

CHAPTER 17 GENERAL REQUIREMENTS

SECTION 17.10 INTENT

This chapter contains requirements that are applicable to situations that may occur in any location in Gaines Charter Township, regardless of the zoning district involved, unless otherwise expressly specified.

SECTION 17.20 GENERAL COMPLIANCE AND PROPERTY CONDITIONS

A. COMPLIANCE WITH THIS ORDINANCE

Except as otherwise expressly provided in this Ordinance, no building, structure, or premises shall be used or occupied, and no building or part of any building or other structure shall be erected, razed, moved, used, placed, reconstructed, extended, enlarged, or altered, except in full conformity with the provisions of this Ordinance.

B. PURPOSE AND CONFLICT

General regulations apply to all zoning districts and properties except as otherwise expressly noted herein. Where requirements of a general provision and a zoning district regulation differ, the more restrictive requirement shall prevail.

C. UNLAWFUL BUILDINGS AND USES

Any building, use, or lot that has been unlawfully constructed, occupied, or created prior to the date of adoption of this Ordinance shall continue to be unlawful unless expressly allowed by this Ordinance. These unlawful buildings, uses, or lots shall not be considered to be lawful nonconforming buildings, uses, or lots and shall not be afforded any protections or allowances otherwise granted to lawful nonconforming buildings, uses, or lots.

D. FIRE PREVENTION CONSIDERATIONS

For any use within the Township, consideration shall be given to the service capability of the local fire authority. The Zoning Administrator shall consult with the Fire Official as needed to implement the provisions of this ordinance relating to fire safety, as well as the provisions of the Fire Code.

E. TRASH, LITTER, AND JUNK

It shall be unlawful for any person to accumulate, place, store, or allow or permit the accumulation, placement, or storage of trash, litter, or junk on premises in the Township, except in a lawful sanitary landfill, a lawful junkyard, or not to exceed seven (7) days storage in watertight storage receptacles designed for the temporary accumulation of trash. Waste receptacles and trash shall not be left unattended in any yard longer than a period of 24 hours unless they are kept or enclosed in a permanent structure designed to prevent disturbance of such receptacles by animals or severe weather conditions.

F. RESTORING UNSAFE BUILDINGS

Nothing in this Ordinance shall prevent the strengthening or restoration to a safe condition of any part of any building or structure declared unsafe by the building official or required to comply with their lawful order, provided that such restoration shall be subject to and completed in accordance with building code and all

other applicable ordinances. Lawfully nonconforming buildings, structures, and uses shall also be subject to the limitations of Section 33.30.

G. MOVING OF STRUCTURES

The moving of a structure shall be considered the same as the erection of a new structure. All regulations relative to the erection of new structures shall be met. No building shall be moved without a prior written permit from the Zoning Administrator, who may attach reasonable conditions to such permits.

H. RAZING OF BUILDINGS

No building shall be demolished or razed until a permit has been issued by the Building Inspector. A cash bond or irrevocable letter of credit in the amount established by the Township may be required. The applicant must complete the demolition or razing within six (6) months. The applicant shall comply with such reasonable conditions as to health and safety as the Building Inspector may require. Such conditions shall include, but may not be limited to, the filling of holes and the proper disconnection of utilities.

I. VOTING PLACE

The provisions of this Ordinance shall not interfere with the temporary use of any property as a voting place in connection with a federal, state, county, municipal, or other public election.

J. VEHICLES, EQUIPMENT, AND MACHINERY

1. **Outdoor Storage and Parking of Inoperable Vehicles, Machinery, and Equipment Prohibited.** It shall be unlawful for the owner, tenant, or lessee of any building or land within the Township to permit the open storage or parking of any inoperable motor vehicle, machinery, or equipment, or parts thereof, outside of an enclosed garage or enclosed building, for a period of more than 48 hours. An inoperable motor vehicle, for purposes of this section, shall include motor vehicles which, by reason of dismantling, disrepair, or other cause, are incapable of being propelled under their own power or are unsafe for operation on the streets and highways.
2. **Prohibited Outdoor Storage of Heavy Commercial Vehicles and Construction Equipment in Residential Areas.** It shall be unlawful for the owner, tenant, or lessee of any residentially zoned lot or residential lot to permit the open storage or parking outside of a building of semi-truck tractors and/or semi-truck trailers, bulldozers, earth carriers, cranes, or any other similar equipment or machinery unless parked for purposes of construction being actively conducted on that lot.
3. **Vehicle Repair and Maintenance in Residential Areas (Enclosed Building Required).** The repair, restoration, and maintenance of vehicles in any residential district or on property containing a dwelling unit, except as otherwise expressly allowed, shall be conducted entirely within an enclosed building, except for those activities that can be and are completed in less than 48 hours.

K. SALE OF VEHICLES

Up to four (4) vehicles can be sold per calendar year on a property as a permitted accessory use. Selling over four (4) vehicles per calendar is considered commercial vehicle sales (see Vehicle and Equipment Sales and Rental, Major and Minor).

L. GRADE, GRADE MODIFICATIONS, AND LIMITS

1. **Requirements to Prevent Off-Site Impacts and Public Infrastructure Hazards.** A grade modification shall not result in significant negative impacts on surrounding property, local streets and roads, sidewalks, and other public infrastructure. Such impacts include, but are not limited to, an increase in the off-site discharge of surface water unless said increase is based on an approved site plan in which the discharge

of surface water has been permitted based on appropriate engineering studies, elimination of natural views through a site, traffic and other safety hazards, and the like.

2. Grade Limits.

- a. Sand, dirt, and similar materials shall not be used to build up or add to the natural grade of the land in connection with the installation, building, or expansion of a building or structure if such alteration would, in the opinion of the Zoning Administrator, do any of the following:
- b. Unreasonably increase water runoff or drainage onto one or more adjoining properties due to the amount, concentration, or flowage rate of runoff waters; or
- c. Increase the height of a building or structure so as to unreasonably decrease the view on one or more adjoining properties of a lake, stream or natural vista or create a situation which is incompatible with the surrounding uses. Any party aggrieved by the decision of the Zoning Administrator under this section may appeal that determination to the Zoning Board of Appeals within the time limits and procedures specified in this Ordinance.

SECTION 17.30 ANTENNAS

A. PERMIT

A zoning permit is not required for antennas that comply with subsections A and B. However, the Zoning Administrator may, at their reasonable discretion, approve modifications to the height restriction for antennas if necessary to comply with federal law.

B. AMATEUR RADIO

Amateur radio antennas that are owned and operated by a federally licensed amateur radio station operator or are used exclusively for receive-only antennas are permitted on all properties, provided the height is no more than the distance from the base of the antenna to the nearest property line.

C. MISCELLANEOUS ANTENNAS

Antennas used for reception of television, multi-channel video programming, and radio, such as over-the-air-reception-devices ("OTARD") antennas, television broadcast band antennas, and broadcast radio antennas, are permitted on all properties, provided the height is no more than the distance from the base of the antenna to the nearest property line.

SECTION 17.40 FENCES AND WALLS

A. MEASUREMENT

Fences and walls shall be measured from the natural grade to the uppermost portion of the fence or wall.

B. RESTRICTIONS

1. **Right-of-Way and Easements.** Fences and walls are prohibited within a public road right-of-way or private street easement.
2. **Clear Area.** Fences are subject to clear area requirements included in Section 3.40 C.

C. ELECTRIC FENCES

Fences that contain electric current or charge of electricity shall only be permitted in the ARR and SR zoning

district for commercial farming purposes or for keeping non-commercial horses and livestock (see Section 18.170 C), such as confining pasture areas for livestock. A zoning permit is required for electric fences in the SR zoning district.

D. BARBED WIRE

Fences that contain barbed wire shall only be permitted in the ARR zoning districts for commercial farming purposes, such as confining pasture areas for livestock and outdoor storage areas in the I-1 zoning district.

E. PROPERTY LINE LOCATION

Fences shall only be placed on the subject property and up to property lines. It is the responsibility of the owner to confirm the location of property lines by identifying property markers and corner irons or by confirming measurements based on a survey of the subject property prepared by a licensed professional surveyor.

F. HEIGHT

Fence height requirements are subject to the maximum heights in Table 17.40 F.

TABLE 17.40 F: MAXIMUM FENCE AND WALL HEIGHT		
Location on Site	Zoning District	
	Residential Districts and NC District	OS and GC Districts and Industrial Districts
Front Yard (ft.)	3	6
Secondary Front Yard on Corner Lot at or Behind Building Setback (ft.)	6	6
Side and Rear Yard (ft.)	6	8

G. CONSTRUCTION MATERIAL

1. **Material.** Fences and walls, including gates, shall be constructed of durable, weather-resistant, rustproof, and easily maintainable materials customarily used in the construction of walls and fences, such as wood, metal, masonry, chain-link, composite, or vinyl.
2. **Finished Side.** If a fence has a finished side, that side shall face outward toward neighboring property.

H. CONDITIONS

Fences shall be maintained in good condition and repair at all times to ensure they remain free of deficiencies and are kept upright and firmly fastened to the ground and associated supporting structures.

SECTION 17.50 FLAGPOLES

A. PERMIT

A zoning permit shall be obtained prior to the construction or installation of a permanent freestanding flagpole.

B. REQUIREMENTS

Freestanding flagpoles are subject to the following requirements:

TABLE 17.50 B: FLAGPOLE REQUIREMENTS		
Requirement	Principal Use of Lot	
	Residential or Farm	Non-Residential
Maximum number of freestanding flag poles	2	One (1) per 50 feet of street frontage per lot
Maximum height (ft.)	25	50
Minimum setback from property lines (ft.)	25	25 ft. plus 1 ft. for each ft. of height over 25 ft.

SECTION 17.60 GROUND-MOUNTED EQUIPMENT AND OUTDOOR HEATING UNITS

A. GROUND-MOUNTED EQUIPMENT

1. **Permitting.** Ground-mounted equipment may be approved through the applicable site plan, zoning, or building permitting process.
2. **Visibility and Screening.** Ground-mounted mechanical and utility equipment located on non-residential properties within view of customer entrances or public rights-of-way shall be:
 - a. Integrated into the overall site design and the architectural design of the building; and
 - b. Screened from public view using one or a combination of the following:
 - i. A decorative wall, fence, or enclosure that is constructed of materials that are compatible with the overall architectural design of the development and of a height that is not less than the height of the equipment to be screened; or
 - ii. Landscaping that can effectively soften and screen the equipment that is integrated into the overall landscaping plan.

B. OUTDOOR HEATING UNITS

The following shall be applicable to all outdoor heating units within the Township:

1. **Permitting.** No outdoor heating unit shall be installed, modified, maintained, or utilized within Gaines Charter Township unless a zoning permit has been issued for the same.
2. **Location and Setbacks.** No outdoor heating unit shall be located within a front yard, and every outdoor heating unit must comply with all setback requirements applicable to structures or buildings.
3. **Certification.** Any outdoor heating unit installed or located within 1,320 feet of a dwelling (other than a dwelling on the lot where the outdoor heating unit is located) must have a certification from the Federal Environmental Protection Agency (or successor agency) and must be presented to the Township before a zoning permit will be issued.
4. **Code Compliance and Insurance.** Every owner of an outdoor heating unit shall be responsible for complying with all applicable fire code and other code requirements, as well as any and all insurance standards and requirements. Every owner of an outdoor heating unit must also comply with all applicable mechanical and electrical codes.

5. **Smokestack/Chimneys and Height.** The height of the smokestack or chimney for each outdoor heating unit shall be at least 15 feet tall. Each outdoor heating unit shall have a working smokestack or chimney.
6. **Enclosure.** Any building or structure built around an outdoor heating unit shall have at least three open sides and shall comply with all applicable fire code, mechanical code, and other codes or ordinance requirements.
7. **Prohibited Fuels and Materials.** None of the following items or materials shall be burned or incinerated in an outdoor heating unit: animal carcasses, paint, asphalt product, paint thinner, chemicals, particle board, coal, construction materials, petroleum, demolition debris, plastic, feces, plywood, garbage, rubber, manure, or tires.

SECTION 17.70 POOLS

A. PERMITS

A zoning permit and a building permit shall be obtained prior to the construction or installation of any pool.

B. LOCATION

No pool shall be located in a front yard unless it is at least 200 feet from the abutting street right-of-way or street easement.

C. SETBACKS

The minimum side and rear setback for pools is 10 feet.

D. BUILDING CODE

Pools and pool fencing, barriers, and covers shall be installed per the Michigan Building Code and the International Swimming Pool and Spa Code.

SECTION 17.80 RECREATIONAL VEHICLES

A. INTENT

This section applies only to recreational vehicles intended for camping or travel with sleeping areas, including travel trailers, camping trailers, motor homes, and truck campers. However, this does not apply to any recreational vehicle at a campground, recreational vehicle park, or self-storage facility.

B. REQUIREMENTS

1. **Principal Building.** Recreational vehicles shall not be stored or parked on any property without a principal building.
2. **Setbacks.** Recreational vehicles shall not be parked within the minimum setbacks required for principal buildings.
3. **Location.**
 - a. Recreational vehicles shall not be parked in front yards or secondary front yards except if on a formal driveway surface.
 - b. Recreational vehicles may be stored for extended periods outside of principal building setbacks in side or rear yards, provided the vehicle is on a hard-surfaced, stone, or gravel area suitable for that purpose and is screened from view of adjoining properties in accordance with the requirements of

Section 23.70.

4. Number.

- a. No more than one (1) recreational vehicle shall be parked on lots under one (1) acre.
- b. No more than two (2) recreational vehicles shall be parked on lots one (1) acre or greater.

5. Licensing and Condition. Unless stored or parked at a commercial storage facility or a repair facility, all recreational vehicles shall be licensed, operable, and regularly used for their intended purposes.**6. Connections.** Recreational vehicles shall not be connected to a permanent dedicated power source or to well and septic service.**C. LIVING PURPOSES PROHIBITED**

Recreational vehicles are not considered single-family dwellings or lawful residential dwellings and are prohibited from being used for living or habitation purposes unless approved as a temporary dwelling in accordance with Section 18.300 C.

D. TEMPORARY STAYS

Recreational vehicles may be used for temporary guest stays for periods not to exceed 10 days no more than twice per calendar year, provided the recreational vehicle:

- 1. contains sleeping accommodations;
- 2. is solely for the use of the owner of the lot or guests of the owner; and
- 3. is parked on a driveway outside the required front and side street setbacks.

SECTION 17.90 WATER, SEWER, AND UTILITIES

A. PURPOSE

The purpose of this section is to protect public health and the natural environment by requiring proper permitting for water and sanitary disposal systems and authorizing essential public services.

B. WATER AND SANITARY SEWER SERVICE

- 1. **Public Water and Sewer Connection.** All lots intended to be used for non-residential buildings shall be served by public water and public sewer. At its discretion, the approval authority may waive this requirement after consideration of the following:
 - a. The area is not located within a water or sewer service area.
 - b. Due to the unique physical features of the land, or based on future infrastructure planning, water or sewer service is not considered to be technically feasible or financially reasonable.
 - c. The review and recommendation of the Township Engineer, Fire Department, and the Kent County Health Department.
- 2. **Private Well and Septic.** If public water and public sewer connections are waived, well and septic permits shall be secured from the Kent County Health Department prior to the issuance of a building permit for the project.

C. ESSENTIAL PUBLIC SERVICES

1. **Locations.** The construction, alteration, or maintenance of essential public services shall be permitted in any zoning district and shall be exempt from the application of this Ordinance; provided, buildings, parking areas, and other uses or structures accessory to the essential service shall not be exempt and shall conform to all applicable ordinance requirements and procedures. This provision, however, shall not be construed to waive the rights of Gaines Charter Township to require that specific services be installed underground.
2. **General Requirements.** The following additional requirements shall apply:
 - a. Electrical substations and/or gas regulator stations shall be enclosed with a fence or wall six (6) feet high and adequate to obstruct the passage of persons or materials.
 - b. Public utility facilities shall be constructed and maintained in a neat and orderly manner. Any building that is constructed shall be landscaped and shall conform to the general character of the architecture of the surrounding neighborhood.
 - c. Facilities with buildings shall be subject to buffer type "B" per Section 23.60.