

CHAPTER II

117.200 GENERAL PROVISIONS

117.201 Alteration of dwellings.

Sec. 2.01. Except and as hereinafter specified, no building, structure, premises, or piece and parcel of land in and throughout the Township shall hereafter be used or occupied, and no building or part thereof or other structure shall be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with the regulations and provisions herein specified for the zone in which it is located.

117.202 Grade levels.

Sec. 2.02. All dwelling houses in any zone and all business places shall, subsequent to adoption of this Ordinance, conform to all established and determined grade levels. In areas where there are two (2) or more dwellings or other structures within two hundred (200) yds on the said road, on the same side of the road, the average of the grade level thereof shall determine the grade level for that area. In all areas where no grade level has been determined or established by buildings thereon, before any building or structure shall be placed thereon, a grade level shall first be determined by the Antrim County Road Commission for that area, and when so determined, it shall become the grade level thereof. It shall be unlawful to erect or construct a building in any zone with the top of the foundation or basement walls, together with the plates thereof more than twenty-four (24) inches above the established or determined grade level except that where the building is set back farther than the required distance an additional rise of one (1) foot for each two (2) feet additional of setback shall be permitted.

117.203 Basement dwellings prohibited.

Sec. 2.03. Basement dwellings are prohibited in the Township except as provided in Section 2.06.

117.204 Building-Damaged.

Sec. 2.04.

A. A building damaged by fire or other casualty to such an extent that the cost of repair and reconstruction exceeds one hundred (100) percent of the assessed valuation for taxes on the building at the time the damage occurred, shall not be repaired or reconstructed unless made to comply in

all respects with the provisions of this act relative to such buildings thereafter erected.

B. A building damaged by wear and tear, deterioration and depreciation to such an extent that the cost of repair and rehabilitation to place it in a safe, sound and sanitary conditions exceeds one hundred (100) percent of the assessed valuation for taxes at the time when the repairs or rehabilitation are to be made, shall not be so repaired or rehabilitated unless the building is made to comply in all respect with the provisions of this act relative to such building hereafter erected. A building so damaged by wear and tear, deterioration, and depreciation to such an extent that the cost of repair and rehabilitation shall exceed the assessed valuation for taxes, shall be deemed unfit for occupation and use unless repaired and rehabilitated pursuant to the provision of this Ordinance, and in case such building so damaged is not so repaired and rehabilitated, it shall be vacated and not again occupied. Before any reconstruction of any such building shall be commenced, a zoning permit must be secured as provided in Section 18.01. It shall be the duty of the Zoning Administrator to determine the extent of such destruction, deterioration or depreciation before issuing a zoning permit.

117.205 Mobile homes and house trailers.

Sec. 2.05. A mobile home may be used in any zone in which a single family dwelling is permitted without application for special approval if the mobile home complies with the definition of "Dwelling, Single-family" as used in this zoning ordinance. A mobile home or house trailer which does not meet the definition of "Dwelling, Single-family" shall not be permitted in any zone within the Township except as follows:

A. In a seasonal trailer park or mobile home park located in the PUD zone and established pursuant to State law applicable thereto.

117.206 Temporary dwellings.

Sec. 2.06. No cabin, garage, basement, tent, or other temporary structure shall be used in whole or in part for dwelling purposes in any zone provided that such structure may be used for a temporary dwelling for a period not to exceed six (6) months upon application to and approval of a permit for such occupancy by the Zoning Administrator upon determination that the following conditions exist and are met:

- A. The permanent dwelling of the resident applicant has become uninhabitable due to damage caused by fire, wind or other natural calamity or emergency.
- B. Due to undue hardship, the applicant is unable to obtain another dwelling unit as a temporary residence.
- C. Adequate provision is made for temporary public or private water supply and sewage disposal to and from said structure.
- D. The structure is constructed so as to meet the minimum requirements for the health, safety and welfare of those occupants and the surrounding neighborhood.

117.207 Accessory building.

Sec. 2.07. The front, side and rear yard requirements of each zone shall apply to the location of accessory buildings within each zone.

117.208 Storage of vehicles and equipment.

Sec. 2.08. No area within any zone shall be used for the dismantling, accumulation, or abandonment of dismantled, disabled, wrecked or discarded motor vehicles or machinery, fixtures, appliances, junk or any part thereof.

Open space storage may be permitted when authorized by a special use permit according to the requirements of Section 18.07 of this Ordinance. (Additional cross reference Sections 6.04, 13.05, 14.04)

117.209 Essential services.

Sec. 2.09. Essential services shall be permitted as authorized or regulated by law and the Ordinances of this Township in any zone, it being the intention hereof to exempt such erection, construction, alteration and maintenance from the application of this Ordinance.

117.210 Highway intersection setbacks.

Sec 2.10.

A. At the intersection of any State Trunkline Highway and any County Primary Road and for a distance of one hundred (100) feet as measured along each right-of-way line to the point of intersection of the right-of-way lines, and then diagonally, no building or structure shall be erected or located within one hundred (100) feet of said right-of-way

except approved directional or other official sign or open fences allowing totally unobstructed vision.

B. At the intersection of any County Local Road with any State Trunkline Highway or County Primary or Local Road and for a distance of fifty (50) feet as measured along each right-of-way line to the point of intersection of the right-of-way lines, and then diagonally, no building or structure shall be erected within fifty (50) feet of the right-of-way line of the County or Local Road except approved directional or other official sign or open fences allowing totally unobstructed vision.

117.211 Animals in zoned areas.

Sec. 2.11. It shall be unlawful to keep animals such as horses, cattle, pigs, goats or poultry on any premises in an R, V, C or M zone provided that the keeping of such animals shall be permitted in an R-1 and R-2 zone and residential lots in the Agricultural Zone where the size of the lot upon which the same shall be kept shall be not be less than two and one-half (2-1/2) acres in area and where a total enclosure of fencing is provided. This restriction shall not prohibit the keeping of ordinary household pets in any zone.

117.212 Restrictions applicable to property abutting lakes, rivers or streams.

Sec. 2.12. Many lands within the Township are connected to, adjoin or abut lakes, rivers, and streams. In the interest of protecting the water quality and the natural setting of the shoreline, the following provisions shall be applicable:

A. No permanent groin wall structure, as defined by the Michigan Department of Natural Resources, shall be installed as a shoreland erosion control device on any of the inland lakes, rivers and streams within the Township.

B. All man-made extensions from the shoreline into or over said inland lakes, rivers and streams shall have an open sub-structure construction so as to allow the free and unrestricted movement of the inland waters littoral current.

C. A strip of natural vegetation shall be maintained to a depth of twenty-five (25) feet from the high water mark of the inland lakes, rivers or streams abutting or traversing the property in question. Within such area, no more than their (30) percent of all living trees and shrubs shall be removed by cutting them to grade level. The remaining trees and shrubberies may be trimmed and pruned for view of the water from the property. No land alterations including the

removal of tree stumps shall be allowed within the native protection strip, except as follows:

1. A boat ramp may be installed within an approved Private Waterfront Access.
2. A road, pass or walk may be constructed to the water's edge to a width of twelve (12) feet

D. *Limitation of boat dockage.*

Not more than two (2) spaces for each one hundred (100) feet of lake frontage may be provided for mooring or dockage of boats in any zoning district in the township.

E. *Marine sewage pump-out facility.*

Any dock facility providing dockage for four (4) or more boats with marine sewage holding tanks on board shall provide a marine sewage pump-out service to a Health Department approved sewage disposal facility.

117.213 Home occupations.

Sec. 2.13. Unless otherwise specified herein, home occupations will be permitted in the R and V zones only upon approval as a special exception as provided in Section 18.07.

117.214 Private waterfront access.

Sec. 2.14. All private waterfront accesses will conform as a minimum to the width and square footage requirements for a platted lot within the R-1 zone. A private access of the required minimum size can support a maximum use density of five (5) non-waterfront property dwelling units. An additional twenty (20) feet of width and four thousand (4,000) square feet of land will be provided for each additional dwelling unit over five (5) dwelling units.

117.215 Scenic vistas.

Sec. 215. No materials, accessory structures, or vegetation shall be placed in such a manner so as to unreasonably deprive other property owners of their preexisting scenic view or vista.

117.216 Shoreline protection strip.

Sec. 2.16. No building or structure, except docks or launch ramps shall be erected closer than fifty (50) feet from the shoreline at normal high water level of any lake, stream or creek within the township. In addition, a strip of land not less than twenty-five (25) feet in width from the normal high water mark bordering the body of water shall be maintained in trees and shrubs in their natural state. Trees and shrubs may be pruned, however, to afford a view of the water. A maximum of thirty (30) percent of all living trees and shrubs in their present or natural state may be removed by cutting them flush with the ground surface. No land alteration, including the removal of stumps shall be allowed on the native protection strip, except that a boat ramp may be provided in an approved Private Waterfront Access. Exceptions shall be that a road, path or walk may be constructed to the water's edge to a width of twelve (12) feet. Fill materials shall not be allowed to enter the water either by erosion or by mechanical means.

117.217 Greenbelts.

Sec. 2.17. A greenbelt, as defined herein, shall be required for any commercial or industrial use that abuts a residential or agricultural use on either the side yard or the rear yard. In all instances, this shall be provided as part of the side yard or rear yard requirements. If waived in writing by the adjacent residential or agricultural property owners, the greenbelt may be omitted or a fence substituted for the greenbelt if after public hearings and notice, the Planning Commission finds that there would be no adverse effects upon the neighboring property resulting from the waiver or omission.

117.218 Continued conformance with regulations.

Sec. 2.18. The maintenance of yards, open spaces, lot areas, height and bulk limitations, fences, walls, clear vision areas, parking and loading spaces, and all other requirements, including the proper maintenance and repair of screening arrangements, for a building or use specified within this Ordinance shall be a continuing obligation of the owner of such building or property on which such building or property or use is located.

117.219 Recreational vehicle.

Section 2.19. The parking of recreational vehicle is permissible on the owner's property provided the same is not used as a dwelling for more than thirty (30) days in any twelve month period, and provided that such storage or use shall not be undertaken on a commercial or rental basis.

117.220 Lighting standards.

Section 2.20. Where lighting is to be provided within a development either as street lighting, building lighting, parking, or security lighting, the lighting shall be designed, constructed and located to minimize light pollution and shall conform to the following standards:

1. All lighting shall be shielded and directed downwards. Light sources shall be located and designed so as to prevent light from being directed outside the boundaries of the development.
2. Light poles and fixtures shall be located as low as practical. A greater number of low "area" lights are favored over higher lights.

117.221 Setback at Road Ends.

Section 2.21 When any public road ends at the shoreline of a body of water, and the side yard as defined in Article 117.103, adjoins the Road Right of Way, then the sideyard setback shall be twenty (20) feet.

117.224 Dwelling Unit Rentals.

Section 2.24 In Milton Township, any dwelling unit may be leased or rented provided:

1. The zoning district permits single-family dwellings.
2. All other requirements and standards of this ordinance shall apply including signage.
3. The minimum length of stay is seven days. (added April 2003)