed on the site in accordance with the building code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required by the building code for such dwelling.
 - a. In the event that the dwelling is a mobile home, as defined herein, in a manufactured housing community or where authorized as a temporary dwelling pursuant to Section 28.12, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device, and shall be set on a concrete footing with a masonry wall extending from perimeter to ground, or on a concrete footing with fireproof supports and shall have a continuous skirt extending from perimeter to ground, made of commercial quality or equivalent, and comply with the rules and regulations of the Michigan Mobile Home Commission, the Public Health Department, and HUD Regulations 24 CFR 3280, being the "Mobile Home Construction and Safety Standards".
 - b. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
4. A single family dwelling shall be connected to a public sewer and water supply or to such private facilities approved by the Ingham County Health Department.
5. A single family dwelling shall contain storage area equal to 10% of the square footage of the dwelling or 100 square feet, whichever shall be less located in a basement located under the building, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling .
6. A single family dwelling shall have a minimum roof pitch of 12:1, and shall contain either a roof overhang of not less than six (6) inches on all sides or a roof drainage systems concentrating roof

- drainage at collection points along the sides of the dwelling.
7. A single family dwelling shall be compatible in design and appearance with other single family dwellings in the vicinity. The compatibility of design and appearance shall be determined by the Zoning Administrator upon review of the plans submitted for a particular dwelling. Any determination of compatibility shall be based upon the standards set forth in this Section as well as the character, design and appearance of one or more dwellings located outside of mobile home parks and within 2,000 feet of the subject dwelling, where such area is developed with dwellings to the extent of not less than 20% of the lots situated within said area. Where said area is not so developed, the determination of compatibility shall be based upon the standards set forth in this Section as well as the by the character, design and appearance of one or more dwellings located outside of mobile home parks throughout the township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
 8. It has front and rear or front and side exterior doors and has steps connected to said exterior door areas or to porches connected to said door areas where the difference in elevation exceeds twelve (12) inches.

Section 28.11 Accessory Uses, Buildings, and Structures

A. Scope:

1. Accessory buildings, structures and uses, except as otherwise permitted in this Ordinance, shall be subject to the regulations of this Section.
2. No provisions of this Section shall be interpreted as authorizing accessory uses, buildings or structures that do not conform to the definitions of Article 29 pertaining to "accessory building" and "accessory use."
3. For the purposes of this Section, a building shall be considered an accessory building where such building is not structurally attached to the principal building by either shared wall construction or by a fully and structurally enclosed corridor.

B. Permit Required: No accessory building or structure shall be erected prior to the issuance of a land use permit for such structure of building, except that no permit is required in the case of agricultural fences and residential fences for single-family and two-family dwellings. Applications for accessory buildings and structures shall be administered and reviewed as part of the original or proposed revised plot plan or site plan, depending upon the nature of the principal use of the lot and pursuant to Article 4.

C. Placement/Setbacks:

1. No accessory building or structure shall be located in a front yard except on a residential lot in the A-1 District, provided such building or structure is set back a minimum distance of one-hundred fifty (150) feet from the abutting road right-of-way and such building or structure does not obstruct the view of any portion of the dwelling as viewed along the road frontage directly opposite the dwelling. This subsection (1) shall not apply to farm buildings.
2. Accessory buildings and structures shall comply with the District setbacks applicable to the principal building or anticipated principal building on the lot, according to Table 10-4.
3. In no case shall a detached residential garage be located in a front yard, nor be less than twenty-five (25) feet from a road right-of-way line.
4. In no case shall an accessory building or structure be located so as to interfere with the proper functioning of utilities, including existing and proposed back-up septic drain fields.

D. Height:

1. In Conservation and Residential Districts, accessory buildings shall not exceed twenty (20) feet in height except on lots of one (1) acre or greater.
2. Accessory buildings in Commercial or Industrial Districts may be constructed to equal the permitted maximum height of principal structures in said Districts, subject to site plan approval.

E. Area and Lot Coverage:

1. On residential lots, accessory buildings shall not occupy more than a total ground floor area of 1,500 sq. ft. except on lots of two (2) or more acres, in which case accessory buildings shall not occupy more than a total ground floor area of 2,400 sq. ft.
2. Accessory structures and buildings shall not occupy more than a total cumulative area of thirty

percent (30%) of the yard in which they are located.

3. No accessory building or structure shall be erected that results in noncompliance with the lot coverage standards of Table 10-4 of Section 10.06.

F. Habitation of Accessory Structures: No accessory building or structure shall be used or occupied as a dwelling except as may be authorized pursuant to Section 28.12 (Temporary Dwellings).

G. Prior to a Principal Structure: Accessory buildings and structures may be erected on a lot or parcel prior to the establishment of a principal structure provided the landowner submits a plot plan or site plan to the Zoning Administrator pursuant to Article 4 and the Zoning Administrator finds that such building or structure will not hinder the future erection of a principal building(s) in conformance with all setback and other site development requirements of this Ordinance.

Section 28.12 Temporary Dwellings

A. Authorization/Application: Temporary dwellings are prohibited except as authorized by this Section. Temporary dwellings are classified as special land uses and authorized in the A-1 District only. Application for and authorization of temporary dwellings under this Section shall follow all provisions of Article 5 except that a plot plan shall be submitted in place of the normally required site plan, and such plot plan shall clearly identify the proposed location of the permanent and temporary dwelling.

B. Basis for Temporary Dwelling: No temporary dwelling application shall be approved except for the following purposes:

1. Emergency Housing: To allow a mobile home to be placed on the lot while the permanent dwelling on the same lot is under repair for which a land use permit and building permit has been issued, where such repair is due to destruction by fire, collapse, explosion, Acts of God, or acts of a public enemy, to the extent that it is no longer safe for human occupancy.
2. New Home Under Construction: To allow a mobile home to be placed on the lot while the permanent dwelling on the same lot is under construction and for which a land use permit and building permit has been issued.
3. Care of an Elderly or Ailing Relative: To allow a mobile home to be placed on the lot to facilitate the care of a person related by blood, marriage, or adoption, to a resident of a lawful permanent dwelling on the same lot.

C. Standards: Excluding minimum floor area standards, temporary dwellings authorized by this Section shall comply with all provisions of this Ordinance including but not limited to.

1. The special land use standards of Section 5.06(A).
2. The district's requirements for principal building setbacks.
3. Adequate provisions for potable water and sewage disposal, in compliance with county health department rules and regulations.

D. Permit Duration and Removal: No permit issued under this Section shall be issued for a duration exceeding twelve (12) months. The temporary dwelling shall be removed from the lot no later than the termination date of the permit. The Planning Commission may renew the permit for periods not to exceed twelve (12) months, but only in the case where the continued need for such temporary dwelling can be demonstrated and the dwelling is in compliance with all regulations of the Ordinance. However, in no case shall the total permit period for a temporary dwelling for emergency housing or new home construction exceed two (2) years.

E. Mobile Home as Temporary Dwellings: A temporary dwelling authorized pursuant to this Section shall consist of a mobile home only. See Section 28.13 regarding the temporary occupancy of recreational vehicles.

(Ord. #4 of 2006, 11-14-06)

Section 28.13 Mobile Homes and Recreational Vehicles

A. Mobile Homes

1. Mobile Homes in Non-Conformance with Section 28.10: Mobile homes that do not conform to the standards for single-family dwellings in Section 28.10 shall not be used for any purpose, or erected, moved onto or stored upon any lot for any length of time, unless located in a

manufactured housing community or authorized pursuant to Section 28.12. (Temporary Dwellings).

2. Use Limited to Single-Family Occupancy: Any use of a mobile home for other than a single-family dwelling in a manufactured housing community or otherwise authorized pursuant to Section 28.12 (Temporary Dwellings) is prohibited, including such prohibited uses as motels, rowhouses, apartments, for the sale or processing of farm products, housing of seasonal employees, dairying, kennels, greenhouses, nurseries, multiple and two-family dwellings, and similar non-single family residential uses.

B. Recreational Vehicles

1. Storage: The storage of recreational vehicles on the same lot as a dwelling is prohibited except in the case of a lot in a Conservation District, in which case no more than two (2) such vehicles may be stored on such lot and provided the vehicles are registered continuously to residents of the property.
2. Occupancy:
 - a. Recreational vehicles may be temporarily occupied only as an accessory use to a lawful dwelling located on the same lot, in an A-1 District only, and only to provide temporary shelter for visitors to residents of the Township.
 - b. Such temporary occupancy shall not exceed sixty (60) days in any twelve (12) month period.
 - c. Bathroom facilities in the dwelling shall be made available to occupants of the recreational vehicle.

Section 28.14 Setbacks for Terraces, Patios, Decks, and Porches

A. Uncovered: Terraces, patios, decks and porches, that are uncovered or unroofed and of a wood, concrete, brick, stone, or similar surface, shall comply with the following:

1. The terrace, patio, deck or porch shall comply with the front yard setback standard for the principal building except that in the case of a nonconforming dwelling encroaching into a required front yard setback, such terrace, patio, deck or porch may encroach no more than five (5) feet into the required setback.
2. The terrace, patio, deck or porch shall comply with the side and rear yard setback standard for the principal building except where the following standards are met:
 - a. The terrace, patio, deck or porch shall be without walls or other forms of enclosure except as follows:
 - (1) an open railing or fence not over three (3) feet high; and/or
 - (2) noncontinuous wind breaks or walls not over six (6) feet high and not enclosing more than one-half (½) the perimeter of the paved area.
 - b. The highest finished elevation of the terrace, patio, deck or porch shall not exceed three (3) feet in height above the average surrounding finished grade area.
 - c. No portion of any terrace, patio, deck or porch shall be closer than five (5) feet to any lot line

B. Covered: Terraces, patios, decks and porches, that are covered or roofed, shall comply with the following:

1. The terrace, patio, deck or porch shall comply with the front yard setback standard for the principal building except that in the case of a nonconforming dwelling encroaching into a required front yard, such terrace, patio, deck or porch may encroach no more than five (5) feet into the required setback.
2. The terrace, patio, deck or porch shall comply with the side and rear yard setback standard for the principal building except where the following standards are met:
 - a. The projection shall not exceed eight (8) feet from the building.
 - b. The porch does not exceed ten (10) feet in height.
 - c. The terrace, patio, deck or porch shall not be closer than eight (8) feet to any side or rear lot line.
 - d. The porch is erected on supporting piers.

C. Enclosed: Any terrace, patio, deck, or porch, that is enclosed and attached to a building, shall be considered an integral part of the building and shall be subject to all setback standards applicable to such building.

Section 28.15 Temporary Non-Residential Buildings and Uses

A. Authorization: Temporary non-residential uses and buildings are prohibited except as authorized by this Section. Such temporary buildings and uses may include, but shall not be limited to, field offices and tool sheds associated with new construction projects; temporary buildings associated with school and religious facilities; temporary real estate offices part of a multi-unit residential development; Christmas tree sales lots; and outdoor circuses, carnivals, theatrical exhibitions, and musical festivals.

B. Application: An applicant shall submit a completed application for a temporary non-residential building or use to the Zoning Administrator on a form established for that purpose. The application shall include a detailed description of the proposed temporary building and use, and a plot plan prepared according to Article 4. The plot plan shall identify the proposed location of all temporary buildings and uses, their locational relationship to existing and proposed permanent buildings and uses and required principal building setbacks, and measures to be employed to ensure the public health, safety and welfare including potable water, sewage disposal, and traffic circulation.

C. Review and Action: The Zoning Administrator shall be responsible for the review and approval of temporary non-residential buildings and uses. The Zoning Administrator shall refer the application to the Planning Commission for action in the case where, in the reasonable judgment of the Zoning Administrator, the application presents complexities or public health, safety and welfare issues that can most adequately be reviewed and acted upon by the Planning Commission. The Planning Commission may require the submittal of a site plan prepared according to Article 4 to adequately evaluate the merits of the request.

1. In the case where the application is for an outdoor use, the Zoning Administrator shall notify neighboring property owners of such application. The notice shall identify the property subject to the application, describe the nature of the proposed temporary use, and where written comments can be received concerning the application. Notice shall be given a minimum of fifteen (15) days prior to the date when the application may be acted upon.

D. Approval Standards: No temporary building or use application shall be approved, or be permitted to continue, which does not comply with the site plan approval standards of Article 4, except where the approving body finds that specific standards need not apply due to the temporary nature of the use and provided the approving body determines the waiving of such standards shall not undermine the public health, safety and welfare.

E. Permit Duration and Removal: No permit issued under this Section shall be authorized for a period exceeding thirty (30) days in any twelve (12) month period except in the case where the establishment of a permanent building or use, for which the temporary building or use is required, will exceed thirty (30) days. However, in no case shall such authorization exceed a twelve (12) month period except where the continued need for such temporary condition can be demonstrated and in no case shall each subsequent authorization period exceed twelve (12) months. The temporary condition shall be removed from the lot no later than the termination date of the permit.

Section 28.16 Clear Vision Zones

A. Roads: No fence, wall, hedge, screen, sign, structure, or vegetation shall be higher than three (3) feet above road grade on a any corner lot or parcel within the triangular area formed by the intersecting road right-of-way lines and a straight line joining the two intersecting right-of-way lines at points which are thirty (30) feet from their point of intersection measured along the right-of-way lines (See Figure 28-1).

B. Driveways: No fence, wall, hedge, screen, sign, structure, or vegetation shall be higher than three (3) feet above road grade on a any lot or parcel within the triangular area formed by the intersecting lines of a driveway edge and road right-of-way line and a straight line joining the two intersecting lines at points which are twenty (20) feet from their point of intersection, measured along the right-of-way line and driveway edge (See Figure 28-2).

Section 28.17 Height Requirement Exceptions

A. The following are exempted from the height limitations contained elsewhere in this Ordinance provided

that no portion of the building or structure may be used for human occupancy and the Planning Commission finds that the exemption shall not undermine the character and enjoyment of nearby properties:

1. Those features that are purely ornamental in purpose such as church spires, belfries, cupolas, domes, ornamental towers, flagpoles and monuments, and similar features, provided such features do not exceed more than twenty percent (20%) of the structure's gross roof area.
2. Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, elevator and stairwell structures, ventilators, bulkheads, masts and aerials, television antennas, fire and hose towers, wire transmission structures, cooling towers, or other structures where the manufacturing process requires a greater height.

Section 28.18 Garage Sales

A. Garage sales, rummage sales, yard sales, moving sales, and similar activities in association with residential lot are prohibited except in compliance with the following conditions:

1. The display and sale of items shall be within sixty (60) feet of the dwelling or building accessory thereto.
2. No goods shall be offered for sale that were purchased, consigned or accumulated for the purpose of resale.
3. No single garage sale, rummage sale or similar activity shall exceed four (4) days in duration.
4. No more than two (2) garage sales, rummage sales or similar activity be held on a lot within any calendar year.
5. No garage sale or similar activity shall be conducted before 8:00 a.m. or continue later than 9:00 p.m.

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Section 28.19 Fences and Walls

A. Residential and Agricultural Lots: Fences and walls on lots used principally for agricultural and/or residential purposes shall comply with the following standards:

1. No fence or wall exceeding three feet and six inches (3' 6") shall be erected in a front yard except for a fence erected to protect crops or confine livestock, in which case the fence or wall may be erected in a front yard provided it does not exceed five feet (5') in height, shall have at least fifty percent (50%) of its surface area open when viewed from the perpendicular, and shall comply with Section 28.16 (Clear Vision Zones).
2. No fence or wall exceeding eight feet (8') shall be erected in a side or rear yard.
3. In the case where a proposed fence or wall is within sixty (60) feet of a dwelling on an abutting lot, the finished side of a fence shall face the abutting lot.
4. No fence or wall with barbs, spikes, nails, or other sharp or electrified devices shall be permitted except for the purpose of confining animals.
5. Fences and walls shall not be subject to any setback requirements.

B. Commercial, Industrial, Public, and Institutional Lots: The location, height and character of all fences and walls proposed as part of the commercial, industrial, public and/or institutional use of a lot, or any other use of a lot requiring site plan approval pursuant to Article 4, shall be reviewed according to the site plan approval standards of Section 4.04.

Section 28.20 Outdoor Residential Swimming Pools

A. Permit/Application: No outdoor swimming pool on a residentially-used lot shall be erected prior to the issuance of a land use permit from the Zoning Administrator, and the necessary building permits from the Building Inspector. Application for a land use permit shall be made to the Zoning Administrator on a form for such purpose, and shall be accompanied by a plot plan (Article 4) that identifies the location of the pool, adjacent buildings, fencing, and gates.

B. Location and Setbacks

1. No pool or pool fencing shall be located in a front yard.
2. No pool shall be located under a service drop conductor or other utility wires.
3. Pools shall comply with the minimum side yard setback for dwellings in the district.
4. No pool shall be located less than four (4) feet from the rear property line, as measured from the outside wall of the pool.
5. There shall be not less than four (4) feet between the wall of the pool and any building.

C. Fencing: All swimming pools shall be completely enclosed by wood, chain link, 2" by 4" welded wire, or masonry fence, of not less than four (4) feet in height nor more than six (6) feet in height, and located not less than four (4) feet from the outside perimeter of any pool wall. Such fencing may be omitted where building walls abut the pool area, provided that the entire remaining perimeter of the pool area is fenced. All openings in any such fence shall be equipped with a self-closing, self-latching gate.

1. Where all parts of all sides of an above-ground pool exceed four (4) feet above grade, a fence shall not be required if a ladder or stairs, which lifts or retracts either manually or automatically and is in good operating condition, is attached to the pool.

D. Building and Health Codes: All swimming pools shall be designed, constructed and maintained in compliance with all building codes and the rules and regulations of the State Department of Community Health.

(Ord. #4 of 2006, 11-14-06)

Section 28.21 Flood Damage Prevention

A. Special Flood Hazard Area Defined: For the purpose of this Section, "special flood hazard area" shall be defined as the land in a flood plain subject to a one percent or greater chance of flooding in any give year. as established by the Federal Insurance Administration report entitled "The Flood Insurance Study for the Township of Locke" dated September 1, 1981, and the accompanying flood insurance rate and flood boundary-floodway maps, and any subsequent updates to such report and maps.

B. Building and Use Limitations: Except as may be expressly authorized elsewhere in this Ordinance,

no use shall be established on land within a special flood hazard area, including the erection, conversion, or structural alteration of a building or structure, except for one (1) or more of the following:

1. Agriculture, provided it is an authorized use in the district.
2. Parks, playgrounds, golf courses, preserves, trails, and similar outdoor recreation and conservation uses, provided such uses are authorized in the district.
3. Required yard and setback areas.

C. Flow/Capacity Restrictions: No structures or alterations to grades within special flood hazard areas shall reduce the rate of flow of the water channel or otherwise reduce the special flood hazard area's water capacity.

Section 28.22 Outdoor Display, Sales and Storage

A. Commercial Display and Sales: Outdoor display or sales of merchandise is prohibited except where expressly authorized pursuant to an approved site plan, and such display or sales area shall not extend into a district's required setback for principal buildings according to Table 10-4. The maximum permitted outdoor display or sales area shall be a total of ten percent (10%) of the use's indoor retail sales floor area. This subsection (A) shall not apply to the display and sales of motor vehicles, items intended for tow, retail and wholesale landscape materials, or other items customarily requiring outdoor display and sales.

B. Commercial and Industrial Storage: Excepting the display and sales of motor vehicles, items intended for tow, or retail and wholesale landscape materials, or other items customarily requiring outdoor display and sales, and unless specifically noted elsewhere in this Ordinance, all storage of materials or products in association with a commercial or industrial use that are not intended for display or sales, including lumber piles, crates, boxes, building materials, discarded materials, and junk shall be completely enclosed or otherwise screened by an opaque fence or wall of not less than six (6) feet in height. The height of the wall or fence shall be increased to equal the height of any equipment, vehicles, or materials within the enclosed area. Such enclosure or screen shall be subject to site plan approval.

Section 28.23 Keeping of Animals

A. Definitions: For the purpose of this Section, the following phrases shall have the following definitions:

1. "Vicious animal" shall be defined as any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals.
2. "Large livestock" shall be defined as horses, ponies, cattle, and other livestock that can be reasonably expected to grow to a similar or larger size upon reaching maturity.
3. "Medium livestock" shall be defined as sheep, goats, ostrich, swine, and other livestock that can be reasonably expected to grow to an approximately similar size upon reaching maturity.
4. "Small livestock" shall be defined as rabbits, chickens, fowl, mink, sable, fox, and other livestock that can be reasonably expected to grow to an approximately similar size upon reaching maturity.

B. Keeping of Vicious Animals: No vicious animal shall be kept permanently or temporarily in any district.

C. Keeping of Household Pets: The keeping of household pets, including dogs cats, fish, birds, hamsters and other animals generally regarded as household pets is permitted as an accessory use in association with any residentially-used lot provided such activities do not constitute a kennel as defined in this Ordinance unless approval for such kennel has been granted pursuant to this Ordinance.

D. Keeping of Small, Medium and Large Livestock: The keeping of small, medium and large livestock is prohibited in a Residential District. The keeping of small, medium and large livestock as an accessory use to the principal residential use of a lot shall be permitted in Conservation Districts only, according to the regulations and standards set forth below. This subsection (D) shall apply only to the keeping livestock as accessory to the principal residential use of a parcel, including private stables, and shall not apply to household pets as regulated by (C) above or a farm.

1. Small Livestock:

- a. The keeping of small livestock shall occur only on parcels of three (3) acres or greater.
- b. At no time shall the density of such livestock exceed one (1) animal per one-tenth (1/10) acre comprising such parcel.
2. Medium Livestock:
 - a. The keeping of medium livestock shall occur only on parcels of three (3) acres or greater.
 - b. A minimum of three (3) acres is necessary for the keeping of the first animal, and an additional one-half (1/2) acre shall be necessary, above and beyond the initial three (3) acres, for each additional animal.
3. Large Livestock:
 - a. The keeping of large livestock shall occur only on parcels of three (3) acres or greater.
 - b. A minimum of three (3) acres is necessary for the keeping of the first animal, and an additional three-quarter (3/4) acres shall be necessary, above and beyond the initial three (3) acres, for each additional animal.
4. Regulations Applicable to All Livestock:
 - a. The minimum parcel sizes specified in (1), (2) and (3) above shall be increased to five (5) acres in the case where livestock is used for commercial gain.
 - b. Livestock shall be managed by the occupants of the premises.
 - c. Newly born horses, cows, donkeys, mules and other animals that exceed forty pounds (40 lbs.) in weight at birth may be maintained on said parcel for up to six (6) months provided the maintenance of such animals on the premises does not increase the permitted number of animals beyond the limitations of subsection (3) above by more than fifty percent (50%). Newly born animals that do not exceed forty pounds (40 lbs.) in weight at birth may be maintained on said parcel for no more than sixty (60) days where such maintenance would increase the permitted number of animals beyond the limitations of subsection (1) or (2), as applicable.

Section 28.24 Condominium Subdivisions

A. Intent: The intent of this Section is to provide regulatory standards for condominium subdivisions similar to those required for projects developed under other forms of ownership. This section is not intended to prohibit or treat proposed or existing condominium projects different than projects developed under another form of ownership.

B. Applicability of District Regulations: A condominium unit, including single family detached units, shall comply with all applicable site development standards of the district within which it is located, including use, setback, height, coverage and area requirements, and all other provisions of this Ordinance. A condominium unit in a condominium subdivision is that portion of the project intended to function generally similar to a platted subdivision lot and shall comply with the minimum lot area, width and yard setbacks of the District within which it is located.

C. Review and Approval Procedures:

1. Land Use Permit Required: No grading or any other form of construction shall be initiated for a condominium subdivision prior to the approval of a final site plan and issuance of a land use permit. The future erection of any dwelling or other structure or building in the site condominium, not expressly approved as part of and illustrated on the final site plan, shall require an additional land use permit prior to erection.
2. Site Plan Approval Required: The issuance of a land use permit shall require the submittal and approval of a preliminary and final site plan pursuant to Article 4, Plot Plan and Site Plan Review, and master deed and bylaw documents. The Planning Commission shall be the approving body.
 - a. In addition to the preliminary and final site plan information required by Article 4, the applicant shall also submit information constituting a condominium subdivision plan, including the size, location, area, width, and boundaries of each condominium unit; building locations; the nature, location, and approximate size of common elements; and other information required by Section 66 of Michigan Public Act 59 of 1978, as amended.
3. Master Deed/Bylaws Approval Required: The applicant shall furnish the Planning Commission with fifteen (15) copies of the proposed master deed and bylaws. These shall be reviewed for compliance with Township ordinances and to ensure that an assessment mechanism has been included to guarantee adequate funding for maintenance of all common elements. The common

area funding responsibility of the association shall include any necessary drainage-ways and the cost to periodically clean out such drainage ways to keep them functioning as intended in the approved plans. The master deed shall clearly state the responsibility of the owner and co-owners and shall state that all amendments to the master deed must conform with Township, County, and state laws and regulations. The Master Deed shall also include any variances granted by Township, County, or State authorities and include a hold harmless clause from these variances. All provisions of the condominium subdivision plan which are approved by the Township Board shall be incorporated, as approved, in the master deed for the condominium subdivision.

4. **Issuance of Land Use Permit:** Upon approval of the final site plan, by-laws and master deed, the applicant shall furnish the Planning Commission a copy of the final bylaws and master deed, and a copy of the approved site plan on a mylar sheet of at least twenty-four inches by thirty-six inches (24" x 36"). Upon the satisfactory submittal of these documents, the Planning Commission shall direct the Zoning Administrator to issue a land use permit.
5. **Changes:** Any changes to an approved site condominium including changes in the by-laws, master deed, or site plan, including changes in lot line or road configuration and the addition or relocation of buildings, shall require approval by the Planning Commission prior to such change.

D. Building Permit: No building shall be erected prior to the issuance of a land use permit by the Zoning Administrator, and a building permit by the Building Inspector.

E. Utilities: The condominium subdivision shall provide for dedication of easements to the appropriate public agencies for the purposes of construction, operation, maintenance, inspection, repair, alteration, replacement and/or removal of pipelines, conduits, mains and other installations of a similar character for the purpose of providing public utility services, including conveyance of sewage, potable water and storm water runoff across, through and under the property subject to said easement, and excavation and refilling of ditches and trenches necessary for the location of such installations.

F. Roads: All roads within a condominium subdivision shall be designed and constructed in conformance with the standards of the Ingham County Road Commission.

G. As-Built Plan and Occupancy: Submission of as-built plans of a condominium subdivision is required. The Planning Commission may allow occupancy of the project before all required improvements are installed provided that a financial performance guarantee is provided pursuant to Section 3.06.

H. Monuments: All condominium units which are building sites shall be marked with monuments as if such units were lots within a platted subdivision, and such monuments shall comply with the requirements of the P.A. 591 of 1996, the Land Division Act, as amended.

(Ord. #4 of 2006, 11-14-06)

Section 28.25 Home Occupations

A. Definitions: For the purpose of this Section and Ordinance, the following phrases and definitions shall apply:

1. **Class 1 Home Occupation:** An occupation or profession conducted entirely within a dwelling, excluding an attached garage, and which complies with the following standards:
 - a. All aspects of the occupation shall be carried on inside of the dwelling, except for a single sign as authorized by Section 22.03(J)(1).
 - b. The home occupation shall not occupy an area greater than one-third (1/3) of the first floor of the dwelling.
 - c. There shall be no structural additions or modifications to the dwelling to accommodate the home occupation.
 - d. The home occupation shall employ no persons on the premises during the ordinary course of business, except residents of the dwelling on the premises.
 - e. There shall be no customers, salesmen, or other business visitors on the premises during the ordinary course of business.
 - f. There shall be no receiving, storage, warehousing or distribution of goods not produced personally by the owner on the premises.
 - g. There shall be no display or sale of goods on the premises.

- h. There shall be no evidence of the home occupation outside of the dwelling including storage areas for supplies, trash, or other waste materials, or noise, odors, vibration, fumes or other conditions detectable by normal sensory perception.
 - i. No equipment or process shall be used which creates electrical interference in any radio, television, or communication receivers off the premises, or cause fluctuations in line voltage off the premises.
 - j. The occupation shall be clearly secondary and incidental to the use of the dwelling as a place of residence, and shall not result in a change to the essential character of the premises including both the dwelling and the surrounding yard areas.
 - k. The occupation shall comply with all applicable federal, state and local laws, including, but not limited to, laws regarding licensing, occupational health and safety, environment, labor protection and taxation.
2. Class 2 Home Occupation: An occupation or profession conducted in association with the principal residential use of the lot which does not conform with the standards of subsection (A)(1)(a) – (h) above for Class 1 Home Occupations.

B. Authorization: The operating or conducting of an occupation from or in a residence, or on a residentially-used lot, is permitted according to the regulations and standards of this Section.

- 1. Class 1 Home Occupation: A Class One Home Occupation is permitted as an accessory use to the principal residential use of a lot. A zoning permit for such occupations is not required, but such occupation shall comply with the definitional standards of subsection (A)(1) above.
- 2. Class 2 Home Occupation: A Class 2 Home Occupation is classified as a special land use, and shall be subject to the application and review provisions of Article 5, and the regulations and standards of Section 14.16, except as follows:
 - a. An application for a Class 2 Home Occupation shall include a site plan meeting the requirements of Section 4.03(B)(1), except that the Planning Commission may waive portions of the required submittal information upon a finding that, given the character of the site and surrounding area, and the character of the proposed home occupation, such information is not pertinent to the application or the lack of such information shall not undermine the Planning Commission's ability to render a sound decision on the application.
 - b. In addition to the information required by Article 5, the applicant shall submit a detailed description of the nature of the occupation, which shall clearly specify the following:
 - 1) A detailed description of the character of the business including but not limited to the service or product offered and the typical daily schedule of activities of such business.
 - 2) The type and frequency of vehicular traffic to be generated by the home occupation and the location of all outdoor parking, delivery and storage areas, if proposed.
 - 3) Proposed landscaping/screening in association with any parking and outdoor storage areas to minimize negative impacts on nearby properties.
 - 4) The number of full-time and part-time employees of the business and the frequency at which such employees will be present at the site.
 - 5) The location(s) and square footages to be occupied by the home occupation, including within both the dwelling and any accessory building.
 - 6) The maximum number of vehicles to be parked or otherwise located outdoors, including vehicles owned or used by residents of the dwelling and employees of the business.
 - c. Any approval of a Class Two Home Occupation, and any permit issued for such occupation, shall delineate the standards that the home occupation shall comply with in regard to subsection (b)(1) – (6) above.

Section 28.26 Private Wind Turbine Generators (PWTG)

A. Definitions: For the purpose of this Section and Ordinance, the following terms and phrases shall have the following meanings:

- 1. Anemometer: An instrument for measuring and recording the speed of the wind.
- 2. Anemometer Tower: A structure, including all accessory facilities, temporarily erected, on which an anemometer is mounted for the purposes of documenting whether a site has wind resources sufficient for the operation of a wind turbine generator.

3. Private Wind Turbine Generator: A wind turbine generator that is used to serve only the parcel on which the PWTG is located, and which generates no greater than ten (10) kilowatts peak capacity.
4. Wind Turbine Generator: A tower, pylon, or other structure, including all accessory facilities, upon which any, all, or some combination of the following are mounted:
 - a. A wind vane, blade, or series of wind vanes or blades, or other devices mounted on a rotor for the purpose of converting wind into electrical or mechanical energy.
 - b. A shaft, gear, belt, or coupling device used to connect the rotor to a generator, alternator, or other electrical or mechanical energy-producing device.
 - c. A generator, alternator, or other device used to convert the energy created by the rotation of the rotor into electrical or mechanical energy.
5. Wind Turbine Generator Tower Height: The distance between the ground and the highest point of the wind turbine generator and its blades.

B. Approval Procedures: PWTGs are classified as a special land use and shall be subject to the review and approval procedures of Article 4 (Site Plan Review) and Article 5 (Special Land Uses) except as follows:

1. A residential PWTG that is no greater than thirty-five (35) feet in height is not classified as a special land use, and is subject to Zoning Administrator approval according to Section 3.04(B). However, such PWTGs shall comply with the standards and regulations of this Section.
2. A PWTG that is serving a commercially or industrially used property that is no greater than thirty-five (35) feet in height is not classified as a special land use, and is subject to Planning Commission approval according to Article 4 (Site Plan Review). However, such PWTG shall comply with the standards and regulations of this Section.

C. Standards:

1. Minimum Lot Area: The minimum lot area for a PWTG, or an anemometer tower erected prior to a wind turbine generator, shall be as necessary to meet required setbacks and any other standards of this ordinance.
2. Setbacks: A PWTG, or an anemometer tower erected prior to the wind turbine generator, shall be set back from any adjoining lot line or road right-of-way line a minimum distance of two (2) times the wind turbine generator tower or anemometer tower height respectively. All guy wires shall comply with the district's minimum setback requirements for principal buildings on the lot.
3. Maximum Height: The maximum wind turbine generator tower height, or the height of an anemometer tower erected prior to the wind turbine generator, shall be ninety (90) feet.
4. Minimum Rotor Wind Vane or Blade Clearance: The lowest point of the arc created by rotating wind vanes or blades shall be no less than twenty (20) feet from the ground below.
5. Maximum Noise Levels: A PWGT shall comply with Section 25.07 of this Ordinance.
6. Maximum Vibrations: A PWGT shall not produce vibrations humanly perceptible beyond the property on which it is located.
7. Transmission Lines: Any on-site electrical transmission lines connecting the PWGT to the public utility electricity distribution system shall be located underground.
8. Interference with Residential Reception: A PWGT shall be constructed and operated so that it does not interfere with television, microwave, navigational or radio reception to neighboring areas.
9. State or Federal Requirements: A PWGT or anemometer tower shall meet or exceed any standards and regulations of the FAA, the Michigan Public Service Commission, National Electric Safety Code, and any other agency of the state or federal government with the authority to regulate wind turbine generators or other tall structures in effect at the time the special use permit is approved.
10. Base/Foundation: When a concrete foundation is not to be used, a proposal for a PWGT or anemometer tower shall be accompanied by a report prepared by a Michigan-licensed professional engineer addressing the soils present on the site based on soil borings, and specifications for the anchoring of the PWGT or anemometer tower, with the seal of such engineer. A concrete foundation shall meet the minimum specifications of the PWGT or anemometer tower manufacturer and shall not extend to within eight (8) inches of the ground surface to allow for feasible future reuse of the land unless the applicant provides a financial assurance that the foundation will be removed in the event that the tower is removed. If the manufacturer provides no such specifications, the Planning Commission may require certification of the proposed anchoring system by a Michigan-licensed professional engineer.
11. Anemometer Tower is Temporary: An anemometer tower shall be temporary and shall be removed within twenty-four months of its erection.

12. Shadow Flicker: A PWTG shall be sited in such a manner to minimize shadow flicker from the blades on any road or on any building on an adjacent property existing at the time the application is considered. The Planning Commission, or the Zoning Administrator in the case of a PWTG not classified as a special land use, may require the applicant to submit a shadow report illustrating or otherwise delineating the projected shadow pattern of the PWTG on December 21, specific to the Locke Township area, including the source and basis for such projections.
13. Appearance / Lighting: A PWTG or anemometer tower shall meet the following requirements:
 - a. A PWTG or anemometer tower shall either maintain a galvanized steel finish or be of a medium grey shade, subject to any applicable standards of the FAA. The Planning Commission may approve an alternate color if an alternate color would otherwise benefit the community.
 - b. A PWTG or anemometer tower shall not be artificially lighted, unless required by the FAA or other applicable governmental authority, and in which case such lighting shall be of the lowest intensity allowable, shall minimize glare and visibility, and shall not pulsate.
 - c. A PWTG shall be a monopole or monotube style construction (as distinguished from a lattice-style tower). This provision shall not apply to anemometer towers.
 - d. No sign shall be posted in association with a PWTG except that a sign of no greater than one (1) square feet in area may be posted on the PWTG for the purpose of displaying manufacturer information and address and telephone number for emergency calls and informational inquiries.
14. Removal of Abandoned or Unsafe PWTGs or Anemometer Towers.
 - a. A PWTG or anemometer tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned.
 - b. The owner of a PWTG or anemometer tower that is abandoned or in violation of the special land use permit shall remove the same within ninety (90) days of receipt of notice from the Township of such abandonment or violation.
 - c. In addition to removing a PWTG, or anemometer tower, the owner shall restore the site to its condition prior to location of the PWTG or anemometer tower (excluding replanting of original vegetation and trees), and shall stabilize soils through use of ground cover.
 - d. Approval of a PWTG shall be conditioned on a performance guarantee according to Section 3.06, equal to the reasonable cost of removing the wind turbine generator or anemometer tower and attendant accessory structures.

(Ord. #4 of 2006, 11-14-06)

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Figure 28-1
CLEAR VISION AREA ALONG PUBLIC ROAD

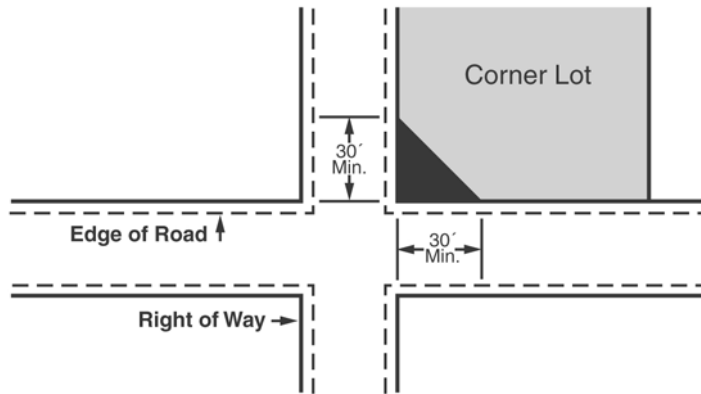
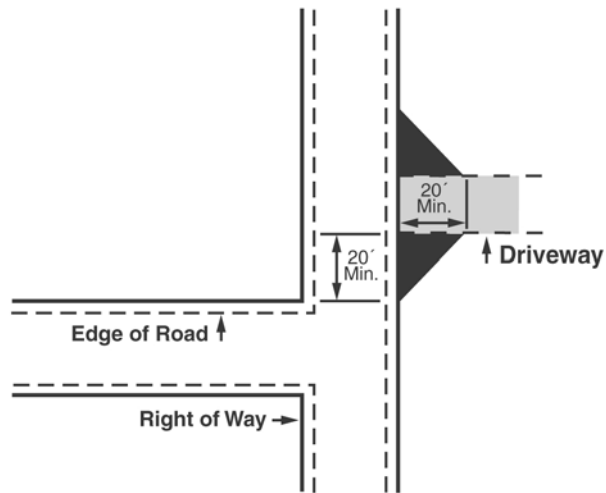


Figure 28-2
CLEAR VISION AREA FOR DRIVEWAYS



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End of Article 28