

ARTICLE XX

ACCESSORY STRUCTURES & USES

§ ##.05 - INTENT & PURPOSE

The intent and purpose of this Article is to:

- (A) **Structures:** Establish standards for accessory structures to minimize potential negative impacts on adjacent properties and the Township in general; and
- (B) **Uses:** Establish standards for certain accessory uses to minimize potential negative impacts on adjacent properties and the Township in general.

§ ##.10 - MINOR ACCESSORY USES/STRUCTURES

~~The following Minor accessory uses/structures, including, but not limited to, shall be permitted in any yard of all zoning districts: arbors, trellises, bird baths and houses, dog houses, curbs, driveways, flagpoles, lamp posts, mail boxes, name plates, sidewalks and boardwalks, and utility installations for local service, shall be permitted in any yard in all zoning districts.~~

§ ##.15 - ACCESSORY BUILDINGS

Accessory buildings shall meet the following standards:

(A) **Residential Accessory Buildings:** Residential accessory buildings shall meet the following standards:

- (1) **Relation to Primary-Principal Structure Building:** Residential accessory buildings shall only be constructed and maintained on property on which a ~~primary structure~~principal building exists or is under construction or within one hundred fifty (150) feet of property under same ownership and control on which a ~~primary principal structure building~~ exists or is under construction. OR Residential accessory buildings shall only be constructed and maintained on property on which a principal building exists or is under construction or an abutting property under the same ownership and control on which a principal building exists or is under construction. OR DELETE THIS SECTION. I'M NOT SURE HOW WE COULD STILL CONSIDER IT TO BE AN ACCESSORY BUILDING SINCE IT WOULD NOT BE CLEARLY SUBORDINATE AND INCIDENTAL TO THE PRINCIPAL BUILDING/USE OF THE PROPERTY.
- (2) **Location:** Residential accessory buildings shall only be located as outlined in Table xx.15(A)(2):

Table xx.15(A)(2)- Residential accessory building location and setbacks		
Yard	Zoning District	Setbacks
a. Front yard	<u>LR</u>	YES 20 feet from front lot line- waterfront lots 200 feet or 75% of the distance between the front lot line and the primary structure from the front

			lot line <u>the front-yard setback shall be the same as the principal building-</u> non-waterfront lots 10-5 feet from the side lot line
	<u>A, RR, RC, C-1</u>	YES	<u>Twice the setback for the principal building</u> <u>10 feet from the side lot line</u>
b. Side yard	<u>LR</u>	YES	<u>10 feet from side lot line</u>
	<u>All Other Zoning Districts</u>	YES	<u>5 feet from side lot line</u>
c. Rear yard	YES <u>LR</u>	YES	<u>10 feet from side lot line</u> <u>10 feet from rear lot line</u>
	<u>All Other Zoning Districts</u>	YES	<u>5 feet from side lot line</u> <u>10 feet from rear lot line</u>
d. Waterfront Yard	<u>All Districts</u>	NO	

(3) Height: For sites with a lot area of less than one (1) acre, the maximum height for residential accessory buildings shall be twenty (20) feet. For sites with a lot area of one (1) acre or more, the maximum height for residential accessory buildings shall be twenty-five (25) feet.

(4) Lot Coverage: The total lot coverage for all residential accessory buildings on a lot shall have the maximum lot coverage as outlined in the table below:

<u>Lot Area</u>	<u>Lot Coverage</u>
<u>Less than 1 acre</u>	<u>1,000 square feet</u>
<u>1 acre to 3.5 acres</u>	<u>1,500 square feet</u>
<u>More than 3.5 acres</u>	<u>1 percent of lot area</u>

(5) Use: Residential accessory building use shall be incidental and subordinate to the principal use of the property.

(B) **Agricultural Accessory Buildings:** Accessory buildings used exclusively for commercial agriculture shall meet the following standards:

(1) Location: Agricultural accessory buildings may be located in any yard.

(2) Setbacks: The minimum setbacks for agricultural accessory buildings shall be the setbacks for the principal building or equal to the building height, whichever is greater. Agricultural accessory buildings housing animals shall be set back at least fifty (50) feet from all lot lines.

~~(2)~~(3) Height: There shall be no height limit for agricultural accessory buildings.

~~(3)~~ Setbacks: Agricultural accessory buildings shall be set back from lot lines a distance at least equal to their height. Agricultural accessory buildings housing animals shall be set back at least fifty (50) feet from all lot lines.

- (4) *Lot Coverage:* Agricultural accessory buildings shall meet the lot coverage for the district in which they are located.
- (C) *Commercial or Institutional Accessory Buildings:* Accessory buildings for commercial or institutional uses shall meet the developmental and use standards for the ~~primary structure~~principal building for the zoning district in which they are located.
- (D) *Temporary Accessory Buildings:* Temporary accessory buildings shall meet the following standards:
 - (1) *Location:* ~~Temporary accessory structures used exclusively for commercial agriculture may be located in any yard; all other t~~Temporary accessory ~~structures~~buildings shall be located within a side or rear yard; ~~temporary accessory buildings used exclusively for commercial agriculture may be located in any yard.~~
 - (2) Setbacks: Temporary accessory buildings shall be at least ten (10) feet from every lot line.
 - ~~(2)(3) Height: Temporary accessory buildings shall have a maximum height of twenty (20) feet.~~
 - ~~(3)(1) Setbacks: Temporary accessory buildings shall be at least ten (10) feet from every lot line.~~
 - (4) *Duration:* Temporary accessory buildings shall be erected a maximum of six (6) months in any calendar year. This shall not apply to temporary accessory buildings used exclusively for commercial agriculture.
 - (5) *Condition:* Temporary accessory buildings shall be maintained in a good and safe condition at all times.

§ ##.20 - PORCHES, DECKS, & PATIOS

Porches, decks, and patios shall meet the following standards:

- (A) *Detached:* Porches, decks, and patios that are not attached to ~~the principal~~a building shall meet the setbacks for the principal building for the district in which it is located and shall not have any enclosed walls.
- (B) *Attached:* Porches, decks, and patios that are attached to a building shall be considered a part of that building and shall meet the developmental standards for that ~~structure~~building. Uncovered porches, decks, and patios may extend up to ten (10) feet into the front and rear-yard setbacks for the principal building but shall be at least five (5) feet from side lot lines.
- (C) *Waterfront Yards:* Uncovered, porches, decks, and patios may extend up to fifteen (15) feet into the waterbody setback if the following conditions are met:
 - (1) *Height:* The finished floor of the porch, deck, or patio shall be within eighteen (18) inches of the adjacent grade at all points.
 - (2) *Railings:* Any railing shall have a maximum height of three (3) feet from the finished floor and a maximum opacity of fifty (50) percent.
- (D) *Screening:* Privacy fencing or screening may be attached to a deck or porch in the rear or side yard with a maximum height of six (6) feet, measured from the finished floor of the deck or porch.

§ ##.25 - RESIDENTIAL HANDICAPPED RAMPS

An unroofed handicapped ramp for residential use may encroach into a required front, rear, or side-yard setback if: there are no other reasonable alternatives for the location of such a ramp on the property; the

ramp is the smallest size necessary; and the ramp will be removed when it is no longer necessary, as documented in a document approved by the Township and recorded with the Register of Deeds.

§ ~~##~~.30 - FENCES, WALLS, & ~~GATED ENTRANCES~~ ENTRANCEWAYS

Fences, walls, and entranceways shall meet the following standards:

(A) Fences & Walls: Fences shall meet the following standards:

- (1) *General Provisions*: The following standards shall apply to all fences and walls:
 - a. *Finished Side*: All exposed fence posts shall be located on towards the property that is being fenced; the finished side shall face adjacent properties.
 - b. *Setbacks*: Fences shall be located completely within the property being fenced.
 - c. *Clear-vision Zone*: Fences and walls located within a clear-vision zone shall have a maximum height of three (3) feet.
 - d. *Height*: Fences and walls located within a front yard shall have a maximum height of four (4) feet and fences located within a side or rear yard shall have a maximum height of six (6) feet, unless otherwise stated in this Ordinance.
 - e. *Materials*: here
 - f. *Maintenance*: Fences shall be maintained in good condition.
 - g. *Gates*: Gates shall be installed so that they do not extend over a right-of-way, public space, or adjacent property when opened.
- (2) *Waterbody Yards*: Fences and walls in waterbody yards shall meet the following standards:
 - a. *Commercial and Recreation Conservation Districts*: The maximum height for fences and walls in the waterfront yard of Commercial (C-1) and Recreation Conservation (RC) Zoning Districts shall be four (4) feet and the fence shall be a maximum of fifty (50) percent opaque.
 - b. *All Other Districts*: Fences and walls shall not be permitted in the waterfront yard in any other zoning district.
- (3) *Athletic-Recreational Facility Fences*: Fences surrounding an athletic recreational facility shall have a maximum height of twelve (12) feet and shall be set back from all property-lot lines a distance at least equal to the fence height.
- (4) *Agricultural Fences*: here Agricultural fences may be taller than outlined in this Section if the Director of Planning and Zoning determines that the fence is the minimum height necessary for the agricultural use and the fence will not cause negative impacts to adjacent properties or for traffic.
- (5) *Temporary Fences*: Temporary fences shall be maintained in good condition and shall be installed a maximum of five (5) months in a calendar year.
- (6) *Barbed & Razor Wire*: Bared and razor wire shall only be used for agricultural fences or, with the approving authority's approval, for utility compounds.
- ~~(5)~~(7) *Electrical Fence*: Electrical fences shall only be allowed in Agriculture Zoning Districts for agricultural purposes. All electrical fences shall have clearly-visible warning signs.

(B) Walls: here

(B) Gated Entrances: Gated entrances shall meet the following standards:

- (1) First Responder Access: Gated entrances shall be equipped with a sound-activated entry system that will automatically open the gate upon detecting an emergency siren for two point five (2.5) to four point five (4.5) seconds or sooner.
- (2) Law Enforcement Access: Gated entrances shall be equipped with a silent, secondary access system that allows for quiet entrance by law enforcement personnel.
- (3) Back-up Power: Gated entrances shall be equipped with a back-up power supply capable of operating the gate for at least twenty-four (24) hours.
- (4) Manual Control: Gated entrances shall be equipped with a fail-safe mode that allows for manual operation of the gate.
- (1)(5) Approvals: Gated entrances shall require review and approval by first responders, including, but not limited to, the Fire Inspector, police, and emergency medical services.

(C) Entranceways: here§ **##**.35 - POOLS & HOT TUBS

Pools and hot tubs shall meet the following standards:

- (A) Location:** Swimming pools ~~may shall~~ be located in side ~~yards~~ or rear yards. Hot tubs ~~may shall~~ be located in side ~~yards~~, rear ~~yards~~, or waterfront yards.
- (B) Setbacks:** Swimming pools shall be at least ten (10) feet from side and rear lot lines. Hot tubs shall be at least ten (10) feet from side and rear lot lines and at least thirty-five (35) feet from waterbodies.
- ~~**(C) Access:** Swimming pools and hot tubs shall have restricted access by at least one (1) of the methods below:~~
 - ~~(1) Fencing:~~ ~~Swimming pools and hot tubs shall be surrounded by fencing at least four (4) feet high. The fence shall not be climbable, and all gates shall be self-closing and self-latching;~~
 - ~~(2) Elevated Pools:~~ ~~Elevated swimming pools and hot tubs that are at least four (4) feet above ground shall have restricted access by steps that are removed and secured when not in use or a self-closing, self-latching gate that is at least four (4) feet high;~~
 - ~~(3) Building Wall:~~ ~~When a building wall is used as a barrier, all doors along that wall shall be equipped with alarms and the swimming pool shall have an automatic cover; and/or~~
 - ~~(4) Hot Tub Cover:~~ ~~Hot tubs with a cover that complies with the American Society for Testing and Materials (ASTM) F1346 shall not be required to have additional access restrictions.~~
- ~~(D)~~**(C) Filling:** Swimming pools and hot tubs shall not be filled until the access restrictions have been satisfactorily installed.

§ **##**.40 - RETAINING WALLS

Retaining walls shall meet the following standards:

- (A) Setbacks:** Retaining walls shall be ~~set-back~~ at least three (3) feet from all lot lines. For retaining walls that are taller than three (3) feet, the minimum setback shall be equal to their height. This setback may be reduced without a variance if a letter of nonobjection, in a form approved by the

Township, is obtained from the affected adjacent property owner and recorded with the Register of Deeds.

- (B) **Waterbody Setback:** Retaining walls shall be at least ten (10) feet from ~~the~~ any shoreline.
- (C) **Height:** Retaining walls shall have a maximum height of four (4) feet. Taller retaining walls shall be tiered with a distance between the walls equal to height of the upper retaining wall. The maximum height may be increased by up to three (3) feet if: the retaining wall is made of concrete; and a fall-prevention railing is installed.
- (D) **Grade:** Grades along property lines shall not be changed unless a letter of nonobjection, in a form approved by the Township, is obtained from the affected adjacent property owner and recorded with the Register of Deeds. Any change in grade shall not have a negative impact on the natural drainage patterns.

§ ##.45 - SIDEWALKS, PATHS, & STEPS

Sidewalks, paths, and steps shall be permitted in every zoning district and shall meet the following standards:

- (A) **Location:** Sidewalks, paths, and steps that are at-grade or even with slopes shall be permitted in every yard.
- (B) **Setback:** Sidewalks, paths, and steps shall be at least five (5) feet from side lot lines, except as listed below:
- (1) **Shared Use:** When a sidewalk, path, or steps will be shared by multiple properties, it may be located along the shared lot line. A maintenance and access easement, ~~to be~~ in a form approved by the Township, shall be recorded with the Register of Deeds;
 - (2) **Nonobjection:** The side yard setback may be reduced if the adjacent property owner submits a letter of nonobjection, in a form approved by the Township, and recorded with the Register of Deeds;
 - (3) **Connection:** When a sidewalk, path, or steps will connect two adjacent properties, the side-yard setback shall not apply; and
 - (4) **Lakes Residential Zoning Districts:** The side yard setback may be reduced to two (2) feet for properties in Lakes Residential Zoning Districts that have a lot width of less than fifty (50) feet.

§ ##.50 - PROPANE TANKS

- (A) **Small Propane Tanks:** Propane tanks with a capacity of more than one hundred (100) gallons and five hundred (500) gallons or less shall be ~~set back~~ at least ten (10) feet from any lot line and any external source of ignition, such as, but not limited to, open flames, window air conditioners, or compressors, and any intake for direct vent gas appliances or mechanical ventilation system.
- (B) **Large Propane Tanks:** Propane tanks with a capacity of more than five hundred (500) gallons shall be set back at least twenty-five (25) feet from any lot line and any external source of ignition, such as, but not limited to, open flames, window air conditioners, or compressors, and any intake for direct vent gas appliances or mechanical ventilation system.
- ~~(B)~~(C) **Screening:** Any propane tank located in a front yard with a capacity of more than one hundred (100) gallons shall be screened from public view.

§ ##.55 - MECHANICAL EQUIPMENT

Mechanical equipment, including, but not limited to, generators, heating, ventilation, air condition, and non-residential water and gas meters, shall meet the following standards:

- (A) **Setbacks:** Mechanical equipment shall meet the setbacks for the principal building for the zoning district in which it is located.
- (B) **Screening:** Roof and ground-mounted mechanical equipment shall be screened from public view and the ~~view~~ from adjacent properties.
- (1) **Roof-Mounted:** Roof-mounted mechanical equipment shall be screened using architectural materials consistent with the building and shall be completely opaque. The screening shall be at least as tall as the equipment being screened.
- (2) **Ground-Mounted:** Ground-mounted mechanical equipment for residential use that is within 15 feet of lot lines and all nonresidential ground-mounted mechanical equipment shall be screened using a fence, wall, or plantings. The fence or wall shall be consistent with materials used on the site and shall be completely opaque. The planting screenings shall be consistent with other plantings on the site, shall be evergreen, and shall be at least as tall as the equipment being screened when installed.
- (C) **Nuisance:** Mechanical equipment shall not generate excessive nuisance or be offensive for the occupants of adjacent buildings.

§ ##.60 - FLAGPOLES

Flagpoles may be constructed and maintained in any zoning district and shall meet the following standards:

- (A) **Residential:** Residential flagpoles shall have a maximum height of thirty (30) feet and shall at least ten (10) feet from all lot lines.
- (B) **Nonresidential:** Nonresidential flagpoles shall have a maximum height of fifty (50) feet and shall be at least twenty (20) feet from all lot lines and at least fifty (50) feet from buildings on adjacent properties.

§ ##.65 - TV ANTENNAS, SATELLITE DISHES, & HAM RADIO

The following standards shall apply to television antennas and satellite dishes with a height or diameter of more than three (3) feet and all ham radio antennas.

- (A) **Intent & Purpose:** The intent and purpose of this Section is to provide reasonable standards for reception antenna to achieve the following:
- (1) **Safety:** Promote safety and prevent hazards to people and property from accidents involving antennas;
- (2) **Use:** Promote the reasonable use of antennas where feasible;
- (3) **Aesthetics & Property Values:** Develop standards that minimize the aesthetic impact on surrounding properties and preserves property values;

- (4) *Balance*: Balance standards for antennas to provide for these intents and purposes; and
- (5) *Health, Safety, & Welfare*: Promote and protect the health, safety, and welfare in relation to individual property rights without reasonable restriction.

(B) *Location*: Antennas shall not be located in any easement. Ground-mounted antenna ~~should~~ shall be located in a rear yard. ~~If it is not possible to get reception in a rear yard, the antenna may be located within or facing a side yard.~~ Structure-mounted antenna shall be located on a rear-yard facing façade or roof. If it is not possible to get reception in a rear yard, the antenna may be located within or facing a side yard. For sites adjacent to waterbodies, antennas shall be located in or facing the side or front yards.

(C) *Height*: The maximum antenna height shall be the maximum height for the principal building for the district maximum height in which the antenna is located. ~~Structure~~ Structure-mounted antenna may extend up to twenty (20) feet above rooftop.

(D) *Diameter*: The maximum diameter shall be ten (10) feet.

(E) *Setbacks*: Antennas shall meet the setbacks for an accessory building.

(F) *Color*: Antennas shall not be bright or pastel colors, unless required by the FAA.

(G) *Advertising*: There shall be no advertising on any antenna.

(H) *Screening*: Antennas within fifty (50) feet of residentially-zoned properties and right-of-ways shall be screened.

(I) *Wind*: Antennas shall be designed and installed to withstand a wind load of one hundred (100) miles per hour.

(J) *Ham Radio Antenna*: Ham radio antennas may exceed the height and diameter standards above if the all of the following conditions are met:

(1) Minimum Necessary: The antenna height or diameter is the minimum necessary to receive and transmit signals adequately;

(2) Fall Zone: The antenna fall zone is located entirely within the property; and

~~(3)~~ (3) Removal: The antenna shall be removed when use has been discontinued for a period of thirty (30) days, as recorded in a document approved by the Township and recorded with the Register of Deeds.

§ ## 70 - WIND ENERGY CONVERSION SYSTEMS

It is the intent of this section to create standards to allow for Micro and Small Wind Energy Conversion Systems (WECS) and MET Towers while protecting the health, safety, and welfare of adjacent properties, neighbors, and the community in general.

(A) *Zoning*: Micro WECS shall be a permitted use in all zoning districts. Small WECS shall be a special land use in Lake Residential (LR) Districts and a permitted use in all other zoning districts. MET Towers shall be a permitted use in Agriculture (A), Rural Residential (RR), and Public Land (PL) Districts.

(B) *Setbacks*:

- ~~(1)~~**(4)** *How Measured:* Setbacks shall be measured horizontally from the center of the base of the tower for tower-mounted WECS and MET Towers and from the edge of the swept area for building-mounted Micro WECS.
- ~~(2)~~**(5)** *Setbacks:* Tower-mounted Micro WECS shall meet the setback for an accessory building in the zoning district in which it is located. Small WECS shall meet the setback for a ~~primary~~ **principal** building for the zoning district in which it is located. Setback shall be from non-participating lot lines.
- ~~(3)~~**(6)** *Additional Setbacks:* Tower-mounted Micro ~~and Small~~ WECS shall be at least one point one (1.1) times the total height from any buildings, parking areas, or commonly used outdoor areas on non-participating properties, ~~public road~~ right-of-ways, overhead utilities, waterbodies, and wetlands.
- ~~(4)~~**(7)** *MET Towers:* MET Towers shall be at least one point one (1.1) times the total height from habitable structures, non-participating properties, and rights-of-way.
- ~~(5)~~**(8)** *Fall Zone:* The fall zone and swept area shall be located entirely within participating lots.
- ~~(6)~~**(9)** *Experimental WECS:* Experimental WECS shall have a setback twice the distance required for non-experimental WECS.
- ~~(7)~~**(10)** *Guy Wires:* Guy wires shall meet the minimum setback for an accessory building in the zoning district in which it is located or ten (10) feet, whichever is less.

(C) Height:

- (1) *Building-mounted Micro WECS:*** Building-mounted Micro WECS shall not extend more than fifteen (15) feet above the highest point of the ~~structure-building~~ to which it is attached.
- (2) *Tower-mounted Micro WECS:*** Tower-mounted Micro WECS shall have a total height not taller than the tallest permitted ~~primary-principal~~ building height for the zoning district in which it is located.
- (3) *Small Lots:*** Small WECS and MET Towers on lots less than two (2) acres in size shall have a total height of less than one hundred (100) feet or forty (40) feet above any tree lines within a distance of two (2) times the total height, whichever is greater, not to exceed two hundred (200) feet.
- (4) *Large Lots:*** Small WECS and MET Towers on lots two (2) acres and larger shall have a total height of less than two hundred (200) feet.
- (5) *FAA:*** Small WECS and MET Towers shall comply with all applicable Federal Aviation Administration rules and regulations.

(D) Standards:

- (1) Towers.**
- a. *Types:* A tower-mounted Micro WECS, Small WECS, or MET Tower ~~may~~ **shall** be mounted on ~~a~~ guyed, lattice, freestanding, or monopole towers.
- b. *Lakes Residential Districts:* A tower-mounted Micro WECS or Small WECS in a Lakes Residential District shall only be mounted on a monopole tower.
- (2) Appearance.**
- a. *Colors:* WECS and MET Towers shall be a non-obtrusive, non-reflective color.
- b. *Alternative Colors:* Alternative color schemes may be approved without requiring a variance, if ~~all~~ **of** the following conditions are met:

- i. The proposed color scheme is consistent with Federal Aviation Administration guidelines;
- ii. Darker colored blades may be allowed to reduce icing concerns; &
- iii. The proposed color scheme will better serve the intent and purpose of this Section and Ordinance.
- c. *Condition:* The system shall be maintained in good condition and appearance at all times, consistent with industry standards.
- d. *Advertising:* Systems shall not display any commercial advertising, except for a reasonable display of the owner, operator, or manufacturer.

(3) *Wiring.*

- a. *Location:* All exterior wiring connections to the WECS and MET Towers shall be installed underground at a depth to prevent any damage from freezing or frost and to prevent interference with drain tiles.
- b. *Alternative Location:* Wiring may be above ground if all of the following conditions are met:
 - i. It will not create an undue safety hazard;
 - ii. Burying of wires will cause an excessive hardship; &
 - iii. Above ground wiring will better serve the intent of this Ordinance.

(4) *Lighting.*

- a. Intensity: Tower lighting shall be the lowest intensity allowable by the Federal Aviation Administration.
- b. Strobe or Pulse: Tower lighting shall not be strobe or pulsating unless required by the Federal Aviation Administration. Strobe lighting shall be preferred to pulsating lighting
~~Strobe lighting shall be preferred to pulsating lighting.~~
- ~~c.~~ Glare: Tower lighting shall be shielded to the maximum extent possible to reduce glare and visibility from the ground.

(5) *Number:* The maximum number of WECS and MET Towers per lot shall be as listed in the table below. Area used towards one type of system shall not be double-counted for another type of system.

<u>Table xx.70(D)(5)- Number of WECS and Met Towers</u>		
<u>Type of system</u>	<u>Density</u>	<u>Maximum per lot</u>
<u>Micro WECS</u>	<u>2 per acre</u>	<u>5 total</u>
<u>Small WECS</u>	<u>1 per acre</u>	<u>3 total</u>
<u>MET Tower</u>	<u>1 per acre</u>	<u>3 total</u>

- ~~a. There shall be a maximum of two (2) Micro WECS per acre.~~
- ~~b. There shall be a maximum of five (5) Micro WECS on any lot.~~
- ~~c. There shall be no more than one (1) Small WECS or MET Tower per acre.~~

~~d. There shall be a maximum three (3) Small WECS or MET Towers on any lot.~~

~~e. NO DOUBLE COUNTING~~

(E) Safety:

(1) Access.

- a. The tower shall not be climbable for a height of eight (8) feet above the ground for Micro WECS or a height of ten (10) feet for Small WECS and MET Towers above the ground, unless the applicant proves it would not be a public hazard.
- b. All access doors to the tower and exterior electrical equipment shall be locked when not attended.

(2) Operation.

- a. The operator shall keep a maintenance record documenting compliance with the maintenance plan, which shall be produced in a timely manner upon request for inspection by the Township. Such request may be made up to one (1) time per year.
- b. All WECS shall be equipped with both automatic and manual overspeed controls.

(3) Clearance.

- a. Horizontal-axis WECS shall have a ground clearance of at least twelve (12) feet.
- b. Vertical-axis WECS shall have a ground clearance necessary to not be a hazard.
- c. Building-mounted Micro WECS shall have a building clearance from the swept area at least equal to the blade length.

(4) Warnings & Information: All WECS and MET Towers shall display appropriate warning signs, such as electrical warnings and emergency contact information.

(5) Guy Wire Clearance: All guy wires shall be clearly visible to a height of at least six (6) feet above ground level.

(F) Sound:

(1) Sound shall be measured at non-participating lot lines and road right-of-ways.

(2) All WECS shall comply with the Township noise standards, as defined in Section xx, except for during short-term events, such as severe wind storms and utility outages.

(3) If the ambient sound level exceeds the above standards, the maximum sound level shall be ambient sound level + 5 dB.

(4) Sound standards may be reduced without requiring a variance if all of the following conditions are met:

- a. Such reduction will better serve the intent and purpose of this Section and Ordinance; and
- b. Written, notarized affidavit of permission is granted by the affected properties, in a form approved by the Township and recorded with the Register of Deeds.

(G) Interference: The applicant, owner, or operator shall eliminate or mitigate any interference with electromagnetic communication signals, such as radio, television, microwave, or wireless internet signals

(H) Additional Application Materials: An application shall include the following additional materials:

- (1)** A WECS Zoning Permit Application;

- (2) Plot Plan, with the following additional information:
 - a. Location of the WECS or MET Tower;
 - b. Structures within a distance of 2 times the total height;
 - c. All overhead utilities within a distance of 2 times the total height; and
 - d. Location of exterior wiring associated with the WECS or MET Tower.
 - (3) GIS Mapping and Addressing Form for Small WECS or MET Towers;
 - (4) A copy of the interconnection agreement for grid-connected systems;
 - (5) Letter of non-objection or similar from the Federal Aviation Administration, if applicable;
 - (6) Copy of recorded affidavit of permission granting a waiver of sound standards, if applicable;
 - (7) A maintenance plan;
 - (8) A sound-level analysis for Small WECS;
 - (9) System Specifications:
 - a. Manufacturer and model;
 - b. Total system height, rotor size, ground or building clearance;
 - c. Tower and tower foundation blueprints or drawings for tower-mounted systems; and
 - d. One or three line electrical diagram.
 - (10) Other materials deemed necessary by the ~~Zoning Administrator~~ Director of Planning and Zoning to ensure compliance with this Ordinance.
 - (11) *Expiration.* The Zoning Permit shall expire if:
 - a. The WECS or MET Tower is not installed within one (1) year. A one (1) year extension may be granted;
 - b. The WECS or MET Tower is declared abandoned; or
 - c. The WECS or MET Tower is declared unsafe.
- (I) ***Decommissioning/Removal:***
- (1) Any WECS which has not produced electricity for a period of twelve (12) months shall be considered abandoned.
 - (2) Abandoned WECS and MET Towers shall be removed or reconditioned at the owner's expense within three (3) months notice to take action.
 - (3) Unsafe WECS and MET Towers shall be removed or made safe within a reasonable time as determined by the Zoning Administrator.
 - (4) The Township may remove any abandoned or unsafe Micro WECS not removed or reconditioned by the owner within the allowed time at the owner's expense.

§ ##.75 - SOLAR ENERGY

- (A) ***Location:*** Solar energy systems shall not be located within or above any required front ~~yard~~-or waterfront yard.

- (B) **Setbacks:** Free-standing systems shall meet the setbacks for accessory buildings.
- (C) **Height:** Building or roof-mounted systems shall meet the height standards for primary buildings. Free-standing systems shall meet the height standards for accessory buildings.
- (D) **Wiring or Piping:** Wiring or piping for free-standing systems shall be buried and placed inside a conduit. Wiring may be above ground if all of following conditions are satisfied: the above-ground installation will not create an undue safety hazard; burying of the wires will cause an excessive hardship; and above-ground wiring will better serve the intent of this Ordinance.
- (E) **Orientation:** ~~Acessory solar~~ Solar energy systems shall be designed and located to minimize reflective glare toward any inhabited structure on adjacent properties, rights-of-way, or public places.
- (F) **Additional Application Materials:** An application shall contain the following, additional materials:
- (1) Manufacturer specifications for the proposed ~~accessory~~ solar energy system.
 - (2) For utilitygrid-connected systems, proof that the utility provider has approved the solar energy system a copy of the interconnection agreement.

§ ~~##~~.80 - ~~DUMPSTERS &~~ WASTE RECEPTACLES

~~Dumpsters~~ Waste receptacles, including trash, grease, recyclables, and compactors, shall be designed, constructed, and maintained as outlined in this Section. This shall not apply to curbside pick-up or recycling facilities.

- (A) **Enclosures:** An enclosure shall be provided on all sides of waste receptacles.
- (1) **Materials:** The enclosure walls shall be constructed of brick, decorative masonry, or concrete. The exterior of the enclosure walls may be faced in a different material that complements the principal building. The gate shall be constructed of wood or similar high-quality materials.
 - (2) **Height:** The enclosure shall be at least six (6) feet high or one (1) foot taller than the waste receptacle, whichever is taller.
 - (3) **Separation Distance:** The enclosure walls shall be designed to provide a minimum distance of three (3) feet between the waste receptacle and the enclosure wall.
- (B) **Location:** Waste receptacle enclosures shall only be located within rear or side yards.
- (C) **Setbacks:** Waste receptacle enclosures shall be at least ten (10) feet from all lot lines and at least twenty (20) feet from all residential lot lines. A greater distance may be required if the waste receptacle is likely to omit odors.
- (D) **Screening:** Waste receptacle enclosures shall be ~~located and~~ screened from adjacent sites-properties and public view, to the greatest extent practicable, using evergreen vegetation.
- (E) **Lid or Cover:** Waste receptacles that are likely to omit odors shall have a lid or cover that shall be kept covered except when accessing the waste receptacle.
- (F) **Concrete Base:** Waste receptacle enclosures shall have a reinforced, concrete base that extends out far enough to provide a base for the front axle of the refuse vehicle.
- (G) **Accessibility:** Waste receptacles shall be accessible to refuse vehicles in a manner that does not conflict with designated parking, loading, ~~or~~ queuing spaces, or maneuvering lanes.
- (H) **Bollards:** Bollards, posts, or bumpers shall be provided to protect the enclosure from damage.
- (I) **Shared Waste Receptacles:** Waste receptacles may be shared by several adjacent properties or users.

§ ##.85 - BUS STOP SHELTERS

Bus stop shelters may be constructed and maintained in any zoning district and shall meet the following standards:

- (A) **Setbacks:** Bus stop shelters may be located within the required front-yard setback and shall be at least ten (10) feet from front lot lines.
- (B) **Obstruction:** Bus stop shelters shall be located outside of clear-vision zones and shall not obstruct the view of motorists.
- (C) **Area:** Private bus stop shelters shall have a maximum area of thirty-two (32) square feet; all other bus stop shelters shall have a maximum area of one hundred (100) square feet.
- (D) **Height:** Private bus stop shelters shall have a maximum height eight (8) feet; all other bus stop shelters shall have a maximum height of ten (10) feet.
- (E) **Use:** Bus stop shelters shall only be used for providing shelter from the elements for bus users. Private bus stop shelters shall be removed when there is no longer a child living on the property that uses a school bus.

§ ##.90 - PORTAJOHNS

Portajohns for special events or related to construction shall be permitted and shall meet the standards outlined below. This section shall not apply to portajohns used in support of road construction projects.

(A) Temporary Use: Portajohns shall only be used on a limited, temporary basis.

(A)(B) Setbacks: Portajohns shall have the following minimum setbacks:

<u>Table x.90(B)- Portajohn Setbacks</u>		
<u>Setback Type</u>	<u>Zoning District/Use</u>	<u>Minimum Setback</u>
<u>(1) Front</u>	<u>Residential District or Uses</u>	<u>10 feet</u>
	<u>Nonresidential Districts or Uses</u>	<u>25 feet</u>
<u>(2) Side</u>	<u>Residential District or Uses</u>	<u>10 feet</u>
	<u>Nonresidential Districts or Uses</u>	<u>25 feet</u>
<u>(3) Rear</u>	<u>Residential District or Uses</u>	<u>10 feet</u>
	<u>Nonresidential Districts or Uses</u>	<u>25 feet</u>
<u>(4) Waterbody</u>	<u>All Districts and Uses</u>	<u>50 feet</u>
<u>(5) Adjacent Dwelling Unit</u>	<u>Residential District or Uses</u>	<u>15 feet</u>
	<u>Nonresidential District or Uses</u>	<u>50 feet</u>

(C) Screening: Portajohns that will be located on a site for more than seven (7) days shall be screened from adjacent properties, streets, and waterbodies.

(D) Design: Portajohns shall have a watertight, closed tank for storage of wastes, be flyproof, have adequate ventilation, and have cleanable seats.

(E) Waste Disposal: The waste collected in portajohns shall be disposed as outlined below.

(1) Facilities: Waste collected from portajohns shall only be disposed in an appropriate waste or sewage treatment facility.

(2) Vehicle: Vehicles used to collect waste from portajohns shall be designed for that purpose and shall have watertight, completely-closed tanks or boxes that prevent leakage of wastes and the escape of odors.

(F) Nuisance: Portajohns shall be installed and maintained in a manner so as not to create a nuisance due to overflow, odor, or faulty design or construction.

§ ##.95 - PLAY EQUIPMENT

Outdoor play equipment that requires a permanent location on or attachment to the ground shall be at least ten (10) feet from all lot lines.

§ ##.100 - OUTDOOR FURNACES

Outdoor furnaces shall be a permitted accessory use in all zoning districts and shall meet the following standards:

(A) Location: Outdoor furnaces shall be located in the side or rear yard on the same site as the building it is providing heat to.

(B) Setbacks: Outdoor furnaces shall be at least forty (40) feet from all buildings and at least fifty (50) feet from all lot lines.

(C) Clear Zone: An area at least thirty (30) feet around the outdoor furnace shall be kept free of ignitable materials or debris, other than fuel for the outdoor furnace.

(D) Smoke: The outdoor furnace shall not create a smoke nuisance to neighboring properties.

§ ##.105 - GARAGE SALES

Garage sales, yard sales, rummage sales, moving sales, and similar shall be a permitted accessory use in all zoning districts and shall meet the following standards:

(A) Number: Each property shall have a maximum of three (3) ~~garage~~-sales per year.

(B) Duration: Each ~~garage~~-sale shall have a maximum duration of three (3) days.

(C) Goods: Items offered for sale may include items from multiple individuals but shall not include good purchased for the intent of resale at a garage sale.

~~(B)~~**(D) Hours:** Sales shall be limited to the hours between 8:00 am and 9:00 pm.

§ ##.110 - SALES OF VEHICLES, WATERCRAFT, & TRAILERS

Except for approved and licensed commercial operations, the sales of motor vehicles, recreational vehicles, watercraft, and trailers shall be limited to property owned and controlled by the registered owner of the motor vehicle, recreational vehicle, water craft, or trailer being sold.

(A) **Number:** One (1) motor vehicle, recreational vehicle, or watercraft may be repaired, stored, parked, or sold offered for sale on a property at a time.

(B) **Duration:** Motor vehicles, recreational vehicles, or watercraft may be offered for sale for for a maximum of fourteen (14) days and shall be owned by the property owner or occupant. This shall not apply to commercial operations in the appropriate zoning districts.

(C) **Resale:** Motor vehicles, recreational vehicles, watercraft, and trailers offered for sale shall not include those purchased only for the intent of resale.

§ ##.115 - STORAGE OF MATERIALS

The storage of materials shall meet the following standards:

(A) **Location:** Abandoned, discarded, unused, unusable, or inoperable motor vehicles, recreational vehicles, watercraft, appliances, furniture, equipment, and materials shall be stored within an enclosed building.

(B) **Construction Materials:** Construction materials necessary for the construction or alteration of a structure may be stored outside of an enclosed ~~structure~~ building on the property the structure is being constructed on if a valid zoning permit, preliminary certificate of zoning compliance, or building permit has been issued for the structure.

(C) **Vehicles & Temporary Structures:** Abandoned, discarded, unused, or inoperable motor vehicles, appliances, furniture, equipment, and materials shall not be stored in a motor vehicle, recreational vehicle, watercraft, or temporary structure.

§ ##.120 - PARKING, REPAIR, & STORAGE OF VEHICLES

Motor vehicles, recreational vehicles, watercraft, and trailers shall be parked, stored, and repaired as outlined in this Section, unless otherwise noted in this Ordinance.

(D) **Storage:** Recreational vehicles, watercraft, and trailers that are twenty-four (24) feet long or less shall be stored in a rear or side yard. Recreational vehicles, watercraft, and trailers that are longer than twenty-four (24) feet long shall be stored in a rear or side yard and shall meet the setbacks for an accessory building.

(E) **Recreational Vehicle Loading:** Recreational vehicles may be parked in a front yard driveway for loading, unloading, and cleaning for up to forty-eight (48) hours.

(F) **Waterbody Setbacks:** Motor vehicles, recreational vehicles, and trailers shall be parked and stored at least twenty-five (25) feet from waterbodies.

~~(B)~~(G) **Waterfront Lots:** Recreational vehicles may be stored or parked in front or side yard driveways of waterfront lots from May 1st through September 30th.

(H) **Inoperable:** Inoperable motor vehicles, recreational vehicles, watercraft, and trailers shall be stored in a completely enclosed structure, except for approved repair facilities.

(I) **Repairs:** Repairs of motor vehicles, recreational vehicles, watercraft, and trailers that take longer than four (4) days shall be conducted within an enclosed structure, except for approved repair facilities.

(J) **Commercial Vehicles:** The parking or storage of commercial vehicles with a gross vehicle weight of more than ten thousand (10,000) pounds, semi tractors or trailers, bulldozers, cranes, backhoes, and similar outside of commercial zoning districts shall be prohibited except for those being used for commercial agriculture or development.

~~(C)(A) **Title here:** One (1) motor vehicle, recreational vehicle, or watercraft may be repaired, stored, parked, or sold on a property at a time for a maximum of ten (10) days and shall be owned by the property owner or occupant. This shall not apply to commercial operations in the appropriate zoning districts.~~

§ ##.125 - SHIPPING CONTAINERS & CONSTRUCTION EQUIPMENT

(A) Shipping Containers: Shipping containers, semi ~~truck~~ trailers, and other storage units shall only be located on property when there is active construction on the site or the occupant is in the process of moving.

(B) Construction Equipment: The storage or parking of construction equipment, including, but not limited to, bulldozers, earth carriers, cranes, or backhoes, shall be prohibited in agricultural and residential zoning districts except for equipment used for commercial agricultural operations or with the construction or repair of a structure on or development of the property.

§ ##.130 - TEMPORARY STRUCTURES & USES

Temporary structures and uses shall meet the following standards:

(A) **Performance Guarantee:** A performance guarantee, consistent with Section xx, may be required before issuance of a zoning permit for a temporary structure or use.

(B) **Utilities:** Temporary structures shall receive all the necessary permits, approvals, and inspections from the Building Official.

(C) **Parking & Traffic:** Temporary structures and uses shall provide adequate parking and shall not create a significantly negative impact on the natural flow of traffic.

~~(A)~~(D) **Location & Duration:** Temporary structures and uses shall be meet the following locations and durations:

<u>Table x.130(B)- Temporary Structures & Uses</u>			
<u>Use</u>	<u>Zoning Districts</u>	<u>Location</u>	<u>Duration</u>
<u>Construction & Repairs¹</u>	<u>All</u>	<u>Principal building setbacks</u>	<u>6 months for repair 12 months for construction Nonrenewable</u>
<u>Schools & Religious Institutions²</u>	<u>All</u>	<u>Principal building setbacks</u>	<u>6 months Renewable</u>

<u>Special Events</u>	<u>All</u>		<u>7 days</u> <u>Nonrenewable</u>
<u>Real Estate Offices</u>	<u>All</u>	<u>Principal building setbacks³</u>	<u>12 months</u> <u>Renewable</u>
<u>Plant Sales⁴</u>	<u>C-1, AG, RC</u>	<u>Principal building setbacks</u>	<u>6 months</u> <u>Nonrenewable</u>
<u>Christmas Tree Sales⁴</u>	<u>C-1, AG, RC</u>	<u>Principal building setbacks</u>	<u>3 months</u> <u>Nonrenewable</u>
<u>Carnivals</u>		<u>Principal building setbacks and at least 200 feet from dwelling units</u>	<u>7 days</u> <u>Nonrenewable</u>
<u>Film Production</u>	<u>All</u>	<u>n/a</u>	<u>3 months</u> <u>Renewable</u>

- (1) Construction & Repairs: Temporary buildings and structures shall be permitted incidental to the repair of an existing structure that has been damaged by fire, natural disaster, vandalism, or similar or incidental to the construction of a new non-residential structure.
- (2) Schools & Religious Institutions: Temporary buildings and structures shall be permitted incidental to schools and religious institutions.
- (3) Real Estate Offices: Temporary real estate offices shall be located within the development for which property is being sold.
- (4) Plant & Christmas Tree Sales: This applies to plant and Christmas tree sales that are not a part of a road side stand or commercial agricultural operation.

End of Article xx.

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