

## ARTICLE 33

# GENERAL PROVISIONS

### SECTION 33.01. Accessory Structures

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

#### A. Detached Accessory Structures

The following standards shall apply to accessory structures not attached to a principal building in any zoning district:

1. **Height and setback standards.** Detached accessory structures in non-residential zoning districts shall conform to the maximum height and minimum front, side, and rear yard setback requirements specified in Article 6 (Dimensional Standards), except where otherwise permitted in this Section.
2. **Minimum separation requirement.** Detached accessory structures shall be located no closer than ten (10) feet to any other structure on the same parcel.
3. **Corner lots.** Detached accessory structures located on a corner lot that face the primary road frontage where the front entrance or front porch is located shall be set back behind the front building line of the principal building. Detached accessory structures that face the secondary road frontage of a corner lot shall not extend into the required front yard setback area.
4. **Easements or rights-of-way.** Accessory structures shall not be located within a dedicated easement or right-of-way.
5. **Vehicle shelters.** Temporary or permanent vehicle shelters shall be considered accessory structures and shall comply with the requirements of this Section.
6. **Standards for residential accessory structures.** The following standards shall apply to all detached structures accessory to residential uses:
  - a. Such accessory structures shall be set back behind the front building line of any principal building on the same lot and shall be set back a minimum of ten (10) feet from the abutting parcel's setback line. However, on those lots which have frontage on the water as well as a street, one (1) detached accessory structure may be permitted between the principal building and the street provided the minimum required front yard setback is maintained, and further on those lots considered through lots which front on two generally opposing or parallel

streets, one (1) detached accessory structure may be permitted under the following conditions:

- i. Said accessory structure shall be to the rear of the principal building on the lot.
  - ii. The accessory structure shall maintain a distance from the setback line or property line not less than the minimum rear yard required for the principal building on the lot.
  - iii. No vehicular access from the accessory structure to the rear road will be permitted.
  - iv. A greenbelt, a minimum of ten (10) feet in width shall be maintained between said accessory structure and the setback line. Such greenbelt shall be planted with approved plant materials evenly dispersed at a density of ten (10) trees and/or shrubs for each one hundred (100) feet of lot width.
- b. The combined total ground floor area of all structures that are accessory to a single-family or two-family dwelling shall not exceed the ground floor area of the principal dwelling or nine hundred (900) sq.ft., whichever is less. However, on lots or parcels of two (2) acres or more in area, the total combined ground floor area of all accessory buildings may be permitted to exceed nine hundred (900) square feet provided that the Building Official and the Planning Director shall both administratively review and approve, a site plan of the premises to reduce any negative effects. The Planning Director and Building Official may defer their decision(s) on the accessory structure to the Planning Commission. In their review the Building Official and Planning Director, or the Planning Commission shall consider the following:
- i. Compliance of the proposed building and use with all local ordinances.
  - ii. Whether the proposed building and landscaping are aesthetically compatible in design and appearance with other buildings in the vicinity.
  - iii. Whether the proposed accessory structure would negatively affect surrounding property values or constitute a nuisance.
  - iv. Comments received from adjacent property owners, who shall receive written notice of the proposed accessory structure from the Planning Department no less than ten (10) calendar days prior to any decision.

- c. In addition, subsequent to the erection of an accessory structure exceeding nine hundred (900) square feet on a lot or parcel of two (2) acres or more, as permitted in this Article the following shall apply:
  - i. The lot or parcel shall not be subdivided so as to reduce the size of the parcel upon which the building is situated to under two (2) acres.
  - ii. This restriction shall run with the land and shall be recorded at the Oakland County Register of Deeds as a use restriction as part of the deed.
  - iii. This restriction shall not prevent the subdivision of land where the building is removed from the parcel or where a subdividing would not have the effect described in item c(i) above.
- d. Such accessory structures shall not exceed a maximum of fourteen (14) feet in height. However, on lots or parcels of two (2) acres or more, the height of the accessory structure may be increased to a maximum of twenty (20) feet with an increase in side and rear setback by one (1) foot for each one (1) foot above fourteen (14) feet in height.
- e. Such accessory structures may be located in a required side or rear yard setback area, subject to the following:
  - i. Such accessory structures shall not occupy more than twenty-five percent (25%) of a required rear yard.
  - ii. Such accessory structures shall be set back a minimum of three (3) feet from any side or rear lot line.

**B. Attached Accessory Structures**

Accessory structures attached to a principal building shall conform to the standards for the principal building, as specified in Article 6 (Dimensional Standards).

**C. Temporary Storage Structures**

The following standards shall apply to temporary storage structures in all zoning districts, with the following exceptions in residentially zoned districts, and the I, Industrial District:

- 1. All Zoning Districts.
  - a. Temporary storage structures shall be permitted at construction sites for the duration of any site plan or building permit approval.
  - b. Temporary storage structures shall be permitted in designated loading or outside storage areas in accordance with an approved site plan.

2. Residentially Zoned Districts.

a. In addition to the general permitted uses set forth in Section 33.01, subsection C(1)(a)-(b), a portable storage/moving container may be permitted upon a residential dwelling's driveway and/or designated parking area without a permit for up to 72 hours per calendar year. Such containers shall not be located upon a public road or shared private road, nor impede the movement of any other vehicles authorized to travel upon the driveway or parking area. After 72 hours, the Building Director may issue a temporary permit to allow a portable storage/moving container to remain in a driveway and/or designated parking area of a residential dwelling for an initial period not to exceed four (4) weeks. An application for the permit shall contain a statement showing the street number of the occupied dwelling where the portable storage/moving container is located, or is to be located, the name and telephone number of the occupant(s) in control of said dwelling and container, copies of any documents evidencing that the purpose of the container is for the relocation of personal property, and the anticipated moving date. The filed application shall be accompanied with the fee as established by the township fee ordinance. A copy of such permit shall be posted on the container for which it is issued in such a manner as to be readily noticeable at all times. The Building Director may reissue a permit if it is determined that by no fault of the dwelling occupant, a moving/storage company is unable to remove a portable storage/moving container within the time permitted.

i. Permitted portable storage/moving containers do not include industrial shipping containers commonly associated with national and international commercial shipping companies, which move goods by sea, rail, and/or tractor trailer and having a single dimension greater than sixteen (16) feet. Such industrial shipping containers are prohibited in residentially zoned districts.

3. Industrial District.

a. In addition to the general permitted uses set forth in Section 33.01, subsection (C)(1)(a)-(b), semi-trailers, industrial shipping containers, and similar temporary storage structures shall be permitted to be placed on a lot in the I, Industrial District for a maximum period of 14 days per calendar year. Semi-trailers permitted for this purpose shall be currently licensed and fully road worthy.

**D. Approval Required**

It shall be unlawful for any person to construct or cause to be constructed any accessory structure upon any lot without having first obtained all necessary permits or approvals. Accessory structures shall be subject to the following provisions:

1. All accessory structures shall conform to the standards of this Ordinance.

2. Construction, alteration, or relocation of such structures accessory to office, service, community, commercial, industrial, research, and laboratory uses, and other uses and exceeding 120 square feet in floor area shall be subject to site plan approval per Article 35 (Site Plan Review).
3. Construction, alteration, or relocation of such structures accessory to residential uses and exceeding 100 square feet in floor area shall be subject to zoning permit approval per Article 1 (Zoning Permits).
4. Construction, alteration, or relocation of accessory structures shall be subject to building permit approval where required.

**SECTION 33.02. Fences**

All fences and similar enclosures shall conform to the following (see illustrations below):

**A. General Standards**

The following shall apply to fences in all zoning districts:

1. Use of razor or barbed wire, electrified fences, spikes, and similar security materials on any fence shall be prohibited, except as follows:
  - a. Barbed or electric wire fences shall be permitted accessory to permitted public utility facilities and essential service uses in any zoning district.
  - b. The Planning Commission may approve use of razor or barbed wire, electrified fences, spikes, and similar security materials on any fence where deemed necessary for security purposes or public safety.
  - c. Wire cradles shall consist of no more than three (3) strands of wire, and shall overhang into the lot it is intended to protect.
2. It shall be unlawful to erect a fence consisting of tires, vehicle parts, pallets, trash or any materials capable of providing habitat for pests or vermin.
3. Where one side of a fence or wall has a more finished appearance than the other, the side with the more finished appearance shall face the road or adjacent lots (see illustration).
4. Fence height shall be measured from ground level adjacent to the highest point of the fence.
  - a. Fill shall not be used for the purpose of achieving a higher fence than otherwise permitted.
  - b. Where the grade is not level, the maximum fence height shall be equal to the average fence height within four (4) feet of any fence post (see illustration).

5. Fences shall comply with the clear sight distance standards in Article 6.
6. Reconstruction and/or replacement of a legal nonconforming fence shall comply with the applicable standards of Article 39 (Nonconformities).

**B. Fences on Residential Lots**

1. Location Requirements.
  - a. Front Yard. Only Ornamental Fences with a height of four (4) feet or less shall be permitted in the front yard. Ornamental Fences must be an integral part of the overall design of the principal structure. The minimum setback of an Ornamental Fence in the front yard shall be determined as follows:
    - i. In cases involving Ornamental Fences in a front yard along a major thoroughfare identified in Article 6.02.U, the Ornamental Fence shall be permitted no closer than the statutory road right-of-way.
    - ii. In all other cases, Ornamental Fences shall not be permitted within the required front yard setback as specified within Article 6.01.
  - b. Interior Side Yard. Fences are permitted along an interior side property line.
  - c. Side Yard Facing a Road. A fence may be permitted on a side yard facing a road provided that the fence is no closer to the road than the front face of the building and provided further that the fence does not encroach into the required side setback.
  - d. Rear Yard. Fences are permitted in the rear yard between the rear building line and the rear lot line.
  - e. Front Yard – Waterfront. Ornamental Fences that are located in the side yard of a waterfront yard may not encroach into the required water front yard setback as specified in Article 6 (Dimensional Standards). Fences cannot be located parallel to the water’s edge unless for the purpose of enclosing a swimming pool located in the waterside front yard, as regulated herein. Furthermore, such permitted fences cannot exceed four (4) feet in height. Obscuring vegetation, hedges, walls, fences or other form of screening shall not be permitted in any required water front yard.
2. Fence Height in Residential Districts
  - a. Chain Link Fences. Chain link fences shall not exceed four (4) feet in height.
  - b. Ornamental and Obscuring Fences, Privacy Screens. Ornamental and obscuring fences and privacy screens shall not exceed six (6) feet in height.
  - c. Rail Fences. Rail fences shall not exceed four (4) feet in height.

**C. Fences in Non-Residential Districts**

1. **Location.** Fences shall be permitted in the rear or side yards of non-residential districts. No fence shall extend toward the front of the lot farther than any portion of the principal structure. These restrictions shall not apply to agricultural uses.
2. **Fence Height.** Fences in non-residential districts shall not exceed eight (8) feet in height, except that fences used to enclose agricultural lands shall not exceed four (4) feet in height.

**D. Parks and Playground Fences**

1. Fences that enclose public parks, playgrounds, or public landscaped areas shall not exceed six (6) feet in height, and shall not obstruct vision to an extent greater than twenty-five percent (25%). However, the following fences shall be subject to the height limits specified:
  - a. Tennis court enclosure: 10 ft.
  - b. Baseball backstop: 18 ft.
  - c. Basketball court enclosure: 10 ft.
2. The Planning Commission shall have the authority to approve heights exceeding six (6) feet for fences or fence enclosures associated with other types of recreation facilities.

**E. Electric Utility Sub-station Fencing**

In the interest of public safety and security, the maximum height of fences around electric utility sub-stations shall be eight (8) feet.

**F. Nonconforming Fences**

Fences lawfully erected prior to the effective date of adoption or amendment of this Ordinance that do not conform with provisions of this Section shall be considered nonconforming structures subject to the provisions of Article 39 (Nonconformities).

**G. Maintenance**

Fences shall be maintained in good condition, so as not to endanger life or property. Such maintenance shall be the responsibility of the owner of the property on which the fence or wall is located. Rotten, crumbled or broken components shall be replaced, repaired, or removed, and exposed surfaces shall be painted, stained or similarly treated. Failure to maintain a fence in conformance to the standards of this Section shall be deemed a violation of this Ordinance.

**H. Approval Required**

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

1. Construction, reconstruction, alteration, repair and/or relocation of any fence shall conform to the standards of this Ordinance.
2. Construction, reconstruction, alteration and/or relocation of fences accessory to any land use other than one (1) single-family home shall be subject to site plan approval per Article 35 (Site Plan Review).
3. A Zoning Permit is required for the construction, reconstruction, alteration, repair and/or relocation of any fence accessory to a one (1) single family home on a lot in a previously approved subdivision or plat, a previously approved acreage parcel, or a previously approved site condominium.
4. Reconstruction and/or replacement of a legal nonconforming fence shall comply with the applicable standards of Article 39 (Nonconformities).

**SECTION 33.03. Swimming Pools, Spas, and Hot Tubs**

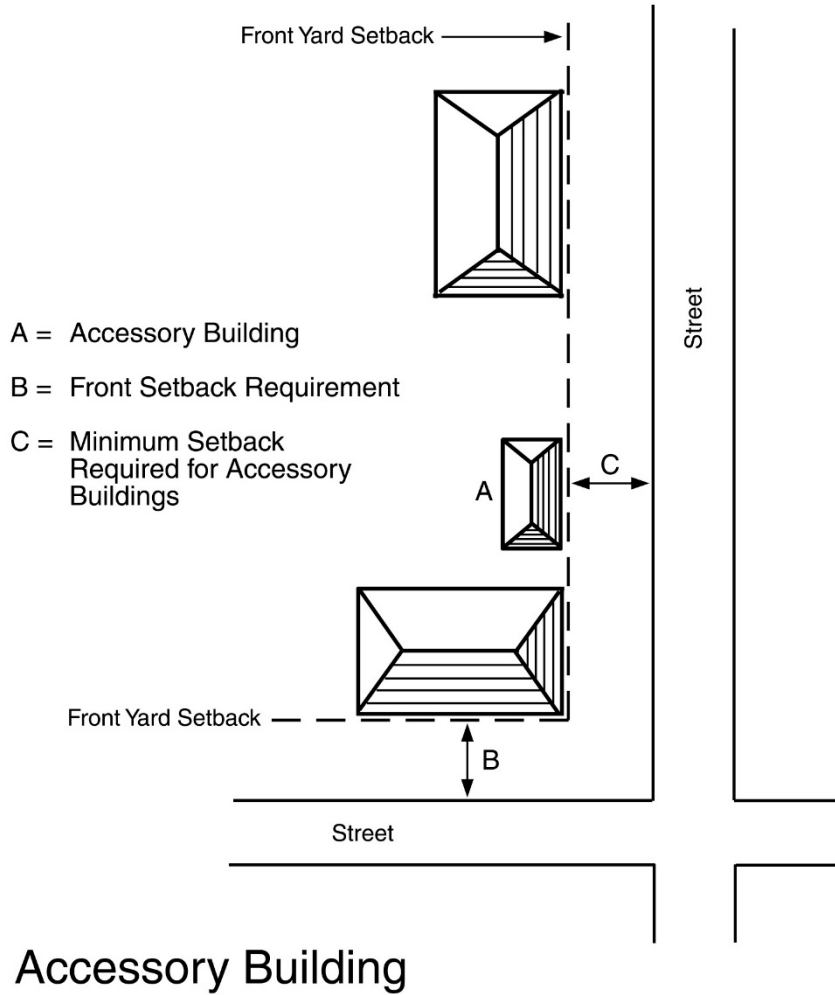
Outdoor swimming pools, spas, and hot tubs with a diameter exceeding twelve (12) feet, a depth exceeding four (4) feet or an area exceeding 100 square feet permanently or temporarily placed in, on or above the ground shall be permitted as an accessory structure in all zoning districts subject to the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

1. Swimming pools, spas, and hot tubs shall be prohibited in the front yard area, or within any easement or right-of-way. When a lot is a water front lot, spas and hot tubs are permitted in the waterside front yard area. The height of swimming pools in a waterside front yard shall not exceed thirty (30) inches above the existing grade of the lot.
2. There shall be a minimum distance of not less than ten (10) feet between adjoining lot lines or alley right-of-way and the outside wall of the swimming pool, spa or hot tub.
3. There shall be a distance of not less than ten (10) feet between the outside wall of a swimming pool and any principal building on the same lot. This requirement shall not apply to spas or hot tubs.
4. To prevent unauthorized access and protect the general public, swimming pools, spas, and hot tubs shall be secured and completely enclosed by a minimum four (4) foot high fence with a self-closing and latching gate.
  - a. An automatic pool cover is not permitted as a substitute for the required pool fence.

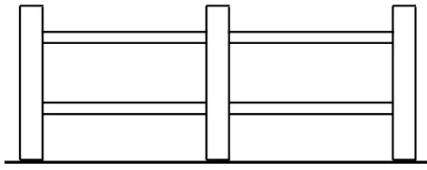


- b. Above ground pool walls four (4) feet or more in height shall satisfy the requirement for a pool fence, provided that the pool ladder or steps shall be capable of being secured, locked or removed.
- c. The Building Director may waive the requirement for a pool fence upon determining that the swimming pool, spa or hot tub is otherwise secured against unauthorized access.
- d. Swimming pools located in the waterside front yard of a waterfront property shall be completely enclosed by an ornamental fence of four (4) feet in height, including the portion that runs parallel to the water's edge. The fence shall meet all of the following criteria:
  - i. The fence shall not encroach into the minimum required waterfront yard setback as specified in Article 6 (Dimensional Standards).
  - ii. The portion of the swimming pool fence that runs parallel to the water's edge shall be no more than ten (10) feet from the outside wall of the pool.
- 5. No swimming pool shall be located directly under utility wires or electrical service leads. A minimum ten (10) foot horizontal setback shall be maintained from the pool perimeter to the vertical plane of the overhead wire.
- 6. A distance of at least three (3) feet horizontally must be maintained from a permanent pool to any sanitary sewer line or lead; and from any underground water, electrical, telephone, gas or other pipes and conduits, except for parts of the swimming pool system.
- 7. Swimming pools, spas, and hot tubs shall comply with all applicable provisions of the State Construction Code enforced by the Township Building Department.
- 8. Construction, alteration or relocation of swimming pools, spas, and hot tubs shall be subject to approval of a zoning permit by the Building Official per Article 1 (Zoning Permits).

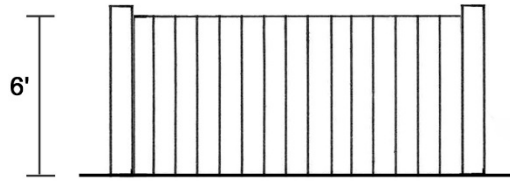
### ILLUSTRATIONS



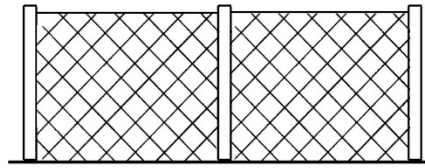
### ILLUSTRATIONS



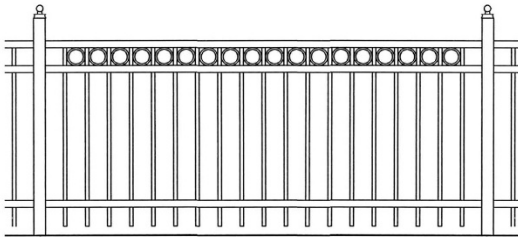
Rail Fence



Privacy Fence



Chain-link Fence

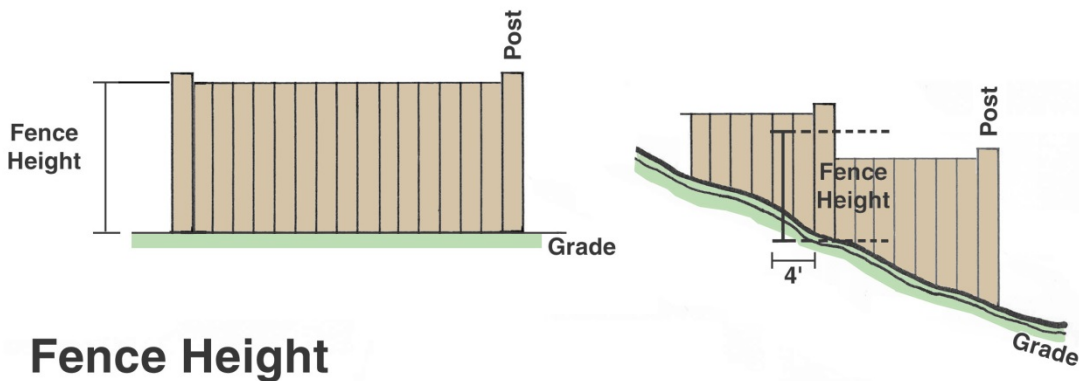


Ornamental Fence



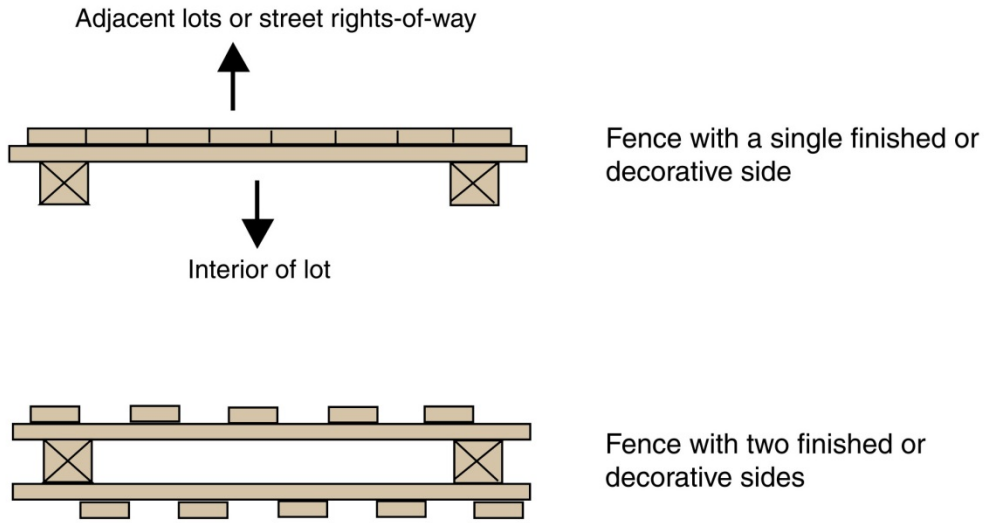
Ornamental Fence

### Fence Examples

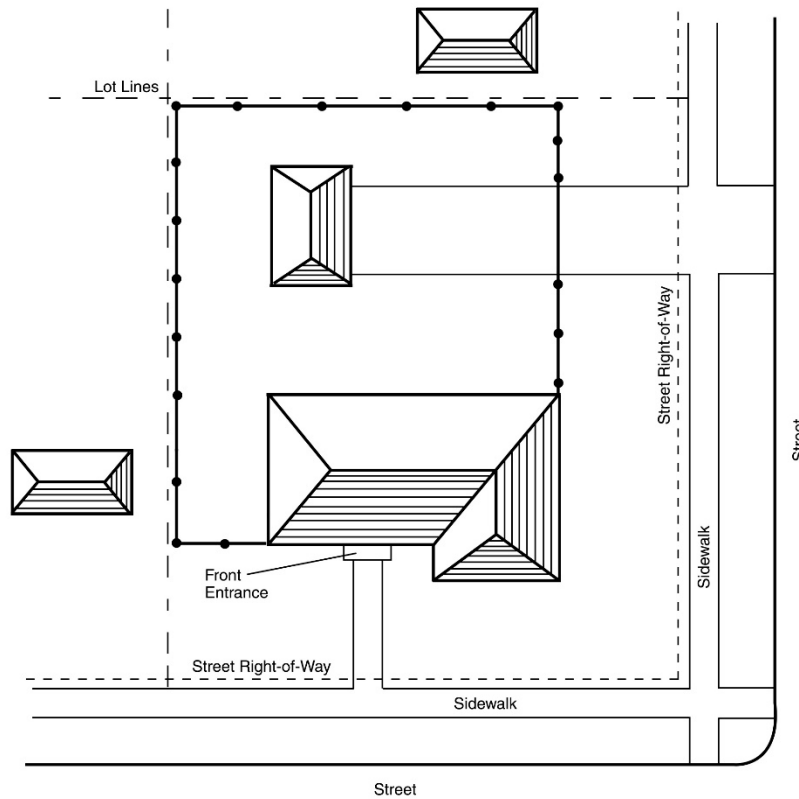


Fence Height

### ILLUSTRATIONS



### Orientation of Finished Side - Top View



Fence Location on Corner Lot

**SECTION 33.04. Open Parking and Storage of Vehicles, Boats, Travel Trailers, Trailers, Machinery or like items**

The regulations set forth in this Section are intended to regulate the methods of storage, the types of materials that may be stored, and the accumulation of unusable, inoperable, or unsightly motor vehicles, trailers, machinery, or building materials that could be hazardous to the safety of children, encourage the propagation of rats or rodents, or detract from the orderly appearance of the Township.

- 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 non-operating or junk motor vehicles. This provision shall not apply to any motor vehicle, ordinarily used, but temporarily out of running condition for a period of ten (10) calendar days or less. If a motor vehicle is being kept for actual use, but is temporarily unlicensed or in a non-operating condition, the Building Director may grant the owner a reasonable time, not to exceed thirty (30) days, to put the vehicle into operating condition and to procure a license if the vehicle is unlicensed.

Likewise, no machinery, machines, or parts of machines not necessary for immediate and continuing use upon the premises, or quantities of building materials not temporarily placed for immediate use on the premises for a project permitted by this Ordinance and for which a building permit has been obtained and is in force shall be kept or stored outside a building; provided, however, that building materials fit to be used to improve the premises may be kept if piled off the ground so as not to become a rat and rodent harbor.

- B. The open parking and/or storage of a travel trailer, boat, personal watercraft, trailer, or similar vehicle, or means of conveyance not owned by the permanent occupant of the property where the vehicle is parked or stored shall be prohibited for periods exceeding twenty-four (24) hours unless a permit is issued to the owner of said vehicle by the Building Director. The number of days that unpermitted vehicles and trailers may be intermittently openly parked and/or stored for periods of twenty-four (24) hours or less shall not exceed seven (7) calendar days per year. The Building Director may issue temporary permits allowing the parking of travel trailers and other similar vehicles in a rear yard on private property for a period not to exceed two (2) weeks. An application for the permit shall contain a statement showing the street number of the occupied dwelling where the occupied camper or travel trailer is parked, or is to be parked, the name of the occupant in control of said dwelling and his endorsement granting permission of such parking, the name and address of the occupant of such camper or travel trailer, the license number of all units of such camper or travel trailer, the State issuing such license, and a statement indicating the exact location at which such camper or travel trailer last parked, including the State, County, City, Village, or Township where such parking occurred. The filed application shall be accompanied with the fee as established by the township fee ordinance. A copy of such permit shall be posted on the camper or travel trailer for which it is issued in such a manner as to be readily noticeable at all times.

- C. All travel trailers, boats, recreational vehicles, trailers, and similar vehicles, or means of conveyance owned by residents of the Township and stored on their individual lots, shall not be stored within any front yard or front yard driveway, and shall further comply with the requirements applicable to Detached Accessory Structures, Section 33.01, insofar as setbacks, distances from lot lines, and easements are concerned; except that boats and personal watercrafts on a trailer, recreational vehicles, travel trailers and like camper/trailer coaches may be temporarily placed in a front yard driveway during the period from May 1<sup>st</sup> to October 31<sup>st</sup>. This exception shall not apply to personal watercraft trailers, or boat trailers without a personal watercraft or boat secured atop the trailer, nor any other trailers.
- D. On lots adjacent to a lake, river, canal, or similar navigable body of water, boats may be stored between the dwelling and the waterfront property lines.
- E. All travel trailers and like vehicles parked or stored on land not approved for such as provided by this Ordinance shall not be connected to sanitary facilities and shall not be occupied, except as otherwise provided in this Ordinance. Travel trailers and vehicles seasonally parked in a front yard driveway pursuant to Section 33.04(C) shall not be occupied nor connected to sanitary facilities, or other utilities.
- F. The parking or storage of motor vehicles or trailers of any kind or type that have been dismantled, totally or in part, wrecked, are without current license plate, and/or are not in regular use for non-commercial purposes shall be prohibited within any residential zone district except within a wholly enclosed building.

The parking or storage of any commercial vehicle on any property within a residential zone district shall be prohibited. “Commercial vehicle” shall include all vehicles specifically manufactured for commercial use, motor vehicles designed or used for transportation of passengers for hire, compensation, or profit, or motor vehicles designed, constructed, sold, equipped, or used for transportation of other vehicles, goods, wares, or merchandise, even if the vehicle is used exclusively to transport personal possessions, family members, or non-family members for non-business purposes. One (1) commercial vehicle will be permitted per property, subject to compliance with all of the following conditions:

- 1. The vehicle shall be used as the principal means of transportation for a resident in the conduct of such resident’s employment or profession or is the resident’s sole means of motor vehicular transportation;
- 2. The vehicle is not a dump truck, stake truck, flat bed truck, cube van, step van, wrecker, well drilling rig, welding truck, tanker truck, semitractor, and semitrailer. The vehicle is not used in the transportation of hazardous materials;
- 3. No part of the vehicle exceeds eight (8’) feet in overall height as measured from the ground;
- 4. The vehicle has no outside hose reels, brackets, or holders, for tools, pipes, glass, or other similar equipment;

5. The vehicle has no more than one (1) rear axle; and
6. The vehicle does not exceed eleven thousand (11,000) pounds gross vehicle weight.

These provisions shall not prohibit the temporary location of a commercial vehicle while engaged in a delivery, pickup, drop off, or service run, or when temporarily parked during the performance of work at a particular location, nor shall they prohibit vehicles used for customary agricultural purposes on land dedicated to a legal agricultural use as defined in this Ordinance.

**SECTION 33.05. Access through Yards**

For the purpose of this Ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. Any walk, terrace or other pavement serving a like function and not in excess of nine (9) inches above grade shall be permitted in any required yard and not be considered to be a structure.

**SECTION 33.06. Property Maintenance**

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

**SECTION 33.07. Property between the Lot Line and Road**

Except where otherwise provided on an approved site plan, the area between the lot line and edge of road pavement shall be maintained with grass or other suitable groundcover. Property owners shall be responsible for the condition, cleanliness and maintenance of the areas within the road right-of-way in front of their lot between their lot lines and the pavement edge.

**SECTION 33.08. Voting Place**

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

**SECTION 33.09. Essential Services**

Essential services buildings and structures shall be permitted as authorized under any franchise in effect within the Township and the following:

- A. Such essential services shall be subject to federal, state, county, and local regulations, and shall be consistent with the list of uses permitted in each zoning district.
- B. It is the intent of this Section to ensure conformity of all structures, uses, and storage yards to the requirements of this Ordinance wherever such conformity shall be practicable and not in conflict with the specific requirements of such franchise, state legislation or Commerce Charter Township Code.

- C. Overhead or underground lines and necessary poles and towers to be erected to service primarily those areas beyond the Township boundaries shall be subject to approval by the Planning Commission after a public hearing. Such review of the Planning Commission shall consider abutting property and uses as they relate to easements, rights-of-way, overhead lines, poles and towers and further, and shall consider injurious effects on adjacent lands, uses or the orderly appearance of the Township.