

432 GENERAL PROVISIONS

433 ROADWAYS

County Approved Roads: In order for a road to be accepted and maintained by the county, it shall meet certain standards. Road specifications may vary over a period of time; therefore, it is recommended the Roscommon County Road Commission be contacted for current road width and construction standards.

Private Roads: Before construction can take place, a final site plan shall be approved by the Planning Commission.

For the purpose of this ordinance, a private road is to provide ingress/egress for three (3) but no more than eight (8) habitable dwellings. If more than eight (8) habitable dwellings are to be served, the road shall meet all County Road specifications. All parcels abutting the private road shall abide by any and/or all applicable ordinances, rules, regulations and restrictions of record. A private road right-of-way shall be able to accommodate emergency vehicles; therefore these roads shall:

1. Consist of a thirty-four (34) feet unobstructed wide easement for ingress/egress and installation and maintenance of public utilities. (There shall be a minimum hard surface road width of twenty-two (22) feet.)
2. The roadbed, either paved or gravel, shall meet County specifications.
3. Roadside ditches shall be provided for proper water shed if deemed necessary at time of Site Plan Review.
4. Private roads shall be named and the name submitted to Roscommon County Road Commission and the County 911 agency for approval. House numbers, meeting the 911 standards, shall be installed and maintained.
5. Maintenance of a private road is to be performed by any and all parcels fronting the private road, and any parcel using the private road for ingress/egress to their property. A maintenance agreement must cover:
 - a. Grading.
 - b. Addition of surface material when deterioration occurs.
 - c. Removal of snow in a timely manner. (State time) All fees and costs will be paid by owners of parcels abutting the private road.
6. A maintenance agreement shall be signed by and be binding upon users of the private road (in recordable form and recorded with the Register of Deeds for the County) prohibiting obstructions to the use of said road. It would require provision(s) for financing and/or controlling the maintenance and improvement of the private road.

(This could be supported by the establishment of road maintenance and improvement special assessment district authorizing the township to assess the costs of such maintenance and improvement where it is not accomplished privately under the terms of the agreement.)
7. A turn around area with a minimum diameter of 100 feet shall be provided to accommodate emergency vehicles.
8. Land underlying a private road easement cannot be counted for purposes of minimum lot size requirements.
9. Property owned by the same person located on opposite sides of a private road easement constitutes two separate parcels.

Easement.

For the purpose of this ordinance, an easement shall be considered as ingress/egress for up to two dwellings only. For three or more dwellings, it shall be considered a private road.

434 DWELLINGS. All dwellings shall comply with the following standards:

- A. No parcel shall contain more than one dwelling.
- B. Dwellings shall comply with the minimum square footage requirements of this Ordinance for the zone in which it is located.
- C. Dwellings shall have a minimum continuous width across any front, side or rear dimension, excluding porches, decks, garages or other similar additions, of twenty-three (23) feet and shall comply in all respects with the Houghton Lake Building Agency building code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different from those imposed by the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of 1972 PA 230, as amended, then and in that event, such federal or state standards of regulation shall apply.
- D. Dwellings shall be firmly attached to a permanent foundation constructed on the site in accordance with the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of 1972 PA 230, as amended and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single family dwellings.
- E. Mobile homes shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.
- F. Mobile homes shall be installed with the wheels removed. Additionally, no mobile homes shall have any exposed towing mechanism, undercarriage, or chassis.
- G. Mobile homes which do not conform to the standards for dwellings set forth in this Ordinance shall not be used for dwelling purposes.
- H. Dwellings shall be connected to a public sewer and water supply or to such private facilities approved by the local health department.
- I. All construction required herein shall be commenced only after all proper permits have been obtained in accordance with the applicable building code of the Houghton Lake Building Agency provisions and requirements.
- J. No structure, the major portion of which consists of a basement, shall be occupied for living and/or sleeping purposes.
- K. Any building erected as a garage shall in no case be occupied for dwelling purposes.

- L. No dwelling shall be built on a lot unless the lot abuts upon a public street, private road or upon a permanent, unobstructed access easement of record to a public street.

435 ACCESSORY STRUCTURES. Accessory structures shall conform with the following requirements:

- A. **General Standards.** Except as otherwise provided, accessory structures in all districts must meet the following standards:

1. A Land Use Permit is required for all accessory structures.
2. Accessory structures must be located on the same lot or parcel of land as the principal structure, except as otherwise provided herein.
3. In all residential districts, no accessory structure shall involve the operation of a business.
4. No accessory structures shall exceed the living area of the first floor of the principal structure on the same lot or 1500 square feet whichever is less. Awnings and canopies mounted over an accessory structure doorway shall not be calculated in the total square footage of the accessory structure, provided they do not exceed 6' by 6' or 36 square feet total and are not supported by additional walls or posts.
5. Only one accessory structure may exceed 600 square feet in floor area.
6. Accessory structures over 600 square feet shall have side walls of fourteen (14) feet or less and the highest point of the building shall be no more than twenty-four (24) feet, except for towers, antennas, flag poles and light poles, which shall not exceed thirty-two (32) feet in height.
7. Accessory structures under 600 square feet shall be no more than twelve (12) feet or less and be no more than sixteen (16) feet at the highest point of the building, except for towers, antennas, flag poles and light poles, which shall not exceed thirty-two (32) feet in height.
8. In all zoning districts other than the AG District, no more than one (1) attached accessory structure and two (2) detached accessory structures (including temporary structures) will be permitted per parcel without a special use permit.
9. In the AG District, additional accessory structures or accessory structures exceeding the dimensions specified herein may be permitted if a site plan is submitted and approved.
10. Accessory structures must be of similar construction design and appearance that blend into the neighborhood.
11. Accessory structures on contiguous lots are prohibited, except where the contiguous lot has been adjoined legally to the dwelling lot and is recorded with the Roscommon County Clerk's Office or meets the requirements for a vacant lot of record as set forth in Subsection B below.
12. Attached accessory structures, such as an attached garage or a carport, shall be considered an integral part of the principal structure to which it is attached and shall

be subject to all setback and construction requirements applicable to the principal structure and shall have the same exterior appearance as the principal structure, in addition to the requirements for accessory structures specified in this Section.

13. Porches (whether open or enclosed), decks and patios permanently attached to a dwelling do not count towards the maximum number of permitted accessory buildings permitted per parcel and are considered an integral part of the dwelling to which they are attached. Such porches, decks and patios shall comply with all setbacks applicable to the dwelling to which they are attached.

14. No accessory building shall be located between the main structure and the water's edge except existing boathouses. **New boathouses shall not be allowed.** Existing boathouses may be rebuilt, repaired, and maintained on the existing footprint. A land use permit is required. Existing boathouses shall not be enlarged. MDNR/EGLE permits are required for boathouses prior to application for land use permit. Boathouses cannot be used for any purpose other than the storage of boats and boating accessories

B. Accessory Structures on Vacant Lots of Record. Permanent or temporary accessory structures may be located on vacant lots of record in the R-2, R-3 and AG Districts, provided that the following conditions are satisfied:

- 1.** Only one (1) accessory structure is permitted per vacant lot of record.
- 2.** Maximum floor area shall be 1,500 square feet.
- 3.** Sidewalls shall be fourteen (14) feet or less.
- 4.** The highest point of the structure shall be no more than twenty four (24) feet.
- 5.** The structure must be of similar construction design and appearance so that it blends into the neighborhood.
- 6.** The structure shall not create a danger or annoyance to nearby property owners.
- 7.** The structure shall not substantially or permanently injure the appropriate use of neighboring property.
- 8.** The structure shall not alter the characteristics of the neighborhood, given the recreational nature of Lake Township.
- 9.** All other provisions of the Lake Township Zoning Ordinance shall be complied with, including minimum lot size and setback requirements.
- 10.** If habitable dwellings adjoin vacant lot of record, accessory structures shall be setback at least twenty (20) feet from front building line of adjoining dwelling.
- 11.** The building must not be used for dwelling purposes.

C. Temporary Structures. Temporary structures are subject to all the same requirements as accessory buildings, as well as the following additional standards:

1. Temporary structures shall conform to all setbacks and shall require a Land Use Permit which shall expire automatically when the temporary structure is no longer needed.
2. Temporary structures shall be anchored to the ground meeting all standards set by the Houghton Lake Building Agency.
3. No temporary structure may be erected on a lot already containing two accessory structures, or on a vacant lot of record already containing one accessory structure, unless a Special Land Use Permit has been issued.
4. A temporary structure/shelter may be used as a seasonal cover for watercraft, docks, hoists, firewood or similar items between the months of October and May with a Land Use Permit. When not in use, it must be dismantled and stored out of sight.
5. No temporary structure or part thereof shall be used as a dwelling, except as expressly set forth in Subsection 7 of this subdivision.
6. A land use permit may be secured from the ordinance enforcement officer to use a recreational type of vehicle as temporary residence for a period not to exceed twelve (12) months provided that the ability and intent to begin construction on the premises are shown. Further upon expiration of the twelve (12) month period the ordinance enforcement officer may renew the permit for an additional six (6) months upon sufficient showing that the construction could not be completed within said twelve (12) months but has substantially progressed during this period.
7. A portable shipping container or a semi-trailer can be used for temporary storage only to facilitate a move and may be stored on the roadside of a lot (but not in such a manner as to impede traffic) for no more than once per year for a duration not to exceed seven (7) consecutive days. Permanent storage using portable shipping containers, semi-trailers, or other such means or any such use lasting more than once a year for longer than seven (7) consecutive days is strictly prohibited.
8. Temporary storage resulting from construction requires a Land Use Permit. The type of storage containers including size and location must be documented and approved by the Ordinance Enforcement Officer upon issuing the Land Use Permit.

436 HOME OCCUPATIONS shall comply with the following conditions and limitations:

- A. Home occupations shall be operated in their entirety within the dwelling, not within a garage or accessory building.
- B. Home occupations shall only be conducted by the person or persons occupying the premises as their principal residence a major portion of each month.
- C. The dwelling has no exterior evidence to indicate that same is being utilized for any purpose other than that of a dwelling. There shall be no display of wares.

- D. The occupation conducted therein is clearly incidental and subordinate to the principal use of the premises for residential purposes.
- E. No goods are sold from the premises which are not strictly incidental to the principal home occupation conducted therein.
- F. No occupation shall be conducted upon or from the premise which would constitute a nuisance or annoyance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, night lighting, or the creation of unreasonable traffic to the premises. Noise, smoke, odor, electrical disturbance, or the source of lighting shall not be discernible beyond the boundaries of the property from which the occupation is conducted.
- G. No hazardous chemicals shall be stored on site.
- H. No process, chemicals or materials shall be used which are contrary to any applicable State or Federal laws.
- I. Not allowed are occupations or services that could create a nuisance or traffic problem including but not limited to:
 - 1. Vehicle and/or small engine repair;
 - 2. Massage parlors and tattoo parlors; and
 - 3. Barbershops, beauty salons and tanning salons.
- J. Traffic may not exceed the traffic to a normal residence, with parking limited to two (2) on-premises parking spaces. Parking cannot be located on the lakeside in R-1.
- K. Any such home occupation may be subject to periodic review by the Ordinance Enforcement Officer of the Township and may be terminated by order of such officer whenever the same fails to comply with this Ordinance.
- L. The Ordinance Enforcement Officer shall have authority to determine whether or not a proposed use complies with this ordinance and is within the spirit of the same to ensure the compatibility of any use within the character of the zoning classification in which the same is located and that the health, safety, and general welfare of the neighborhood will not thereby be impaired.

437 RECREATIONAL VEHICLES, CAMPERS AND TENTS

- A. In addition to the regulations set forth below, the outside storage of campers and recreational vehicles is permitted only if the camper or recreational vehicle is currently licensed and fully operational. Any camper or recreational vehicle that is not currently licensed or fully operational must be stored inside a fully enclosed building.
- B. Campers, recreational vehicles and tents shall not be used as an accessory structure or for storage purposes.
- C. Campers, recreational vehicles and tents are prohibited in the C-W, C-1 and C-2 Districts unless in a duly permitted RV park, indoor storage facility, seasonal outdoor storage facility, or inside a permanent, lawful and fully enclosed structure.

- D.** In the AG District, campers and recreational vehicles may be stored (but not occupied) in accordance with the following:

Parcel Size	Maximum Number of Campers or Recreational Vehicles Permitted
Smaller than 5 acres	1
At least 5 acres but smaller than 30 acres	2
At least 30 acres but smaller than 40 acres	3
At least 40 acres but smaller than 50 acres	4
50 acres or larger	5

- E.** On vacant lots of record (no dwelling) in the RR-1, R-2, and R-3 Districts, a single camper or recreational vehicle may be stored outdoors but not occupied.
- F.** On all parcels that contain a dwelling, a camper or recreational vehicle may be stored outdoors but not occupied except as regulated in 437 G.
- G.** Campers, recreational vehicles or tents on a lot with a dwelling may be used for recreational purposes only for a period not to exceed two (2) consecutive weeks per month for the purpose of accommodating owner, lessee, guests, or family members. For tents, the property owner must either allow the tent occupants to use the sanitary facilities in the dwelling or provide an outdoor toilet complying with the regulations for temporary structures.
- H.** The storage of campers and recreational vehicles is prohibited in the MDU District.

438 LIGHTING on any premise shall comply with the following requirements:

- A.** All lighting upon any premise shall be so arranged that the intensity of the beam is directed within the boundary of said premise.
- B.** Intense light sources and their adjacent reflecting surfaces must be shielded from vehicular view.

439 KEEPING OF ANIMALS

- A.** In all districts, the keeping of dogs and cats shall be prohibited if the same become obnoxious by reason of odor or noise.
- B.** In all residential districts, the keeping of more than five (5) dogs or cats, or a combination thereof, the keeping of pigeons having free access outside their cages, or the keeping of poultry, pigs, hogs, horses or livestock is prohibited. Any litter of dogs or cats which causes the aforesaid limit of five (5) to be exceeded shall not constitute a violation of this provision for a period of four (4) months after birth; provided that no more than two (2) such litters shall be allowed to so remain on the premises within any consecutive twelve (12) month period.
- C.** In the AG District, animal kennels may be allowed if the following requirements are met:
- 1.** There shall be a minimum lot size of ten (10) acres.

2. The kennels and/or runs shall be no closer than two hundred (200) feet to neighbor's property line and/or road right-of-way.
 3. Kennels shall be maintained so as not to be a nuisance to neighboring properties by reason of odor or noise.
 4. Noises shall be reasonably controlled.
 5. Kennels shall be kept reasonably clean.
 6. Runs shall be fenced.
- D.** In the RR-1 District, the keeping of horses, pigeons, rabbits or poultry is permitted by Special Land Use Permit, provided that the following requirements are met:
1. It shall be required to have five (5) acres of grazing land (not to include roadways, driveways or land where structures exist or land which cannot support grass growth) for the first horse and three (3) acres of grazing land for each additional horse.
 2. There shall be adequate fencing to prevent free roaming of horses outside of their confinement area.
 3. A minimum setback of seventy-five (75) feet from any lake, stream, pond, watercourse, or designated wetland shall be maintained.
 4. Manure shall be stored at least fifty (50) feet from any drainage way or watercourse and a grass filter strip shall be used to limit runoff. Manure shall be a minimum of seventy-five (75) feet from any property line and one hundred fifty (150) feet from any dwelling and disposed of at least on a monthly basis. Manure shall be removed from the entire parcel and is not to be distributed/spread over any of the lands therein.
 5. Pigeons, rabbits and poultry shall be confined. None of these animals shall be used for commercial purposes.
 6. Fencing material, such as chicken wire, may be used to create an enclosure of eight (8) feet in height to keep poultry confined.

440 PRINCIPAL USES

In all districts, only one (1) principal use shall be permitted per lot.

441 GRADING

There shall be no excessive filling in or removal of ground on any building lot which would affect the grade at the adjacent neighbor's lot line unless proper drainage is provided.

442 STORAGE OF FIREWOOD

Except in the AG District, no firewood shall be stored in the front yard beyond the front corner of the main structure. Any stored firewood which is visible from the road right-of-way shall be stacked neatly or screened from view.

443 Mobile Food Vending Provisions

Mobile food vending i.e., food trucks, shall comply with the following conditions and limitations:

- A. Mobile food vending is allowed in commercial districts. No Land Use Permit is required.
- B. Mobile food vending is allowed in all other districts upon issuance of a Land Use Permit and subject to the following conditions.
 - 1. The vendor must receive permission from the owner of the property at which the food truck is located.
 - 2. No food truck shall be located on the property for more than 48 hours.
 - 3. No food truck shall create a nuisance, be located within a public right-of-way, or impede the flow of pedestrian or vehicular traffic.
- C. It is the responsibility of the owner of the property at which the food truck is located to ensure the food truck is in compliance with all required State of Michigan permits and licenses.
- D. No Land Use Permit is required for mobile food vendors engaging in:
 - 1. Farmer's market.
 - 2. Community special event or festival.
 - 3. Mobile food vending that serves the underprivileged.

444 Port-a-Potty

Except in the case of active construction sites, any outside toilet (port-a-potty) shall not be erected unless a Land Use Permit has first been granted.

- a. A port-a-potty is allowed for seasonal use in the C-W, C-1, and C-2 Districts. Seasonal use would be no more than one (1) six (6) month period in a calendar year. A Land Use Permit must be obtained from the Ordinance Enforcement Officer. Units must be screened from public view. Units must be kept clean and appropriately emptied, otherwise the Land Use Permit will be revoked, and the port-a-potty must be removed from the site. An additional Land Use Permit will not be reissued until the following calendar year.