

CHAPTER 16

GENERAL PROVISIONS & EXCEPTIONS

SECTION 16.01 INTENT

All uses, and structures whether permitted by right or by special use permit, shall be subject to the following general regulations of this Ordinance.

SECTION 16.02 GENERAL EXCEPTIONS

- A. **Essential Services.** Essential services shall be permitted as authorized and regulated by law and other ordinances of the Township, it being the intention hereof to exempt such essential services from the application of this Ordinance, except that all buildings hereunder shall be subject to site plan review in accordance with this Ordinance. The Zoning Board of Appeals may permit the erection and use of a building or an addition to an existing building of a public service corporation or for public utility purposes, in any permitted district to a greater height or of a larger area than the district requirements herein established and may permit the location in any use district of a public utility building, structure, or use, if the Board finds such use, height, area, building, or structure reasonably necessary for the public convenience and services, and if such building, structure, or use is designed, erected, and landscaped to conform harmoniously with the general architecture and plan of such district.
- B. **Voting Place.** The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

SECTION 16.03 EASEMENTS

It shall be unlawful for any person to install, erect, cause or permit the installation of a permanent structure (garage, building or large tree) on or across an easement of record which will prevent or interfere with the free right or opportunity to use or make accessible such easement for its proper use.

SECTION 16.04 GRADES, ELEVATION DIFFERENTIALS, AND RETAINING WALLS

- A. The grading of all building lots shall be such so as to divert water away from buildings and to prevent standing water and soil saturation detrimental to structures, lot use, and surrounding property. However, water should not be diverted to adjacent properties.

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- B. Retaining walls in excess of four (4) feet in height shall require a building permit. All retaining walls shall be designed and built so as to safely resist lateral pressures of soil behind them and be safely supported by soil beneath them. Additionally, retaining walls shall be maintained in a structurally sound condition and shall not impair drainage or create negative impacts on adjacent properties.

SECTION 16.05 OBSTRUCTIONS TO VISION ON CORNER LOTS

No structure, wall, fence, shrubbery, **parked vehicle, stored material**, or trees shall be placed, erected, planted or maintained on any lot which will obstruct the view of the driver of a vehicle approaching an intersection; excepting that shrubbery and low retaining walls not exceeding three (3) feet in height above the curb level and trees where all branches are not less than eight (8) feet above the street level will be permitted. In the case of corner lots, this shall also mean that there shall be provided an unobstructed triangular area formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the pavement edge lines, or in the case of a rounded corner, from the intersection of the street property lines extended.

SECTION 16.06 FENCE, WALL AND PRIVACY SCREEN REGULATIONS

Fences, walls and privacy screens are permitted subject to the following:

- A. The erection, construction or alteration of any fence, wall or privacy screen as defined herein, shall be constructed in accordance with all Township and County codes. Prior to the erection, construction or alteration of any fence, plans shall be provided by the property owner.
- B. Fences shall not be taller than four (4) feet in a required front yard nor higher than six (6) feet in a required side or rear yard for parcels in the R-2 or R-3 zoning districts.
- C. A six (6) foot fence shall surround all playgrounds associated with a children's day care facility.
- D. Fences with barbed or concertina wire or electrical current are prohibited in the R-2 and R-3 zoning districts.
- E. A four (4) foot fence shall surround all below ground swimming pools.
- F. Except as required for swimming pools, parcels located in the AG District shall be exempt from all fence height and use restrictions.
- G. Natural or tree lined fences shall not obstruct air flow, view shed or required line-of-sight distances.

SECTION 16.07 OFF-STREET PARKING REQUIREMENTS

In all zoning districts, off-street facilities for the storage and parking of self-propelled motor vehicles for the use of occupants, employees and patrons of all buildings hereafter erected, altered, or extended after the effective date of this Ordinance, shall be provided as prescribed in Chapter 15 of this Ordinance.

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Whenever the use of a building, structure, or lot is changed, parking facilities shall be provided as required by this Ordinance for the new uses. If the intensity of use of any building, structure, or lot is increased through the addition of dwelling units, increase in floor area, increase in seating capacity, or through other means, additional off-street parking shall be provided for such increase in intensity of use.

SECTION 16.08 STORAGE OF OBNOXIOUS MATTER IN OPEN CONTAINERS PROHIBITED

No garbage, filth, refuse or other obnoxious matter shall be kept in open containers, piled or laid on the open ground; and all containers shall be stored in such a way so as not to be accessible to animals.

SECTION 16.09 SOIL EXCAVATION OR FILLING

- A. The deposit or burying of any man made materials such as scrap iron, appliances, tires, and other “junk” as defined in this ordinance anywhere in Butler Township which is not biodegradable is expressly prohibited with the exception of concrete and masonry not containing re-rod or contaminated material. The burying of “garbage” as defined in this ordinance when deemed to be biodegradable (such as plant and animal wastes) shall be permitted when conducted in accordance with County, State, and Federal laws.
- B. This regulation shall not prohibit the normal removal or filling of soil for the construction of an approved building or structure when such plans have been approved by the Township, and a zoning permit has been issued for said development.
- C. Excavation which exceeds 100 cubic yards or disturbs an area of more than 10,000 square feet of the surface of the earth (to a depth greater than 2 feet below grade) in any 10 year period shall require site plan approval plus approval of all final and interim grades, haul routes, a restoration plan and schedule, financial guarantees of performance, hours of operation (including blasting) and a schedule of improvements to preserve and protect public roads, bridges and culverts and minimize negative impacts on township residents and occupants.

SECTION 16.10 COMMERCIAL VEHICLES IN RESIDENTIAL AREAS

- A. **Purpose.** The purpose of restrictions on commercial vehicles (used for business purposes) is to preserve the health, safety and general welfare of persons and property in areas designed and utilized for single family residential development. The parking of large commercial vehicles (including semi-tractor trailers) are frequently impediments to the ingress and egress of emergency vehicles and equipment, and are frequently unsafe when operated on residential streets. The noise, exhaust emissions and appearance of such commercial vehicles tend to impair the health, safety and general welfare of the people of the Township.

Residential Parking Prohibited. No commercial vehicle over one and a half tons in weight shall be parked in a R-2 or R-3 zoned area. Provided however, this provision shall not apply to commercial

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vehicles temporarily parked in a residential area in conjunction with the maintenance or service to a residential property.

- B. **Presumption of Ownership.** In any proceeding for violation of any parking provision of this section, the person to whom a commercial vehicle is registered, as determined from the registration plate displayed on said motor vehicle, shall be presumed in evidence to be the person who committed the violation charged.

SECTION 16.11 OUTDOOR STORAGE OF RECREATION AND OTHER VEHICLES AND EQUIPMENT IN RESIDENTIAL AND AGRICULTURAL DISTRICTS

The outdoor storage or parking of any airplane, antique or racing automobile, boat, boat hoist or dock, float, trailer, trailer coach, camping trailer, motorized home, vacant or unused mobile home, dismountable travel equipment of the type adaptable to light duty trucks, and other equipment or vehicles of a similar nature (not including typical farm equipment), shall be prohibited for a period greater than forty-eight (48) hours in all residential and agricultural districts, except where the following minimum conditions are met:

- A. All such vehicles or equipment shall be placed within a completely enclosed building *or* located behind the required front building line (rear or side yard), but no closer than five (5) feet from the rear or side property line.
- B. Storage or parking shall be limited to a lot or parcel of land upon which is located an inhabited dwelling unit and the vehicle or equipment is owned by the occupant. Vehicles may not be stored on vacant lots, parcels, or property.
- C. Trailer coaches, motor homes and other vehicles or equipment designed or adaptable for sleeping purposes may be utilized for up to one hundred and eighty (180) days during the course of one year for visitors. They shall otherwise remain unoccupied and shall not be connected to sanitary sewer facilities, water or gas.
- D. Such vehicles so kept or stored shall be in good repair. Open storage of partially or disassembled component parts of said uses (recreational vehicles and equipment) is prohibited. This provision shall not pertain to farm implements, machinery and equipment utilized for permitted agricultural operations.
- E. The storage of vacant mobile homes in any district shall be prohibited; with the exception of approved and permitted sales and service facilities located in a designated commercial district.
- F. No more than two inoperable passenger vehicles may be kept on any lot or parcel in any zoning district. The vehicles shall be licensed to the owner of the property on which the vehicles are located. The vehicles must be stored in the rear or side yard of the parcel and screened by landscaping, privacy fencing or structures from adjacent properties and from view of any public road.

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SECTION 16.12 KEEPING OF FARM ANIMALS AND OTHER ANIMALS

The keeping, raising, or breeding of animals, poultry or livestock, including farm animals and non-domestic animals and reptiles (except domesticated cats, dogs, canaries, parakeets, parrots, gerbils, hamsters, guinea pigs, turtles, fish, rabbits and similar animals commonly kept as pets) outside of the AG or R-1 zoning districts shall be prohibited, except as may be permitted by Special Use Permit in the R-2 and R-3 zoning districts and under conditions of public safety, comfort, convenience and quiet use of property imposed by the Township Planning Commission.

SECTION 16.13 DUMPSTERS OR OUTDOOR TRASH RECEPTACLES

Any new or altered use (except agricultural and farming operations) which requires site plan review under Chapter 12 and has an outdoor trash storage area shall comply with the following requirements:

- A. Any outdoor trash storage area shall be limited to normal refuse which is collected on a regular basis and shall be maintained in a neat, orderly and sanitary condition. This maintenance shall be the responsibility of the owner of the premises on which the containers are placed.
- B. A decorative masonry wall or wooden privacy fence of six (6) feet in height shall enclose three (3) sides of the storage area. Bollards and/or other protective devices shall be installed at the opening and to the rear of any storage area to prevent damage to the screening walls. Screening gates may be required by the Planning Commission when deemed necessary to obscure a trash receptacle from view from a public right-of-way. The surface under any such storage area shall be constructed of concrete.
- C. In no instance shall any such refuse be visible above the required enclosure.
- D. Adequate vehicular access shall be provided to such containers for truck pickup either via a public alley or vehicular access aisle which does not conflict with the use of off-street parking areas or entrances to or exits from principal buildings nearby.
- E. Any such storage shall be located in a rear yard or be so located and arranged as to minimize its visibility from adjacent streets and uses. The Planning Commission may require an obscuring gate when the visibility of such a storage area, from a public street or adjacent use, is deemed to render an adverse influence. In no instance shall any such area be located in a front yard.

SECTION 16.14 SWIMMING POOL REGULATIONS

- A. **Permit Application.** It shall be unlawful for any person to construct or maintain an outdoor swimming pool without first making application to the Zoning Administrator and obtaining a permit thereof. Application for such permit shall show the name of the owner, a plot plan of the property showing the location of such swimming pool, a detailed plan and specifications for such swimming pool, and full information as to the type, height and location of the fence surrounding such swimming pool and the number of gates therein.

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- B. **Location.** Outdoor swimming pools may be erected in the side or rear yard only, provided that they are located no closer than ten (10) feet from the side or rear lot lines. No such pool or part thereof shall be installed within twenty-five (25) feet of a side street.
- C. **Fencing.** All below ground swimming pools shall be completely enclosed by a fence not less than four (4) feet in height. Above ground pools shall have locking gates, removal ladders, or a fence not less than four (4) feet in height to restrict unauthorized access.

SECTION 16.15 PERFORMANCE STANDARDS.

No activity, operation, or use shall be permitted on any property which by reason of the emission of odor, fumes, smoke, vibration, radiation, noise or disposal of waste is deleterious to other permitted activities in the zone district or is obnoxious or offensive to uses permitted in neighboring districts, or is harmful to the general health, safety or welfare of the community.

A. Vibration

1. Permitted Vibration. Vibration is the oscillatory motion of a solid body. Machines or operations which cause vibration may be permitted in industrial districts, provided that: No operation shall generate any ground- or structure-borne vibrational motion that is perceptible to the human sense of touch beyond the property line of the site on which the operation is located, and
2. Permitted Exemptions. Vibrations resulting from temporary construction activity that occurs between 7:00 AM and 7:00 PM. shall be exempt from the maximum permitted vibration levels in Subsection 3, provided that such activity occurs in a legally- accepted manner.

- B. **Dust, Smoke, Soot, Dirt, Fly Ash and Products of Wind Erosion.** The drifting of air-borne matter beyond the lot line, including wind-blown dust, particles or debris from open stock piles, shall be prohibited. Dust, smoke, soot, dirt, fly ash, and products of wind erosion shall be subject to the regulations established in conjunction with the Air Pollution Act, Michigan Public Act 348 of 1965, as amended, or other applicable state or federal regulations. No person, firm or corporation shall operate or maintain any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, unless such processes or devices use or are equipped with recognized and approved equipment, methods, or technology to reduce the quantity of gas-borne or airborne solids or fumes emitted into the open air.

- C. **Odor.** Offensive, noxious, or foul odors shall not be allowed to escape into the atmosphere in concentrations which are offensive, which produce a public nuisance or hazard to adjoining property, or which could be detrimental to human, plant, or animal life. This requirement shall not pertain to lawfully operated farming practices which are being conducted in accordance with state GAMP requirements and as otherwise protected by the state Right To Farm act.

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- D. **Glare and Heat.** Any operation or activity which produces glare shall be conducted so that direct and indirect illumination from the source of light does not exceed one-half ($\frac{1}{2}$) of one (1) footcandle when measured at any point along the property line of the site on which the operation is located. Any operation which produces intense glare or heat shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines. If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time.
- E. **Sewage Wastes and Water Pollution.** Sewage disposal and water pollution shall be subject to the standards and regulations established by federal, state, county and local regulatory agencies, including the Michigan Department of Public Health, the Michigan Department of Natural Resources, the Michigan Department of Environmental Quality, the Branch County Health Department, and the U. S. Environmental Protection Agency.
- F. **Gases.** The escape of or emission of any gas which is injurious or destructive to life or property, or which is explosive, is prohibited. Gaseous emissions shall be subject to regulations established in conjunction with the Air Pollution Act, Michigan Public Act 348 of 1965, as amended, the Federal Clean Air Act of 1963, as amended, and any other applicable state or federal regulations.
- G. **Electromagnetic Radiation and Radio Transmission.** Electronic equipment required in an industrial, commercial, or other operation shall be designed and used in accordance with applicable rules and regulations established by the Federal Communications Commission (FCC). The operation of such equipment shall not interfere with the use of radio, television, or other electronic equipment on surrounding or nearby property.
- H. **Radioactive Materials.** Radioactive materials, wastes and emissions, including electromagnetic radiation such as from an x-ray machine, shall not exceed levels established by federal agencies which have jurisdiction.

SECTION 16.16 HOME OCCUPATIONS

A home occupation may be permitted in a single-family detached dwelling within a zoning district where such dwelling is permitted, subject to the following conditions:

- A. No more than two (2) persons total (including the members of the family residing on the premises) shall be engaged in such occupation.
- B. The use of the dwelling unit for a home occupation shall be clearly incidental and subordinate to its use for residential purposes, and not more than one-quarter (25%) of the floor area of the floor on which the occupation is being conducted may be used for the purposes of the home occupation or for storage purposes in conjunction with the home occupation.

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- C. A home occupation shall be conducted completely within the dwelling unit or permitted accessory building. A home occupation conducted within an accessory building shall not occupy more than 50% of said building. Accessory buildings in excess of 1,200 square feet shall be limited to 600 square feet in which to conduct the permitted home occupation.
- D. There shall be no change in the outside appearance of the structure or premises, or other visible evidence of conduct of such home occupation, and there shall be no external or internal alterations not customary in residential areas including the expansion of off-street parking areas in excess of residential standards.
- E. A home occupation shall not create noise, dust, vibration, smell, smoke, glare, electrical interference, wireless communications interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than would normally be generated in a similarly zoned residential district.
- F. Signs not customarily found in residential areas shall be prohibited, however that one (1) non-illuminated name plate, not more than four (4) square feet in area, may be attached to the building, and which sign shall contain only the name, occupation, and address of the premises in the R-1 and R-2 districts. Freestanding signs not in excess of six (6) square feet in area may be placed on private property in the AG district as an alternative but not in addition to a sign placed on the dwelling.
- G. There shall be no deliveries to or from a home occupation with a vehicle larger than permitted by the State of Michigan.
- H. The hours of operation for a permitted home occupation shall be subject to Planning Commission review and shall be set in accordance with the provisions of this Ordinance based upon the type of use proposed.
- I. No outdoor display or storage of materials, goods, supplies, or equipment used in the home occupation shall be permitted on the premises.

SECTION 16.17 TEMPORARY AND PORTABLE BUILDINGS, USES, & STRUCTURES

- A. A temporary structure may be authorized by the Zoning Administrator for temporary residence for the applicant during the period when a structure conforming to the provisions of this Ordinance, is in the process of being built on the same lot, subject to the following provisions:
 - 1. The location of the temporary structure shall conform to all yard and setback limitations of the zoning district.
 - 2. The use of the structure and premises shall not adversely effect surrounding properties.

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3. The use of such temporary structures shall be limited to twelve (12) months, beginning with the date of issuance of the permit. The permit may be subject for one renewal provided that significant progress has made on the construction of the permanent structure.
 4. The use shall comply with all applicable sanitary codes and building restrictions of the Township and Branch County.
 5. There shall be verifiable evidence of continuing construction of the permitted structure.
- B. Temporary sales of farm produce and similar products, when a structure is erected, may be permitted provided they comply with the following standards and upon issuance of a zoning compliance permit:
1. The sale of farm produce with permanent structures which are less than 100 square feet are permitted only in the AG District and unplatted properties in the R-1 and R-2 Districts.
 2. Permanent structures which are larger than 100 square feet for farm produce sales may be permitted only upon approval of a special use permit by the Planning Commission in the AG District.
 3. All permanent structures shall comply with the four standards outlined in Subsection (c) below.
- C. Temporary sales of farm produce and similar products, when no structures are erected, may be permitted in all districts but I-1 and C-1, provided they comply with the following standards and upon issuance of a zoning compliance permit:
1. The location of the site shall be:
 - a. Off the road right-of-way at least 25 feet.
 - b. If located on a corner, the entrance/exit should be off of the side road.
 2. There shall be no permanent structures: all fixtures (signs, tables, chairs, produce, boxes, etc.) are to be removed at the end of each day--nothing is to be left on the site.
 3. A maximum of two signs will be permitted. Signs shall be off the road right-of-way and located on the applicant's property.
 4. The operator shall comply with all state laws regarding public health standards; sales and business tax regulations.

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- D. Structures erected for ice fishing and hunting purposes less than 100 sq. ft. in size are expressly permitted in Butler Township and are exempt from the provisions of this Ordinance.
- E. The office and storage trailers of building contractors used in association with the construction of a legally permitted use shall be permitted in all districts. Said office or storage trailer shall be setback at least ten (10) feet from all property lines and be removed within fifteen (15) days after the certificate of occupancy has been granted for the building under construction on the property.
- F. Temporary Housing: A temporary dwelling may be placed on an AG Agricultural District or residentially zoned lot in excess of two (2) acres for temporary use by a member of the immediate family (grandmother, grandfather, mother, father, son or daughter) subject to the restrictions and conditions outlined herein:
 - 1. The temporary dwelling shall be connected to an approved water and septic system as required by the Branch County Health Department.
 - 2. Minimum road frontage, setback and yard requirements as specified by the Planning Commission shall be maintained.
 - 3. A performance guarantee for the eventual removal of the temporary dwelling unit, site restoration and other associated costs may be required by the Planning Commission in accordance with Chapter 19 of this Ordinance.
 - 4. Other conditions as may be reasonably applied by the Planning Commission to appropriately assure the compliance with the provisions of this Ordinance.
 - 5. Upon review and approval of the Planning Commission a special use permit will be issued.

SECTION 16.18 BUILDING PERMITS ISSUED PRIOR TO EFFECTIVE DATE

Any building or structure for which a building permit has been issued and the construction of the whole or a part of which has been entered into pursuant to a zoning permit issued prior to the effective date of this Ordinance may be completed and used in accordance with the plans and applications on which said building permit was granted.

A building which is lawfully under construction at the time of adoption of this Ordinance shall be allowed to be completed within one (1) year of the passage of this Ordinance. Adoption of this Ordinance shall not require any changes to the plans, construction or designated use of any such buildings.

SECTION 16.19 RESTORATION OF UNSAFE BUILDINGS

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Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of a any building or structure declared unsafe by the County Building Inspector or required compliance with his or her lawful order. Furthermore, upon the determination of the County Building Inspector and official notification thereof to the property owner, the Township Board may order the demolition and removal of any designated unsafe building. In addition, the cost of said removal shall be borne by the property owner. If the property owner fails to pay for the cost of the removal within 60 days of the date the building was removed, the Township may either place a lien on the property or place the cost of said removal on the next available tax bill as a special assessment against the property.

SECTION 16.20 MOVING OF BUILDINGS

Any building or structure (*except agricultural buildings*) that has been wholly or partially erected on any premises located within the Township shall not be moved to and be placed upon any other premises in the Township until a zoning permit for such removal has been secured according to the requirements of this Ordinance. Any such building or structure shall fully conform to this Ordinance in the same manner as a new building or structure.

Before a permit may be issued for moving a building or structure, the Building Inspector shall inspect the same and determine if it is in a safe condition to be moved, whether or not it may be reconditioned to comply with the Building Code and other requirements for the use and occupancy for which it is to be used, and whether or not it will be of similar character with the buildings in the area where it is to be moved. In addition, clearances shall be obtained from all utility companies ensuring that utilities are discontinued and all facilities accounted for. Special inspection fees as determined by the Township or County, may be charge to cover costs of inspecting the old site and the new site of such building or structure. If these conditions can be complied with, a zoning permit shall be issued for the moving of such a building or structure.

SECTION 16.21 EXCEPTIONS TO AREA AND WIDTH REQUIREMENTS

Recorded Lots. Lots established by a legally recorded plat or deed prior to the adoption of this Ordinance which have less than the minimum area or width requirements established by this Section, may nevertheless be used for any use permitted within the district in which such lot is located. In addition, lots established by a recorded plat or deed subsequent to the adoption of this Ordinance and which met the requirements of said Ordinance, but as a result of amendments thereto, can no longer meet the minimum area or width requirements, may nevertheless be used for any use permitted within the district in which such lot is located.

Lack of Public Utilities. In areas unserved by public or other approved community water and/or sewage facilities, the minimum lot areas required by this Ordinance may be increased to include any additional area deemed necessary by the appropriate Branch County District Health Department requirements to insure safe water supply and/or adequate sewage disposal.

SECTION 16.22 NUMBER OF BUILDINGS ON A LOT

Every building hereinafter erected or structurally altered shall be located on a lot and there shall be not more than one (1) main building on one (1) lot unless otherwise allowed in this Ordinance. Exceptions to the aforementioned requirement include dwellings permitted as a result of a Planned

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Unit Development (PUD) project and temporary structures meeting the requirements set for in this Chapter.

SECTION 16.23 ILLEGAL DWELLINGS

The use of any portion of the basement of a partially completed building, any garage, or accessory building for dwelling or sleeping purposes in any zoning district is prohibited. No dwelling unit shall be erected in an industrial district. However, the sleeping quarters of a watchman or a caretaker may be permitted in an industrial district in conformity with the specific requirements of the particular district.

SECTION 16.24 OTHER PROJECTIONS INTO YARDS

- A. **Cornice, Sill, Chimney, or Fireplace.** A cornice, eave belt course, sill, canopy, or other similar architectural feature (not including bay windows or other vertical projections which shall be a part of the main building), may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard and may extend or project into a required front or rear yard not more than thirty-six (36) inches. Chimneys or fireplaces may project into a required front, side, or rear yard not more than two (2) feet, provided the width of such side yard is not reduced to less than five (5) feet.
- B. **Fire Escape.** A fire escape may extend or project into any front, side, or rear yard not more than four (4) feet.
- C. **Open Stairway or Balcony.** An open, unenclosed stairway or balcony, not covered by a roof or canopy may extend or project into a required yard not more than six (6) feet and such balcony may extend into a required front yard not more than six (6) feet.
- D. **Porch, Open.** An unenclosed platform or landing which does not extend or project into any required front, side, or rear yard not more than eight (8) feet is exempted from yard requirements provided that the width of a side yard is not reduced to less than five (5) feet. An overhang, canopy, or portico may be placed over the open porch, but it shall not be enclosed.

SECTION 16.25 ACCESS THROUGH YARDS

Access drives may be placed in the required front or side yards so as to provide access to a rear yard. Furthermore, any walk, terrace, or other pavement serving a like function shall be permitted in any required yard.

SECTION 16.26 ACCESSORY BUILDINGS AND STRUCTURES

Accessory buildings and structures, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

- A. Accessory buildings, structures and uses are permitted only in connection with, incidental to and on the same lot with a principal building, structure, or use which is permitted in the

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particular zoning district. An accessory building, structure, or use must be in the same zoning district as the principal building, structure, or use on a lot.

- B. No accessory building, structure, or use shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized. No accessory building, structure, or use may be placed on a lot without a principal building, structure, or use except as otherwise provided for in the AG zoning district.
- C. Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all regulations of this Ordinance applicable to main or principal buildings.
- D. All accessory buildings, structures and uses combined shall cover no more than fifty (50) percent of any rear yard, subject to setback, lot coverage, and other standards of this Ordinance. Accessory buildings shall not be erected in any required front yard. In no instance shall such a building be nearer than ten (10) feet to any adjoining lot line or twenty-five (25) feet from a street right of way.
- E. No detached accessory building shall be located closer than ten (10) feet to any main or principal building.
- F. In the case of double frontage lots, accessory buildings shall observe front yard requirements on both street frontages wherever there are any principal buildings fronting on such streets in the same block or adjacent blocks.
- G. In the case of an accessory building located in the rear yard on a corner lot, the side lot line of which is substantially a continuation of the required front yard setback of the lot to its rear, such accessory building shall be set back from the streets side at least as far as the required front yard setbacks of the lot at the rear of the subject corner lot.
- H. No accessory building may be closer than five (5) feet to any other accessory building.

SECTION 16.27 YARD SALE ORDINANCE:

- A. Yard sales conducted upon residential premises shall be limited to three (3) consecutive days, and no more than four (4) such sales shall take place in any one calendar year. A subsequent sale must take place more than thirty (30) days after the last day of the preceding sale. Unsold items and items used for display purposes shall not remain in public view.
- B. One sign may be placed upon a residential premise where the yard sale is taking place. For those yard sales taking place on a side road, two additional signs advertising the yard sale may be placed at the nearest intersections of major roads. Yard sale signs must not be attached to telephone poles or street signs and must be free standing and taken down at the end of the yard sale.

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SECTION 16.28 SOLAR ENERGY SYSTEMS (Not Solar Farms)

- A. Accessory Solar Energy Systems capable of producing a maximum of 5,000 kWh per month shall be subject to the following regulations:
1. All solar panels and other structures associated with the solar energy system shall be set back a minimum of 20 feet from all parcel lot lines.
 2. No more than 20% of any lot or parcel may be covered by an accessory solar energy system. Ground mounted solar energy systems exceeding 20% of the total lot or parcel area shall require Special Use Approval in all Zoning Districts. Special Use Approval shall not be required for ground mounted solar energy systems that do not exceed 20% of the total lot or parcel area.
 3. Solar energy systems shall be designed and located to avoid glare or reflection onto adjacent parcels and roadways, and shall not interfere with traffic or create a safety hazard off-site.
 4. Zoning and building permits shall be required for any solar energy system.
 5. No homeowners' agreement, covenant, common interest community, or other contract between multiple parcel owners within a subdivision shall restrict or limit accessory solar energy systems.
- B. The following shall apply to all Solar Energy Systems, regardless of the maximum kWh capacity:
- Rooftop and building mounted solar energy systems are subject to the following regulations:
1. Roof mounted systems shall not extend more than 4 feet above the surface to which it is affixed. Roof mounted systems that do not extend more than 3 inches above the surface of the roof shall be accessory solar energy systems, regardless of the kWh capacity.
 2. No solar energy system may protrude beyond the edge of the roof. Ground mounted and freestanding solar energy systems are subject to the following regulations:
 - a. All solar energy systems shall have a defensible space for fire protection, as required by the fire authority with jurisdiction over the site.
 - b. The height of the solar panel and any mounts shall not exceed 16 feet when oriented at maximum tilt, as measured from the finished grade to the uppermost part of the panel at maximum tilt. If the solar energy system is an accessory use and located in the front yard between the required front setback line and front building wall of the principal building, the maximum height for the system shall be 42 inches (3.5 feet). Evergreen landscaping that is sufficient to completely block the equipment from view from dwelling units or public right-of-way but that will not obstruct the energy collecting surface from solar energy shall be provided.

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- c. When batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure when in use, and when no longer used shall be disposed of in accordance with applicable laws and regulations.

C. Utility-Scale Solar Energy Systems shall be subject to the following regulations, in addition to the general standards for special uses:

1. Definition of "Participating" and "Non-Participating":

As used in this Section, the following terms shall have the following meanings:

- a. **Participating Parcel:** A parcel where the landowner has leased land to the solar applicant, OR a landowner that has any other written and signed agreement with the solar applicant with regard to the solar energy system, including "good neighbor" agreements and other agreements that do not necessarily allow the placement of solar panels on the parcel.
- b. **Non-Participating Parcel:** Any parcel that does not meet the definition of "Participating Parcel".

2. Setbacks

All solar panels and other structures associated with the solar energy system shall meet the following minimum setback requirements.

- a. Non-participating parcels without a dwelling unit - From a parcel line abutting a parcel that is not participating in the solar project, and does not contain a residential dwelling unit: 50 feet
- b. Non-participating parcels with a dwelling unit:
 - i. From a parcel line abutting a parcel that is not participating in the solar project and contains a residential dwelling unit: the minimum setback shall be 200 feet from the parcel lot line. If the non-participating parcel is surrounded by more than two sides, the setback shall be 1,000 feet from the third side parcel lot line. The 1000-foot setback shall not apply across public rights-of-way.
 - ii. From a residential dwelling unit existing at the time of Special Use approval for the solar energy system: 500 feet from nearest corner of the dwelling unit. This setback requirement shall apply across public rights-of-way.
 - iii. From a public or private roadway: 50 feet, or the required front setback for the zoning district in which the utility scale solar energy system is

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to be located, whichever is greater. In order to create corridors through the solar energy project for the passage of wildlife, there shall be a 20 foot minimum total width for all wildlife corridors. The Township Board may waive this setback entirely upon determining that the applicant has created sufficient wildlife corridors through the solar energy project and the setback is unnecessary.

- c. Participating Parcels - No side or rear setback dimension is required for adjoining participating parcels that contain a part of the utility-scale solar energy system.

3. Wetlands

No solar panels associated with a solar energy system shall be located within the boundaries of a wetland delineated by the State of Michigan.

4. Landscaping, Ground Cover, and Buffering

a. Buffering/Screening

- i. The following screening requirements must be met along all property lines, meeting at least one of the following criteria:

1. The adjacent parcel is non-participating.
2. The adjacent parcel contains one or more dwelling unit(s).

- ii. When landscape screening is required, it may be planted anywhere within the required setback, and shall meet the following requirements:

- 1 Evergreen trees, planted in a staggered double row designed to form a dense visual screen while still allowing for healthy development of the trees. The trees must be at least 6 feet in height at the time of planting and be set apart at a maximum of 25 feet measured from center-to-center.
- 2 The required evergreen trees shall be a mixture of some or all of the following species: White Cedar, White Pine, Norway Spruce, Black Hills Spruce, and White Spruce. The applicant must submit a description of the height and spread of each proposed species at maturity, as well as an estimated timeline for each species to reach maturity.
- 3 The Township Board shall determine at the time of approval whether the proposed plantings constitute a "dense visual screen" at the time of planting and whether the design also allows for the "healthy development of the trees." The Township Board may require additional plantings, or other design changes to the landscape plan, as a condition of Special Land Use Approval. In

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making their determination, the Township Board may request the opinion of a landscape architect, arborist, or other expert, with costs to be paid by the applicant.

iii Existing Trees and Woodlands:

Existing trees shall be preserved within areas where screening is required. The Township Board may waive or alter Subsection B above upon determining that existing foliage on a participating lot provides a sufficient screen from neighboring residential uses.

iv Ground Cover:

Between the solar panels, the ground must be covered by natural vegetation which may include, but is not limited to.

1. Native Grasses, including, but not limited to bluestem, sedge, and bottlebrush.
Grazing Grasses, including, but not limited, to switchgrass, gamma, and Indiangrass.
2. Pollinator Habitat, including, but not limited to, sunflower, milkweed, and black-eyed susan.

b. Maintenance.

All plantings shall be installed in a design that supports their long-term health and vitality. All plantings shall be maintained in a sound health and vigorous growing condition. The Township may require dead, diseased, damaged, or destroyed species within the required setback area to be replaced with new plantings. The new plantings must comply with this Ordinance and must result in an overall landscape screen that complies with this Ordinance.

5. Noise.

Noise emanating from solar panels or other structures associated with the solar energy system shall not exceed 55 decibels (dB), as measured at any residence on a non-participating parcel.

6. Drainage.

1. Prior to approval of the Special Use permit by the Township Board, the solar energy system applicant must obtain written confirmation from the County Drain Commissioner that storm water drainage will not be impacted, or that any impacts will be mitigated without negative impacts on any nearby lots (participating or non-participating).

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2. Any damage to underground drainage tiles, or other storm water infrastructure or County Drains caused during the installation of the solar energy system shall be repaired by the solar energy system owner within 90 days of discovery of the damage. The Township Board may extend this deadline upon determination that the solar energy system owner has made good faith progress towards the repair.

7. **Glare.**

No solar energy system shall produce glare, as defined by this Ordinance, that causes negative impacts on any adjacent parcel (participating or non-participating), or causes a danger to motorists on any roadway.

8. **Fencing.**

Clusters of solar panels shall be surrounded by a six-foot-high fence with self-locking gate. The fence shall not be subject to setback requirements, except where necessary to preserve wildlife corridors. The design of the fence must be approved by the Township Board, and no design other than the approved design shall be installed.

9. **Public Safety**

The solar energy system must be designed and operated to allow sufficient access for public safety vehicles in the event of an emergency, in the opinion of the fire authority with jurisdiction.

10. **Power Transmission Lines**

All power transmission lines and other utility wires within the project boundary shall be located underground.

11. **Liability Insurance**

There shall be maintained a current general liability policy covering bodily injury and property damage (including damage to public roadways and non-participating properties) with limits of at least \$1 million per occurrence and \$1 million in the aggregate. The insurance policies shall be reviewed by the Township every five years, and the Township Board may require increases to the policy limits.

12. **Lease/Easement Agreements**

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If the land on which the solar energy system is proposed is to be leased, rather than owned by the solar energy system operator, all parcels within the solar energy project boundary shall be included in a recorded easement, lease, or consent agreement specifying the applicable uses for the duration of the project. All necessary leases, easements, or other agreements between the solar energy system operator and the affected parties shall be in place prior to commencing construction, unless specified otherwise by the special use permit conditions. Such leases and easement agreements shall be recorded with the County Register of Deeds for record retention. Such agreements shall also be furnished to the Township for record storage.

13. Interconnection Agreement

No solar energy system shall be installed until evidence has been given to the Township that the electric utility company has agreed to an interconnection with the electrical grid or a power purchase agreement. The agreement must be submitted to the Township prior to construction.

14. Approved Interconnection Agreement

The owner of the solar energy system shall submit, as part of the Special Use application, written documentation that the proposed project has a valid interconnection application in process with the regional or local transmission provider. Off-grid systems shall be exempt from this requirement. The Special Use application shall not be approved without the required documentation. A copy of the approved interconnection agreement must be submitted to the Township prior to the start of construction.

15. Abandonment/Decommissioning

Abandoned or unused solar panels and associated facilities shall be removed, by the owner of the solar panels. All decommissioned materials must be removed from Butler Township within 1 month of the completion of the removal process. No permanent storage or disposal of decommissioned solar panels or related equipment shall be permitted in the Township.

D. Required Application Information.

Solar energy system shall be required to submit all information listed below as part of the Special Use application. The Zoning Administrator may waive information requirements for accessory solar energy systems (but not for utility scale solar energy systems), upon determining that the information is not relevant to determining compliance with this Ordinance for the application in question. The Township may seek the advice and consultation of third-party experts to review the information listed below, and may require the applicant to submit funds to cover the cost of the expert review. Upon approval of a utility scale solar energy system facility, a special use permit will be issued for each parcel listed as "participating" in said project. Such fees associated with each permit shall be established by Township resolution via the approved fee schedule.

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- 1 All information required for Special Use Approvals, including, but not limited to, owner contact information, a complete Site Plan, stormwater drainage information, and a comprehensive landscape plan.
- 2 Operational information, including power output, safety/security provisions, interconnection to transmission grid, lighting, potential telecommunications interference, and projected number of permanent jobs created in Butler Township.
- 3 Construction information, such as timeline, phasing, potential expansions, construction traffic/truck routes, temporary access roadways, and temporary construction jobs created.
- 4 Leases (and/or other agreements) for all participating parcels. Personal identifying information and financial information may be redacted.
- 5 Visual renderings of the proposed solar energy system, as seen from all public roadways and non-participating parcels where the solar energy system will be visible. Landscaping should be shown as it will appear at the time of planting, and as it is projected to appear 5 years after completion of construction.
- 6 A list of required approvals from County, State, and/or Federal entities with jurisdiction, and a description of the status of each approval. Proof of approval must be submitted prior to construction.
- 7 Information on hazardous waste storage, including battery locations and storage.
- 8 Insurance policies as required by this Section.
- 9 A Decommissioning Bond, reviewed every 5 years, acceptable to the Planning Commission and approved by the Township Board.
- 10 A Tile Damage Bond, three years in duration, acceptable to the Planning Commission and approved by the Township Board.
- 11 An escrow account as per the requirements of the Township Planning Commission and approval of the Township Board.
- 12 Any other information deemed necessary by the Township Planning Commission in order to determine whether the application meets the requirements of this Ordinance.