ARTICLE IV. - OUTDOOR STORAGE OF RECREATIONAL ITEMS ON RESIDENTIAL PROPERTY

Footnotes:
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***Editor's note—** Ord. No. C-483-D, §§ 1—5, adopted May 13, 2019, repealed the former Art. IV, §§ 10-101—10-10-119, and enacted a new Art. IV as set out herein. The former Art. IV pertained to similar subject matter and derived from Ord. No. C-483-A, § 1, 6-18-01; Ord. No. C-483-B, § 1, 7-1-02.*

DIVISION 1. - OUTDOOR STORAGE OF LAKE-RELATED RECREATIONAL ITEMS

Sec. 10-101. - Storage of lake-related recreational items.

(a) Off-site storage. The township encourages the storage of boats and watercraft off-site in order to minimize the impact upon community development and to prevent the creation of blight. This division permits limited outdoor storage for residential properties that 1) have frontage on a navigable watercourse; or 2) are located within a subdivision with officially recognized access to a navigable watercourse for boating purposes and has received township approval for off-season outdoor storage of boats and watercraft.

(b) On-site storage. This division limits permissible off-season outdoor storage to 1) lake-related recreational items on residential lots that have frontage on a navigable watercourse; and 2) outdoor storage of boats and watercraft on residential lots that are located within a subdivision with officially recognized access to a navigable watercourse for boating purposes and has received township approval for off-season outdoor storage of boats and watercraft.

(c) Vacant lots. In any subdivision, outdoor storage on vacant single family lots is prohibited.

(Ord. No. C-483-D, § 3, 5-13-19)

Sec. 10-102. - Administration and definitions.

(a) This article shall be administered by the township planning commission, as it may be modified from time-to-time.

(b) As used in this ordinance, the following terms shall be defined as follows.

Boats and watercraft means vessels designed for navigation on water and shall include any boat, canoe, catamaran, dinghy, personal watercraft, or similar vessel.

Floating swim platform means non-inflatable lake floats including floating islands, floating platforms, floating docks, swim rafts or other non-inflatable floatation devices.

Items used for recreational purposes in connection with a watercourse includes boats and watercraft, floating swim platforms, waterfront equipment, and watercraft trailers.

Navigable watercourse means any waterway or other body of water having well-defined banks including rivers, streams, creeks, brooks, lakes, and ponds as shown on the official township watercourse and wetland map, and the flood boundary-floodway map and flood insurance map that is deep enough, wide enough and safe enough for a boat to traverse.

Off-season outdoor storage means storage from November 1 to March 31.

Subdivision approval means approval granted by the planning commission pursuant to section 10-104 for subdivision-wide off-season storage of boats and watercraft on residential lots with an occupied single family dwelling within the specified subdivision.

Waterfront equipment means docks, boat lifts, boat hoists, and floating swim platforms.

Watercraft trailer means a vehicle without motive power designed to be drawn by a motor vehicle and used for carrying boats and watercraft.

(Ord. No. C-483-D, § 3, 5-13-19)

Sec. 10-103. - Off-season outdoor storage by owners of lots abutting a navigable watercourse.

(a) Boats and watercraft. The property owner or tenant of a lot abutting a navigable watercourse with an occupied single family residence shall, without the necessity of petition, be allowed to store not more than two (2) of the following: boats and watercraft, together with their trailers, owned by the property owner or tenant. The off-season storage shall comply with the following regulations:

(1) Front (lake) yard. Boat, watercraft, and watercraft trailer storage may be in the front (lake) yard and must be entirely within the lot.

(2) Side yard. Where storage is not possible under subsection 1, boat, watercraft, and watercraft trailer storage may be in the side yard, but not within the minimum side yard setback as prescribed in the zoning ordinance for the district in which the property is located.

(3) Rear (road) yard. Where storage is not possible under subsections (1) or (2), boat, watercraft, and watercraft trailer storage may be in the rear (road) yard and shall:

a. Be located entirely within the lot; and

b. Be at least ten (10) feet from the edge of the right-of-way on the road side of the lot.

(b) Waterfront equipment. The property owner or tenant of a lot abutting a navigable watercourse with an occupied single family residence shall be allowed off-season outdoor storage of the property owner or tenant's own docks, boat lifts, boat hoists, and floating swim platforms in the front (lake) yard only.

(Ord. No. C-483-D, § 3, 5-13-19)

Sec. 10-104. - Off-season storage by owners of subdivision lots in subdivisions with access to a navigable watercourse for boating purposes with approval of the planning commission.

(a) Administration. This section shall be administered by the township planning commission.

(b) Petition. The property owners of all developed residential lots within a subdivision having township approved or officially recognized access to a navigable watercourse for boating purposes, may petition the planning commission for subdivision-wide approval to permit off-season outdoor storage of their boats and watercraft on their lot in conformance with the regulations of this section. The petition shall comply with the following procedures:

(1) Meeting. Prior to filing a petition with the planning commission for subdivision-approved off-season outdoor storage of boats and watercraft, a meeting of subdivision residents shall be held to discuss the residents' proposal to permit subdivision-wide outdoor storage of boats and watercraft on residential property with an occupied single family dwelling. At least seven (7) days' advanced written notice of the meeting shall be provided to each resident within the subdivision. The meeting shall be attended and facilitated by an independent person trained in conflict resolution who is not a resident of or a property owner in the petitioning subdivision. Proof of compliance with this provision shall be submitted with the petition.

(2)

Petition. To be eligible for planning commission consideration, a petition for subdivision-approved off-season outdoor storage of boats and watercraft must be signed in the affirmative by at least sixty (60) percent of the homeowners within the subdivision. The circulator(s) of the petition shall attempt to secure a response from the owner of each property within the subdivision, and shall maintain a record thereof. The affirmative responses shall be represented as signatures on the petition; the negative responses shall be shown on an accompanying list and both shall be filed with the planning commission. If there are owners of properties who could not be contacted following at least two (2) attempts made during reasonable hours, an affidavit shall be filed with the petitions identifying those properties for which neither a negative nor a positive response has been received, and shall indicate the two (2) dates and times on which efforts were made to achieve personal contact with the owners of each of the properties.

(3) Additional information. The following information shall also be provided with the petition: name, address and phone number of the contact for the applicant subdivision; name of the subdivision; name, address and phone number of the contact for the homeowners association; proof of township approved or officially recognized access to a navigable watercourse for boating purposes; and a statement regarding whether there are any restrictions of record which prohibit the off-season outdoor storage of boats and watercraft outside an enclosed structure.

(4) Public hearing. Upon receipt of a complete petition for subdivision-approved outdoor storage of boats and watercraft, which includes all required documents and materials as specified above, the planning commission shall hold a public hearing on the petition. Notice of the date and time of hearing shall be provided to all owners of record within the subdivision at least seven (7) days before the date of the hearing.

(5) Planning commission. The planning commission may approve, deny, or approve with conditions the petition. Approval of the petition for subdivision-approved off-season outdoor storage of boats and watercraft shall require a finding by the planning commission that the applicants have demonstrated 1) township approved or officially recognized access to a navigable watercourse for boating purposes; and 2) the required support within the subdivision for subdivision-wide off-season outdoor storage of boats and watercraft. The planning commission shall take into

consideration the area and/or width of lot(s), and the lack of reasonably available alternatives to off-season outdoor storage of boats and watercraft. In the event that the planning commission determines subdivision relief is warranted, the planning commission shall apply the following regulations together with any conditions that it may impose:

a. *Boat and watercraft.* Lots with an occupied single family residence shall be limited to not more than two (2) owner or tenant owned boats and/or watercraft together with their trailers. The approval shall specify the approved locations for storage in the following order of preference:

1. Rear yard. Off-season boat and watercraft storage in the rear yard is permissible behind the rear building line, and shall not encroach into the required rear or side yard setback.
2. Side yard. If a demonstrated need is shown for the subdivision, then, off-season boat and watercraft storage may be in the side yard as close to the house as possible, but not within the minimum side yard setback as prescribed in the zoning ordinance for the district in which the subdivision is located.
3. Front yard. If it is demonstrated that storage is not available as allowed under subsections (1) or (2), then boat, watercraft, and watercraft trailer storage may be in the front (street) yard and shall:
   (i) Be located entirely within the lot; and
   (ii) Be at least ten (10) feet from the edge of the right-of-way on the road side of the lot.

(6) Appeal. The determination of the planning commission may be appealed to the township board. A written request for appeal shall be submitted to the township clerk within twenty-one (21) days of the date of the meeting at which the planning commission determination is made. The request for appeal shall recite the reasons for the appeal. Notice of the date and time of appeal shall be provided to all owners of record within the subdivision at least seven (7) days before the appeal date. The township board shall review the appeal based upon the record made at the planning commission, and shall reverse the decision if the determination was not lawful or amounted to an abuse of discretion taking into consideration the record as a whole.

(Ord. No. C-483-D, § 3, 5-13-19)

Sec. 10-105. - Regulations.

The following regulations apply to all permissible off-season outdoor storage of boats, watercraft, and waterfront equipment on lots abutting a navigable watercourse or on lots with subdivision approval:

(1) Occupied property. Off-season outdoor storage of lake-related recreational items is limited to 1) residential property; 2) with an occupied single family dwelling; and 3) is limited to items owned or leased by the owner or tenant.

(2) Vacant or unoccupied property. Outdoor storage of boats, watercraft, or waterfront equipment is prohibited on vacant or unoccupied residential lots.

(3) Boats, watercraft, and watercraft trailers. Storage of boats, watercraft, and watercraft trailers in the street is prohibited.

(4) Blocking street or pedestrian path prohibited. Outdoor storage of boats, watercraft, or waterfront equipment as allowed in this division shall not block any street, sidewalk, or pedestrian path, or otherwise interfere with pedestrian travel or street traffic.

(5) In-season watercraft parking in driveway. From April 1 to October 31, one (1) licensed and operable boat or watercraft may be parked on an established driveway of a single family residential property with an occupied dwelling on 1) lots abutting a navigable watercourse; and 2) lots with subdivision-approval.

(Ord. No. C-483-D, § 3, 5-13-19)

Secs. 10-106—10-109. - Reserved.

DIVISION 2. - PARKING AND STORAGE OF VEHICLES AND RECREATIONAL UNITS ON RESIDENTIAL PROPERTY

Sec. 10-110. - Definitions.

As used in this ordinance, the following terms shall be defined as follows:

Camper enclosure shall mean any structure or enclosure designed for mounting on a pickup truck or truck chassis to provide temporary sleeping or living quarters for recreational, camping, or travel use, including, but not limited to, a slide-in camper or camper cap.

Recreational off-road or recreational all-terrain vehicles are recreational units and shall include, but shall not be limited to three (3) and four (4) wheel off-road and all-terrain vehicles, dirt bikes, golf carts, buggies, or other vehicles not licensed by the State of Michigan for operation on streets and highways.

Recreational vehicle shall mean a vehicular unit which provides either temporary living quarters or transportation of recreational, camping or travel apparatus such as campers. The recreational vehicle may have its own motive power or may be designed to be drawn by a motor vehicle. The term recreational vehicle shall include, but is not limited to, a motor home, a travel trailer, a truck camper, a folding camper trailer, and/or a fifth wheel.

Recreational unit shall mean any recreational vehicle, off-road or all-terrain vehicle, camper enclosure, trailer, or snowmobile. Units used in conjunction with one another such as snowmobiles mounted on a trailer shall be considered one (1) recreational unit.

Recreational trailer shall mean a vehicle without motive power, designed to be drawn by a motor vehicle and used for carrying property including, but not limited to, motorcycles, snowmobiles, off-road vehicles, all-terrain vehicles, recreational units as defined herein, or other equipment for recreational, camping or travel use.

Snowmobiles are recreational units and mean motor driven vehicles designed for travel primarily on snow or ice, and that typically utilize sled type runners or skis, an endless belt tread, or any combination of these.

(Ord. No. C-483-D, § 3, 5-13-19)

Sec. 10-111. - Parking and storage of vehicles on residential property.

(a) Passenger vehicles. The parking of licensed, operative passenger vehicles including cars, vans, pick-up trucks, sport utility vehicles, and cross-over vehicles is permitted on residential property.

(b) Non-passenger vehicles. The parking and/or storage of the following non-passenger trucks and vehicles is prohibited on residential property, unless the vehicle is housed entirely within an enclosed structure: delivery, box, flatbed, platform, panel, refrigerator, tow, dump, garbage, stake, and cube trucks; transport vehicles, tractor units, cab forward, semi-tractors with or without trailers; buses and limousines. The parking of non-passenger vehicles used by contractors, service, and delivery persons while servicing a residence are permitted for the time period of the service only.

(c) Unlicensed or inoperative vehicles. The parking and/or storage of unlicensed or inoperative vehicles on residential property is prohibited unless housed entirely within an enclosed structure.

(d) Trailers. The parking and/or storage of an open or enclosed trailer is prohibited on residential property unless i) housed entirely within an enclosed structure; or ii) is a watercraft trailer stored in compliance with the provisions of division I of this article. Trailers used by contractors, service, and delivery persons while servicing a residence are permitted for the time period of the service only.

(e) Equipment. The parking and/or storage of earth moving equipment, landscape equipment, mobile cranes, or construction equipment is prohibited on residential property unless housed entirely within an enclosed structure. Such equipment used by contractors, service, and delivery persons while servicing a residence are permitted for the time period of the service only.

(f) Seasonal snow removal vehicles. The parking and/or storage of passenger vehicles equipped with snow plows or salt spreaders is permitted on residential property during the time period from November 1 to April 1.

(g) Merchandise. The outdoor storage of new and/or used merchandise for sale and/or distribution is prohibited on residential property.

(h) Parking on residential lawns. The parking and/or storage of a motor vehicle or recreational unit on a residential lawn is prohibited, except in accordance with section 10-112(3).

(i) Vehicle repair. The repair of any vehicle for payment is prohibited on residential property.

(j) Vehicle parts. The storage of vehicle parts for use in the repair of a vehicle for payment is prohibited on residential property.

(k) Recreational trailers. Except as permitted in section 10-112, the parking and/or storage of an open or enclosed recreational trailer is prohibited on residential property, unless housed entirely within an enclosed structure.

(Ord. No. C-483-D, § 3, 5-13-19)

Sec. 10-112. - Recreational units.

The parking and/or storage of recreational units on single family residential property shall comply with the following:

(1) Vacant property. The parking and/or storage of recreational units on vacant or unoccupied property is prohibited.

(2) Enclosed structure. A recreational unit may be parked or stored on occupied single family residential property provided the recreational unit is housed entirely within an enclosed structure.

(3) Unenclosed parking/storage. The unenclosed parking or storage of recreational units is prohibited on single family residential property except as follows:

a. Non-lakefront property/lots-rear yard only. One (1) recreational unit owned or leased by the property owner or tenant may be stored in the rear yard only of an occupied non-lakefront residential lot provided that the recreational unit is stored in conformity with all the following requirements:

1. The entire unit is behind the rear building line.
2. The unit is screened from view of adjacent properties with evergreen plantings, or a fence or a wall not less than the height of the outdoor storage, and which complies with section 26.5.13.5 of the zoning ordinance.
3. At no time shall any stored recreational vehicle or unit be occupied or be connected to water, electric, or sanitary facilities.

(Ord. No. C-483-D, § 3, 5-13-19)

Secs. 10-113—10-118. - Reserved.

DIVISION 3. - PENALTIES

Sec. 10-119. - Penalties for violation.

(a) Any person found to have violated a provision of this article shall be responsible for a municipal civil infraction as authorized by the Revised Judicature Act, MCL 600.8301, *et seq.;* and section 1-10 of the Code of Ordinances. The penalty for a first violation of this article shall be a fine in the amount of one hundred dollars ($100.00). The penalty for a second violation and each subsequent violation within any two-year period shall be a fine in the amount of two hundred dollars ($200.00). The respondent shall also be

responsible for the costs, damages, and expenses of prosecution and collection as provided in subsection 1-10(b) of the general penalty provisions of the Code of Ordinances.

(b) Each provision violated, and each day on which a violation is found to have occurred, shall constitute a separate offense.

(c) Nothing in this section shall preclude the township from seeking any other further relief in law or equity in any court.

(Ord. No. C-483-D, § 3, 5-13-19)