

**GREEN OAK CHARTER TOWNSHIP  
ORDINANCE NUMBER 01-2014**

**AN ORDINANCE TO AMEND PORTIONS OF CHAPTER 38, ZONING, OF THE CODE OF ORDINANCES FOR GREEN OAK CHARTER TOWNSHIP, DEALING WITH YARD ENCROACHMENTS.**

**GREEN OAK CHARTER TOWNSHIP ORDAINS AS FOLLOWS:**

**Section 1.** In Section 38-1 of Chapter 38, Zoning, of the Code of Ordinances for Green Oak Charter, the following definitions are amended and added to read as follows:

*Deck* means a structure, with piers and/or joists, lacking a roof and walls with the exception of visual partitions, abutting a dwelling and constructed on piers or a foundation above grade for uses as an outdoor living area.

*Patio* means a level surfaced area, without piers, joists, or permanent roof, intended for outdoor use.

*Porch, enclosed* means a covered entrance to a building or structure, which is totally enclosed, and projects out from the main wall of the building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

*Porch, open* means a covered entrance to a building or structure, which is unenclosed, except for columns supporting the porch roof, and projects out from the main wall of the building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

*Roof* means a structural covering over any portion of a building or structure used for protection or shielding from the sun, rain, or other elements.

*Structure* means anything constructed or erected, the use of which requires a temporary or permanent location on the ground or is attached to something having a permanent location in, on or below the ground. When a structure is divided into separate parts by an unpierced wall, each part shall be deemed a separate structure.

*Terrace* means a level surfaced area without piers, joists, or permanent roof, intended for outdoor use.

**Section 2.** Section 38-184 in Chapter 38 of the Code of Ordinances for Green Oak Charter Township is amended to read as follows:

**Sec. 38-184. Yard Encroachments.**

- (a) Terraces, patios, and similar unroofed accessory surface area may project into a required yard as follows:
  - (1) Such surface area must be unroofed and without walls, piers, joists, or other continuous enclosure;
  - (2) Such surface area may project into the required rear or waterfront yard setback, provided that no such surface area shall be permitted nearer than seven (7) feet to any lot line;
  - (3) Such surface area may have open railings or fences not exceeding forty-two (42) inches in height and may have non-continuous windbreaks, visual screens, or walls not exceeding six (6) feet in height in a rear yard, or four (4) feet in height in a front, side, or waterfront yard, or not enclosing more than half the perimeter of said terrace, patio, or similar structure.
  - (4) No such surface area shall violate or encroach upon any riparian buffer in accordance with Section 38-361(f)(3)e.
  - (5) Swimming pools shall be in accordance with Section 38-171(9).
- (b) Unenclosed porches or decks without roofs may project into a required yard a distance not to exceed six (6) feet, provided such porch or deck shall not exceed one (1) story in height; that such porch or deck shall not be permitted within seven (7) feet of any side lot line; and that no building shall have more than one (1) such porch in any one (1) yard. In no case shall these structures violate or encroach upon any wetland buffer.
- (c) Enclosed porches or roofed porches and other enclosed appurtenances shall be considered an integral part of the building to which they are attached and shall be subject to all yard requirements thereof.
- (d) Chimneys, flues, belt courses, leaders, sills, pilasters, cornices, eaves, gutters, and similar features may project into any required yard a maximum of twenty-four (24) inches.
- (e) Unenclosed and unroofed fire escapes, outside stairways, and balconies may project into a required yard a maximum of five (5) feet.

(f) Decks shall be subject to the Schedule of Regulations, Section 38-136, for yard setbacks and maximum lot coverage except as modified in this section.

**Section 3.** This Ordinance hereby repeals any ordinances in conflict herewith.

**Section 4.** Severability

The various parts, sections and clauses of this Ordinance are declared to be severable. If any part, sentence, paragraph, section or clauses is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

**Section 5.** Savings Clause

That nothing in this Ordinance hereby adopted be construed to affect any just or legal right or remedy of any character nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this Ordinance.

**Section 6.** Effective Date

This Ordinance shall take effect on the 8th day after publication, or such later date as provided in the Michigan Zoning Enabling Act if a petition for voter referendum on this Ordinance and/or a notice of intent to submit such a petition is timely filed with the Township Clerk.

  
Michael H. Sedlak, CMC Township Clerk

  
Mark St. Charles Township Supervisor

Adoption Date: February 19, 2014

Publication Date: February 19, 2014

Effective Date: March 6, 2014

### CERTIFICATION

I, Michael H. Sedlak, the Clerk of Green Oak Charter Township, Livingston County, Michigan, do hereby certify that the foregoing is a true and complete copy of Ordinance Number 01-2014, adopted by the Green Oak Charter Township at a regular meeting held on February 19, 2014.

The following members of the Township Board were present at that meeting: Susan Daugherty, Treasurer, Tracey Edry, Trustee, Richard Everett, Trustee, Rollin Green, Trustee, James Tuthill, Trustee, Michael Sedlak, Clerk and Mark St. Charles, Supervisor.

The Ordinance was adopted by the Township Board of Trustees with seven members of the Board voting in favor and no members voting in opposition. Notice of adoption and publication of the Ordinance was published in the Livingston County Press & Argus on February 26, 2014. The Ordinance shall be effective on March 6, 2014, eight (8) days after publication.

By:   
Michael H. Sedlak CMC, Township Clerk