

Proposed Zoning Ordinance Amendments

Temporary Structures

Add:

Definition – Temporary Structure: Any structure which was originally designed to be moved from place to place by any means, whether on wheels, skids or otherwise; is not originally designed to be permanently attached to the real property on which it sits; and does not have a permanent foundation.

Section 218, Revise Temporary Structure Permit to read:

- A. Temporary structures - Any structure which meets any of the following criteria:
1. Is originally designed to be moved from place to place by any means whatsoever, whether on wheels, skids, or otherwise.
 2. Is not originally designed to be permanently attached to the real property on which it sits.
 3. Any structure not having a permanent foundation.
 4. Temporary carports, and accessory/storage buildings.
 5. Shipping containers, Conex boxes, and similar.
- B. No temporary structure shall be placed, located, or assembled on any property within the Township, with the exception of the following:
1. Tents and canopies used for special events (graduation parties, weddings, reunions, etc.), provided they are removed within seventy-two (72) hours of installation.
 2. A building or structure may be approved for temporary residential use only while damage to the principal dwelling due to fire, flood, ice, wind, or other natural disaster is being repaired.
 3. A building or structure may be approved for temporary residential use when a building permit has been issued for construction, major repair, or remodeling of a dwelling unit.

C. Temporary structures shall not be used as a residence without prior review and recommendation by the Township Building Inspector, approval of the Township Board, and compliance with the following:

1. Temporary structures shall comply with the setback standards of the zoning district in which they are located.
2. No temporary structure shall be allowed to remain longer than six (6) months, unless the Township Board determines that special circumstances exist that warrant an extension.
3. The building inspector and/or electrical inspector shall review and approve all electrical and utility connections to the temporary structure.
4. Compliance with all Macomb County Health Department requirements regarding water and on-site sewage disposal.
5. The temporary structure shall require a financial surety in the manner prescribed in this Ordinance.
6. Upon issuance of a Certificate of Occupancy for the principal dwelling, the temporary structure must be removed with fourteen (14) days.

Accessory Structures

Section 200 – Revise the chart specifying the allowed square footage for accessory structures to read - “Maximum Permitted Size of All Accessory Structures”

Section 200 – Add footnote “d” to the chart which reads “the area of all unenclosed awnings, lean-to’s, and similar structures, which are attached or directly adjacent to the accessory structure, and are structurally attached to the ground, shall be counted as part of the maximum allowed square footage.

Revise Section 200 – B – 2 to read:

All other accessory structures, regardless of type greater than four hundred (400) square feet within the non-required front yard shall require special land use approval.

Revise Section 200 – A – 6 – b to read:

Shall not exceed twenty-four (24) feet in total height as measured from ground level to the ridgeline or have a sidewall height greater than sixteen (16) feet except as provided in the above Table for Maximum Height of Sidewall. This provision does not include architectural

design features such as spires, cupolas, weathervanes, and similar, that do not exceed a height of ten (10) percent of the front width of the building, or ten (10) feet, whichever is greater.

Fences and Walls

Section 1815 – Add Section “H” to Fences, Walls, and other Protective Barriers, which reads “The height of any wall or fence shall be measured from the existing natural ground elevation to the highest point of the wall or fence. In cases where there is a grade variation between adjoining properties, such measurement shall be made from the property having the highest ground elevation.”

Tree and Shrub Nurseries

Amend the Chart in Section 304 to add Small Scale Nursery Growers, as a permitted use in the R-1 District. (remove tree and shrub nurseries)

Definitions:

Add:

A Small-scale Nursery Grower – As regulated by the Michigan Department of Agriculture and Rural Development, a person or entity that grows and/or cultivates trees, shrubs, or other plant materials for future sale or use which is limited to less than ¼ acre of outdoor growing area or 200 sq. ft. of greenhouse space.

Nursery Grower – As regulated by the Michigan Department of Agriculture and Rural Development, a person or entity that grows and/or cultivates trees, shrubs, or other plant materials for future sale or use on at least ¼ acre of outdoor growing area or 200 sq. ft. of greenhouse space.

Amend:

Building Height - For both principal and accessory structures, building height shall be measured from the lowest ground elevation at the base of the structure, to the ridge line if the roof is flat; to the deck line if the roof is a mansard type; and, to the average height between the eaves and the ridge if the roof is a gable, hip, or gambrel type.

Height Exception

Add Section 222 – Height Exceptions

Non-inhabitable decorative architectural features such as cupolas, weathervanes, spires, etc., are allowed to exceed the maximum height in the zoning district, by 10 percent of the linear frontage of the building of 10 feet, whichever is less.

Keeping of Chickens

- A. The keeping of chickens (not including roosters) for person and/or educational non-commercial use shall be permitted as an accessory use in the R-1 Residential District, provided the following conditions are met:
1. No person shall keep or maintain chickens without first obtaining a Certificate of Zoning Compliance from Ray Township.
 2. The chickens must be owned by the residents or owners of the premises on which they are kept.
 3. An appropriate shelter shall be provided for the keeping of the chickens.
 4. An appropriate fly and rodent proof container or structure for manure and other waste by-products shall be provided and maintained to prevent nuisances to adjacent properties.
 5. Setback distances from chicken shelters shall be a minimum of seventy-five (75) feet to any well located on the property and abutting properties, and fifty (50) feet to any property line.
 6. All chickens shall be penned, and not allowed to run at-large within the property.
 7. A minimum lot size of 1 acre is required to have chickens.
 8. The total number of chickens allowed is four (4) per acre.
 9. Compliance with all applicable standards of the Macomb County Health Department and the Michigan Department of Agriculture and Rural Development.
 10. Commercial farms, and farming operations, and 4H projects, are exempt from these regulations.

Dumpsters at Construction Sites

Add New Section 222 – Temporary Dumpsters Required at Construction and Demolition Sites

- A. There shall be provided at all residential, commercial, and industrial construction and demolition sites, a trash dumpster of adequate size to contain the construction waste materials anticipated in connection with the construction / demolition activity.
- B. The location of such trash dumpster shall be indicated on the construction / demolition plans.
- C. Trash dumpsters shall not be located within any right-of-way or within ten (10) feet of any side or rear property line.
- D. Trash dumpsters shall be maintained in an odor-free condition and in such a manner as to prevent waste materials from being blown out of them.
- E. Trash dumpsters shall be emptied on a regular basis so as to comply with the requirements of this subsection.
- F. All trash dumpsters must be removed from the property prior to the issuance of a temporary or final Certificate of Occupancy for the principal dwelling.
- G. Upon issuance of a Certificate of Occupancy for the principal dwelling, the temporary dumpster must be removed within fourteen (14) days.

Remove Section 403 BB Special Land Uses in the R-1 Agricultural Residential District to read:

Accessory Buildings over four hundred (400) square feet in size located in the front yard.

Certificates of Zoning Compliance

Revise Section 2900 C to read:

With the exception of single family homes on lots that conform to the zoning ordinance, It shall be unlawful to use, or occupy, or permit the use, or occupancy of any structure or premises, or parts thereof, hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure, until a certificate of occupancy and/or zoning compliance have been issued by the Building Inspector stating that the proposed use of the structure or lot conforms to the requirements of this Ordinance.

Wells

Add to Section 2900 D, Permits:

Required wells must be in place prior to the issuance of a building permit.

Add Section 2110 as follows:

Engineering Reviews and As-Built Requirement.

Prior to the issuance of a final certificate of occupancy for all development requiring site plan approval, an "as-built" survey shall be completed by the Township Engineer for compliance with the approved site plan and all applicable Township ordinances.

Furthermore, any applicable building bonds will not be released to the developer/owner until the as-built plans have been reviewed and accepted by the Township

Add Section 2205 as follows:

Engineering Reviews and As-Built Requirement.

Prior to the issuance of a final certificate of occupancy for all development requiring special land use approval, an "as-built" survey shall be provided to and reviewed by the Township Engineer for compliance with the approved site plan/special land use and all applicable Township ordinances.

Furthermore, any applicable building bonds will not be released to the developer/owner until the as-built plans have been reviewed and accepted by the Township

Revise Section 2900 C 2 to read:

With the exception of new residential construction, no permit for erection, alteration, moving, or repair of any structure shall be issued until an application has been made for a certificate of zoning compliance, and the certificate shall be issued in conformity with the provisions of this Ordinance upon completion of the work.

Agricultural Tourism

Revise Section 1700 R 4 g to read:

Agricultural tourism uses shall provide parking at a ratio of one space for each 500 square feet of indoor retail/eating/drinking areas, and one space for every 1,000 square feet of outdoor

related activity areas. Such parking areas shall be concrete, asphalt, gravel, or stone, or other material as approved by the Planning Commission.

Private Roads

Add Section 2700 A 7 as follows:

Applicable easements for all private roads must be obtained prior to Planning Commission approval.

Financial Guarantees

Revise Section 2108 A to read:

The Planning Commission shall require that a financial guarantee in the form of a cash, letter of credit, or surety bond, covering the estimated cost of improvements associated with the approved site plan, be deposited with the Township to ensure faithful completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project, and any cash deposits shall be rebated in reasonable proportion to the ratio of work completed on the required improvements as work progresses.

Financial guarantees shall not expire prior to the completion of the proposed project. Appropriate assurance shall be provided which either notifies the Township that the financial guarantee is set to expire or that the financial guarantee has an evergreen clause or similar mechanism as a condition of the guarantee.

Miscellaneous Changes

Remove Section 402 E – Storage

Remove Section 502 E – Storage

Remove Section 601 I – Sod Farms

Remove Section 602 E – Keeping of Animals

Remove Section 701 I – Sod Farms

Remove Section 702 E – Keeping of Animals