

**TITLE I: GENERAL PROVISIONS**

Chapter

**10. RULES OF CONSTRUCTION; GENERAL PENALTY**



## CHAPTER 10: RULES OF CONSTRUCTION; GENERAL PENALTY

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### § 10.01 HOW CODE DESIGNATED AND CITED.

This code shall constitute and be designated as the Caseville Township Code.

***Statutory reference:***

*Codification authority, see M.C.L.A. 117.5b*

### § 10.02 DEFINITIONS.

- (A) Terms used in this code, unless otherwise specifically defined, have the meanings prescribed by the statutes of the state for the same terms.
- (B) For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***BOARD OF TRUSTEES or BOARD.*** The Board of Trustees of Caseville Township.

***CODE.*** The Caseville Township Code as designated in § 10.01.

**COMPUTATION OF TIME.** The time within which an act is to be done, as provided in this code or in any order issued pursuant to this code, when expressed in days, shall be computed by excluding the first day and including the last, except that if the last day be Sunday or a legal holiday it shall be excluded; and when the time is expressed in hours, the whole of Sunday or a legal holiday, from midnight to midnight, shall be excluded.

**COUNTY.** County of Huron, Michigan.

**JUVENILE.** Any person under 17 years of age.

**MINOR.** A person under 21 years of age.

**MUNICIPAL CIVIL INFRACTION.** An act or omission that is prohibited by this code or any ordinance of the township, but which is not a crime under this code or any other ordinance of the township, and for which civil sanctions, including without limitation, fines, damages, expenses, and costs may be ordered, as authorized by Chapter 87 of Act No. 236 of the Public Acts of 1961, being M.C.L.A. §§ 600.8701 through 600.8735, as amended. A **MUNICIPAL CIVIL INFRACTION** is not a lesser included offense of any criminal offense in this code.

**OFFICER, DEPARTMENT, BOARD, AND THE LIKE.** Whenever any officer, department, board or other public agency is referred to by title only, such reference shall be construed as if followed by the words of Caseville Township, Michigan. Whenever, by the provisions of this code, any officer of the township is assigned any duty or empowered to perform any act or duty, reference to such officer shall mean and include such officer or his or her deputy or authorized subordinate.

**ORDINANCES.** The ordinances of Caseville Township and all amendments thereto.

**PERSON.** Any natural individual, firm, trust, partnership, association, or corporation. Whenever the word **PERSON** is used in any section of this code prescribing a penalty or fine, as applied to partnerships or associations, the word includes the partners, or members thereof, and as applied to corporations the word includes officers, agents, or employees thereof who are responsible for any violations of the section. The singular includes the plural. The masculine gender includes the feminine and neuter genders.

**STATE.** The term **THE STATE** or **THIS STATE** shall be construed to mean the State of Michigan.

### **§ 10.03 SECTION CATCH LINES AND OTHER HEADINGS.**

The catch lines of the several sections of this code printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be the titles of such sections, nor as any part of the sections, nor, unless expressly so provided, shall they be so deemed

when any of such sections, including the catch lines, are amended or reenacted. No provision of **this code shall be held invalid by reason of deficiency in any such catch line or in any** heading or title to any chapter, section or division.

**§ 10.04 CERTAIN ORDINANCES NOT AFFECTED BY CODE.**

Nothing in this code or the ordinance adopting this code shall affect any ordinance not in conflict with or inconsistent with this code.

- (A) Promising or guaranteeing the payment of money for the township, or authorizing the issuance of any bonds of the township or any evidence of the township's indebtedness, or any contract or obligations assumed by the township;
- (B) Containing any administrative provisions of the Board of Trustees;
- (C) Granting any right or franchise;
- (D) Dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, and the like, any street or public way in the township;
- (E) Making any appropriation;
- (F) Levying or imposing taxes;
- (G) Establishing or prescribing grades in the township;
- (H) Providing for local improvements and assessing taxes therefor;
- (I) Dedicating or accepting any plat or subdivision in the township;
- (J) Extending or contracting the boundaries of the township;
- (K) Prescribing the number, classification, or compensation of any township officers or employees;
- (L) Prescribing specific parking restrictions, no-parking zones; specific speed zones; parking meter zones; and specific stop or yield intersections or other traffic ordinances pertaining to specific streets;
- (M) Pertaining to rezoning; and/or
- (N) Any other ordinance, or part thereof, which is not of a general and permanent nature; and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this code. Such ordinances are on file in the Township Clerk's office.

**§ 10.05 CONTINUATION OF ORDINANCES.**

The provisions of this code, so far as they are the same in substance as those of heretofore existing ordinances, shall be construed as a continuation of such ordinances and not as new enactments.

**§ 10.06 PRIOR RIGHTS, OFFENSES, AND THE LIKE.**

Any act done, offense committed or right accruing, accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time of adoption of this code shall not be affected by the adoption, but may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if the adoption had not been effected.

**§ 10.07 ORDINANCES REPEALED NOT REENACTED.**

No ordinance or part of any ordinance heretofore repealed shall be considered reordained or reenacted by virtue of this code, unless specifically reenacted. The repeal of any curative or validating ordinances shall not impair or affect any cure or validation already effected thereby.

**§ 10.08 AMENDMENTS TO CODE.**

(A) Amendments to any of the provisions of this code shall be made by amending such provisions by specific reference to the section number of this code in the following language: That section \_\_\_\_ of the Caseville Township Code, is hereby amended to read as follows:... The new provisions shall then be set out in full as desired.

(B) If a new section not heretofore existing in the code is to be added, the following language shall be used: That the Caseville Township Code is hereby amended by adding a section, to be numbered \_\_\_\_, which said section reads as follows:... The new section shall then be set out in full as desired.

**§ 10.09 SUPPLEMENTATION OF CODE.**

(A) By contract or by township personnel, supplements to this code shall be prepared and printed whenever authorized or directed by the Board of Trustees. A supplement to the code shall include all substantive permanent and general parts of ordinances adopted during the period covered by the supplement and all changes made thereby in the code. The pages of a supplement shall be so numbered that they will fit properly into the code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the code will be current through the date of the adoption of the latest ordinance included in the supplement.

(B) In preparing a supplement to this code, all portions of the code which have been repealed shall be excluded from the code by the omission thereof from reprinted pages.

(C) When preparing a supplement to this code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

(1) Organize the ordinance material into appropriate subdivisions;

(2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles;

(3) Assign appropriate numbers to sections and other subdivisions to be inserted in the code and, where necessary to accommodate new material, change existing section or other subdivision numbers;

(4) Change the words “this ordinance” or words of the same meaning to “this chapter,” “this section,” “this division,” and the like, as the case may be, or to “sections \_\_\_\_ to \_\_\_\_” (inserting section numbers to indicate the sections of the code which embody the substantive sections of the ordinance incorporated into the code); and

(5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the code.

**§ 10.10 APPEARANCE TICKETS.**

The following public servants are hereby authorized to issue and serve appearance tickets with respect to ordinances of the township, as provided by Pub. Law No. 147 of 1968, being M.C.L.A. § 764.9c, as amended, when the public servant has reasonable cause to believe that a person has committed an offense in violation of a township ordinance:

(A) Health Officer;

(B) Building Inspector;

(C) Fire Marshal;

(D) Fire Chief; and

(E) Zoning Administrator.

**§. 10.11 SEPARABILITY OF PROVISIONS.**

Each section, division, sentence, clause and provision of this code is separable and if any provision shall be held unconstitutional or invalid for any reason, the decision shall not affect the remainder of this code, or any part thereof, other than that part affected by the decision.

**§ 10.99 GENERAL PENALTY.**

Unless another penalty is expressly provided by this code for any particular provision or section, every person convicted of a violation of any provision of this code or any rule or regulation adopted or issued in pursuance thereof, shall be found guilty of a civil infraction and conviction thereof, shall be punished by a fine of not less than \$500. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any section of this code whether or not the penalty is re-enacted in the amendatory ordinance.



Chapter	<b>TITLE III: ADMINISTRATION</b>
	<b>30. PERSONNEL</b>
	<b>31. BOARDS AND COMMISSIONS</b>



## **CHAPTER 30: PERSONNEL**

### **Section**

- 30.1 Group Health Insurance Plan adopted
- 30.2 Pension Plan adopted

### **§ 30.01 GROUP HEALTH INSURANCE PLAN ADOPTED.**

The Group Health Insurance Plan, as detailed in Ordinance 2001-02, passed 3-22-2001, is hereby adopted by reference and incorporated herein as if set out in full.  
(Ord. 2001-02, passed 3-22-2001; Am. Ord. - -, passed 7-6-2009)

### **§ 30.02 PENSION PLAN ADOPTED.**

The Pension Plan, as detailed in Ordinance 91-3, passed 8-5-1991, is hereby adopted by reference and incorporated as if set out in full.  
(Ord. 91-3, passed 8-5-1991)



## CHAPTER 31: BOARDS AND COMMISSIONS

### Section

#### *Planning Commission*

- 31.01 Creation
- 31.02 Membership
- 31.03 Liaisons
- 31.04 Training
- 31.05 Members, appointment, and terms
- 31.06 Removal from office
- 31.07 Membership; vacancies
- 31.08 Membership; transition
- 31.09 Membership; compensation
- 31.10 Meetings
- 31.11 Powers and duties
- 31.12 Staff
- 31.13 Meetings; records

#### *PLANNING COMMISSION*

##### **§31.01 CREATION.**

There shall be a Caseville Township Planning Commission pursuant to PA 33 of 2008, as amended, being the Michigan Planning Enabling Act, M.C.L.A. §§ 125.3801 *et seq.*, hereinafter referred to as the Commission with the powers and duties as therein set forth and as hereinafter provided and staffed Planning Department. The ordinance codified herein shall be officially known and described as the “Caseville Township Planning Commission Ordinance.”

(Ord. 2009-01, passed 4-6-2009)

##### **§ 31.02 MEMBERSHIP.**

(A) The Commission shall consist of seven members appointed by the Caseville Township Board. To be qualified to be a member and remain a member of the Planning Commission, the individual shall meet the following qualifications:

**Caseville Township - Administration**

(1) Shall be a qualified elector of Caseville Township, except that one member may be a non-qualified elector;

(2) Shall not be a declared candidate for any political office, except this condition shall not apply to the Township Board representative to the Commission (§ 31.03(B));

(3) After an individual's first appointment and before reappointment shall have attended training for Commission members, pursuant to § 31.04; and

(4) Shall meet the conditions provided for each individual member, except the geographical location of the individual's residency may be considered optional.

(B) Members shall be appointed for three-year terms. However when first appointed, a number of members shall be appointed to one-year, two-year, or three-year terms such that, as nearly as possible, the terms of one-third of all Commission members will expire each year. If a vacancy occurs, the vacancy shall be filled for the unexpired term in the same manner as provided for an original appointment such that, as nearly as possible, the terms of one-third of all Commission members continue to expire each year.

(C) One member shall also be a member of the Township Board of Trustees, who's term of office shall coincide with his or her elected term of office on the Township Board of Trustees.

(D) The membership shall be representative of the important segments of the community, such as the economic, governmental, educational, and social development of the township, in accordance with the major interests as they exist in Caseville Township, as follows:

- (1) Agriculture;
- (2) Natural resources;
- (3) Recreation;
- (4) Education;
- (5) Public health;
- (6) Government;
- (7) Transportation;
- (8) Industry; and

(9) Commerce.

(E) The membership shall also be representative of the entire geography of Caseville Township to the extent practicable, and as a secondary consideration to the representation of the major interests. (Ord. 2009-1, passed 4-6-2009)

**§31.03 LIAISONS.**

(A) The Commission, in its bylaws, may name “liaisons” to the Commission. The purpose of liaisons is to provide certain Caseville Township Board members and other interested officials ability to participate in discussion with the Commission in addition to speaking in public participation, and nothing else.

(B) At a minimum liaisons shall include:

- (1) Planning Department staff, and their agents and consultants;
- (2) Caseville Township board member; and
- (3) Caseville Township Attorney.

(Ord. 2009-01, passed 4-6-2009)

**§ 31.04 TRAINING.**

Appointed members of the Commission shall attend educational programs designed for training members of Michigan planning commissions if the adopted Caseville Township Board budget for that fiscal year includes funds to pay for tuition, registration, and travel expenses for the training. Nothing in this section shall deem a member who has not had training from finishing his or her term of office unless the member resigns or is removed by action of the Township Board. The member shall be ineligible for reappointment at the conclusion of the term of office if he or she did not attend training. The Commission shall include in its bylaws what training programs qualify to meet this requirement. (Ord. 2009-01, passed 4-6-2009)

**§ 31.05 MEMBERS, APPOINTMENT AND TERMS.**

(A) In April of each year the Caseville Township Clerk shall determine which members’ terms of office expire, shall determine what organizations qualify to nominate members and shall contact by first class mail, those organizations to solicit nominations.

(B) In May of each year if the Clerk has not received at least two nominations for each office, then the Clerk shall discard those applications and shall place an advertisement(s) in a newspaper with paid circulation in Caseville Township to seek different applications.

(C) In June of each year the township board shall consider the applications and nominations received, and appoint members to the Commission by a majority vote for a three-year term of office which shall end June 30, at 9:00 a.m. of the respective year.  
(Ord. 2009-01, passed 4-6-2009)

#### **§ 31.06 REMOVAL FROM OFFICE.**

(A) The Township Board may remove a member of the Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Failure to disclose a potential conflict of interest shall be considered malfeasance in office. Failure to repeatedly attend Commission meetings shall be considered nonfeasance in office.

(B) The secretary of the Planning Commission shall report any member who has missed three regular meetings in a row to the Township Board.  
(Ord. 2009-01, passed 4-6-2009)

#### **§ 31.07 MEMBERSHIP; VACANCIES.**

The Township Board shall fill any vacancy in the membership of the Commission for the unexpired terms in the same manner as the initial appointment.  
(Ord. 2009-01, passed 4-6-2009)

#### **§ 31.08 MEMBERSHIP; TRANSITION.**

(A) The transition from the previous Caseville Township Planning Commission and the Commission established in this chapter shall be gradual and shall take place over the next three years. The Township Board shall continue to make annual appointments, appointing approximately one-third of the membership of the Commission as specified in this chapter, so that three years from the effective date of this chapter the membership, membership representation, and number of members have completed the transition to fully comply with this chapter.

(B) All other aspects of this chapter shall have immediate effect.  
(Ord. 2009-01, passed 4-6-2009)



**§ 31.09 MEMBERSHIP; COMPENSATION.**

All members of the Planning Commission shall serve as such with compensation equal to, or less than, the per diem of the Township Board per meeting plus mileage.  
(Ord. 2009-01, passed 4-6-2009)

**§ 31.10 MEETINGS.**

(A) The Commission shall meet at least once every month and a majority of the Commission shall constitute a quorum for the transaction of the ordinary business of the Commission and all questions which shall arise at their meetings shall be determined by a vote of the majority of the members of the Planning Commission.

(B) The affirmative vote of two-thirds of the total number of seats for members of the Commission, regardless if vacancies or absences exist or not, shall be necessary for the adoption, or recommendation for adoption, of any plan or amendment to a plan.  
(Ord. 2009-01, passed 4-6-2009)

**§31.11 POWERS AND DUTIES.**

(A) The Commission shall have their powers and duties as set forth in PA 33 of 2008, as amended, being the Michigan Planning Enabling Act, M.C.L.A. §§ 125.3801 *et seq.* \ and PA 110 of the Public Acts of 2006, as amended, being the Michigan Zoning Enabling Act (M.C.L.A. §§ 125.3101 *et seq.*).

(B) The Commission shall be designated as a metropolitan county planning commission, pursuant to § 37(1) of PA 33 of 2008, as amended, being the Michigan Planning Enabling Act, M.C.L.A. § 125.3837(1); and the Planning Commission shall serve as a coordinating agency for all planning committees or commissions that are now or may be within the County of Huron.

(C) The Commission shall have authority to apply for and receive grants from any government agency or the federal government and to receive gifts.  
(Ord. 2009-01, passed 4-6-2009)

**§31.12 STAFF.**

(A) The Commission is delegated the authority to hire or dismiss a planning director within the budget provided for this purpose.

(B) The planning director shall be a department head, and shall hire or dismiss other such staff within the budget provided for this purpose.

(C) The appointment of the planning director and other such employees shall be subject to the same provisions of law, employment policies, employee roster, employee or union contracts, if any, as govern other employees of the Caseville Township.

(D) Employees that are assigned to work with the Commission shall follow the directives of the Commission in matters of planning and zoning public policy issues, but shall not be subject to Commission directives concerning employment provisions of law, employment policies, employee roster, employee or union contracts, if any.

(Ord. 2009-01, passed 4-6-2009)

### **§ 31.13 MEETINGS; RECORDS.**

The Commission shall adopt bylaws for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which records shall be a public record.

(Ord. 2009-01, passed 4-6-2009)

**TITLE V: PUBLIC WORKS**

Chapter

**50. WATER**

**51. GARBAGE COLLECTION AND DISPOSAL**



## CHAPTER 50: WATER

### Section

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Appendix A: Water rates

Appendix B: Escalating tap charges for a district increase of \$150 per quarter for 5 years

Appendix C: Stub fees schedule

**GENERAL PROVISIONS****§ 50.001 NECESSITY FOR CONSTRUCTION.**

The Board of Trustees hereby determines it to be necessary for and to secure the public health, safety, convenience and welfare of the township to acquire by construction a water supply and distribution system for the township, together with necessary filters, valves and connections in accordance with detailed maps, plans, specifications and estimates heretofore prepared by Wolverine Engineering, registered engineer of Mason, Michigan. (Ord. 2000-02, passed 7-5-2000)

**§ 50.002 CONSTRUCTION OF EXTENSIONS.**

Extensions of the present water supply and distribution system shall be constructed when the same become necessary or proper, in the judgment of township. (Ord. 2000-02, passed 7-5-2000)

**§ 50.003 APPLICATIONS FOR EXTENSIONS.**

Whenever any property owner desires that the water system be extended to serve property owned by him or her, he or she shall make a written application to the township, and in the application shall state the planned location thereof and the extent of the need for the extension. All applications shall be approved, modified or rejected by township within a reasonable time and as township deems necessary or proper. No extension shall be constructed until the applicant has paid into the township treasury the cost of all construction on the basis of the benefits to be received. (Ord. 2000-02, passed 7-5-2000)

**§ 50.004 TAP-INS; PERMIT REQUIRED; TIME FOR MAKING INSTALLATION; COPPER SERVICE LINES.**

(A) Property owners of premises located between the present water system and the area serviced' by an extension may tap on or make use of the extended water system by first paying to the Township Clerk a sum equal to the proportionate share of the total cost of such extension, as determined by township, after obtaining a tap-in permit from Council.

(B) No person shall make any tap-in or use the present water system or any extension thereof without first obtaining a permit therefor from the township.

(C) Or before one hundred eighty (180) days after the issuance of the tap-in permit, whichever is sooner. A temporary extension of up to one (1) year will be allowed until the completion of the Township Water Project.

(D) The water supply from the curb-stop to the meter shall be made with soft copper service lines. No soldering shall be permitted. Flared or compression-type fittings are to be used, with inspections to be made at the time of installation or repair.

(E) All new water services or repairs to existing water services shall have a shut-off valve before the meter located inside the building.  
(Ord. 2000-02, passed 7-5-2000)

#### **§ 50.005 MANAGEMENT OF SYSTEM.**

(A) The construction, alteration, repair and management of the water supply and distribution system, including the acquisition and construction thereof, shall be under the terms of the interlocal agreement entered into by township and the Village of Caseville, dated June 5, 2000.

(B) No owner or occupant shall build, construct or take any other action that will deny the township access to the water right-of-way on his or her property. Any building, fence, shrub, tree, plant or other obstacle hindering the township's access to the water right-of-way shall be removed at the expense of the owner or occupant, and the owner or occupant shall be liable to the township for the cost of removal of the obstacle at a rate and amount to be set by the Township Board.  
(Ord. 2000-02, passed 7-5-2000)

#### **§ 50.006 FISCAL YEAR.**

The water supply and distribution system of the township shall be operated on the basis of an operating or fiscal year commencing April 1, and ending March 31.  
(Ord. 2000-02, passed 7-5-2000)

#### **§ 50.007 PROPERTY SPLITS; UNBUILDABLE LOTS.**

When a parcel of property is split, or a new parcel is created, a new water assessment is mandatory, and shall be provided to the owner of the property, who shall be responsible for the prompt payment thereof.  
(Ord. 2000-02, passed 7-5-2000)



**§ 50.008 ILLEGAL HOOK-UPS; BYPASSED WATER.**

(A) It shall be the duty of the township or its designated representative to cause inspections to be made of all properties served by the public water supply where it is deemed an illegal hook-up or bypassed water has taken place, or may be likely.

(B) (1) The representative of the township or its designated representative shall have the right to enter at any reasonable time any property served by a connection to the public water supply system of the township for the purpose of inspecting the piping system or systems thereof for illegal hook-ups or bypass.

(2) On request, the owner, lessees, or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on the property. The refusal of the information or refusal of access, when requested, shall be deemed evidence of the presence of an illegal hook-up or bypass.

(C) All testable backflow prevention devices shall be tested initially upon installation to be sure that the device is working properly. Subsequent testing of devices shall be conducted at a time interval specified by the Water Board or its designated representative and in accordance with Michigan Department of Environmental Quality requirements. Only individuals approved by the Water Board or its designated representative shall be qualified to perform the testing. The individual(s) shall certify the result of his or her testing.

(D) Any person or customer found guilty of violating any of the provisions of this written order of the Water Board, in pursuance thereof, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than \$25 nor more than \$100 for each violation. Each day upon which a violation of the provisions of this section shall occur shall be deemed a separate and additional violation for the purpose of this chapter.

(Ord. 2000-02, passed 7-5-2000)

**§ 50.009 MANDATORY HOOK-UPS.**

(A) Each and every owner of property on which is located a structure and in which water lines have been provided, shall cause such a structure to be connected to the available public water system, as set forth in this chapter, as the Huron County Health Department shall not issue any further permits for the installation or digging of wells in the water districts, if located within two hundred (200) feet of the property line.

(B) Where any home/structure wherein water lines are available to said structure or home, and is not connected to the system within thirty (30) days after the date of mailing of violation notice and otherwise serving notice to connect by the township to the property owner, the township may bring the

appropriate action in a court of competent jurisdiction in the county to compel the owner of the property on which the property is located, to connect to the aforementioned water system. The township may charge in the action or actions any number of owners of the properties to compel the person or persons to connect to the system.

(C) Any owner of property in Caseville Township where the water supply is available that acquires that property after the effective date of this section shall be required to connect to the water supply (unless the property was already connected and using the water supply at the time of the sale, transfer or conveyance) within thirty (30) days after the acquisition of the property. Such owner shall pay the appropriate tap-in charges as set forth in § 50.100. In the event the owner of the property fails to connect within thirty (30) days after acquisition of said property, the owner shall be in violation of § 50.009. (Ord. passed 2-20-2001; Am. Ord. passed 3-3-2003; Am. Ord. passed 4-1-2003) Penalty, see § 50.999

#### **§ 50.010 TAMPERING WITH WATER SYSTEM.**

(A) No person other than an authorized employee or agent of the township shall be authorized to perform any maintenance on or otherwise alter or affect in any way any parts of the water system or any usage of the water system.

(B) Any costs to repair any part of the system damaged by a homeowner will be at the property owners expense. (Ord. 2003-1, passed 11-3-2003) Penalty, see § 50.999

### ***FINANCE***

#### **§ 50.025 REVENUES; FUNDS.**

(A) *Water supply.* The revenues of the water supply and distribution system are hereby ordered to be set aside, as collected, and deposited in a bank duly qualified to do business in the State, in an account to be designated the Water Supply System Receiving Fund.

(B) *Operation and maintenance.* The revenues so deposited are pledged for the purposes of the following funds and shall be transferred from the Receiving Fund periodically in the manner and at the times hereinafter specified: Operation and Maintenance Fund. The Fund shall be maintained pursuant to the interlocal agreement as set forth in § 50.005.

(C) *Bond and Interest Redemption Fund.* There shall next be established and maintained a separate depository account known as the Bond and Interest Redemption Fund, which shall be used solely for the purpose of paying the principal of and interest on the bonds hereby authorized. Such Bond and Interest Redemption Fund shall be maintained as a separate depository account in the bank or trust company where the bonds are made payable.

(1) Out of the revenues remaining in the Receiving Fund, after provision has been made for expenses of operation and maintenance of the system, there shall next be set aside, quarterly, in the Bond and Interest Redemption Fund, a sum sufficient to provide for the payment of the principal of and interest upon all outstanding bonds payable from the revenues of the system, as and when the same become due and payable. The amount so set aside for each quarter, commencing July 1, 2000, shall be not less than one-half (1/2) of the total amount of interest next maturing on the bonds herein authorized. The amount set aside for principal each quarter commencing July 1, 2000, shall be not less than one-quarter (1/4) of the amount of principal of the bonds next maturing.

(2) There is hereby established in the Bond and Interest Redemption Fund a separate account, to be known as the Reserve Account, into which there shall be paid quarterly all of the revenues of the system after provision has been made for the Operation and Maintenance Fund and the Bond and Interest Redemption Fund, until such time as there has been accumulated in such Reserve Account the sum of \$5,000, which amount shall be accumulated not later than the close of the fiscal year commencing March 31, 2001. When such Reserve Account has been established in full, no further payments need to be transferred to such account, except as hereinafter required to restore any subsequent deficiency therein. The Reserve Account shall be used solely for the payment of the principal and interest on such bonds as to which there would otherwise be default.

(3) If, at any time, it is necessary to use moneys in the Reserve Account for such payment, then the moneys so used shall be replaced from the net revenues first received thereafter which are not required by this chapter to be used for operation and maintenance or for current principal and interest requirements. However, such Reserve Account shall not be regarded as moneys otherwise appropriated or pledged for the purpose of determining the sufficiency of funds available for the redemption of callable bonds.

(4) No further payment need be made into the Bond and Interest Redemption Fund after enough of the bonds have been retired so that the amount then held in such Fund (including the Reserve Account) is equal to the entire amount of principal and interest which shall be payable at the time of maturity of all the bonds then remaining outstanding.

(D) *Improvement Fund.* Any revenues remaining in the Receiving Fund at the end of any operating year, after satisfying the requirements set forth in divisions (A) and (B) hereof, shall be deemed to be surplus and may, in the discretion of the Township Board, be either transferred to the Bond and Interest Redemption Fund for the purpose of calling bonds or transferred into a fund designated the Improvement Fund and use for improvements, enlargements and extensions to the system. If any deficit exists in any of the specific funds of the system by reason of failure to set aside therein the amounts hereinbefore required, the surplus funds shall first be used to restore the Funds to the required amounts in the order of priority herein named.

(Ord. 2000-02, passed 7-5-2000)

**§50.026 TRANSFER OF FUNDS.**

If moneys in the Water Supply System Receiving Fund are insufficient to provide for the current requirements of the Operation and Maintenance Fund or the Bond and Interest Redemption Fund, any moneys or securities in other funds of the water supply and distribution system shall be transferred first to the Operation and Maintenance Fund and second to the Bond and Interest Redemption Fund to the extent of any deficit therein.

(Ord. 2000-02, passed 7-5-2000)

**§ 50.027 INVESTMENTS.**

Moneys in the Bond and Interest Redemption Fund over and above those being accumulated for the payment of principal and interest next maturing, and moneys in any other fund, except the Water Supply System Receiving Fund and the Operation and Maintenance Fund, may be invested in obligations of the United States. If the investments are made, the securities representing the same shall be kept on deposit with the bank or trust company having on deposit the fund or funds from which the purchase was made. Income received from the investments shall be credited to the fund from which the investments were made.

(Ord. 2000-02, passed 7-5-2000)

**§ 50.028 SALE OF BONDS.**

Bonds shall be sold and the proceeds therefrom applied in accordance with the Public Act 94 of 1933, being M.C.L.A. §§ 141.101 et seq. as amended.

(Ord. 2000-02, passed 7-5-2000)

**§ 50.029 DISPOSITION OF UNEXPENDED BALANCES.**

Any bank authorized to do business in the state is hereby designated as an eligible depository of the proceeds of the sale of bonds sold pursuant to the bond authorizing resolution. Out of the proceeds of such sale there shall first be deposited into the Bond and Interest Redemption Fund the amount of interest which will accrue on the bonds for the period for which interest was capitalized, and the balance shall be used solely to pay the cost of the water supply and distribution system herein described and any engineering, legal or other expenses incident thereto and shall be paid out on authorization of Township Board. However, payments for construction, either on account or in full thereof, shall not be authorized unless there has been filed with Township Board a statement, in writing, signed by the registered engineer in charge of such work, to the effect that the work has been completed in accordance with the plans and specifications, that it was done pursuant to and in accordance with the contract therefor and that such work is entirely satisfactory. Any unexpended balance of the proceeds of the sale remaining after completion of the extensions and improvements herein authorized may, in the discretion of Board,

be added to the extent of 15% of the amount of the issue, and be used for further improvements, enlargements and extensions of the system, provided that, at the time of the expenditure, the use is approved by the Finance Commission. Any remaining balance after the expenditures shall be paid into the Bond and Interest Redemption Fund and shall be used either for the redemption of callable bonds or for the purchase, at not more than the fair market value, of outstanding noncallable bonds.

(Ord. 2000-02, passed 7-5-2000)

### **§ 50.030 OBLIGATIONS OF TOWNSHIP REGARDING BONDS.**

The township covenants and agrees with the successive holders of the bonds and coupons that so long as any of the bonds remain outstanding and unpaid as to either principal or interest:

(A) The township will maintain the water supply and distribution system in good repair and working order, will operate the same efficiently and will faithfully and punctually perform all duties with reference to the system required by the Constitution and laws of the state, including the making and collecting of sufficient rates for water and service and the segregation and application of the revenues of the system in the manner provided in this chapter.

(B) The township will fix and collect rates and charges for all water service supplied by the system sufficient to provide for payment of the expenses of administration, operation and maintenance of the system, to provide for the payment of interest on and principal of all obligations payable therefrom, including the bonds herein authorized, as and when the same become due and payable, to create the Reserve Account herein required and to create the reserve for replacements. The rates shall be fixed and revised from time to time as may be necessary to produce these amounts.

(C) Township Board will maintain and keep proper books of record and accounts, separate from all other records and accounts, in which shall be made full and correct entries of all transactions relating to the system. Not later than 3 months after the close of each operating year, the Board will cause to be prepared, on forms furnished by the Municipal Finance Commission, if the forms are available, a statement in reasonable detail, sworn to by its chief accounting officer, showing the cash income and disbursements of the system during the operating year, the assets and liabilities of the system at the beginning and close of the fiscal year and such other information as is necessary to enable any taxpayer of the township, any user of the service furnished, or any holder or owner of the bonds, or anyone acting in his or her behalf, to be fully informed as to all matters pertaining to the financial operation of the system during such year. A certified copy of the statement shall be filed with the Commission and such statement and books of record and accounts shall, at all reasonable times, be open to inspection by any taxpayer of the township, user of the service or holder of any bonds, of anyone acting in his or her behalf. The Township Board of Trustees will also cause an annual audit of the books of record and accounts for the preceding operating year to be made by a recognized independent certified public accountant and will make the audit available to the holders of the bonds. The audit shall be completed and made available after the close of each operating year.

(D) The township will maintain and carry, for the benefit of the holders of the bonds, insurance on all physical properties of the system, of the kind and in the amount normally carried by public utility companies and municipalities engaged in the operation of water systems. All moneys received for losses under such insurance policies shall be applied solely to the replacement and restoration of the property damaged or destroyed, and to the extent not so used, shall be used for the purpose of calling bonds.

(E) The township will not sell, lease or dispose of the system or any substantial part thereof until all of the bonds have been paid in full, both as to principal and interest. Further, the township will cause the operation of the system to be carried on as economically as possible, will cause to be made to the system all repairs and replacements necessary to keep the same in good repair and working order, and will not do or suffer to be done any act which would affect the system in such a way as to impair or affect unfavorably the security of the bonds.

(Ord. 2000-02, passed 7-5-2000)

#### **§ 50.031 ISSUANCE OF ADDITIONAL BONDS.**

(A) The right is reserved in accordance with the Public Act 94 of 1933, being M.C.L.A. §§141.101 *et seq.* as amended, to issue additional bonds payable from the revenues of the water supply and distribution system, which additional bonds shall be of equal standing with the bonds herein authorized for the full completion of the system herein authorized in accordance with plans and specifications therefor.

(B) The right is further reserved, after completion of the project herein authorized, to issue additional bonds for extensions and improvements to the system, payable from the revenues of the system, which additional bonds shall be of equal standing with the bonds herein authorized. However, no such additional bonds shall be issued unless the average net revenues for the last 2 preceding operating years shall be equal to at least 150% of the average annual requirements for principal and interest thereafter maturing on the bonds herein authorized, on any then prior issued bonds of equal standing with those herein authorized and on such additional bonds then being issued. Permission of the Municipal Finance Commission (or the Commission as shall have jurisdiction over the issuance of Municipal bonds) to issue such additional bonds shall constitute a conclusive presumption of the existence of conditions permitting the issuance thereof.

(Ord. 2000-02, passed 7-5-2000)

#### **§ 50.032 DISPOSITION OF ACCRUED INTEREST.**

Any accrued interest received from the sale of bonds shall be deposited in the Bond and Interest Redemption Fund and applied toward the payment of interest next maturing after the delivery of such bonds.

(Ord. 2000-02, passed 7-5-2000)

**§ 50.033 FORM OF BONDS.**

Bonds provided for in this chapter shall be in substantially the form provided by state law. (Ord. 2000-02, passed 7-5-2000)

*METERS*

**§ 50.045 METERS; GENERALLY.**

(A) All business, commercial and industrial establishments that are connected to the township water supply and distribution system shall have water meters connected and installed immediately.

(B) All other premises connected to the water system shall have water meters connected and installed when such meters are obtained by the system.

(C) The township may discontinue water service to any premises or person who or which refuses to permit the connection and installation of water meters or fails to pay connection charges therefor. (Ord. 2000-02, passed 7-5-2000)

**§ 50.046 INSTALLATION OF SECOND METERS.**

The policy regarding the installation of second meters (non-sewer use) shall be as follows :

(A) All meters installed for non-sewer use (outdoor use) are to be installed after the master or main meter.

(B) Second meters not installed pursuant to division (A) of this section will not receive credit on the water bill.

(C) Second meters may be retained in the event of future need.  
(Ord. 2000-02, passed 7-5-2000)

**WATER EMERGENCY REGULATIONS****§ 50.060 WATER EMERGENCY REGULATIONS; GENERALLY.**

The township may regulate the use of water consumption within said jurisdiction during critical water consumption periods and provide penalties for the violation thereof. During critical high water consumption periods, the usage of water and the water storage capacity of the township has been depleted beyond the point of insuring an adequate supply of water essential to the health, welfare, and safety of the communities being serviced by the township and therefore, to ensure the availability of water for such essential purposes, it is necessary that certain nonessential uses of water be restricted.

(Ord. 2000-02, passed 7-5-2000)

**§ 50.061 DETERMINATION OF A WATER EMERGENCY.**

When the Township Board and/or the Water Plant Supervisor shall determine that the consumption of water by the township has or is about to equal or exceed the total supply available to the township, they, he or she shall declare that a critical water consumption period under this chapter exists.

(Ord. 2000-02, passed 7-5-2000)

**§ 50.062 DECLARATION OF A WATER EMERGENCY.**

At such time as the Township Board and/or the Water Plant Supervisor shall determine that water consumption within the township has or is about to equal or exceed the supply available to the township, he or she shall declare that a water emergency exists.

(Ord. 2000-02, passed 7-5-2000)

**§ 50.063 USES PROHIBITED DURING A WATER EMERGENCY.**

When the Township Board and/or the Water Plant Supervisor shall have declared that a water emergency exists as provided in § 50.062, the use and withdrawal of water by any person from the township water distribution system for any of the following purposes is hereby prohibited:

(A) *State I emergency.* Applies to odd-numbered addresses on odd-numbered days and even-numbered addresses on even-numbered days.

(1) *Watering of yards.* The sprinkling, watering or irrigation of shrubbery, trees, lawns, grass, ground cover, plants, vines, gardens, vegetables, flowers or any other vegetation not grown for resale by a business.



(2) *Cleaning outdoor surfaces.* The washing of sidewalks, driveways, filling station aprons (except for emergency wash down), porches, houses and other outdoor services.

(3) *Swimming pools.* The filling of swimming and wading pools or similar devices.

(4) *Escape through defective plumbing.* The escape of water through defective plumbing which shall mean the knowing permission for defective plumbing to remain out of repair.

(5) *Washing vehicles.* The washing of any type of vehicle except by a business where the principal service is washing of vehicles.

(B) *State II emergency.* Applies to all addresses on all days of the week.  
(Ord. 2000-02, passed 7-5-2000) Penalty, see § 50.999

**§ 50.064 NOTICE OF A WATER EMERGENCY.**

(A) When the Township Board and/or the Water Plant Supervisor shall have declared that a water emergency exists as provided in § 50.062, notice thereof shall be given by releasing the same to a newspaper of general daily circulation in the county, to all radio and television stations maintaining offices or studios within the area, and stations broadcasting into the area.

(B) Such notice shall advise of the time of commencement of such emergency and that the same will continue until notice of termination thereof is given by the Township Board and/or the Water Plant Supervisor through the same media, or by the use of a sound truck traveling throughout the area serviced by the township.  
(Ord. 2000-02, passed 7-5-2000)

**§ 50.065 TERMINATION OF A WATER EMERGENCY.**

When the Township Board and/or the Water Plant Supervisor determines that the conditions which caused the declaration of the emergency under § 50.062 no longer exists, they, he or she shall so declare and give notice of the determination as provided in § 50.064.  
(Ord. 2000-02, passed 7-5-2000)

***CROSS CONNECTIONS REGULATIONS*****§ 50.080 ADOPTION OF STATE PROVISIONS.**

The township adopts by reference the Water Supply Cross Connection Rules of the Michigan Department of Environmental Quality, being R 325.11401 to R 325.11407 of the Michigan Administrative Code.

(Ord. 2000-02, passed 7-5-2000) Penalty, see § 50.999

**§50.081 DUTY TO INSPECT.**

It shall be the duty of the township or its designated representative to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the Water Board and as approved by the Michigan Department of Environmental Quality.

(Ord. 2000-02, passed 7-5-2000) Penalty, see § 50.999

**§50.082 RIGHT TO ENTER PROPERTY.**

The representative of the township or its designated representative shall have the right to enter at any reasonable time any property served by a connection to the public water supply system of the township for the purpose of inspecting the piping system or systems thereof for cross connections. On request, the owner, lessees, or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on the property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connection.

(Ord. 2000-02, passed 7-5-2000) Penalty, see § 50.999

**§ 50.083 DISCONTINUANCE OF SERVICE.**

(A) The Water Board is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this chapter exists and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system.

(B) Water service to such property shall not be restored until the cross connection(s) has been brought into compliance with the provisions of this chapter.

(Ord. 2000-02, passed 7-5-2000) Penalty, see § 50.999

**§ 50.084 TESTING OF DEVICES.**

All testable backflow prevention devices shall be tested initially upon installation to be sure that the device is working properly. Subsequent testing of devices shall be conducted at a time interval specified by the Water Board or its designated representative and in accordance with Michigan Department of Environmental Quality requirements. Only individuals approved by the Water Board or its designated representative shall be qualified to perform the testing. Said individual(s) shall certify the result of his or her testing. (Ord. 2000-02, passed 7-5-2000) Penalty, see § 50.999

**§ 50.085 PROTECTION FROM CONTAMINATION.**

The potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by this chapter and by the state plumbing code. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as: WATER UNSAFE FOR DRINKING. (Ord. 2000-02, passed 7-5-2000) Penalty, see § 50.999

***RATES AND CHARGES*****§ 50.100 TAP-IN CHARGES.**

(A) The charge for the privilege of connection to the water supply and distribution system of the township shall be \$1,200, or for time and materials if the fee of \$1,200 is exceeded, for all properties in the system. Once the initial tap charge deadline for a district has expired, charges will be based on an escalating scale (Appendix B). Connection charges are deemed to be necessary to recover prior incurred capital costs associated with the acquisition and providing of sufficient water supply capacity to serve the future needs of the community.

(B) Citizens/customers of the water system shall be allowed to finance their tap in fees and the financing shall be allowed to occur from June 15, 2012 through and until September 15, 2012. A down payment of \$2,000 shall be paid by the resident/customer to defray the cost of the Department of Public Works connection cost. The balance of \$3,600 may be financed by the resident/customer over a period of ten years at an interest rate of 5 % which shall be collectible on the tax role of the resident/customer.

(C) New connections within the water district after September 15, 2012 may take advantage of the financing program within five years of the adoption of this amendment. The required down payment would increase to \$2,500 the financed balance of \$3,100 to end in 2022 and be charged an interest rate of 5 % collectible on the tax roll. Financed charges may be paid off at any time during the ten (10) years without penalty

(D) Any resident/customer who wished to use the financing program for the tap in fees shall enter into a signed agreement setting forth their responsibilities for payment of the debt. Further, if the resident/customer fails to abide by the terms and conditions of making the payments as set forth in the agreement, the township shall take all appropriate actions for collection as set forth in § 50.999.

(Ord. 2000-02, passed 7-5-2000; Am. Ord. - -, passed 5-7-2012)

#### **§50.101 STUB CHARGES.**

There is hereby established a stub installation charge of \$800 to defray the cost of extending water service from the water main to the property line for a standard 3/4-inch service installation. For installations larger than 3/4-inch, the charge shall be as set in Appendix C (stub charges).

(Ord. 2000-02, passed 7-5-2000)

#### **§ 50.102 COMMENCEMENT OF WATER CHARGES.**

Water charges shall begin at the time the occupancy use permit is issued or one hundred eighty (180) days after the tap-in permit is issued, whichever first occurs.

(Ord. 2000-02, passed 7-5-2000)

#### **§ 50.103 DETERMINATION OF RATES.**

(A) Rates and charges for the use of the water supply system of the township are established to apply to residential and nonresidential or commercial users of the system.

(B) Water rates shall be as set forth in Appendix A following the text of this chapter.

(Ord. 2000-02, passed 7-5-2000)

#### **§ 50.104 RATE AMENDMENTS.**

Township Board shall from time to time amend the rates herein established by resolution. However, no rate amendment shall become effective until it is published in full in a conspicuous form at least two (2) columns wide in a newspaper of general circulation in the township.

(Ord. 2000-02, passed 7-5-2000)

#### **§ 50.105 DETERMINATION OF SUFFICIENCY OF RATES.**

(A) The rates hereby fixed are estimated to be sufficient to provide for the payment of expenses of administration, operation and maintenance of the water supply and distribution system as are necessary to preserve the same in good repair and working order and to provide for such other expenditures and funds for

such system as may be required by the bond authorizing ordinance as the township may adopt from time to time.

(B) The rates herein established shall be filed and revised from time to time as it may be necessary to produce the necessary amounts.  
(Ord. 2000-02, passed 7-5-2000)

**§ 50.106 FREE SERVICE PROHIBITED.**

No free service shall be furnished by the water supply and distribution system to any person, public or private, or to any public agency or instrumentality.  
(Ord. 2000-02, passed 7-5-2000)

**§ 50.107 BASIS OF CHARGES; FIRE PROTECTION CHARGE; PAYMENT.**

(A) All water charges shall be based on water used according to a meter, and all rates shall be determined from time to time by the Township Board and shall be posted at the office of the Township Clerk.

(B) The charges for water and services which are under the Public Act 94 of 1933, § 21 being M.C.L.A. § 141.121 as amended, are hereby made a lien on all premises served thereby, unless notice is given that a tenant is responsible. Whenever any such charge against any piece of property is delinquent for six (6) months, the township officials in charge of the collection thereof shall certify to the Township Assessor the fact of the delinquency, whereupon the charge shall be entered upon the next tax roll as a charge against the premises and shall be collected, and the lien thereof enforced in the same manner as general township taxes against the premises are collected. However, where notice is given that a tenant is responsible for the charges, no further service shall be rendered any piece of property until a cash deposit of not less than the applicable quarterly base water rate has been made as security for payment of the charges and services.

(C) In addition to other remedies provided, the township may shut off and discontinue the supply of water to any premises for the nonpayment of water rates when due.  
(Ord. 2000-02, passed 7-5-2000)

**§50.108 SECURITY FOR COLLECTION; LIENS.**

(A) The township shall have as a security for the collection of water rates, or any assessments, charges or rentals due or to become due for the use of consumption of water supplied to any house, building, premises, lot or parcel of land, a lien upon the house, building, premises, lot or parcel upon which the house or other building shall be situated or to which the water was supplied.

(B) The lien shall become effective immediately upon the distribution of the water to the premises or property supplied, but shall not be enforceable for more than three (3) years thereafter.

(C) The lien created herein shall be enforced by the general laws of the state providing for the enforcement of tax liens.

(D) The lien hereinbefore created shall have priority over all other liens, except taxes or special assessments, whether or not other liens accrued or were recorded prior to the accrual of the water lien therein created. However, this section shall not apply in any instance where a lease has been legally executed containing a provision that the lessor shall not be liable for the payment of water bills as to any bills accruing subsequent to the filing of the affidavit hereinafter provided for. Further, an affidavit with respect to the execution of such a lease containing the expiration thereof shall be filed with the Township Clerk, and twenty (20)-days' notice shall be given by the lessor of any cancellation, change in or termination of the lease. (Ord. 2000-02, passed 7-5-2000)

#### **§ 50.109 NONPAYMENT; REMEDIES.**

(A) The township may discontinue water service from the premises against which the lien provided for in § 50.108 has accrued whenever any person fails to pay the rates, assessments, charges or rentals herein referred to, or may institute a suit for the collection of the same in any court of competent jurisdiction, but no attempt to collect the water rates, assessments, charges or rentals by any process shall in any way invalidate or waive the lien upon the premises.

(B) The procedure for the discontinuance of water service is hereby established as follows:

(1) Quarterly bills shall be issued on January 1, April 1, July 1, and October 1, each allowing twenty-five (25) days for payment.

(2) On the twenty-sixth (26th) day following the issuance of a quarterly bill, notice shall be sent to the owner of the property by first class mail, giving said owner thirty (30) days in which to pay the delinquent charges, including interest and penalty.

(3) On the seventy-first (71st) day following the issuance of a quarterly bill, a shut-off notice shall be sent to the owner of the property by certified mail, return receipt requested, giving said owner fifteen (15) days in which to pay the delinquent charges, including interest and penalty. The notice shall state the date that water is scheduled to be shut off for nonpayment. The notice shall also be tagged at the front entrance of the premises thereby advising the owner of the impending discontinuance of water service. The shut-off notice service fee will be \$50.

(4) Shut-off of the delinquent water service account shall occur on the eighty-sixth (86th) day following the issuance of a quarterly bill. (Ord. 2000-02, passed 7-5-2000)

**§ 50.110 DEPOSIT FOR RECONNECTION.**

When an application for water service is made by a lessee or land owner whose water service was discontinued by the township because such lessee or landowner failed to pay for previous water service, the following procedure shall apply:

- (A) Payment of any delinquent amounts shall be made in full prior to reconnection.
- (B) A deposit, based on one (1) full quarter of service, shall be required prior to reconnection.
- (C) The turn-on fee for reconnection within thirty (30) days of shut-off shall be as follows:
  - (1) There will be no charge for reconnection within thirty (30) days of shut-off.
  - (2) The charge for reconnection after thirty (30) days of shut-off shall be \$300.

(D) Deposits made as a result of a disconnection for nonpayment shall be returned to the lessee or landowner after four (4) continuous quarterly payments are made without being delinquent.

(E) No interest shall be earned on disconnection deposits returned to the lessee or landowner. (Ord. 2000-02, passed 7-5-2000; Am. Ord. passed - -)

**§ 50.111 CHARGE FOR DELINQUENT PAYMENTS; DELINQUENT PAYMENT DEADLINE.**

(A) There is hereby established a penalty charge of 1 1/2% per month on all outstanding charges, excluding penalties, for water users. The penalty charge shall be calculated on the twenty-sixth (26th) day of each month. The penalty charge shall be effective on all charges beginning July 1, 2000. Rate amendments shall be published in full in a conspicuous form in a newspaper of general circulation in the township, as set forth in § 50.104.

(B) Delinquent payments, with interest and penalty, shall be paid to the township office by 12:00 noon of the day of the actual shut-off to avoid discontinuance of water service.  
(Ord. 2000-02, passed 7-5-2000)

**§ 50.112 AFTER HOURS, WEEKEND, AND HOLIDAY RATES FOR TURNING WATER ON OR OFF.**

Effective July 1, 2000, the charges for water turn on/turn off performed after hours, on weekends and on holidays shall be as follows: A fee of \$75 will be charged for each water turn on/turn off. If scheduled in groups of four (4), the charge for this service is \$35. Water turned on or off on weekends or holidays will be charged at the current DPW wage rate.

(Ord. 2000-02, passed 7-5-2000)

**§ 50.113 CHARGE TO THAW WATER SERVICE LINES.**

(A) It is the responsibility of the township to respond to requests to thaw water service lines in the right-of-way.

(B) Calls to thaw water service lines in the right of way, where the homeowner is negligent, shall be billed at an hourly rate sufficient to cover the manpower and equipment needed to thaw such water service lines.

(Ord. 2000-02, passed 7-5-2000)

**§ 50.114 LOSS OF WATER CAUSED BY FAILURE TO TURN OFF SERVICE.**

(A) It is to be understood that the pipeline from the house to the curb stop is the property of the homeowner.

(B) Any leaks occurring from between the curb stop and the house meter is the responsibility of the homeowner, who may be billed for the estimated water loss.

(Ord. - passed 7-6-2009)

**§ 50.999 PENALTY.**

(A) A person violating any of the provisions of § 50.009 shall be found guilty of a civil infraction and conviction thereof, shall be punished by a fine of not less than \$25, nor more than \$100 for each violation. Each day that a violation of this section is continued or is permitted to continue to exist shall constitute a separate offense. Further, the property owner shall be responsible for actual costs incurred by the township for the bringing of the action.

(B) A person violating § 50.010 shall be found guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$25 nor more than \$100 for each violation. Each day of violation of the section shall constitute a separate offense. Further, any person violating this provision shall be responsible for actual costs incurred by the township for bringing the action.

(C) (1) Any person who shall knowingly, during any such water emergency, use or withdraw water from the township water distribution system for any of the purposes prohibited in § 50.063, State I Emergency, shall be guilty of a misdemeanor and shall be subject to a fine not to exceed \$500 for each violation under this chapter.

(2) Any person who shall knowingly, during any such water emergency, use or withdraw water from the township water distribution system for any of the purposes prohibited in § 50.063, Stage II Emergency, shall be guilty of a misdemeanor and shall be subject to a fine not to exceed \$1,000 for each violation under this section.



(3) Each day's violation of any provision of this chapter shall constitute a separate violation. In addition, if the person refuses to discontinue the violation, he or she shall be subject to the installation of a water restriction plate for the duration of the water emergency for which he or she shall pay an additional \$500 installation/removal fee.

(4) Legal proceedings to enjoin the violation of any provision of this chapter maybe brought in any court of competent jurisdiction in the name of the township. Such action shall be taken only as authorized by the Township Board.

(D) That any person or customer found guilty of violating any of the provisions of §§ 50.080 et seq. or any written order of the Water Board, in pursuance thereof, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than \$25 nor more than \$100 for each violation. Each day upon which a violation of the provisions of this act shall occur shall be deemed a separate and additional violation for the purpose of this chapter.  
(Ord. 2000-02, passed 7-5-2000)



***APPENDIX A  
WATER RATES***

Rates for the use of water supplied by the water supply and distribution system of the township, as referred to in §§ 50.103

**Base Rate**

\$85 - quarterly (\$70 debt charge, \$15 administrative fee).

Water is billed at \$5.50 per 1,000 gallons used. If no water is used, the customer is charged a base rate of \$85.

(Ord. 2000-02, passed 7-5-2000)



***APPENDIX B  
ESCALATING TAP CHARGES FOR A DISTRICT  
INCREASE OF \$150 PER QUARTER FOR 5 YEARS***

Escalating connection charge to begin 6 months after bonds sold. Connection charge will begin at \$1,200 and escalate at a charge of \$150 per quarter, until a maximum of \$4,800 is reached.

The January preceding the year the property was assessed the connection fee increases to \$2,400 and escalates at a charge of \$150.00 per quarter, until a maximum of \$4,800 is reached.

(Ord. 2000-02, passed 7-5-2000; Am. Ord. passed 5-7-2001)



***APPENDIX C***  
***STUB FEES SCHEDULE***

All tap connections that are to be added beyond township water drawing or up-grade above 3/4 inches. The size of new tap services charges are as follows:

Stub Fees Schedule

<b><i>Tap size</i></b>	<b><i>Meter</i></b>	<b><i>Fee</i></b>
3/4-inch	3/4-inch	\$800
1 -inch	3/4-inch or 1-inch	\$1,000
1-1/2-inch	1/2-inch	\$2,000
2-inch	2-inch	\$3,000
Any tap over 2 inches	Cost to be determined by the Water Board	

(Ord. 2000-02, passed 7-5-2000)





## CHAPTER 51: GARBAGE COLLECTION AND DISPOSAL

### Section

- 51.01 Intent; rules and regulations
  - 51.02 Definitions
  - 51.03 Manner of collection; rules and regulations
  - 51.04 Receptacles
  - 51.05 Collection from industrial and commercial premises
  - 51.06 Unlawful deposits; burning
  - 51.07 Responsibility of owners for collection
  - 51.08 Rates and charges
  - 51.09 Contracts for collection
  - 51.10 Effective date
  - 51.11 Garbage collection and disposal
- 
- 51.99 Penalty

### § 51.01 INTENT; RULES AND REGULATIONS.

It is in the intent of the Township Board that this chapter be liberally construed for the purpose of providing a sanitary and satisfactory method of collecting and disposing of township wastes. The Sanitation Officer may make such rules and regulations as from time to time appear to him or her to be necessary to carry out this intent, provided that the rules and regulations do not conflict with this chapter.  
(Old. 2001-01, passed 3-22-2001)

### § 51.02 DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**GARBAGE.** The putrescible and vegetables wastes resulting from the handling, preparation, cooking, and consumption of food.

***INHABITED RESIDENTIAL DWELLING.*** Any single housing unit, situated on a single or combined parcel of land, designated to house one (1) family consisting of one (1) or more persons only, without any provisions for leased or rented rooms. Any room or combination of rooms in which one (1) or more persons are residing in any multiple dwelling intended to serve more than one (1) family. Each unit thereof shall constitute an inhabited residential dwelling, and each unit shall be assessed as such. Apartments shall be considered separate units, except in those cases where sleeping rooms are rented. It is the intent of this section to assess all structures (used as multiple dwellings on a unit basis), except those structures which are serviced by a commercial contractor which complies with § 51.05. The Sanitation Officer may determine the number of units at any given address, and anyone considering himself or herself aggrieved may, within twenty (20) days following receipt of the first billing, protest his or her ruling to the Township Board which may make a further determination, if necessary.

***RUBBISH.*** The miscellaneous waste material resulting from housekeeping, including ashes, cartons, tin cans, metal, small packing boxes and waste papers, but excluding discarded materials from building construction, trees, brush, and automobile bodies or component parts of any substantial weight or size.

***SANITATION OFFICER.*** The Superintendent of the Sanitation Division or other duly appointed representative of the Township Board.

(Ord. 2001-01, passed 3-22-2001; Am. Ord. - -, passed 9-4-2007)

### **§ 51.03 MANNER OF COLLECTION/RULES AND REGULATIONS.**

Garbage and rubbish shall be collected by township-approved contractors or township personnel at such times and pursuant to such rules and regulations as established by the Sanitation Officer. The rules and regulations shall be published in a newspaper of general circulation in the township at least once before such rules and regulations become effective and as often as the Sanitation Officer deems necessary.

(Ord. 2001-01, passed 3-22-2001)

### **§ 51.04 RECEPTACLES.**

(A) The owner, occupant or lessor, or any agent thereof, of every premises where garbage and rubbish accumulate, shall cause to be provided for the premises sufficient and proper receptacles as herein prescribed. Receptacles that are broken, without handles, or which otherwise fail to comply with this section, may be classified as rubbish and, after due notice to the user, may be collected as rubbish.

(B) Receptacles for garbage shall be kept on the premises in the rear thereof within an approved distance of the rear entrance to the dwelling or premises. Containers shall be placed at the curb on pick-up days, in a location readily accessible to the collectors. Where approved liners are used, it will only be necessary to place the liner and contents securely bound at the top at the curb.

(C) Garbage receptacles shall be substantial approved condition, free of holes, with proper handles and a tight-fitting cove and shall have a capacity of not less than ten (10) gallons nor more than twenty (20) gallons. No single receptacle shall weigh more than fifty (50) pounds when full. Garbage receptacles shall be adequate in size and number to hold one (1) week's accumulation. All garbage receptacles shall be maintained in a sanitary condition.

(D) Rubbish receptacles shall be metal or composition, with handles, in good condition and shall weigh not more than fifty (50) pounds when full. Rubbish containers other than metal or composition, with handles, in good condition, as herein specified, may be collected as rubbish without notice, except that garbage receptacles may be used as rubbish containers.

(E) Accumulations of rubbish larger than can be contained in a receptacle shall be securely tied in compact bundles not to exceed fifty (50) pounds in weight or longer than three (3) feet in length and placed in a location designated by the Sanitation Officer.

(F) Empty containers shall not be left at the curb more than twenty-four (24) hours.

(G) Ashes will be removed only when placed in rubbish containers as herein specified and shall not contain live coals.

(H) No person shall disturb the contents of any garbage or rubbish receptacle or bundle or leave the receptacles or contents in a condition other than this section provides.

(I) Road right-of-way areas on Michigan State, Huron County, Caseville Township and private roads must be maintained in a safe manner. No receptacle-, including wire cages and similar types of structures, are allowed to be fixed to the ground, tree, post or any other permanent fixture. Everything in the right-of-way must be portable.

(J) Wire cages at curb side shall not be used for daily accumulation of garbage. Garbage, in approved bags, may be placed in the wire cages the night before the scheduled pickup or on the last day of occupancy. Cages at curbside must be constructed of a frame and wire screen. Cages must be kept clean and free of any materials.

(Ord. 2001-01, passed 3-22-2001; Am. Ord. passed - -; Am. Ord. - -, passed 1-5-2009; Am. Ord. - passed 10-5-2009; Am. Ord. - -, passed 10-4-2010)

**§ 51.05 COLLECTION FROM INDUSTRIAL AND COMMERCIAL PREMISES.**

The township shall designate approved contractors or may provide township personnel for the collection of industrial and commercial garbage and rubbish. Any fees or charges for such service to industrial and commercial establishments by a contractor shall be subject to the review of the Township Board.

(Ord. 2001-01, passed 3-22-2001)

**§ 51.06 UNLAWFUL DEPOSITS; BURNING.**

(A) No person shall bury or burn any garbage, or deposit garbage and rubbish upon any public way or upon any property owned by another or in any body of water in the township. No person shall deposit or place any garbage upon any premises owned or occupied by him or her unless the garbage is enclosed in a suitable container as herein required. No person shall deposit garbage for contractor pickup on any vacant lot. No person shall import garbage and rubbish from any other location for contractor pickup.

(B) No waste material or rubbish, except leaves on such days as shall be designated by the Sanitation Officer, shall be burned in the township contrary to the health or fire regulations, or in any manner so as to cause offensive smoke, objectionable odors or a fire hazard. In those cases where burning is carried on, not in conflict with these provisions, it shall be done within an incinerator of a design and construction approved by the Sanitation Officer. In no case will the burning of garbage be permitted in the township without the approval of the Township Board, or its designated personnel, except in duly installed double chamber incinerators located in buildings.

(Ord. 2001-01, passed 3-22-2001; Am. Ord. - -, passed 10-5-2009; Am. Ord. - -, passed 10-4-2010)

**§ 51.07 RESPONSIBILITY OF OWNERS FOR COLLECTION.**

Every owner, occupant or lessor, or any agent thereof, of any building where garbage and rubbish accumulates shall arrange with the Sanitation Officer for garbage and rubbish collection.

(Ord. 2001-01, passed 3-22-2001)

**§ 51.08 RATES AND CHARGES.**

(A) The rates for garbage and rubbish collection shall be established by resolution of the Township Board and amended at such times as deemed necessary by the Township Board to defray the cost of collection.

(B) Statements shall be billed annually on May 1 by the contractor.

(C) The charges for garbage and rubbish services are hereby made a lien upon the premises served thereby. Whenever any such charge against any premises shall be delinquent as of October 1, the Township Treasurer shall certify such delinquency to the Township Assessor. The charges may be entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced in the same manner as special assessments against the premises.

(D) There is hereby established a penalty of twenty dollars (\$20) for any premises that is delinquent in the payment of the annual service fee for garbage, rubbish and recycling removal that is entered upon the tax roll for collection. This fee shall be added to the delinquent portion for collection on the tax roll. (Ord. 2001-01, passed 3-22-2001; Am. Ord. - -, passed 11-3-2008)

**§ 51.09 CONTRACTS FOR COLLECTION.**

In the interest of providing the services contemplated in this section, the Township Board may enter into contracts with one (1) or more contractors to provide the services required by this section. No person shall undertake to dispose of garbage or rubbish for others, without authority of the Township Board and without there being in existence a contract between the township and the person for such purpose.  
(Ord. 2001-01, passed 3-22-2001)

**§ 51.10 EFFECTIVE DATE.**

This chapter shall become effective thirty (30) days after its adoption and publication in a newspaper of general circulation in the Township of Caseville, Huron County, Michigan.  
(Ord. 2001-01, passed 3-22-2001)

**§ 51.11 GARBAGE COLLECTION AND DISPOSAL.**

(A) No person shall be allowed to go through or pick through a homeowner’s garbage, which is placed out for collection, between the hours of 11:00 p.m. and 7:00 a.m.

(B) No person shall be allowed to go through any closed containers or bags placed out for collection at any time of the day or evening.

(C) Only garbage and rubbish generated by the residence shall be placed at the curb for collection. No garbage or rubbish from any other residence or commercial enterprise shall be included in any residential collection.  
(Ord. 2008-1, passed 1-7-2008; Am. Ord. passed 4-7-2008; Am. Ord. - -, passed 9-8-2009)

**§ 51.999 PENALTY.**

(A) *Township civil infraction.* Whoever violates or fails to comply with any of the provisions of this section is responsible for a township civil infraction and shall be subject to payment of a civil fine of not less than fifty dollars (\$50), reimbursement to the township for charges assessed for the expense of the abatement, plus actual costs and other sanctions incurred by the township including but not limited to actual attorney fees, for each infraction. Repeat offenses under this section shall be subject to increased fines as provided below.

(B) *Increased civil fines.* Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of this section. As used in this section, REPEAT OFFENSE means a second (or any subsequent) township civil infraction violation of the same requirement or provision committed by a person within any eighteen (18) month period and for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense shall be as follows:

(1) The fine for any offense which is a first repeat offense shall be no less than two hundred fifty dollars (\$250), plus reimbursement to the township for charges assessed for the expense of the abatement, plus actual costs incurred by the township, including but not limited to actual attorney fees, and other sanctions for each infraction.

(2) The fine for any offense which is a second repeat offense and any subsequent repeat offense shall be no less than five hundred dollars (\$500), plus reimbursement to the township for charges assessed for the expense of the abatement, plus actual costs incurred by the township, including but not limited to actual attorney fees, and other sanctions for each infraction.  
(Ord. 2001-01, passed 3-22-2001)

**TITLE VII: TRAFFIC CODE**

Chapter

**70. GENERAL PROVISIONS**





## CHAPTER 70: GENERAL PROVISIONS

### Section

#### *General Regulations*

- 70.01 Title
- 70.02 Adoption of Uniform Traffic Code by reference
- 70.03 Adoption of provisions of Michigan Vehicle Code by reference
- 70.04 Adoption of other state laws by reference
- 70.05 Adoption of the Huron County ORV by reference
- 70.06 Effective date

#### *Parking*

- 70.15 Definition
- 70.16 Regulations
  
- 70.99 Penalty

### **GENERAL REGULATIONS**

#### **§70.01 TITLE.**

This chapter and the provisions of the Uniform Traffic Code and state laws adopted by reference herein shall be collectively known and may be cited as the Caseville Township Traffic Code Ordinance. (Ord. 2005-01, passed 6-6-2005)

#### **§ 70.02 ADOPTION OF UNIFORM TRAFFIC CODE BY REFERENCE.**

The Uniform Traffic Code for cities, townships, and villages as promulgated by the Director of the Michigan Department of State Police pursuant to the Administrative Procedures Act of 1969, Public Act 306 of 1969, being M.C.L.A. §§ 24.201 et seq. as amended and made effective October 30, 2002 is hereby adopted by reference. All references in the Uniform Traffic Code to a governmental unit shall mean the township. (Ord. 2005-01, passed 6-6-2005)

**§ 70.03 ADOPTION OF PROVISIONS OF MICHIGAN VEHICLE CODE BY REFERENCE.**

The following provisions of the Michigan Vehicle Code, Public Act 300 of 1949, being M.C.L. A. §§ 257.1 et seq., as amended are hereby adopted by reference:

(A) Chapter I (Words and Phrases Defined): M.C.L.A. §§ 257.1 through 257.82.

(B) Chapter II (Administration, Registration): M.C.L.A. §§ 257.223, 257.225, 257.228, 257.243, 257.244, 257.255, 257.256.

(C) Chapter III (Operator's and Chauffeur's License): M.C.L.A. §§ 257.310e, 257.311, 257.312, 257.312a, 257.324, 257.325, 257.326, 257.328.

(D) Chapter VI (Obedience to and Effect of Traffic Laws): M.C.L.A. §§ 257.601, 257.601b, 257.602-257.606, 257.611-257.616, 257.617a-257.622, 257.624a-257.624b, 257.625 (except felony provisions), 257.625a, 257.625m, 257.626-257.626b, 257.627-257.627b, 257.629b, 257.631-257.632, 257.634-257.645, 257.647-257.655, 257.656-257.662, 257.667-257.675d, 257.676-257.682b, 257.683-257.710e, 257.716-257.724.

(E) Chapter VIII (License Offenses): M.C.L.A. §§ 257.904-257.904a, 257.904e, 257.905.  
(Ord. 2005-01, passed 6-6-2005)

**§ 70.04 ADOPTION OF OTHER STATE LAWS BY REFERENCE.**

The following provisions of state law are hereby adopted by reference:

(A) Public Act 218 of the Michigan Insurance Code of 1956, being M.C.L.A. § 500.3102, as amended, pertaining to required insurance.

(B) Public Act 58 Section 703 of the Michigan Liquor Control Act of 1998, being M.C.L.A. § 436.1703, as amended, pertaining to minors and alcoholic liquor.  
(Ord. 2005-01, passed 6-6-2005)

**§ 70.05 ADOPTION OF THE HURON COUNTY ORV BY REFERENCE.**

An ordinance for the purpose of authorizing and regulating the operation of Off-Road Vehicles (ORVs) is hereby adopted by reference.  
(Ord. - passed 5-7-2012)

**§ 70.06 EFFECTIVE DATE.**

This chapter shall take effect thirty (30) days after publication as required by law. (Ord. 2005-01, passed 6-6-2005)

***PARKING***

**§ 70.15 DEFINITION.**

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

***PARKING.*** Allowing a vehicle to remain standing.  
(Ord. 2007-13, passed 9-4-2007)

**§ 70.16 REGULATIONS.**

(A) No automobile, truck or other vehicle shall be parked or allowed to stand on the portion of a street or highway between the curb or gutter and the sidewalk nor any sidewalk or parkway except temporarily and during the process of loading or unloading.

(B) No automobile, truck or other vehicle shall be allowed to park or allowed to stand on any bike paths in the township for any reason whatsoever. Further, no automobile, truck or other vehicle shall be allowed to drive on a bike path within the township.  
(Ord. 2007-13, passed 9-4-2007) Penalty, see § 70.99

**§70.99 PENALTY.**

(A) The penalties provided by the Uniform Traffic Code and the provisions of the state laws hereinabove adopted by reference are hereby adopted as the penalties for violations of the corresponding provisions of this chapter.

(B) Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of § 70.16 shall be guilty of a civil infraction and shall be fined an amount not to exceed \$100 plus cost of prosecution.  
(Ord. 2005-01, passed 6-6-2005; Am. Ord. 2007-13, passed 9-4-2007)



## **TITLE IX: GENERAL REGULATIONS**

### Chapter

- 90. CEMETERIES**
- 91. FIRE PREVENTION AND PROTECTION**
- 92. NUISANCES**
- 93. STREETS AND SIDEWALKS**
- 94. PARKS AND RECREATION**
- 95. ANIMALS**
- 96. PORTABLE TOILETS**



## CHAPTER 90: CEMETERIES

### Section

- 90.01 Title
- 90.02 Definitions
- 90.03 Sale of lots or spaces; transfer of burial rights
- 90.04 Purchase price and transfer fees
- 90.05 Grave opening charges
- 90.06 Markers or memorials
- 90.07 Interment regulations
- 90.08 Ground maintenance
- 90.09 Forfeiture of vacant cemetery lots or burial spaces
- 90.10 Repurchase of lots or burial spaces
- 90.11 Records
- 90.12 Vault
- 90.13 Cemetery hours
- 90.14 Effective date
  
- 90.99 Penalty

### **§90.01 TITLE.**

This chapter shall be known and cited as the Caseville Township Cemetery Ordinance. (Ord. 88-3, passed 11-11-1988)

### **§90.02 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BURIAL SPACE.** A land area four (4) feet wide and eight (8) feet in length. In the case of burial of the remains of a person who has been cremated, it shall be permitted that two (2) burials be made in one (1) burial space, provided the remains of the person are contained in an urn approved by a licensed funeral director.

## Caseville Township – General Regulations

**CEMETERY LOT.** Burial spaces sufficient to accommodate from one (1) to eight (8) burial spaces. (Ord. 88-3, passed 11-11-1988; Am. Ord. 91-1, passed 2-4-1991)

### **§ 90.03 SALE OF LOTS OR SPACES; TRANSFER OF BURIAL RIGHTS.**

(A) Hereafter, cemetery lots or burial spaces shall be sold only to residents or taxpayers of the township for the purpose of the burial of the purchaser or his or her heirs at law or next of kin. No sale shall be made to funeral directors or others than as heretofore set forth. The Township Clerk, however, is hereby granted the authority to vary the aforesaid restriction on sales where the purchaser discloses sufficient personal reason for burial within the township through previous residence in the township or relationship to persons interred therein.

(B) Burial rights may only be transferred to those persons eligible to be original purchasers of cemetery lots or burial spaces within the township and may be effected only by endorsement of an assignment of the burial permit upon the original burial permit form issued by the Township Clerk, approved by the Clerk, and entered upon the official records of the Clerk. Upon the assignment, approval and record, the Clerk shall issue a new burial permit to the assignee and shall cancel and terminate upon the records, the original permit thus assigned.

(Ord. 88-3, passed 11-11-1988) Penalty, see § 90,99

### **§ 90.04 PURCHASE PRICE AND TRANSFER FEES.**

(A) Each burial space shall cost the sum of \$425.

(B) Perpetual care for each burial space shall be \$25.

(C) The foregoing charges shall be paid to the Township Treasurer and shall be deposited in the cemetery fund for the particular cemetery involved in the sale or transfer.

(D) The Township Board by resolution may periodically alter the foregoing fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

(Ord. 88-3, passed 11-11-1988; Am. Ord. 92-8, passed 6- -1992; Am. Ord. - -, passed 3-5-2012)

### **§90.05 GRAVE OPENING CHARGES.**

(A) The opening and closing of any burial space, prior to and following a burial therein, and including the interment of ashes, shall be at a cost to be determined from time to time by resolution of the Township Board, payable to the township.



(B) No burial spaces shall be opened and closed except under the direction and control of the cemetery sexton. This provision shall not apply to proceedings for the removal and reinterment of bodies and remains, which matters are under the supervision of the local health department.

(C) Opening and closing fees shall be \$375 per grave site from April 1 to November 30, and \$400 from December 1 to March 31.

(D) Opening and closing cremation fees shall be \$100 each site.  
(Ord. 88-3, passed 11-11-1988; Am. Ord. 92-8, passed 6- -1992; Am. Res. 2005-13, passed 6-6-2005, Ord. 2013-06 adopted October 7, 2013)

**§ 90.06 MARKERS OR MEMORIALS.**

(A) All markers or memorials must be of stone or other quality durable composition.

(B) Any large upright monuments must be located upon a suitable foundation to maintain the same in an erect position.

(C) Only 1 monument, marker or memorial shall be permitted per burial space.

(D) The footing or foundation upon which any monument, marker or memorial must be placed shall be constructed by the township at cost to the owner of the burial right.  
(Ord. 88-3, passed 11-11-1988) Penalty, see § 90.99

**§ 90.07 INTERMENT REGULATIONS.**

(A) Only 1 person may be buried in a burial space, except a mother and her infant may be buried at the same time.

(B) Not less than 36-hours notice shall be given in advance of any time of any funeral to allow for the opening of the burial space.

(C) The appropriate permit for the burial space involved, together with appropriate identification of the person to be buried therein, where necessary, shall be presented to either the cemetery sexton or the Township Clerk prior to interment. Where such permit has been lost or destroyed, the Township Clerk shall be satisfied, from his or her records, that the person to be buried in the burial space is an authorized and appropriate one before any interment is commenced or completed.

(D) All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.  
(Ord. 88-3, passed 11-11-1988) Penalty, see § 90.99

**§ 90.08 GROUND MAINTENANCE.**

(A) No grading, leveling, or excavating upon a burial space shall be allowed without the permission of the cemetery sexton or the Township Clerk.

(B) No flowers, shrubs, trees or vegetation of any type shall be planted without the approval of the cemetery sexton or the Township Clerk. Any of the foregoing items planted without such approval may be removed by the township or the cemetery sexton.

(C) The Township Board reserves the right to remove or trim any tree, plant or shrub located within the cemetery in the interest of maintaining proper appearance and the use of the cemetery.

(D) Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited.

(E) The cemetery sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays, monuments, curbing, other ornamental grave decorations or containers therefor that through decay, deterioration, damage or otherwise become unsightly, a source of litter or a maintenance problem.

(F) Surfaces other than earth or sod are prohibited.

(G) All refuse of any kind or nature including, among others, dried flowers, wreaths, papers, and flower containers must be removed or deposited in containers located within the cemetery.

(H) The placement of above ground vaults or mausoleums shall be prohibited.  
(Ord. 88-3, passed 11-11-1988; Am. Res. 2005-14, passed 6-6-2005) Penalty, see § 90.99

**§ 90.09 FORFEITURE OF VACANT CEMETERY LOTS OR BURIAL SPACES.**

Cemetery lots or burial spaces sold after the effective date of this chapter and remaining vacant 40 years from the date of their sale shall automatically revert to the township upon occurrence of the following events:

(A) Notice shall be sent by the Township Clerk by first class mail to the last known address of the last owner of record, informing him or her of the expiration of the 40-year period, and that all rights with respect to the lots or spaces will be forfeited if he or she does not affirmatively indicate in writing to the Township Clerk within 60 days from the date of mailing of the within notice his or her desire to retain the burial rights.

(B) No written response to a notice indicating a desire to retain the cemetery lots or burial spaces in question is received by the Township Clerk from the last owner of record of the lots or spaces or his or her heirs or legal representative within 60 days from the date of mailing of the notice.  
(Ord. 88-3, passed 11-11-1988)

**§ 90.10 REPURCHASE OF LOTS OR BURIAL SPACES.**

In the event an owner wishes to sell their lot or burial spaces, the township shall have the first option to repurchase any cemetery lot or burial space from the owner for the original price paid the township upon written request of the owner or his or her legal heirs or representatives. The original price shall include the cost of perpetual care.

(Ord. 88-3, passed 11-11-1988)

**§90.11 RECORDS.**

The Township Clerk shall maintain records concerning all burials, issuance of burial permits, and any perpetual care fund, separate and apart from any other records of the township and the same shall be open to public inspection at all reasonable business hours.

(Ord. 88-3, passed 11-11-1988)

**§90.12 VAULT.**

All burials shall be within a standard concrete vault installed or constructed in each burial space before interment.

(Ord. 88-3, passed 11-11-1988) Penalty, see § 90.99

**§90.13 CEMETERY HOURS.**

(A) The cemetery shall be open to the general public from the hours of 8:00 a.m. to 8:00 p.m. each day.

(B) No person shall be permitted in the township cemeteries at any time other than the foregoing hours, except upon permission of the Township Board or the sexton of the cemetery.

(Ord. 88-3, passed 11-11-1988) Penalty, see § 90.99

**§90.14 EFFECTIVE DATE.**

This chapter shall take effect on November 11, 1988. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

(Ord. 88-3, passed 11-11-1988)

**§ 90.99 PENALTY.**

Any person, firm or corporation who violates any of the provisions of this chapter shall be guilty of a misdemeanor and shall be subject to a fine of up to \$100 and/or imprisonment for up to 90 days in jail as may be determined by a court of competent jurisdiction. Each day that a violation continues to exist shall constitute a separate offense. Any criminal prosecutions hereunder shall not prevent civil proceedings for abatement and termination of the activity complained of.

(Ord. 88-3, passed 11-11-1988)

## CHAPTER 91: FIRE PREVENTION AND PROTECTION

### Section

#### *Burning*

- 91.01 Title
- 91.02 Purpose and intent
- 91.03 General prohibitions
- 91.04 Provisions for contained burning
- 91.05 Provisions for open-on-the-ground burning
- 91.06 Provisions for all clearing lots and/or agricultural open-on-the-ground burning
- 91.07 Fire pits, campfires, and patio fireplaces
- 91.08 Recreational bonfires
- 91.09 [Reserved]
- 91.10 Permits
- 91.11 Foul odors
- 91.12 Effective date

#### *Fire Protection Service Charges*

- 91.25 Purpose
  - 91.26 Definitions
  - 91.27 Presumption of liability
  - 91.28 Hazardous or toxic substance/materials liability
  - 91.29 Cost recovery process
  - 91.30 Civil liability
  - 91.31 Charges
  - 91.32 Time for payment for run
  - 91.33 Exemptions
  - 91.34 Non-exclusive charge
  - 91.35 Multiple property protection
- 91.99 Penalty

***BURNING*****§91.01 TITLE.**

This subchapter shall be known and cited as the Caseville Township Burning Ordinance.  
(Ord. 2005-01, passed 2-7-2005)

**§ 91.02 PURPOSE AND INTENT.**

The purpose of this subchapter is to protect the people and property within the township against health, safety, environmental and fire hazards caused by the burning near roads, streets, places, buildings and structures, both public and private. To promote the health, safety and general welfare of the community by regulating methods of burning of materials. To encourage alternative methods of disposing of natural and biodegradable materials.

(Ord. 2005-01, passed 2-7-2005)

**§91.03 GENERAL PROHIBITIONS.**

All outdoor burning of any material shall be prohibited, except as provided for in this subchapter. (Ord. 2005-01, passed 2-7-2005) Penalty, see § 91.99

**§ 91.04 PROVISIONS FOR CONTAINED BURNING.**

All outdoor contained burning not requiring a permit shall be:

- (A) Conducted within a fireproof masonry or metal burner containing an approved spark arrester that has no larger than a three-quarter (3/4)-inch spacing;
- (B) Only consisting of dry leaves and brush;
- (C) Started only after sunrise;
- (D) Extinguished and emitting no smoke after 9:00 p.m.;
- (E) At least fifteen (15) feet from the edge of any road, unless burning is a permitted ditch-burn under close supervision and the road, if asphalt, is not damaged;
- (F) At least ten (10) feet from any structure, including but not limited to fencing, woodpiles, sheds, out buildings and utility poles;

- (G) At least one thousand (1,000) feet from any school and after 4:00 p.m. while school is in session;
- (H) At least five (5) feet from any public or private property lines;
- (I) Prohibited within a twenty-four (24)-hour period preceding and during the Trick-or-Treat hours established by the Township Board;
- (J) Prohibited if determined by the Fire Chief that conditions are such that burning would be hazardous to health, safety, and general welfare of persons or property in the community; and
- (K) Ash or waste from any fire shall not be deposited in the storm gutters adjoining or within the public streets and highways within the township.  
(Ord. 2005-01, passed 2-7-2005; Am. Ord. - passed 9-4-2007) Penalty, see § 91.99

**§ 91.05 PROVISIONS FOR OPEN-ON-THE-GROUND BURNING.**

All open burning defined as outdoor burning-on-the-ground shall be:

- (A) Approved only with a permit;
- (B) Attended by a competent person at all times;
- (C) In small, manageable piles;
- (D) Only consisting of dry leaves and brush from the subject property. Materials shall not be imported from other locations; (Ord. 2013-04 adopted August 5, 2013.)
- (E) Allowed all year as the Township Board shall designate by resolution, except for clearing for new building construction and agricultural purposes;
- (F) Started only after sunrise;
- (G) Extinguished and emitting no smoke after 9:00 p.m.;
- (H) At least fifteen (15) feet from the edge of any road, unless burning is a permitted ditch-burn under close supervision, and the road, if asphalt, is not damaged;
- (I) At least fifteen (15) feet from any structure including but not limited to fencing, woodpiles, sheds, out buildings and utility poles;
- (J) At least one thousand (1,000) feet from any school and after 4:00 p.m. while school is in session;

(K) At least five (5) feet from any public or private property lines;

(L) Prohibited within a twenty-four (24)-hour period preceding and during the Trick-or-Treat hours established by the Township Board;

(M) Prohibited if determined by the Fire Chief that conditions are such that burning would be hazardous to health, safety, and general welfare of persons or property in the community; and

(N) Ash or waste from any fire shall not be deposited in the storm gutters adjoining or within the public streets and highways within the township.

(Ord. 2005-01, passed 2-7-2005; Am. Ord. - passed 9-4-2007) Penalty, see § 91.99

### **§ 91.06 PROVISIONS FOR ALL CLEARING LOTS AND/OR AGRICULTURAL OPEN-ON-THE-GROUND BURNING.**

All open burning defined as outdoor burning-on-the-ground for the purpose of clearing of lots and/or for agricultural use shall be:

(A) Approved only with a permit;

(B) Attended by a competent person at all times;

(C) In manageable piles;

(D) Allowed year round;

(E) Only consisting of dry leaves, brush and clean, untreated lumber from the subject property. Materials shall not be imported from other locations; (Ord. 2013-04 adopted August 5, 2013)

(F) Started only after sunrise;

(G) Extinguished and emitting no smoke after 9:00 p.m.;

(H) At least fifteen (15) feet from the edge of any road, unless burning is a permitted ditch-burn under close supervision and the road, if asphalt, is not damaged;

(I) At least fifteen (15) feet from any structure, including but not limited to fencing, woodpiles, sheds, out buildings and utility poles;

(J) At least one thousand (1,000) feet from any school and after 4:00 p.m. while school is in session;

(K) At least five (5) feet from any public or private property lines;



(L) Prohibited within a twenty-four (24)-hour period preceding and during the Trick-or-Treat hours established by the Township Board;

(M) Prohibited if determined by the Fire Chief that conditions are such that burning would be hazardous to health, safety, and general welfare of persons or property in the community; and

(N) Ash or waste from any fire shall not be deposited in the storm gutters adjoining or within the public streets and highways within the township.  
(Ord. 2005-01, passed 2-7-2005; Am. Ord. - passed 9-4-2007) Penalty, see § 91.99

**§ 91.07 FIREPITS, CAMPFIRES AND PATIO FIREPLACES.**

All fires pits, patio fireplaces and campfires, not requiring a permit, shall be:

(A) Be no smaller than eighteen (18) inches in diameter and no more than forty-eight (48) inches in diameter;

(B) Consist of an eight (8)-inch minimum depression in the ground ringed with stone, brick, concrete or concrete blocks, or steel truck rims with the tires removed;

(C) Have a minimum area of thirty-six (36) inches cleared of all burnable materials outside of the fire ring;

(D) Use only seasoned firewood and not extend outside the fire pit or campfire;

(E) Be supervised at all times and extinguished upon completion of the event or activity;

(F) Be reviewed and approved before construction by the Fire Department, if permanent; and

(G) Allowed year round.  
(Ord. 2005-01, passed 2-7-2005) Penalty, see § 91.99

**§91.08 RECREATIONAL BONFIRES.**

All recreational bonfires shall be:

(A) Attended by a competent person at all times;

(B) Allowed year round;

(C) In manageable piles;

(D) Only consisting of dry leaves, brush and clean, untreated lumber;

(E) Started only after sunrise;

(F) Extinguished and emitting no smoke after event completion;

(G) At least fifteen (15) feet from the edge of any road, unless burning is a permitted ditch-burn under close supervision and the road, if asphalt, is not damaged;

(H) At least fifteen (15) feet from any structure, including but not limited to fencing, woodpiles, sheds, out buildings and utility poles;

(I) At least five (5) feet from any public or private property lines;

(J) Prohibited if determined by the Fire Chief that conditions are such that burning would be hazardous to health, safety and general welfare of persons or property in the community; and/or

(K) Ash or waste from any fire shall not be deposited in the storm gutters adjoining or within the public streets and highways within the township.

(Ord. 2005-01, passed 2-7-2005; Am. Ord. - passed 9-4-2007) Penalty, see § 91.99

#### **§ 91.09 RESERVED.**

#### **§ 91.10 PERMITS.**

All required permits issued by the Fire Department shall be:

(A) For a maximum of one (1) day per fire by calling: (989) 856-9198;

(B) Retained by the Fire Department for a period of no less than six (6) months;

(C) Contain name, address and phone number of person requesting permit, location of fire and material burned; and

(D) Reason for the fire and such other information as the Township Board may from time to time require.

(Ord. 2005-01, passed 2-7-2005) Penalty, see § 91.99

#### **§91.11 FOUL ODORS.**

No person shall burn garbage, animal carcasses, refuse, trash, rubbish, or a like material giving off foul odors at any time. This section applies to all the above types of burning and fires.

(Ord. 2005-01, passed 2-7-2005) Penalty, see § 91.99

**§ 91.12 EFFECTIVE DATE.**

This subchapter shall take effect 30 days after publication following its adoption. (Ord. 2005-01, passed 2-7-2005)

***FIRE PROTECTION SERVICE CHARGES*****§ 91.25 PURPOSE.**

The purpose of this subchapter is to enable the Caseville Area Fire Protection Association (hereinafter referred to as “C. A.F.P. A. ”) to require reimbursement from those individuals and property owners who are not within the district who receive direct benefits from Fire Department services as provided by C. A.F.P. A. and to the extent permitted by law, from those persons responsible for leaking, spilling, or escape of dangerous materials, those found responsible by legal process for the provisions of services and shall require to make restitution, or requesting that special services of the agency be provided. The further purpose of this subchapter is to provide for funding of the Fire Department operation which remains, in part, an at-large governmental expense based upon the general benefits derived by all property owners within the township from the existence of a C. A.F.P. A. Fire Department and its availability to extinguish fires within the constituents service area. (Ord. 98-01, passed 5-4-1998; Am. Ord. - passed 11-21-2008)

**§ 91.26 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***DANGEROUS OR HAZARDOUS SUBSTANCE OR MATERIAL.*** Any material or substance that has been identified by local, state or federal laws or regulations to be limited to such substances as chemical, gases, explosives, radioactive materials, petroleum products or gases, poisons, etiologic/biologic agents, flammable or corrosive agents, or substances which are obnoxious by reason of odor, which are spilled, leaked, or otherwise released from their container. Specifically, hazardous chemicals are defined by the United States Department of Natural Resources as well as hazardous materials as defined by the comprehensive environmental response “Superfund”, as amended by the “Superfund” Amendments and Reauthorization Act of 1986 (SARA), 42 USC 9601. ***A DANGEROUS OR HAZARDOUS SUBSTANCE OR MATERIAL*** is considered released from its container, when in the determination of the C.A.F.P.A. or the authorized representative of the C.A.F.P.A., it poses as direct danger or threat to the public health, safety, and welfare. Unrecycled waste oil is a hazardous substance that may cause health and environmental problems.

***EMERGENCY RESPONSE.*** The provision, utilization of fire fighting, emergency medical, and rescue services by the C.A.F.P.A. Fire Department, or by a private corporation operating at the request of or direction of the C.A.F.P.A. Fire Department to an incident. This definition shall also include the provision, utilization of C.A.F.P.A. firefighting, emergency medical, rescue services, including resuscitator and emergency extrication service to the scene of a fire, accident, or hazardous material release, arson, or other emergency situation.

***EXPENSE OF EMERGENCY RESPONSE,*** The costs associated with the occurrence of an emergency response as set forth above. The expenses of making an emergency response, as set forth above, shall include the costs associated with the abatement and mitigation provision and analysis of chemical tests, if applicable. These costs shall be set by the township's resolution.

(Ord. - passed 11-21-2008)

### **§ 91.27 PRESUMPTION OF LIABILITY.**

(A) The owner or lessor or operator of a fixed facility to which there is an emergency response by the C.A.F.P.A. shall be presumed liable for the costs of the emergency response.

(B) Any person or vehicle owner/lessee who owned and operated a motor vehicle or other transporter, the operation of which results in an emergency response shall be responsible and liable for the expenses of the emergency response.

(C) Any individual or corporation who is the subject of an emergency response by C.A.F.P.A. shall be presumed liable for the costs of the emergency response.

(D) The expense of an emergency response shall be a charge against the person liable for the expense as set forth by this subchapter. The charge shall constitute a debt of that person and is collectible by the C.A.F.P.A. for incurring those costs in the same manner as in the case of an obligation under a contract, express or implied.

(E) The C.A.F.P.A. shall, by resolution, adopt a schedule of costs included within the expense of an emergency response. This schedule shall be available to the public from C.A.F.P.A. or the Township Clerk.  
(Ord. - passed 11-21-2008)

### **§ 91.28 HAZARDOUS OR TOXIC SUBSTANCE/MATERIALS LIABILITY.**

(A) It shall be the duty of any person or any other entity which causes or controls leakage, spillage, or any other dissemination of dangerous or hazardous substance or materials to immediately remove and clean up the area of the spillage in a manner that the area involved is fully restored to its condition before such occurrence. The C.A.F.P.A. shall make all required notifications to provide that cleaning is

in compliance with appropriate local, state and federal guidelines, regulations and laws. The cost of the notification and cleanup shall be included in the total cost assessed to the party responsible for the incident.

(B) Any person or entity who fails to comply with this subchapter by failing to clean, without delay, a hazardous substance release, shall be liable to and pay C.A.F.P.A. for its costs incurred by C. A.F.P. A. or of any party which it may engage for the complete abatement, mitigation, clean-up, and restoration of the affected area.

(Ord. - -, passed 11-21-2008)

**§91.29 COST RECOVERY PROCESS.**

(A) The C.A.F.P.A. shall be entitled to recover any and all costs and damages incurred in conjunction with emergency incidents involving the release or threatened release of hazardous/toxic materials or the creation of hazardous conditions concerning dangerous or hazardous materials/ substances. The costs and damages shall include, but are not limited to those associated with incident abatement, clean-up, utility costs, and/or mitigation including any related third party costs which are necessary to ensure the safety of the C. A.F.P. A. and its populace and buildings.

(B) The costs and damages shall be the responsibility of the individual to whom emergency response was provided or, in the event the emergency response was provided or, in the event the emergency response involves motor vehicles or property, shall be jointly and several responsibility of the owner(s) or operator(s) insurance carrier, of the property, equipment, vehicle, or container causing or contributing in any emergency incident or hazardous condition of an extended duration.

(Ord. - -, passed 11-21-2008)

**§91.30 CIVIL LIABILITY.**

(A) This subchapter shall not be construed to create responsibility and liability of a civil nature on the part of the individual to whom emergency response has been provided or, in the event the emergency response involves a motor vehicle or property responsibility and liability of a civil nature, on the part of the operator and/or owner, as well as the appropriate no-fault insurance carrier.

(B) The C.A.F.P.A. finance department or its designee shall, within thirty (30) days of receiving itemized costs incurred for emergency response, submit a statement of charges for same by first class mail or personal service to the person liable for these expenses as enumerated under this subchapter. The statement shall require payment within thirty (30) days.

(C) The C. A. F. P; A. may proceed by suit in a court of appropriate jurisdiction to collect any monies remaining unpaid to the expiration of thirty (30) days from billing and shall have any and all remedies provided by law provided for the collection of the charges.

(D) In addition, if any person or entity fails to reimburse the C. A.F.P.A. as provided and the person or entity is the owner of the affected property, the C.A.F.P.A. shall have the right and power to add any and all costs of emergency response to the tax roll as to any property, and to levy and collect costs in the same manner as provided for the levy and the collection of real property taxes against the property. This remedy is in addition to any other remedy available to C.A.F.P.A. as allowed by law.

(Ord. - passed 11-21-2008)

### **§91.31 CHARGES.**

The following charges shall hereafter be due and payable to the C.A.F.P.A. from a recipient of the following enumerated services from the C.A.F.P.A. Fire Department.

(A) Rubbish fires: five hundred dollars (\$500) per response plus actual expenses incurred by the Fire Department.

(B) Illegal burns (fires in violation of any applicable federal, state, or local ordinance): five hundred dollars (\$500) per response plus actual expenses incurred by the Fire Department.

(C) Personal injury accident jaws used (non-constituents residents only): five hundred dollars (\$500) per vehicle, per response plus actual expenses incurred by the Fire Department. Payment of service charges under the category shall apply only to persons or entities receiving services from the Fire Department that do not reside in or own property in the Department's service area.

(D) Personal injury accident jaws not used man power: five hundred dollars (\$500) per vehicle, per response plus actual expenses incurred by the Fire Department. Payment of service charges under this category shall apply only to persons or entities receiving services from the Fire Department that do not reside in or own property in the Department's service area.

(E) Property damage accident: five hundred dollars (\$500) per vehicle, per response plus actual expenses incurred by the Fire Department. Payment of service charges under this category shall apply only to persons or entities receiving services from the Fire Department that do not reside in or own property in the Department's service area.

(F) Malicious false alarm:

(1) First and second offense: no charge (written warning given after each offense);

(2) Third offense: five hundred dollars (\$500) fine for offenses occurring within one (1) year.

(G) Faulty equipment false alarms:

(1) First and second offense: no charge (written warning given);

(2) Third offense: five hundred dollars (\$500) fine for offenses occurring within one (1) year.

(H) Public utility/private industry assistance: five hundred dollars (\$500) to respond plus actual expenses incurred by the Fire Department. Payment of service charges under the category shall apply only to persons or entities receiving services from the Fire Department that do not reside in or own property in the Department's service area.

(I) Hazardous condition calls (down power lines, gas leaks, chemical spills, hazardous materials containment and/or clean-up, and other services involving hazardous conditions): five hundred dollars (\$500) to respond plus actual expenses incurred by the Fire Department. Payment of service charges under the category shall apply only to persons or entities receiving services from the Fire Department that do not reside in or own property in the Department's service area.

(Ord. 98-01, passed 5-4-1998; Am. Ord. - passed 10-3-2006; Am. Ord. - -, passed 11-21-2008)

**§ 91.32 TIME FOR PAYMENT FOR RUN.**

All of the foregoing charges shall be due and payable within thirty (30) days from the date the service is rendered and in default of payment shall be collectible through proceedings in any court of competent jurisdiction as a matured debt as set forth in this subchapter.

(Ord. 98-01, passed 5-4-1998; Am. Ord. - -, passed 11-21-2008)

**§ 91.33 EXEMPTIONS.**

The following properties and services shall be exempt from the foregoing charges:

(A) Fire service involving governmental buildings, grounds, and/or property.

(B) Fire service performed outside the jurisdiction of the township and Lake Township under a mutual aid contract with an adjoining municipality or township.

(C) Fires caused by railroad trains which are the specific statutory responsibility of railroad companies.  
(Ord. 98-01, passed 5-4-1998; Am. Ord. - passed 11-21-2008)

**§ 91.34 NON-EXCLUSIVE CHARGE.**

The foregoing rates and charges shall not be exclusive of the charges that may be made by the C. A.F.P. A. for the costs and expenses of maintaining a fire department, but shall only be supplemental thereto. Charges may additionally be collected by the participating governmental units of the association through general taxation after a vote of the electorate approving the same or by a special assessment

established under applicable Michigan law. General fund appropriations by the participating governmental units may also be made to cover such additional costs and expenses.  
(Ord. 98-01, passed 5-4-1998; Am. Ord. - passed 11-21-2008)

### **§ 91.35 MULTIPLE PROPERTY PROTECTION.**

When a particular service rendered by the Fire Department directly benefits more than one (1) person or property, the owner of each property so benefited shall be liable for the payment of the full charge for such service hereinbefore outlined. The interpretation and application of this section is hereby delegated to the Fire Department Chief, subject only to appeal, within the time limits for payment, to the association board and shall be administered so that charges shall only be collected from the recipients of the service.  
(Ord. 98-01, passed 5-4-1998; Am. Ord. - passed 11-21-2008)

### **§ 91.99 PENALTY.**

(A) The violation of any provision of this chapter for which no specific penalty is set forth shall be subject to the provisions of § 10.99.

(B) (1) The enforcement of §§ 91.01 through 91.12 and regulations established by the Fire Chief shall be performed by such person or persons as the Township Board shall designate by resolution.

(2) Whenever a violation of §§ 91.01 through 91.12 occurs or is alleged to have occurred, any person may file a written complaint. The complaint, stating fully the causes and basis thereof, shall be filed with the aforesaid official. He or she shall record properly such complaint, immediately investigate, and take action thereon as provided by this chapter. A record of the disposition of complaints shall be filed. Any owner or agent, or any person or corporation who shall violate any of the provisions of §§ 91.01 through 91.12 or fail to comply therewith with any of the requirements thereof or shall erect, structurally alter, enlarge, rebuild or move any building or buildings or structure, or who shall put into use any lot or land in violation of any statement or plan submitted hereunder, or shall refuse reasonable opportunity to inspect any premises, shall be liable for a civil infraction as defined by Michigan law and subject to a civil fine of not more than \$500 and not less than \$100, plus costs which may include all direct or indirect expenses to which the township has put forth in connection with the violation, including actual attorneys fees. A violator of §§ 91.01 through 91.12 shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law.  
(Ord. passed 2-7-2005)



## CHAPTER 92: NUISANCES

Section

### *General Provisions*

92.1 Cutting of tall grasses, plants and weeds

### *Public Nuisances*

92.10 Purpose and intent  
92.11 Definitions  
92.12 Types of nuisances  
92.13 Forced abatement  
92.14 Enforcement

92.99 Penalty

#### *Cross-reference:*

See Chapter 151, Property Maintenance Code, for additional requirements.

### **GENERAL PROVISIONS**

#### **§ 92.01 CUTTING OF TALL GRASSES, PLANTS AND WEEDS.**

(A) Any weeds such as jimson, burdock, ragweed, thistle, cocklebur, or other weeds of a like kind, found growing in any improved lot or tract of land in the township are hereby declared to be a nuisance, and it shall be unlawful to permit any such weeds to grow or remain in any such place.

(B) It shall be unlawful for anyone to permit any weeds, grass or plants, other than trees, bushes, flowers or other ornamental or vegetable plants to grow to a height exceeding ten (10) inches anywhere in the township; and the plants, grasses or weeds exceeding the height are hereby declared to be a nuisance.

(C) It shall be the duty of the Township Board or its duly authorized agent to serve or cause to be served, a notice upon the owner or occupant of any premises on which weeds, plants or grasses are permitted to grow in violation of the provisions of this section and to demand the abatement of the nuisance within seven (7) days.

(D) If the person so served does not abate the nuisance within seven (7) days, the Township Board or its duly authorized agent may proceed to abate the nuisance, keeping an account of the expense of the abatement, and the expense shall be charged and paid by the owner or occupant.

(E) Charges for the abatement shall be a lien upon the premises. Whenever a bill for the charges remains unpaid for sixty (60) days after it has been rendered, the Township Board shall, by resolution, certify the charges against the property to which the bill is rendered, to the Township Assessor. It shall be the duty of the Township Assessor, upon certification by the Township Board, to assess the charges against the property, and the charges so assessed shall be due and payable with the next following statement for taxes to the township.

(Ord. 2003-5, passed - -) Penalty, see § 10.99

### ***PUBLIC NUISANCES***

#### **§ 92.10 PURPOSE AND INTENT.**

The purpose of this subchapter is to create a system to maintain and protect the health, safety and welfare of the citizens of the Township and to establish the means by which compliance shall be accomplished. (Ord. - -, passed 5-3-1999)

#### **§92.11 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context or meaning clearly indicates otherwise.

**ABATE.** To repair, replace, remove, destroy, correct or otherwise remedy the condition in question by such means and in such a manner and to such an extent as the Director's judgment determines is necessary in the interest of the general safety and welfare of the community.

**DIRECTOR.** The Township Supervisor, Zoning Administrator, or such other head of a department who has been authorized by ordinance of the Township Board to utilize the provisions of this subchapter and shall include any duly authorized representative of such DIRECTOR.

**NUISANCE.** The unlawful performance of an act or omission to perform a duty, which act or omission either annoys, injures or endangers the comfort, repose, health or safety of others, offends decency, or unlawfully interferes with, obstructs or tends to obstruct, or render dangerous for passage, any lake or navigable river, bay, stream, canal or basin, or any public park, square, street or highway; or in any way renders other persons insecure in life, or in the use of property.

**PERSON.** Any natural person, organization, corporation or partnership and their agents, representatives or assigns.

**PREMISES.** Any building, lot, parcel, real estate, land or portion thereof whether improved or unimproved, including adjacent sidewalks and parking strips.

**PUBLIC NUISANCE.** A nuisance that affects equally the rights of an entire community or neighborhood, although the extent of the damage may be unequal.  
(Ord. - passed 5-3-1999)

### § 92.12 TYPES OF NUISANCES.

(A) It shall be a PUBLIC NUISANCE within the township if any responsible person or persons shall maintain or allow to be maintained on real property over which he or she may have charge, control or occupy, except as may be permitted by any other ordinance, whether visible or not from any public street, alley or residence, any of the following conditions:

- (1) Every person who makes or keeps any fireworks or any explosive or combustible substance in the township or carries it through the streets thereof, in quantity, and every person who, by careless, negligent or unauthorized use or management of any such explosive or combustible substance, injures or causes injury to the person or property of another, commits a public nuisance.
- (2) No person shall permit or allow outside of any dwelling, building or other structure or within any unoccupied or abandoned building, dwelling or other structure under his or her control, in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or other container which has an airtight door or lid, snap lock or other automatic locking device which may not be released from the inside, without first removing said door or lid, snap lock or other locking device from said refrigerator, icebox or container.
- (3) No person shall abandon or discontinue use of or permit or maintain on his premise any abandoned or unused well, cistern or storage tank, without first demolishing or removing from the Township such storage tank, or securely closing and barring any entrance or trap door thereto, or filling any well or cistern, or capping the same with sufficient security to prevent access thereto by children.
- (4) No person shall, without lawful authority from the appropriate public entity, attach any advertising signs, posters, or any other similar object, to any public structure, sign or traffic control device.
- (5) No person shall attach to utility poles any of the following: advertising signs, posters, vending machines, or any similar object that presents a hazard to, or endangers the lives of, electrical workers. Any attachment to utility poles shall only be made with the permission of the utility company involved, and shall be placed not less than twelve (12) feet above the surface of the ground. Such violations constitute a public nuisance.

(6) Any and all junk, trash, litter, garbage, boxes, bottles, cans, leaves, brush, discarded lumber, salvaged materials, or other similar materials in any front yard, side yard, rear yard or vacant lot, except for such materials being used for an immediate construction project on said premises.

(7) Any attractive nuisances dangerous to children, including but not limited to, abandoned, broken or neglected buildings, equipment, machinery, refrigerators and freezers, excavations, shafts, or insufficiently supported walls or fences in any front yard, side yard, rear yard or vacant lot.

(8) Broken or discarded furniture, furnishings, appliances, household equipment and other similar items, in any front yard, side yard rear yard or vacant lot.

(9) Dead, decayed, diseased or hazardous trees or vegetation/grass clippings (except that used as compost for fertilizer), including that which by casual contact with the skin is dangerous to public health, safety and welfare located in any front yard, side yard, rear yard or vacant lot.

(10) Graffiti on the exterior of any building, fence, or other structure in any front yard, side yard, rear yard or vacant lot.

(11) Non-operational or abandoned vehicles or parts thereof, or other articles of personal property which are discarded or left in a state of partial construction or repair in any front yard, side yard, rear yard or vacant lot. The responsible person may have on his or her premise, at any one time, only one (1) non-operational or abandoned vehicle outside an enclosed building for a period not to exceed fourteen (14) days.

(12) Vegetation exceeding ten (10) inches in height (exclusive of plants and flowers within a flowerbed, shrubbery and trees) located in any front yard, side yard, rear yard or vacant lot.

(13) Utility trailers, unmounted camper or recreation vehicles shall not be located in the front yard. They may be located in the driveway, parallel to the driveway, or behind the front building line of the property on either side of the building on a maintained surface.

(14) All recreational equipment must be kept in good condition and have a current license and/or registration.

(15) Any situation, evaluated by the Director, such as lack of maintenance to the property and/or buildings on the property that could reduce the value of other properties in the surrounding neighborhood, such as broken windows/doors, missing skirting, broken steps and porches, holes in roofs, leaning buildings (sheds/garages) or fences or walls.

(B) Noise may be a nuisance if deviating from the following standards and must be ceased immediately:

(1) *Class A noise.* Noise created by equipment operated in the public interest or for emergency or safety purposes. Such equipment includes sirens, street sweepers, garbage trucks, chipper machines, and the like. Class A noise is allowed at any time.

(2) *Class B noise.* Noise created or generated within or adjacent to residential property which is normally associated with residential living. Class B noise includes lawn mowers, trimmers, home appliances, vehicle repairs, home construction projects and the like. Class B noise is not allowed between 9:00 p.m. and 6:00 a.m.

(3) *Class C noise.* Noise made by motorized or mechanical equipment devices used in sporting, recreational and hobby activities. Class C noise includes go-carts, minibikes, model planes and cars, car radios, stereos or amplifiers and the like. Class C noise is not allowed between 11:00 p.m. and 7:00 a.m. Class C noise must be made at such a distance away from a residential area so that residents will not be unreasonably disturbed by the noise of the equipment or devices.

(4) *Class D noise.* Noise that is unnecessary, unnatural or unusual created by a human voice or animal outcry, or by any other means which is so annoying, or which is so harsh or prolonged, as to be injurious to the health, peace or comfort of any reasonable person residing in the area. Class D noise is not permitted at any time.

(Ord. - passed 5-3-1999; Am. Ord - passed 4-3-2006; Am. Ord. - passed 9-8-2009; Am. Ord. - passed 12-6-2010; Am. Ord. - -, passed 2-7-2011; Am. Ord. --, passed 5-2-2011; Am. Ord. - -, passed 9-6-2011; Am. Ord. --,2-6-2012) Penalty, see § 92.99

#### **§ 92.13 FORCED ABATEMENT.**

Unless otherwise specified elsewhere in the ordinance passed 9-6-2011, if, within ten (10) days after receiving a written notice and order in accordance with the Caseville Township Zoning Code, any person owning, occupying or controlling such premises who fails, neglects or refuses to correct said nuisance shall be found to be in violation of this subchapter. The Director may order said nuisance to be removed or abated and all indebtedness to the township for removal shall be paid by the violator(s). Such cost and charges to be recovered by a civil action brought by the township against the violator.

(Ord. - passed 5-3-1999; Am. Ord. - passed 9-6-2011)

#### **§ 92.14 ENFORCEMENT.**

(A) It is unlawful for any responsible person or owner to permit, maintain, suffer, carry on or allow a public nuisance to exist, as defined by this subchapter, upon his or her premises any act or thing declared a nuisance by this subchapter.

(B) The Director is charged with enforcement of the provisions of this subchapter. It shall be unlawful for any person to allow a **PUBLIC NUISANCE** upon any premise within Caseville Township. Such violations shall be corrected by any reasonable and lawful means as provided in this subchapter. (Ord. - -, passed 5-3-1999)

**§ 92.99 PENALTY.**

(A) A violation of this subchapter shall be a civil infraction and shall be punishable by a penalty not to exceed \$150, in addition to any civil remedies for abatement and collection for the expense thereof.

(B) If the same responsible person is found to be in violation of this subchapter within eighteen (18) months of his or her first violation, such violation and any other subsequent violation shall carry a penalty of not more than \$250.

(C) Each day the violation is in existence may be considered a separate violation.  
(Ord. - -, passed 5-3-1999)

**CHAPTER 93: STREETS AND SIDEWALKS**

Section

*Reflective Address Number Signs*

- 93.01 Purpose
- 93.02 Definitions
- 93.03 House numbers
- 93.04 Effective date
- 93.05 Publication
  
- 93.99 Penalty

**REFLECTIVE ADDRESS NUMBER SIGNS**

**§ 93.01 PURPOSE.**

In order to protect the township residents, their homes/dwellings, and business property described in § 93.02, so as to assure response from fire, police or other emergency personnel, the Township Board ordains the following regulations.  
(Ord. 2001-2, passed 3-5-2001)

**§93.02 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ACCESSORY BUILDING.** A subordinate building, the use of which is incidental to that of the main building, and which is located on the same parcel of property as the main building.

**APARTMENT.** A room or suite of rooms in a multiple-family dwelling used as a dwelling for 1 family which does its cooking therein.

**APARTMENT HOUSE.** A residential structure containing 3 or more attached apartments.

**AUTOMOBILE REPAIR.** General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair, painting, vehicle rust-proofing and any related activities where the primary use of the premises is such, or high-speed washing thereof, or sales of used cars, used trucks, new trucks, motorcycles or other land vehicle type, or sales unrelated to service station use.

**AUTOMOBILE SERVICE STATION.** A building or structure designed or used for the retail sale of fuel (stored only in underground tanks), lubricants, air, water, and other operating commodities for motor vehicles, aircraft, or boats. It may include the customary space and facilities for the installation of such commodities on or in such vehicles, and space for facilities for temporary storage, minor repair, or major repairs and overhauling, steam cleaning, rust-proofing,

**AUTOMOBILE WASH ESTABLISHMENT.** A building, or portion thereof, where the primary purpose of which is that of washing motor vehicles.

**BOARDING HOUSE/ROOMING HOUSE.** A dwelling where meals, or lodging and meals, are provided for compensation to 3 or more persons by pre-arrangement for definite periods of not less than 1 week. A **BOARDING HOUSE** is to be distinguished from a hotel, motel, rooming, house, tourist home, a convalescent or nursing home, or a state licensed or state approved residential facility.

**BUILDING.** An independent structure having a roof supported by columns or walls, intended and/or used for shelter or enclosure of persons or chattels. When any portion thereof is completely separated from every other part by division walls from the ground up, and without openings, each portion of the building shall be deemed a separate building. This refers to both temporary and permanent structures and includes sheds, garages, stables, greenhouses, or other accessory structures.

**BUILDING, MAIN OR PRINCIPAL.** A building in which is conducted the principal use of the lot upon which it is situated.

**CLINIC.** A building or group of buildings where human patients are admitted, but not lodged overnight, for examination as such treatment, with services available from a professional, such as a physician, dentist or the like.

**CONDOMINIUM, RESIDENTIAL.** Individual ownership of a dwelling unit in a multiple-family development.

**CONVALESCENT OR NURSING HOME.** A home for the care of children, the aged or the infirm, or a place of rest for those suffering bodily disorders, wherein 3 or more persons are cared for. The home shall also conform to and qualify for license under applicable state laws.



***DRIVE-IN ESTABLISHMENT.*** A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach of parking spaces for motor vehicles so as to serve patrons while in the motor vehicle (e.g., restaurants, cleaners, banks, theaters).

***DRIVE-THROUGH ESTABLISHMENT.*** An accessory use to a service or restaurant business where a paved drive area is specifically designated to serve customers in motor vehicles from a permanent building. The customer does not leave the motor vehicle, is served from a window, and such establishments may include but are not limited to the following: financial institutions, fast food establishments, dry cleaners and convenience stores. It does not include car washes.

***DWELLING, MULTIPLE.*** A building used for and as a residence for 3 or more families living independently of each other and each having their own cooking facilities therein, including apartment houses, townhouses and apartment hotels, but not including mobile home parks.

***DWELLING, SINGLE-FAMILY.*** A building or portion thereof, containing not more than 1 dwelling unit designed for residential use, which shall comply with the provisions set forth herein.

***DWELLING, 2-FAMILY.*** A dwelling occupied by 2 families, each provided with separate facilities for living accommodations, also known as a duplex dwelling, which shall comply with the provisions set forth herein.

***DWELLING UNIT.*** A house or a building or portion thereof having cooking facilities, which is occupied wholly as the home residence or sleeping place of 1 family, either permanently or transiently, but in no case shall a travel trailer coach, automobile chassis, tent or portable building be considered a dwelling. In case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this chapter and shall comply with the provisions thereof relative to dwellings.

***FOSTER CARE FACILITY.*** See Licensed or Approved Residential Facility as defined in this section.

***GARAGE, PUBLIC.*** A space or structure other than a private garage for the storage, care, repair, or refinishing of motor vehicles; provided, however, that a structure or room used solely for the display and sale of such vehicles in which they are not operated under their own power, and in connection with which there is no repair, maintenance, or refinishing service or storage of vehicles other than\* those displayed, shall not be considered as a public garage for the purpose of this chapter.

***HOSPITAL.*** A building, structure or institution in which sick or injured persons, primarily in-patients, are given medical or surgical treatment and operating under license by the Health Department of the State of Michigan.

***HOTEL.*** A building occupied as a more or less temporary abiding place for individuals who are lodged with or without meals in rooms occupied singly for hire, in which provision is not made for cooking on any individual plan, and in which there are more than 10 sleeping rooms.

**JUNK YARD.** Automobile wrecking yards, salvage areas or any area of more than 200 square feet for the storage, keeping, or abandonment of junk, including scrap metals, other scrap materials, or reclaimed materials, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof, but not including uses established entirely within enclosed buildings.

**KENNEL, COMMERCIAL.** Any lot or premises used for the commercial sale or boarding of dogs, cats, or other domestic pets.

**KENNEL, PRIVATE.** Any lot or premises used for the private maintenance of up to 3 dogs, cats, or other domestic pets 4 months or older owned by the resident on the premises, not involving commercial activities. The keeping of more than 3 animals shall be considered a commercial kennel regardless of ownership or species of animals.

**LICENSED OR APPROVED RESIDENTIAL FACILITY.** A building or portion thereof, used for residential purposes, that is required to be licensed or approved by the state or a political subdivision of the state, and which provides residential services for persons under supervision or care for persons in need of that supervision or care. This definition does not apply to adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.

**MOBILE HOME.** A structure, exceeding 14 feet or more in width and 70 or more body feet in length and transportable in 1 or more sections, which is built on a chassis and designed to be used as a single-family dwelling, with or without permanent foundation, when connected to required utilities, and including the plumbing, heating, air-conditioning and electrical systems contained in the structure. MOBILE HOME does not include a recreational vehicle or travel trailer.

**MOBILE HOME PARK.** A parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary travel trailer park. The park shall be not less than 15 acres and shall have a maximum capacity of 60 mobile homes.

**MODULAR (PRE-MANUFACTURED) HOUSING UNIT.** A dwelling unit constructed solely within a factory, as a single unit or in various sized modules, which are then transported to a site where they are assembled on a permanent foundation to form a single-family dwelling unit and meeting all codes and regulations applicable to conventional site-built construction. A mobile home is considered a type of

**MODULAR HOUSING UNIT** with all of the following characteristics:

- (1) Designed for a long-term occupancy;
- (2) Containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems;

(3) Designed to be transported after fabrication on its own wheels or on flatbed or other trailers or detachable wheels; and

(4) Arriving at site to be occupied as a dwelling unit complete and ready for occupancy except for minor and incidental operations.

**MOTEL.** A series of attached, semi-detached or detached rental units containing a bedroom, bathroom and closet space, which are rented for overnight lodging primarily to the public traveling by motor vehicle.

**RESTAURANT, CARRY-OUT.** An establishment where food is prepared and served to a customer solely for the consumption off the premises.

**RESTAURANT, DRIVE-IN.** An establishment where food is prepared and is so developed that its principal retail character is dependent on providing a driveway approach and parking spaces for motor vehicles so as to serve patrons while in the motor vehicles.

**RESTAURANT, SIT-DOWN.** An establishment where food is prepared and served for consumption within the principal building; may have a drive-up window when use of the window is clearly secondary to the main operation of the sit-down restaurant.

**ROOMING HOUSE.** A dwelling where lodging, but no meals, is provided for compensation to 3 or more persons by pre-arrangement for definite periods of not less than 1 week.

**STRUCTURE.** Anything constructed or erected which requires permanent location on the ground or attachment to something having such location.

**TOURIST HOME.** A building in which there are 8 or less sleeping rooms occupied as a more or less temporary abiding place for individuals who are lodged without meals other than breakfast in rooms occupied singly for hire. May also be known as a **BED AND BREAKFAST** home.  
(Ord. 2001-2, passed 3-5-2001)

### **§93.03 HOUSE NUMBERS.**

Each of the above-described shall place reflective signs of sufficient size upon their property near the roadway, which shall allow their assigned numbered address to be seen by the aforesaid personnel or public from the roadway/highway.

(Ord. 2001-2, passed 3-5-2001) Penalty, see § 93.99

**§ 93.04 EFFECTIVE DATE.**

This subchapter shall become effective 30 days following publication in a newspaper of general circulation in the township.

(Ord. 2001-2, passed 3-5-2001)

**§ 93.05 PUBLICATION.**

The ordinance passed March 5, 2001 shall be published in full in a newspaper of general circulation in the township promptly after its adoption and shall be recorded in the Ordinance Book of the township, and such recording authenticated by the signatures of the Township Supervisor and Township Clerk. (Ord. 2001-2, passed 3-5-2001)

**§ 93.99 PENALTY.**

Anyone failing to have complied by September 1, 2001, or within 20 days of notification from the Township Clerk, shall be subject to the penalty of a fine of \$20.

(Ord. 2001-2, passed 3-5-2001)

## CHAPTER 94: PARKS AND RECREATION

### Section

#### *General Provisions*

94.01 Camping on vacant or residence lots

#### **GENERAL PROVISIONS**

#### **§94.01 CAMPING ON VACANT OR RESIDENCE LOTS.**

(A) No person shall erect or make use of any tent, trailer, motor home or similar temporary facility for camping or similar recreational purposes, or for any other purpose, unless such temporary facility is located on a lot that has a dwelling with bathroom and water closet facilities that comply in all particulars with county and state building and housing code requirements.

(B) The use of temporary facilities for such purposes, as aforesaid, on vacant lots in the township is hereby expressly prohibited, unless such vacant lot is owned by the adjacent dwelling.

(1) The bathroom facilities must be available for use by the campers.

(2) Discharge of gray or black water into or onto a vacant or residence lot is prohibited.

(3) Compliant campers are limited to fourteen (14) consecutive days of camping per calendar year, with not more than twenty-one (21) days annually, with a seven (7) day break after the fourteenth (14th) day, and limited to two (2) sleeping units for every five thousand (5,000) square feet of usable yard space, up to a maximum of five (5) units.

(4) Temporary units must be removed from the property after fifteen (15) days.  
(Ord. 1999-4, passed 7-6-1999; Am. Ord. - passed 9-2-2008; Am. Ord. - passed 10-3-2011)  
Penalty, see § 10.99



## CHAPTER 95: ANIMALS

### Section

#### *Dogs*

- 95.01 Presumption of ownership
- 95.02 Restrictions
- 95.03 Seizure and impounding of dogs
- 95.04 Rabies prevention
- 95.05 Exposure to rabies
- 95.06 Impounding and release; pound fees
- 95.07 Notice to owner
- 95.08 Disposition of dogs
- 95.09 Payment of claims
- 95.10 Enforcement
- 95.11 Effective date
  
- 95.99 Penalty

#### *DOGS*

### **§95.01 PRESUMPTION OF OWNERSHIP.**

Any person who shall permit any dog to remain about any premises owned or occupied by him or her for a period of five (5) days shall be deemed the owner of such dog for the purposes of this subchapter. (Ord. 89-1, passed 6-5-1989)

**§ 95.02 RESTRICTIONS.**

(A) No person owning, possessing, or having charge of any dog four (4) months of age or over shall permit such dog:

(1) To be unconfined between sunset and sunrise of the following day unless in the custody of some person;

(2) If vicious, to be unconfined at any time unless securely muzzled and led by a leash, and any dog shall be deemed vicious which has bitten a person or domestic animal without molestation, or which, by its action, gives indication that it is liable to bite any person or domestic animal;

(3) To be unconfined at any time unless vaccinated against rabies within the past year and unless the dog shall have a tag on its collar showing the current vaccination; provided, this division shall apply only to dogs six (6) months of age or older;

(4) If a female dog, to be unconfined when the dog is in heat;

(5) To be an annoyance or nuisance in the vicinity where kept because of loud or frequent or habitual barking, yelping or howling, or by reason of damaging or trespassing on the property of others; and

(6) To be unconfined at any time when not on the owner's lands, regardless of zoning of the lands or surrounding lands, unless led by a leash.

(B) Unless approved as a commercial kennel, the keeping of more than three (3) dogs and/or cats or the keeping of poultry, hogs, horses, or other livestock is prohibited within any RR, R-1, R-2, and R-3 Zoning District, provided, however, that any litter of dogs or cats which causes the aforesaid limit of three (3) to be exceeded shall not constitute a violation of this provision for a period of four (4) months after birth. Wild mammals, wild birds (emus, ostriches) and reptiles or any species considered an exotic pet are not allowed as a domestic pet within the Residential and Commercial Districts. Any animal, in any zoned district, engaged in an unprovoked attack on a human or animal, is deemed vicious and will be banned from Caseville Township. (Ord. 89-1, passed 6-5-1989; Ord. § 11.09, passed 4-5-2004; Am. Ord. - -, passed 11-1-2010; Am. Ord. - -, passed 8-1-2011) Penalty, see § 95.99

**§ 95.03 SEIZURE AND IMPOUNDING OF DOGS.**

Any dog found at large in the township which is doing any of the acts enumerated in, or at large under circumstances prohibited by § 95.02, or which is suspected of having bitten any person or animal, may be seized and impounded by any police officer of the township.

(Ord. 89-1, passed 6-5-1989)



**§ 95.04 RABIES PREVENTION.**

Any person who shall have in his or her possession a dog which has contracted rabies, which has been subjected to the same, which is suspected of having rabies or which has bitten any person, shall upon demand of any police officer produce and surrender up such dog to be held for observation as hereinafter provided. (Ord. 89-1, passed 6-5-1989) Penalty, see § 95.99

**§ 95.05 EXPOSURE TO RABIES.**

It shall be the duty of any person owning or harboring a dog which has been attacked or bitten by another dog or other animal showing the symptoms of rabies, immediately to notify the Police Department of his or her possession of the dog. (Ord. 89-1, passed 6-5-1989) Penalty, see § 95.99

**§ 95.06 IMPOUNDING AND RELEASE; POUND FEES.**

(A) Any dog impounded for observation for rabies shall be held until released by the Chief of Police or otherwise disposed of. Any dog impounded for having bitten any person shall be held for not less than five (5) days in case any complaint shall have been made before any court having jurisdiction of the cases shall be filed, whereby an order that the dog be killed or confined is sought, then such further time until the case is finally disposed of.

(B) All other dogs which may be impounded under the provisions of this subchapter shall be held for not less than one hundred twenty (120) hours and shall be released to respective owners upon payment of the following fees:

- (1) Payment of a fee of \$3 in the case of an immunized dog the first time the dog is seized or impounded, and \$10 for each subsequent time;
  - (2) Payment of the cost of boarding the dog if the same is impounded for more than twenty-four (24) hours;
  - (3) The showing of a license, or if the dog has no license, the making of an application for same; and
  - (4) In the case of an un-immunized dog, the owner shall pay the cost of having the dog immunized before the dog is released.
- (Ord. 89-1, passed 6-5-1989) Penalty, see § 95.99

**§ 95.07 NOTICE TO OWNER.**

It shall be the duty of the Police Department to notify the owner of every dog which shall be impounded, if the owner of the dog can be ascertained, as soon as possible after the dog has been impounded. If the owner of the dog cannot be readily ascertained, a description of the animal impounded shall be published.  
(Ord. 89-1, passed 6-5-1989)

**§ 95.08 DISPOSITION OF DOGS.**

After a dog has been kept for forty-eight (48) hours and has not been redeemed by the dog's owner, any dog may be destroyed in a humane manner if diseased, injured or of little known value, or any such dog may, in the discretion of the Chief of Police, be sold or given away to any person whom the Township Police believe will keep and care for the dog in a proper and humane manner.  
(Ord. 89-1, passed 6-5-1989; Am. Ord. passed - -)

**§ 95.09 PAYMENT OF CLAIMS.**

(A) Whenever any person sustains any loss or damage to any livestock or poultry by dogs within the township, the person or his or her agent or attorney may file a written complaint with the Police Department. The complaint shall be signed by the person making the same and shall state when, where and what and how the damage was done, and, if known, by whose dog or dogs. The Police Department shall at once examine the place where the alleged damage was sustained and the livestock and poultry injured or killed if practicable, and shall make diligent inquiry in relation to such claim to determine whether any damage has been sustained and the amount thereof and, if possible, who was the owner of the dog or dogs by which the damage was done. Any owner or keeper of the dog or dogs shall be liable to the township in a civil action for all damages paid the township on any such claim, as hereinafter provided.

(B) If it appears from such report and inquiry that a certain amount of damage has been sustained by the claimant, the Board shall authorize the payment by the Township Treasurer to the claimant of the amount determined by the Township Board to be the loss or damage the claimant has sustained. No payment shall be made for any item which has already been paid by the owner of the dog or dogs doing the injury. When any payment is made by the township hereunder, the payment shall not exceed \$100 for each animal killed or injured.

(Ord. 89-1, passed 6-5-1989)

**§ 95.10 ENFORCEMENT.**

The Township Board may also resolve and authorize county officials to enforce or assist in the enforcement of this subchapter.

(Ord. 89-1, passed 6-5-1989)

**§95.11 EFFECTIVE DATE.**

This subchapter shall take effect on the thirtieth day after publication following adoption, as required by law.

(Ord. 89-1, passed 6-5-1989)

**§ 95.99 PENALTY.**

(A) The violation of any provision of this chapter for which no specific penalty is set forth shall be subject to the provisions of § 10.99.

(B) Any person or persons violating any of the provisions of §§ 95.01 through 95.11 shall, upon conviction thereof, be subject to a fine not exceeding \$100, or imprisonment not to exceed thirty (30) days in the Huron County Jail, the fine and imprisonment in the discretion of the court.

(Ord. 89-1, passed 6-5-1989)



## CHAPTER 96: PORTABLE TOILETS

### Section

- 96.01 Title and purpose
- 96.02 Provisions for use
- 96.03 Exemptions
  
- 96.99 Penalty

### **§ 96.01 TITLE AND PURPOSE.**

This chapter shall be known as the Township of Caseville Portable Toilet Ordinance. The purpose of this chapter is to regulate the use of portable toilets on private property within the township boundaries. (Ord. - passed 9-4-2007)

### **§ 96.02 PROVISIONS FOR USE.**

The township will require the following regulations to be adhered to when using portable toilets for any kind of use:

(A) Use of any type of portable toilet is prohibited unless a permit has been obtained from the Caseville Township Clerk's Office prior to placement.

(B) Units must be emptied and cleaned no less often than once per week or more if needed.

(C) Units must be set no closer than ten (10) feet of any property line.

(D) Units should be screened from public view.

(E) Units must be kept, as much as possible, out of neighboring structures' direct line-of-sight.

(F) Units are limited to fifteen (15)-day placements before needing to be removed. Longer usage times will require the approval of the Township Board.

(G) The Township Board may approve long-term use of portable toilets for up to one (1) year, \* provided the units are concealed from the public view by screening.  
(Ord. - passed 9-4-2007)

### **§ 96.03 EXEMPTIONS.**

(A) *Construction and school sites.* All construction and school sites will be regulated by the State of Michigan and are therefore out of the township's jurisdiction.

(B) *Parks and recreation areas:* All county parks and recreation areas are serviced by the Huron County Parks and Recreation Department for special events and are time-limited to those events.  
(Ord. - passed 9-4-2007)

### **§ 96.99 PENALTY.**

A violation of this chapter shall not exceed a fine of \$1,000 per offense. (Ord. - -, passed 9-4-2007)

**TITLE XI: BUSINESS REGULATIONS**

Chapter

**110. GENERAL LICENSING PROVISIONS**

**111. PEDDLERS AND SOLICITORS**





**CHAPTER 110: GENERAL LICENSING PROVISIONS**

Section

***GARAGE SALES***

- 110.01 Definition
- 110.02 Permit required; fee
- 110.03 Scope of permit; period of sale; removal of personal property from public view after permit expiration
- 110.04 Permit application
- 110.05 General prohibitions
- 110.06 Exemptions
  
- 110.99 Penalty

***GARAGE SALES***

**§110.01 DEFINITION.**

As used in this subchapter, ***GARAGE SALE*** means a home business conducted within or on premises used as a residence for the purpose of transferring ownership of tangible personal property of the resident and/or owner to a purchaser.

(Ord. 95-2, passed 5-1-1995)

**§ 110.02 PERMIT REQUIRED: FEE.**

No property or premises in the township shall be used for the purpose of conducting a garage sale thereon unless the owner or occupant of the property or premises first obtains a permit therefor from the township office. The permit shall be known as a garage sale permit. There shall be no fee charged for the first permit. The fee for every permit issued thereafter shall be \$2.

(Ord. 95-2, passed 5-1-1995)

**§ 110.03 SCOPE OF PERMIT; PERIOD OF SALE; REMOVAL OF PERSONAL PROPERTY FROM PUBLIC VIEW AFTER PERMIT EXPIRATION.**

The permit shall authorize the purchaser thereof to conduct a garage sale on the subject premises for not more than 3 consecutive days, and the 3 consecutive days shall be specified on the permit. After the expiration of the period, all personal property offered for sale shall be placed inside a structure and not within the view of the general public.

(Ord. 95-2, passed 5-1-1995) Penalty, see § 110.99

**§ 110.04 PERMIT APPLICATION.**

The permit information to be filed with the township office pursuant to this subchapter shall be as follows:

(A) Date of application for permit;

(B) The name of the person conducting the sale;

(C) The name of the owner of the property on which the sale is to be conducted and the consent of the owner if the applicant is other than the owner;

(D) The location at which the sale is to be conducted;

(E) The dates and number of days of the sale (the print size shall be at least 2 inches high for the dates):

(F) The date and nature of any past sale;

(G) A statement of affirmation by the applicant that the information given is in full and true;

(H) The permit shall be posted in a conspicuous place on-site.

(Ord. 95-2, passed 5-1-1995) Penalty, see § 110.99

**§110.05 GENERAL PROHIBITIONS.**

(A) No garage sale shall be conducted on the same property more than 5 times in any 12-month period.

(B) No garage sale shall be conducted at any time other than daylight hours and further restricted to between 8:00 a.m. and 8:00 p.m.

(C) No garage sale shall offer any merchandise for sale that has been purchased for purposes of resale.  
(Ord. 95-2, passed 5-1-1995) Penalty, see § 110.99

**§ 110.06 EXEMPTIONS.**

(A) A charitable, religious or fraternal organization, or a nonprofit corporation, shall be required to comply with the provisions of this subchapter, except that it shall not be required to pay the \$2 fee.

(B) The provisions of this subchapter shall not apply to regularly established business establishments in the township where merchandise is sold or exchanged in the ordinary course of business.

(C) The provisions of this subchapter shall not apply to any person selling or advertising for sale any items of personal property which are specifically named or described in the advertisement, which separate items do not exceed 5 in number.  
(Ord. 95-2, passed 5-1-1995)

**§ 110.99 PENALTY.**

(A) The violation of any provision of this chapter for which no specific penalty is set forth shall be subject to the provisions of § 10.99.

(B) A violation of §§ 110.01 through 110.06 shall not exceed a fine of \$250 on a first offense. A second offense shall not exceed a fine of \$500.  
(Ord. 95-2, passed 5-1-1995)



## **CHAPTER 111: PEDDLERS AND SOLICITORS**

### Section

- 111.01 Uninvited peddling and soliciting prohibited
- 111.02 Enforcement
- 111.03 Invited peddling and soliciting; registration required
- 111.04 Issuance of permit; fee, content, and display
- 111.05 Exemptions
- 111.06 Time limitations
- 111.07 Revocation of permit
- 111.08 Peddling from vehicles on streets, alleys, and sidewalks prohibited
- 111.09 Crying one's wares and other means of attracting attention prohibited
- 111.10 Sidewalk sales; interpretation
  
- 111.99 Penalty

### **§ 111.01 UNINVITED PEDDLING AND SOLICITING PROHIBITED.**

The practice of going in and upon commercially zoned private or public property in the township by canvassers, solicitors, peddlers, hawkers, itinerant merchants, and transient vendors of merchandise and/or services, not having been requested or invited to do so by the owners or occupants of the commercially zoned private or public property, for the purpose of soliciting orders for the sale of goods, wares, merchandise or services or for the purpose of disposing of or peddling or hawking the same, is hereby declared to be a nuisance and is prohibited.

(Ord. 95-2, passed 5-1-1995) Penalty, see § 111.99

### **§ 111.02 ENFORCEMENT.**

The Police Department is hereby required and directed to suppress and abate any such nuisance as is described in § 111.01.

(Ord. 95-2, passed 5-1-1995)

**§ 111.03 INVITED PEDDLING AND SOLICITING; REGISTRATION REQUIRED.**

(A) No canvasser, solicitor, peddler, hawker, itinerant merchant or transient vendor of merchandise or services who is invited or requested to go in or upon commercially zoned private or public property in the township for the purpose of soliciting orders for the sale of goods, wares, merchandise or services or for the purpose of disposing of or peddling the same, shall go in or upon such commercially zoned private or public property without first registering in the office of the Township Clerk and obtaining a permit to do so from him or her.

(B) The registration required by division (A) of this section shall be made by filing with the Township Clerk, on forms furnished for such purposes, the following information:

- (1) The name and home address of the applicant and his or her residence for the 5 years next preceding the date of application;
  - (2) A brief description of the nature of the business and the goods or services offered;
  - (3) The name and address of the employer, with credentials from the employer showing the exact relationship;
  - (4) The length of time for which the privilege to do business is desired;
  - (5) The address of the party or parties inviting the applicant to go in or upon their commercially zoned private or public property;
  - (6) Proof of a valid state sales tax license;
  - (7) Proof of a bond paid to the Huron County Treasurer as provided in (M.C.L.A. §445.373);
- and

(8) Such other information concerning the applicant and his or her business as may be reasonable and proper, having regard to the nature of the privilege desired.  
(Ord. 95-2, passed 5-1-1995) Penalty, see § 111.99

**§ 111.04 ISSUANCE OF PERMIT; FEE, CONTENT AND DISPLAY.**

(A) Each applicant who shows evidence of residency and no criminal record shall be furnished a permit upon the payment by him or her of a fee of \$15. The permit shall indicate that the applicant has registered and shall also indicate the addresses of the parties inviting him or her to go in or upon their premises. No permittee shall go in or upon any premises not indicated on his or her permit.

(B) Each permittee shall at all times while peddling or hawking in the township carry upon his or her person his or her permit and the same shall be exhibited by such permittee whenever he or she is requested to do so by any police officer or by any person solicited.  
(Ord. 95-2, passed 5-1-1995) Penalty, see § 111.99

**§ 111.05 EXEMPTIONS.**

(A) This chapter shall not be applicable to officers or employees of the township, county, state or federal government, or any subdivision thereof, when on official business; nor to farmers or truck gardeners selling or offering for sale any products grown, raised or produced by them, the sale of which is not otherwise prohibited or regulated; nor to any person under the age of 18 years when such person is engaged in peddling or soliciting in the neighborhood of his or her residence, on foot and under the direct supervision of any school or recognized charitable or religious organization.

(B) This chapter shall not apply to art fairs or other such fairs or exhibits which are sponsored by any organization recognized by the township for the purpose of promoting the township.

(C) This chapter shall not be applicable to building tradesmen, vendors, peddlers or solicitors with state licenses who are invited by homeowners for the purpose of soliciting orders for the sale of goods, wares, merchandise or services to that homeowner.  
(Ord. 95-2, passed 5-1-1995)

**§ 111.06 TIME LIMITATIONS.**

(A) No activity permitted under authority of this chapter shall commence prior to 8:00 a.m. or continue after 8:00 p.m.

(B) Permits shall not be issued for more than 72 hours (3 days).

(C) There shall be no more than 2 permits issued to any individual, company or business in any calendar year (January 1 to December 31).

(D) Application must be received in the township office by mail or in person no later than 72 hours preceding the first date of permit usage.  
(Ord. 95-2, passed 5-1-1995)

**§ 111.07 REVOCATION OF PERMIT.**

(A) Permits issued under this chapter may be revoked by the Township Supervisor or the Township Police for the following reasons:

- (1) Fraud or misrepresentation contained in the registration;
- (2) Fraud, misrepresentation or false statements made in the course of conducting the activity;
- (3) Violation of any of the provisions of this chapter or of this code of ordinances or of any state or federal law;
- (4) Conducting the business in an unlawful manner or in such a manner as to constitute a menace to the health, safety, or general welfare of the public;
- (5) The permittee ceases to possess the qualifications required in this chapter for the original registration.
- (6) Failure to show residency.
- (7) Has a criminal record.

(B) The revocation of a permit shall be in addition to any penalty provided in § 111.99 or any other penalty that may be imposed upon the permittee.  
(Ord. 95-2, passed 5-1-1995)

(C) The permittee shall be entitled to appeal to the Township Board and if not satisfied, to the District Court for Huron County.

**§ 111.08 PEDDLING FROM VEHICLES ON STREETS, ALLEYS AND SIDEWALKS PROHIBITED.**

No person shall park a vehicle of any kind, including trailers, commercial trailers, house trailers or boats, on any public street, for the purpose of peddling or selling merchandise from the vehicle, nor shall any person sell from a push or peddle-driven cart or wagon on any street, alley, or sidewalk within the township. This section does not pertain to newspaper delivery persons utilizing bicycles, wagons, autos, sleds, and the like.

(Ord. 95-2, passed 5-1-1995) Penalty, see § 111.99



**§ 111.09 CRYING ONE'S WARES AND OTHER MEANS OF ATTRACTING ATTENTION PROHIBITED.**

No person shall shout or cry out his or her goods or merchandise, or blow any horn, ring any bell, or use any other similar device to attract the attention of the public.  
(Ord. 95-2, passed 5-1-1995) Penalty, see § 111.99

**§ 111.10 SIDEWALK SALES; INTERPRETATION.**

This chapter is not to be construed to interfere with the display of small merchandise for sidewalk sales where the display does not interfere with pedestrian traffic or with the display of others, and where the display does not constitute a fire hazard or a hazard to the health and welfare of the public.  
(Ord. 95-2, passed 5-1-1995)

***Cross-reference:***

*Street and sidewalk provisions generally, see Chapter 93*

**§ 111.99 PENALTY.**

A violation of this chapter shall not exceed a fine of \$250 on a first offense. A second offense shall not exceed a fine of \$500.  
(Ord. 95-2, passed 5-1-1995)



**TITLE XIII: GENERAL OFFENSES**

Chapter

**130. GENERAL OFFENSES**



## CHAPTER 130: GENERAL OFFENSES

### Section

- 130.01 Blocking fire hydrants and Fire Department connections
- 130.02 Curfew for minors
- 130.03 Fireworks
- 130.04 Disorderly person
  
- 130.99 Penalty

### § 130.01 BLOCKING FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTIONS.

(A) It shall be unlawful to obscure from view, damage, deface, obstruct or restrict the access to any fire hydrant or any fire department connection for the pressurization of fire suppression systems, including fire hydrants and fire department connections that are located on public or private streets and access lanes, or on private property. If upon the expiration of the time mentioned in a notice of violation, obstructions or encroachments are not removed, the Fire Chief shall proceed to remove the same. Cost incurred in the performance of necessary work shall be paid from the municipal treasury on certificate of the Fire Chief with the approval of the Township Supervisor; and the Township Attorney shall institute appropriate action for the recovery of the costs.

(B) The property owner whose property abuts a fire hydrant shall be responsible for preventing any interference or obstruction to its use. No plant growth, other than grass, shall be permitted within ten (10) feet of hydrants.

(C) Parking prohibited within fifteen (15) feet of hydrant.  
(Ord. 2001-01, passed 2-20-2001; Am. Ord. passed - -) Penalty, see § 130.99

### § 130.02 CURFEW FOR MINORS.

(A) *Prohibitions.* No minor under the age of seventeen (17) years shall loiter, idle, wander, stroll frequent or otherwise be or remain in or upon any of the sidewalks, streets, alleys, parks, buildings, places of amusement or entertainment or other public grounds or places in the township between 11:00 p.m. and 5:00 a.m. of the following day unless the minor is accompanied by a parent, guardian,

**Caseville Township – General Offenses**

custodian or other adult delegated by the parent or guardian to accompany the minor, or unless the minor is in the performance of an errand or duty directed by the parent, guardian or custodian, or unless the minor is returning home from a school or church function or entertainment, or unless the employment of such minor makes it necessary to be upon the streets, alleys or other places during the prohibited hours herein mentioned, or unless the minor is emancipated.

(B) *Parental responsibly.* No parent, guardian, custodian or other person having the legal care and custody of any minor under the age of seventeen (17) years shall allow or permit the minor to loiter, idle, wander, stroll, frequent or otherwise be or remain in or upon any of the sidewalks, streets, alleys, parks, buildings, places of amusement or entertainment or other grounds or places in the township during the prohibited hours mentioned in division (A) of this section unless the minor falls within one (1) of the exceptions mentioned in division (A) of this section.

(C) *Aiding and abetting.* No person shall assist, aid, abet or encourage any minor under the age of seventeen (17) years to violate this section.

(D) *Authority of police officers.* A police officer may, at his or her discretion, take into custody any minor under the age of seventeen (17) years found violating this section and return the minor to his or her home or place of abode, or may make a complaint against the minor under the juvenile court laws of the state. (Ord. 1999-3, passed 7-6-1999) Penalty, see § 130.99

**§ 130.0 FIREWORKS.**

**CASEVILLE TOWNSHIP**

**HURON COUNTY, MICHIGAN**

**ORDINANCE NO. 2014-01**

**ORDINANCE TO AMEND SECTION 130.03**

**ADOPTED:** \_\_\_\_\_

**EFFECTIVE:** \_\_\_\_\_

An ordinance to protect the health, safety, and general welfare of Caseville Township through the regulation of use of fireworks, as provided in PA 256 of 2011 and to repeal all Ordinances or parts of Ordinances in conflict herewith.

**THE TOWNSHIP OF CASEVILLE  
HURON COUNTY, MICHIGAN**

**ORDAINS:**

(A) *NAME.* This ordinance shall be known and may be cited as the Caseville Township Fireworks Ordinance.

(B) **PURPOSE.** In the interest of maintaining public health, safety, and the general welfare and the comfort and repose of Caseville Township residents, Caseville Township hereby provides for the regulation and use of fireworks in Caseville Township, as provided in PA 256 of 2011, as may be amended, (MCL 28.41, et seq) and repeals all Ordinances or parts of Ordinances in conflict herewith.

(C) **DEFINITIONS.** For purposes of this Ordinance, the following definitions shall apply:

**ARTICLES PYROTECHNIC.** Pyrotechnic devices for professional use that are similar to consumer fireworks in the chemical composition and construction, but not intended for consumer use, that meet the weight limits for consumer fireworks but are not labeled as such, and that are classified as UN0431 or UN0432 under 49 CFR 172.101

**APA.** American Pyrotechnics Association

**CONSUMER FIREWORKS.** Fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition and labeling regulations promulgated by the United States Consumer Product Safety Commission under 16 CFR parts 1500 and 1507, and that are listed in APA standard 87-1, 3.1.2, 3.1.3, or 3.5 Consumer fireworks does not include low-impact fireworks. (formerly known as Class B)

**DISPLAY FIREWORKS.** Large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effect by combustion, deflagration, or detonation as provided in 27 CFR 555.11, 49 CFR 162 and APA standard 87-1, 4.1

**FIREWORK or FIREWORKS.** Any composition or device, except for a starting pistol, a flare gun or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of consumer fireworks, low-impact fireworks, articles pyrotechnic, display fireworks, and special effects.

**LOW-IMPACT FIREWORKS.** Low-impact Fireworks means ground and handheld sparkling devices at that phrase is defined under APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8 and 3.5

**MINOR.** Individual is less than 18 years old.

**NATIONAL HOLIDAY.** A National Holiday is defined in 5 USC 6103 and includes: New Year's Day (January); Martin Luther King, Jr. Day (third Monday in January); Washington's Birthday (third Monday in February); Memorial Day (last Monday in May); Independence Day (July 4); Labor Day (first Monday in September); Columbus Day (second Monday in October); Veteran's Day (November 11); Thanksgiving Day (fourth Thursday in November); Christmas (December 25)

**NOVELTIES.** As defined under APA standard 87-1 3.2, 3.2.1, 3.2.2, 3.2.3, 3.2.4, and 3.2.5 and all of the following:

(a) Toy plastic or paper caps for toy pistols in sheets, strips, rolls, or individual caps containing not more than .25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cap.

(b) Toy pistols, toy cannons, toy canes, toy trick noisemakers, and toy guns in which toy caps as described in the above paragraph are used, that are constructed so that the hand cannot come in contact with the cap when in place for explosion, and that are not designed to break apart or be separated so as to form a missile by the explosion.

(c) Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter, (formerly known as Class C)

**PERSON.** Individual, agent, association, charitable organization, company, limited liability company, corporation, labor organization, legal representative, partnership, unincorporated organization, or any other legal or commercial entity.

**SPECIAL EFFECTS.** A combination of chemical elements or chemical compounds capable of burning independently of the oxygen of the atmosphere and designed and intended to produce an audible, visual, mechanical, or thermal effect as an integral part of a motion picture, radio, television, theatrical, or opera production or live entertainment.

**(D) USE OF LOW IMPACT OR NOVELTY FIREWORKS.** Low Impact fireworks shall be ignited, discharged, or used so as not to cause injury or damage to any person or property, but shall not be ignited, discharged, or used inside any building or structure of any kind.

Novelty fireworks may be ignited, discharged, or used without restriction, but such shall only occur in a manner so as to not cause injury or damage to any person or property.

**(E) CONSUMER FIREWORKS.**

(1) May be used in Caseville Township on the day proceeding, the day of and the day after a National Holiday, with the restriction that no fireworks be allowed between the hours of 1:00 AM and 8:00 AM.

(2) At any time other than the day proceeding, the day of, and/or the day after a National Holiday, Consumer Fireworks may be used in Caseville Township, subject to the following requirements and restrictions:

(a) This ordinance shall be applicable commencing on the Friday before Memorial Day, and shall continue through the Tuesday after Labor Day

(b) On Fridays and Saturdays only, Consumer Fireworks may be used commencing at 8:00 PM and ending at 11:00 PM for the dates set forth in Paragraph A. No fireworks are allowed Sunday through Thursday

(c) Consumer fireworks shall not be used if a burn ban is in effect

(d) A person shall not ignite, discharge, or use Consumer Fireworks on public property, school property, church property, or the property of another person, without that person or organization's express permission to use the Consumer Fireworks on those premises

(e) A person shall not use Consumer Fireworks or Low Impact Fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance

(f) Consumer fireworks shall only be used in accordance with all applicable local, state, and federal laws



(g) Special effect fireworks, such as Chinese Lanterns, are hereby prohibited within Caseville Township

(h) Any person(s) using Consumer Fireworks is/are responsible for cleaning up any debris caused from the use of said fireworks

(G) **SANCTIONS.** Any person that violates any provision of this Ordinance shall be deemed responsible for a municipal civil infraction and fined in accordance with the following schedule:

	<i>Minimum Fine</i>	<i>Maximum Fine</i>
<b>1st Offense within 2 year</b>	\$100.00	\$100.00
<b>2nd offense within 2 year</b>	\$300.00	\$500.00
<b>3rd or subsequent offense within 2 years</b>	\$500.00	\$500.00

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Caseville Township has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$100.00 nor more than \$500.00 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation of this Ordinance continues to exist shall constitute a separate violation of this Ordinance.

(H) **SEVERABILITY.** Should any section, clause, or provision of this Ordinance be declared to be invalid by a Court of competent jurisdiction, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the parts so declared to be invalid.

(I) **PERMIT FOR PYROTECHNIC DISPLAY.** An application for a permit for a pyrotechnic display shall be made in writing to the Township Board. Before a permit for such a display is issued, the person, firm, or corporation making said application shall furnish proof of financial responsibility by a bond or insurance company of an amount deemed necessary by the township to satisfy claims for damages to property or personal injuries arising out of an act or omission on the part of the person, firm, or corporation, or an agent or employee thereof, in the amount, and form that the township determines necessary, for the protection of the public.

The applicant shall provide the township proof of training and/or licenses to perform such a display. A general plan outlining how the display will be conducted must be included in the permit application. The local police and fire department will be forwarded the permit for review. If it is determined that fire or EMS equipment must be present on site, it will be at the homeowner's expense.

(J) **PROHIBITION OF PERMITS.** A permit shall not be issued under this section to a non-resident person, firm, or corporation for conduct of a pyrotechnic display within the township until the person, firm, or corporation has appointed in writing a resident member of the bar of this state or a resident agent to be his/her/its legal representative upon whom all process in an action or proceeding against him/her/it may be served.

The Township Board shall reserve the authority to rule on the competency and qualification of operators of pyrotechnic displays as the operator has furnished in his application form, and on the time, place, and safety aspects of the display before granting any permits for said pyrotechnic displays.

(K) **COMPLAINT.** Whenever a violation of this section occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof, shall be filed with the aforesaid official. He or she shall record properly such complaint, immediately investigate, and take action thereon as provided by this section. A record of the disposition of complaints shall be filed.

(L) **REPEAL OF CONFLICTING PROVISIONS AND EFFECTIVE DATE.** This Ordinance shall take effect 30 days after publication as required by law. All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this ordinance are hereby repealed; provided that any violation charged before the effective date of this Ordinance under an Ordinance provision repealed by this Ordinance shall continue under the Ordinance provision then in effect.

#### § 130.04 DISORDERLY PERSONS.

(A) This section shall be known and may be cited as the Caseville Township Disorderly Persons Ordinance.

(B) *Definition.* A person is a **DISORDERLY PERSON** if the person is any of the following:

- (1) A prostitute;
- (2) A window peeper
- (3) A person who engages in an illegal occupation or business;
- (4) A person who is intoxicated in a public place and who is either endangering directly the safety of another person or of property or is acting in a manner that causes a public disturbance;
- (5) A person who is engaged in loud or indecent or obscene conduct in a public place;
- (6) A vagrant;
- (7) A person found begging in a public place;
- (8) A person found loitering in a house of ill fame or prostitution or place where prostitution or lewdness is practiced, encouraged, or allowed;
- (9) A person who knowingly loiters in or about a place where an illegal occupation or business is being conducted;
- (10) A person who loiters in or about a police station, police headquarters building, county jail, hospital, court building, or other public building or place for the purpose of soliciting employment of legal services or the services of sureties upon criminal recognizances;
- (11) A person who is found jostling or roughly crowding people unnecessarily in a public place.

(C) *Statute.* In all respects this section shall comply and follow the regulations set forth in Public Act 109 of 1977 (M.C.L.A. §§ 750.167 et seq.)

(D) *Penalties.* Any person, firm or corporation convicted of violating any provisions of this section or be convicted of being a disorderly person under the provisions of the same shall be guilty of a misdemeanor and shall be punished by a fine of not to exceed \$100 or by imprisonment for a period of not to exceed ninety-three (93) days or both, such fine and imprisonment in the discretion of the court. (Ord. 2006-01, passed 1-3-2006; Am. Ord. passed - -)

**§ 130.99 PENALTY.**

(A) The violation of any provision in this chapter for which no specific penalty is set forth shall be subject to the provisions of § 10.99.

(B) (1) A violation of § 130.01 shall be a civil infraction and shall be punishable by a penalty not to exceed \$50 first violation, \$100 second violation and \$150 third violation, in addition to any civil remedies for abatement and collection for the expense thereof.

(2) Each day the violation is in existence may be considered a separate violation.  
(Ord. 2001-01, passed 2-20-2001)

## **TITLE XV: LAND USAGE**

Chapter

- 150. FLOOD DAMAGE PREVENTION**
- 151. PROPERTY MAINTENANCE CODE**
- 152. LAND DIVISION**
- 153. SUBDIVISION REGULATIONS**
- 154. ZONING CODE**

**Caseville Township – Land Usage**

## **CHAPTER 150: FLOOD DAMAGE PREVENTION**

### Section

#### *General Provisions*

- 150.01 Statutory authorization
- 150.02 Findings of fact
- 150.03 Statement of purpose
- 150.04 Methods of reducing flood losses
- 150.05 Definitions
- 150.06 Lands to which this chapter applies
- 150.07 Basis for establishing the areas of special flood hazard
- 150.08 Compliance
- 150.09 Abrogation and greater restrictions
- 150.10 Interpretation
- 150.11 Warning and disclaimer of liability

#### *Administration*

- 105.25 Establishment of development permit
- 105.26 Designation of the Flood Insurance Administrator
- 105.27 Duties and responsibilities of the Township Supervisor
- 105.28 Enforcing agency designated; code appendix enforced
- 105.29 Designation of regulated flood prone hazard

#### *Provisions For Flood Hazard Reduction*

- 150.40 General standards
- 150.41 Specific standards

**Caseville Township – Land Usage*****GENERAL PROVISIONS*****§ 150.01 STATUTORY AUTHORIZATION.**

The Legislature of the State of Michigan has, in Act P. A. 167, P. A. 184 of 1943, being M.C.L.A. §§ 4.221 and 125.271 through 125.310, as amended delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of Trustees of the Township of Caseville, Michigan, does ordain the following regulations. (Ord. 101, § 1.1, passed 7-20-1978)

**§ 150.02 FINDINGS OF FACT.**

(A) The flood hazard areas of Caseville Township are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(B) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

(Ord. 101, § 1.2, passed 7-20-1978)

**§ 150.03 STATEMENT OF PURPOSE.**

It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (A) To protect human life and health;
- (B) To minimize expenditure of public money for costly flood control projects;
- (C) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (D) To minimize prolonged business interruptions;

(E) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

## **Flood Damage Prevention**

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(F) To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;

(G) To ensure that potential buyers are notified that property is in an area of special flood hazards;  
and

(H) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(Ord. 101, § 1.3, passed 7-20-1978)

### **§ 150.04 METHODS OF REDUCING FLOOD LOSSES.**

In order to accomplish its purposes, this chapter includes methods and provisions for:

(A) Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

(B) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(C) Controlling the alteration of natural flood plains, stream, channels and natural protective barriers, which help accommodate or channel flood waters;

(D) Controlling filling, grading, dredging and other development which may increase flood damage;  
and

(E) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

(Ord. 101, § 1.4, passed 7-20-1978)

### **§ 150.05 DEFINITIONS.**

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

**AREA OF SPECIAL FLOOD HAZARD.** The land in the flood plain within a community subject to a 1 % or greater chance of flooding in any given year.



**DEVELOPMENT.** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

**EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION.** A parcel or contiguous parcels of land divided into 2 or more manufactured home lots for rent or sale for which the construction of facilities for servicing the lot on which the manufactured home is to be affixed, including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets, is completed before the effective date of this chapter.

**EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION.** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets.

**FLOOD or FLOODING.** A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; and/or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

**FLOOD INSURANCE RATE MAP (FIRM).** The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY.** The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, and the water surface elevation of the base flood.

**MANUFACTURED HOME.** A structure that is transportable in 1 or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

**NEW MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION.** A parcel or contiguous parcels of land divided into 2 or more manufactured home lots for rent or sale for which the construction of facilities for servicing the lot, including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets, is completed on or after the effective date of this chapter.

**STRUCTURE.** A walled and roofed building or manufactured home that is principally above-ground.

## Flood Damage Prevention

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***SUBSTANTIAL IMPROVEMENT.*** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either:

(1) Before the improvement or repair is started; or

(2) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition ***SUBSTANTIAL IMPROVEMENT*** is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

(a) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or

(b) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

***VARIANCE.*** A grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

(Ord. 101, § 2.0, passed 7-20-1978)

### **§ 150.06 LANDS TO WHICH THIS CHAPTER APPLIES.**

This chapter shall apply to all areas of special flood hazards within the jurisdiction of Caseville Township.

(Ord. 101, § 3.1, passed 7-20-1978)

### **§ 150.07 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.**

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled The Flood Insurance Study for the Township of Caseville dated December 1, 1977, with accompanying Flood Insurance Rate Maps is hereby adopted by reference and declared to be a part of this chapter. The Flood Insurance Study is on file at 6767 Main Street, Caseville, Michigan, 48725.

(Ord. 101, § 3.2, passed 7-20-1978)

**§ 150.08 COMPLIANCE.**

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations.  
(Ord. 101, § 3.3, passed 7-20-1978) Penalty, see § 10.99

**§ 150.09 ABROGATION AND GREATER RESTRICTIONS.**

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.  
(Ord. 101, § 3.4, passed 7-20-1978)

**§ 150.10 INTERPRETATION.**

In the interpretation and application of this chapter, all provisions shall be:

(A) Considered as minimum requirements;

(B) Liberally construed in favor of the governing body; and

(C) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. 101, § 3.5, passed 7-20-1978)

**§ 150.11 WARNING AND DISCLAIMER OF LIABILITY.**

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the township, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

(Ord. 101, § 3.6, passed 7-20-1978)

***ADMINISTRATION***

**§ 150.25 ESTABLISHMENT OF DEVELOPMENT PERMIT.**

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in § 150.07. Application for a development permit shall be made on forms furnished by the Township Supervisor and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- (A) Elevation in relation to mean sea level of the lowest floor, including basement, of all proposed structures;
- (B) Elevation in relation to mean sea level to which any structure will be flood-proofed;
- (C) Certification by a registered professional engineer or architect that the flood-proofing methods for any nonresidential structure meet the flood-proofing criteria in § 150.41; and
- (D) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.  
(Ord. 101, § 4.1, passed 7-20-1978)

**§ 150.26 DESIGNATION OF THE FLOOD INSURANCE ADMINISTRATOR.**

The Township Supervisor is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.  
(Ord. 101, §4.2, passed 7-20-1978)

**§ 150.27 DUTIES AND RESPONSIBILITIES OF THE TOWNSHIP SUPERVISOR.**

Duties of the Township Supervisor shall include:

- (A) *Permit review.*

(1) Review all development permit applications to determine that the requirements of this chapter have been satisfied.

(2) Review all development permit applications to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

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(3) Review all development permit applications to determine if the proposed development adversely affects the flood-carrying capacity of the area of special flood hazard. For purposes of this chapter, **ADVERSELY AFFECTS** means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than 1 foot at any point.

(B) *Use of the other base flood data.* When base flood elevation data has not been provided in accordance with § 150.07, the Township Supervisor shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer § 150.41(A) and (B).

(C) *Information to be obtained and maintained.*

(1) Obtain and record the actual elevation in relation to mean sea level of the lowest floor, including basement, of all new or substantially improved structures; including additions;

(2) For all new or substantially improved flood-proofed nonresidential structures, including additions;

(a) Verify and record the actual elevation (in relation to mean sea level); and

(b) Maintain the flood-proofing certifications required in § 150.25(C).

(3) Maintain for public inspection all records pertaining to the provisions of this chapter.

(D) *Alteration of watercourses.*

(1) Notify adjacent communities and the Department of Environmental Quality prior to any alteration or relocation of a watercourse, and submit evidence of the notification to the Federal Insurance Administration.

(2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

(E) *Interpretation of FIRM boundaries.* Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards; for example, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 4.4. (Ord. 101, § 4.3, passed 7-20-1978)

**§ 150.28 ENFORCING AGENCY DESIGNATED; CODE APPENDIX ENFORCED.**

(A) *Agency designated.* Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of P. A. 230 of 1972, as amended, the Building Official of the County of Huron – Huron

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County Building and Zoning Department is hereby designated as the enforcing agency to discharge the responsibility of the township under P. A. 230 of 1972, as amended, State of Michigan. The County of Huron - Huron County Building and Zoning Department assumes responsibility for the administration and enforcement of the Act throughout the corporate limits of the community adopting this section.

(B) *Code appendix enforced.* Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of P. A. 230 of 1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency within the township.  
(Ord. - passed 10-6-2008)

### **§ 150.29 DESIGNATION OF REGULATED FLOOD PRONE HAZARD.**

The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled Huron County (all jurisdictions) and dated December 2, 2008, and the Flood Insurance Rate Map(s) (FIRMS) panel number(s) of 26063C: 0092D, 0107D, 0108D, 010911 0111D, 0112D, 0113D, 0114D, 0116D, 0117D, 0118D, 0119D, 0130D and 0140D and dated December 2, 2008 are adopted by reference for the purposes of administration of the Michigan Construction Code, and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the “Flood Hazards” section of Table R301.2(1) of the Michigan Residential Code.  
(Ord. - passed 10-6-2008)

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***PROVISIONS FOR FLOOD HAZARD REDUCTION***

**§ 150.40 GENERAL STANDARDS.**

In all areas of special flood hazards the following standards are required:

(A) *Anchoring.*

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(2) All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:

(a) Over-the-top ties be provided at each of the 4 corners of the manufactured home, with 2 additional ties per side at intermediate locations, with mobile homes less than 50 feet long requiring 1 additional tie per side;

(b) Frame ties be provided at each corner of the home with 5 additional ties per side at intermediate points, with manufactured homes less than 50 feet long requiring 4 additional ties per side;

(c) All components of the anchoring system be capable of carrying a force of 4,800 pounds; and

(d) Any additions to the manufactured home be similarly anchored.

(B) *Construction materials and methods.*

(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(3) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base floor elevation.

(C) *Nonresidential construction.*



(1) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base floor elevation; or

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(2) Together with attendant utility and sanitary facilities shall:

(a) Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water.

(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(c) Be certified by a registered professional engineer or architect that the standards of this division are satisfied. Such certification shall be provided to the official as set forth in § 150.27.

### (D) *Mobile homes.*

(1) Mobile homes shall be anchored in accordance with division (A)(2).

(2) For new mobile home parks and mobile home subdivisions; for expansions to existing mobile home parks and mobile home subdivisions; for existing mobile home parks and mobile home subdivisions where the repair, reconstruction or improvement of the street, utilities and pads equals or exceeds 50% of the value of the streets, utilities, and pads before the repair, reconstruction or improvement has commenced; and for mobile homes not placed in a mobile home park or mobile home subdivision, require that: Stands or lots are elevated on compacted fill or pilings so that the lowest floor of the mobile home will be at or above the base flood level.

### (E) *Utilities.*

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and

(3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

### (F) *Subdivision proposals.*

(1) All subdivision proposals shall be consistent with the need to minimize flood damage;

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

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(4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or 5 acres (whichever is less).

(G) *Encroachments.* The cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than 1 foot at any point.

(Ord. 101, § 5.1, passed 7-20-1978)

### **§ 150.41 SPECIFIC STANDARDS.**

In all areas of special flood hazards where base flood elevation data has been provided as set forth in § 150.07, or § 150.27(B), the following provisions are required:

(A) *Residential construction.*

(1) New construction including additions to and substantial improvement of any residential structure in a flood risk area shall be elevated so that the lowest portion of all horizontal structural members which support floors, excluding footings, pile caps, piling, nonstructural slabs, girders, and grade beams, is located at or above the 100-year flood elevation.

(2) All basement floor surfaces shall be located at or above the 100-year flood elevation. New and replacement electrical wiring and equipment and heating, ventilating, air conditioning, and other service facilities shall be either placed above the 100-year flood elevation or to be protected so as to prevent water from entering or accumulating within the system components during floods up to the 100-year elevation. Duct insulation subject to water damage shall not be installed below the 100-year elevation.

(B) *Nonresidential construction.* New construction, including additions to and substantial improvement of any commercial industrial or other nonresidential structure in a flood risk area, shall be in compliance with either of the following requirements:

(1) Meet the requirements of new residential structures as provided for in division (A) of this rule.

(2) Together with attendant utility and sanitary facilities, be certified by a professional engineer or architect to have been designed so that, below the elevation defining the flood risk area, the structure is watertight and able to withstand hydrostatic pressures from a water level to the elevation defining the flood risk area. All floor and wall penetrations for plumbing, mechanical, and electrical systems shall be

made watertight to prevent flood water seepage, or shall be provided with shut-off valves or closure devices to prevent backwater flow during flooding.

(C) Manufactured homes. Manufactured homes shall be anchored in accordance with § 150.40(A)(2).  
(Ord. 101, § 5.2, passed 7-20-1978)

## **CHAPTER 151: PROPERTY MAINTENANCE CODE**

### Section

#### *Administration and Enforcement*

- 151.01 Generally
- 151.02 Application of codes and regulations
- 151.03 Approval
- 151.04 Duties and powers of code official
- 151.05 Condemnation
- 151.06 Notices and orders
- 151.07 Placarding
- 151.08 Violations
- 151.09 Demolition
- 151.10 Right to appeal

#### *Definitions*

- 151.25 Definitions; generally

#### *General Requirements*

- 151.40 Generally
- 151.41 Exterior property areas

#### *Fire Safety Requirements*

- 151.55 Generally
- 151.56 Accumulations and storage

## Caseville Township – Land Usage

### *ADMINISTRATION AND ENFORCEMENT*

#### **§ 151.01 GENERALLY.**

**PM-100.1 Title:** These regulations shall be known as the Property Maintenance Code of Caseville Township, hereinafter referred to as this code.

**PM-100.2 Scope:** This code is to protect the public health, safety and welfare in all existing structures, residential and nonresidential, and on all existing premises by establishing minimum requirements and standards for premises, structures, buildings, equipment, and facilities for space, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; fixing the responsibility of owners, operators, and occupants; regulating the occupancy and use of existing structures and premises and providing for administration, enforcement and penalties.

**PM-100.3 Intent:** This code shall be construed liberally and justly to ensure public health, safety and welfare insofar as they are affected by the continued use and maintenance of structures and premises.

**PM-100.4 Referenced standards:** The standards referenced in this code and listed in Appendix A shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced standards, the provisions of this code shall apply.

(Ord. passed - -)

#### **§ 151.02 APPLICATION OF CODES AND REGULATIONS.**

**PM-102.1 Application of other codes:** Any repairs or alterations to a structure, or changes of use therein, shall be done in accordance with the procedures and provisions of the building, plumbing, electrical and mechanical codes listed in the Caseville Township Building Code (BOCA).

**PM-102.2 Other regulations:** The provisions in this code shall not be construed to prevent the enforcement of other ordinances or regulations which prescribe standards other than those provided herein. In the event of conflict, the most restrictive provision shall apply.

(Ord. passed - -)

**§ 151.03 APPROVAL.**

**PM-103.1 Approved materials and equipment:** All materials, equipment and devices approved for use by the code official shall be constructed and installed in accordance with such approval.

**PM-103.2 Modifications:** Where there are practical difficulties involved in carrying out structural or other provisions of this code, the code official shall be permitted to vary or modify such provision upon application of the owner or the owner's representative, provided that the spirit and intent of the law shall be observed and public welfare and safety assured.  
(Ord. passed - -)

**§ 151.04 DUTIES AND POWERS OF CODE OFFICIAL.**

**PM-104.1 General:** The code official shall enforce all the provisions of this code.

**PM-104.2 Notices and orders:** The code official shall issue all necessary notices and orders to abate illegal or unsafe conditions to ensure compliance with the requirements of this code for the safety, health, and general welfare of the public.

**PM-104.3 Inspections:** In order to safeguard the safety, health and welfare of the public, the code official is authorized to enter any structure or premises at any reasonable time for the purpose of making inspections and performing duties under this code,

**PM-104.4 Right of entry:** A code official may gain entry without owner's permission only if any owner, occupant, or other person in charge of a structure subject to the provisions of this code refuses, impedes, inhibits, interferes with, restricts, or obstructs entry and free access to any part of the structure or premises where inspection authorized by this code is sought, the administrative authority shall be permitted to seek, in a court of competent jurisdiction, an order that such owner, occupant or other person in charge cease and desist with such interferences.

**PM-104.5 Access by owner or operator:** Every occupant of a structure or premises shall give the owner or operator thereof, or agent or employee, access to any part of such structure or its premises at reasonable times for the purpose of making such inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this code.

**PM-104.10 Relief from personal liability:** Any code official, officer or employee who acts in good faith in the discharge of duties of enforcement of this code is relieved of all personal liability for any damage

accruing to persons or property as a result of such acts or alleged failure to act. Further, the code official shall not be held liable for any costs in any action, suit or proceeding that is instituted by the code official in the enforcement of this code. In any of these actions, the official or employee shall be defended or represented by the jurisdiction's attorney-at-law until the final termination of the proceedings.

**PM-104.11 Official records:** An official record shall be kept of all business and activities of the department specified in the provisions of this code, and all such records shall be open to public inspection at all appropriate times and under reasonable regulations to maintain the integrity and security of such records. (Ord. passed - -)

**§ 151.05 CONDEMNATION.**

**PM-105.1 General:** When a structure or part thereof is found by the code official to be unsafe, or when a structure or part thereof is found unfit for human occupancy or use, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code and shall be placarded, vacated and shall not be reoccupied without approval of code official. Unsafe equipment shall be placarded and placed out of service. (Ord. passed - -)

**§ 151.06 NOTICES AND ORDERS.**

**PM-106.1 Notice to owner or to person or persons responsible:** Whenever the code official determines that there has been a violation of this code or has reasonable grounds to believe that a violation has occurred, or whenever the code official has condemned any structure or equipment under the provisions of § 150.05, notice shall be given to the owner or the person or persons responsible therefor in the manner prescribed below. If the code official has condemned the property or part thereof, the code official shall give notice to the owner and to the occupants of the intent to placard and to vacate the property or to order equipment out of service.

**PM-106.2 Form:** Such notice prescribed in Section PM-106.1 shall:

1. Be in writing;
2. Include a description of the real estate sufficient for identification;
3. Include a statement of the reason or reasons why the notice is being issued;
4. Include a correction order allowing a reasonable time for the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code; and
5. Include an explanation of the owner's right to seek modification or withdrawal of the notice by petition to the Caseville Township Construction Board of Appeals.

**PM-106.3 Service:** Such service shall be deemed to be properly served upon such owner if a copy thereof is delivered to the owner personally; or by leaving the notice at the usual place of abode, in the presence of someone in the family of suitable age and discretion who shall be informed of the contents thereof; or by certified or registered mail addressed to the owner at the last known address with return receipt requested; or if the certified or registered letter is returned with receipt showing that the letter has not been delivered, by posting a copy thereof in a conspicuous place in or about the structure affected by such notice, and at least one (1) publication of such notice in a local newspaper of general circulation.

**PM-106.4 Service on occupant:** When a violation or order is served on an occupant other than the owner or person responsible for such compliance, a reasonable time to vacate the property after noncompliance shall be stated. Owners or persons responsible for compliance shall vacate at the time set for correction of defects if there is failure to comply.

**PM-106.5 Penalties:** Penalties for noncompliance with orders and notices shall be as set forth in Section PM-109.2.  
(Ord. passed - -)

**§ 151.07 PLACARDING.**

**PM-107.2 Prohibited use:** Any person who shall occupy a placarded premises or structure or part thereof, or uses placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises shall be liable for the penalties provided by this code.

**PM-107.3 Removal of placard:** The code official shall remove the condemnation or violation placard whenever the defect or defects upon which the condemnation or violation placarding action was based have been eliminated: Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code. (Ord. passed - -)

**§ 151.08 VIOLATIONS.**

**PM-108.1 Unlawful acts:** It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, maintain, fail to maintain, provide, fail to provide, use or occupy, let to another for use or occupy or permit another person to use or occupy any structure or equipment regulated by this code, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of this code, or to fail to obey a lawful order of the code official, or to remove or deface a placard or notice posted under the provisions of this code.  
(Ord. passed)



**§ 151.09 DEMOLITION**

**PM-109.1 General:** The code official shall order the owner of any premises upon which is located any structure or part thereof, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, and so that such structure would be unreasonable to repair the same, to raze and remove such structure or part thereof; or if such structure can be made safe by repairs, to repair and make safe and sanitary or to raze and remove at the owner's option.

**PM-109.2 Order:** The order shall specify a time in which the owner shall comply therewith and specify repairs, if any. The order shall be served on the owner of record or an agent where an agent is in charge of the building and upon the holder of any encumbrance of record in the manner provided for service of a summons by a court of record. If the owner or a holder of an encumbrance of record cannot be found, the order shall be served by being posted on the main entrance of the building and published once each week for three (3) successive weeks in a newspaper authorized to provide service of publication.

**PM-109.3 Failure to comply:** Whenever the owner of a property fails to comply with a demolition order within the time prescribed, the code official shall cause the structure or part thereof to be razed and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such razing and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate. If any charge is not paid it may be recovered by the Township in an action of assumpsit against the owner of the property as well as any tenant supplied with such order, or such charges may be certified to the Township Assessor by the Caseville Township Board of Trustees and assessed against the property on the next Township tax roll, in which event such charge shall be collected and returned in the same manner as other Township taxes are collected and returned; provided that any charge shall not be so certified which has not been delinquent for a period of at least three (3) months.

**PM-109.4 Salvage materials:** When any structure has been ordered razed and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such razing and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the use of the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state. (Ord. passed - -)

**§ 151.10 RIGHT TO APPEAL**

**PM-110.2 Appeals board:** In order to protect existing structures in the jurisdiction by vigorous enforcement of the provisions of this code, there shall be and is hereby created the Caseville Township Construction Board of Appeals, hereafter referred to as “the Board,” consisting of 5 members who shall be appointed by the Caseville Township Board of Trustees.

**PM-110.2.1 Membership:** Each member shall be a licensed professional engineer or architect, or a builder or superintendent of building construction, with at least 5-years\* experience, 4 of which that Board member shall have been in responsible charge of work; and there shall not be more than 2 members of the Board selected from the same profession or business; and at least 1 of the professional engineers shall be a licensed structural or civil engineer of architectural engineering experience.

Each member shall have been a resident of the jurisdiction for at least 1 year prior to appointment. The Township Board of Trustees shall appoint for a term of 1 year an alternate member of such board in addition to the 5 members above provided for, who shall act with full power only when a member of the Board refuses to vote because of interest or when a member is absent. The Township Board shall appoint 1 member of the department who shall act as Secretary to the Board.

**PM-110.2.2 Vote:** The Board shall hear all appeals relative to the enforcement of this code, and by a concurring vote of the majority of its members shall reverse or affirm wholly or partly, or modify the decision appealed from, and shall make such order or determination as in the opinion of the Board ought to be made. Failure to secure such concurring votes shall be deemed a confirmation of the decision of the code official.

**PM-110.2.3 Financial interest:** A member of the Board shall not participate in any hearings or vote on any appeal in which that member has a direct or indirect financial interest, or is engaged as a contractor, or is engaged in the preparation of plans and specifications, or in which that member has any personal interest.

**PM-110.3 Records:** The Secretary of the Board shall keep a record of each meeting so that the record shows clearly the basis for each decision made by the Board.

(Ord. passed - -)

***DEFINITIONS*****§ 151.25 DEFINITIONS; GENERALLY.**

**PM-200.1 Scope:** Unless otherwise expressly stated, the following terms shall, for the purpose of this code, have the meanings indicated in this section.

**PM-200.2 Interchangeability:** Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

**PM-200.3 Terms defined in other codes:** Where terms are not defined in this article and are defined in the building, plumbing, electrical or mechanical codes listed in the Caseville Township Building Code, they shall have the same meanings ascribed to them as in those codes.

**PM-200.4 Terms not defined:** Where terms are not defined, through the methods authorized by this section, they shall have their ordinarily accepted meanings such as the context implies.

***ELECTRICAL.*** The practice, materials, and fixtures used in the installation, maintenance, extension and alteration of all wiring, fixtures, and appliances, and appurtenances within the scope of the electrical code listed in the Township Building Code.

***INFESTATION.*** The presence, within or contiguous to a structure or premises, of insects, rats, vermin or other pests.

***LET FOR OCCUPANCY* or *LET.*** To permit possession or occupancy of a dwelling, dwelling unit, rooming unit, building or structure by a person who shall be legal owner or not be the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

***OCCUPANT.*** Any person living or sleeping in a building; or having possession of a space within a building.

***OPENABLE AREA.*** That part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

**OPERATOR.** Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

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**OWNER.** Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

**PERSON.** An individual, corporation, partnership or any other group acting as a unit.

**PLUMBING.** The practice, materials, and fixtures used in the installation, maintenance, extension and alteration of all piping, fixtures, appliances, and appurtenances within the scope of the plumbing code listed in the Township Building Code.

**PLUMBING FIXTURE.** A receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises, and demands a supply of water therefrom or discharges used water, liquid-borne waste materials, or sewage either directly or indirectly to the drainage system of the premises; or which requires both a water supply connection and a discharge to the drainage system of the premises.

**PREMISES.** A lot, plot or parcel of land including the buildings or structures thereon.

**PUBLIC NUISANCE.** Includes the following:

- (a) The physical condition, or use of any premises regarded as a public nuisance at common law; or
  - (b) Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures; or
  - (c) Any premises which is unsanitary, or which is littered with rubbish or garbage, or which has an uncontrolled growth of weeds; or
  - (d) Any structure or building that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent so as not to provide shelter, in danger of collapse or failure and dangerous to anyone on or near the premises.
- (Ord. passed - -)

*GENERAL REQUIREMENTS***§ 151.40 GENERALLY.**

**PM-300.1 Scope:** The provisions of this subchapter shall govern the minimum conditions and standards for maintenance of structures and exterior property.

**PM-300.2 Responsibility:** The owner of the premises shall maintain the structures and exterior property in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy or use premises which do not comply with the requirements of this chapter.

**PM-300.3 Vacant structures and land:** All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure, and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.  
(Ord. passed - -)

**§ 151.41 EXTERIOR PROPERTY AREAS.**

**PM-301.1 Sanitation:** All exterior property and premises shall be maintained clean, safe, sanitary and free from any accumulation of rubbish or garbage.  
(Ord. passed - -)

*FIRE SAFETY REQUIREMENTS***§151.55 GENERALLY.**

**PM-700.1 Scope:** The provisions of this subchapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

**PM-700.2 Responsibility:** The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements and the fire prevention code listed in Appendix

A. A person shall not occupy as owner-occupant or permit another person to occupy or use any premises that do not comply with the requirements of this subchapter.

(Ord. passed - -)

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### § 151.56 ACCUMULATIONS AND STORAGE.

**PM-701.1 Accumulations:** Rubbish, garbage or other materials shall not be stored or allowed to accumulate in stairways, passageways, doors, windows, fire escapes, or other means of egress.

**PM-701.2 Hazardous material:** Combustibles, flammable, explosive or other hazardous material, such as paints, volatile oils and cleaning fluids, combustible rubbish, such as waste paper, boxes and rags, shall not be accumulated or stored unless such storage complies with the applicable requirements of the building code and the fire prevention code listed in the Township Building Code.

(Ord. passed - -)

**Caseville Township – Land Usage**

## CHAPTER 152: LAND DIVISION

### Section

- 152.01 Title
- 152.02 Purpose
- 152.03 Definitions
- 152.04 Prior approval requirement for land division
- 152.05 Application for land division approval
- 152.06 Procedure for review of application for land division approval
- 152.07 Standards for approval of land divisions
- 152.08 Consequences of noncompliance with land division approval requirement
- 152.09 Effective date
- 152.10 Land divisions and access requirements

### § 152.01 TITLE.

This chapter shall be known and cited as the Caseville Township Land Division Ordinance. (Ord. 98-01, passed 12-7-1998)

### § 152.02 PURPOSE.

The purpose of this chapter is to carry out the provisions of the State Land Division Act (1967 P. A. 288, as amended, formerly known as the Subdivision Act), to prevent the creation of parcels of property which do not comply with applicable ordinances and said Act, to minimize potential boundary disputes, to maintain orderly development of the community, and otherwise provide for the health, safety and welfare of the residents and property owners of the township by establishing reasonable standards for prior review and approval of land divisions within the township.  
(Ord. 98-01, passed 12-7-1998)



### § 152.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ADMINISTRATOR.** The Caseville Township Assessor (the Township Assessor).

**APPLICANT.** A natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.

**DIVIDE** or **DIVISION.** The partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale or lease of more than 1 year, or of building development that results in 1 or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of §§ 108 and 109 of the State Land Division Act. **DIVIDE** and **DIVISION** do not include a property transfer between 2 or more adjacent parcels, if the property taken from 1 parcel is added to an adjacent parcel, and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirement of the State Land Division Act, or the requirements of other applicable local/zoning ordinances.

**EXEMPT SPLIT** or **EXEMPT DIVISION.** The partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his or her heirs, executors, administrators, legal representatives, successors or assigns, that does not result in 1 or more parcels of less than 40 acres or the equivalent.

**FORTY ACRES OR THE EQUIVALENT.** Either 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.

**GOVERNING BODY.** The Caseville Township Board.

**PARCEL.** A contiguous area of land which can be described as stated in § 102(g) of the Act.

**PARENT PARCEL** or **PARENT TRACT.** A parcel or tract, respectively, lawfully in existence on March 31, 1997.

**RESULTING PARCEL(S).** One or more parcels which result from a land division.

**ROAD AUTHORITY.** The governmental authority having jurisdiction of a public road or public street.

**TRACT.** Two or more parcels that share a common property line and are under the same ownership.  
(Ord. 98-01, passed 12-7-1998)

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### § 152.04 PRIOR APPROVAL REQUIREMENT FOR LAND DIVISION.

(A) Land in the township shall not be divided without the prior review and approval of the Township Assessor, or other official designated by the governing body, in accordance with this chapter and the State Land Division Act, provided that the following shall be exempted from this requirement:

(1) A parcel proposed for subdivision through a recorded plat pursuant to the State Land Division Act.

(2) A lot in a recorded plat proposed to be divided in accordance with the State Land Division Act.

(3) An exempt split as defined in this chapter, or other partitioning or splitting that results in parcels of 20 acres or more if each is not accessible and the parcel was in existence on March 31, 1997, or resulted from exempt splitting under the State Act.

(B) Any other partition or splitting of land which requires the approval of the township in order to qualify as a land division under the Act shall satisfy the requirements of §§ 152.05 and 152.07, and other applicable provisions of this chapter.

(Ord. 98-01, passed 12-7-1998)

### § 152.05 APPLICATION FOR LAND DIVISION APPROVAL.

An applicant shall file all of the following with the Township Assessor or other official designated by the governing body for review and approval of a proposed land division before making any division either by deed, land contract, lease for more than 1 year, or for building development:

(A) A completed application form on such form as may be approved by the Township Board.

(B) Proof of fee ownership of the land proposed to be divided.

(C) A tentative parcel map drawn to scale, including an accurate legal description of each proposed division, and showing the boundary lines, approximate dimensions, and the accessibility of each division for automobile traffic and public utilities.

(D) Proof that all standards of the State Land Division Act and this chapter have been met.

(E) If a transfer or division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.

(F) A fee to cover the costs of review of the application and administration of this chapter and the State Land Division Act. The fee shall be established under separate action by the Township Board and may be revised from time to time as determined by the Township Board.  
(Ord. 98-01, passed 12-7-1998) Penalty, see § 10.99

**§ 152.06 PROCEDURE FOR REVIEW OF APPLICATION FOR LAND DIVISION APPROVAL.**

(A) The township shall approve or disapprove the land division applied for within 45 days after receipt of a complete application conforming to this chapter's requirements and the State Land Division Act, and shall promptly notify the applicant of the decision, and if denied, the reasons for denial.

(B) Any person or entity aggrieved by the decision of the Assessor or designee may, within 30 days of said decision, appeal the decision to the governing body of the township or such other body or person designated by the governing body, which shall consider and resolve the appeal by a majority vote of said Board or by the appellate designee at its next regular meeting or session, affording sufficient time for a 20-day written notice to the applicant (and appellant where other than the applicant) of the time and date of said meeting and appellate hearing.

(C) The Assessor or designee shall maintain an official record of all approved and accomplished land divisions or transfers.

(D) Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.

(E) The township and its officers and employees shall not be liable for approving a land division if building permits for construction on the parcels are subsequently denied because of inadequate water supply, sewage disposal facilities or otherwise, and any notice of approval shall include a statement to this effect.  
(Ord. 98-01, passed 12-7-1998)

**§ 152.07 STANDARDS FOR APPROVAL OF LAND DIVISIONS.**

Additional information can be found in Section 154.352. (Ord. 2103-01 adopted March 4, 2013)

A proposed land division reviewed by the township shall be approved if the following criteria are

met:

(A) Each parcel created by the proposed division(s) shall be in compliance with applicable standards contained in this chapter of the jurisdiction (width, area, accessibility).

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(B) Each resulting parcel shall have a means of vehicular access to an existing street or road from an existing or proposed driveway or access easement. The means of access shall comply with all applicable location standards of the governmental authority having jurisdiction of the existing street or road. If a driveway or access easement does not lawfully exist at the time a division is proposed, the applicant shall also comply with the following requirement(s):

(1) If a driveway is proposed as a means of access, each resulting parcel shall have an area where a driveway will lawfully provide vehicular access in compliance with applicable township ordinances.

(2) If an easement is proposed as a means of access, the proposed easement shall be in writing and signed by the owner of the parcel(s) within which the easement is to be located. The easement shall provide a lawful means of access over and across the parcel(s), in compliance with applicable township ordinances.

(3) If a new public street or road is proposed as a means of access, the applicant shall provide proof that the road authority having jurisdiction has approved the proposed layout and construction design of the street or road and of utility easements and drainage facilities associated therewith.

(C) The proposed division, together with any previous division(s) of the same parent parcel or parent tract, shall not result in a number of resulting parcels that is greater than the number permitted under § 108 of the Act.

(D) Each resulting parcel that is a development site (as defined in the Act) shall have adequate easements for public utilities from the resulting parcel to existing public utility facilities.

(E) Each resulting parcel which is 10 acres or less in area shall have a depth which is not more than 4 times the width of the parcel. If the width of the parcel is irregular, the average width of the parcel shall be calculated and used for purposes of this provision. This depth to width ratio shall not apply to the remainder of the parent parcel or parent tract retained by the applicant. All resulting parcels to be created by the proposed land division(s) shall fully comply with the applicable lot area and lot width requirements of the township zoning ordinances for the zoning district(s) in which the resulting parcels are located.

(Ord. 98-01, passed 12-7-1998)

**§ 152.08 CONSEQUENCES OF NONCOMPLIANCE WITH LAND DIVISION APPROVAL REQUIREMENT.**

(A) Any division of land in violation of any provision of this chapter shall not be recognized as a land division on the township tax roll, and no construction thereon which requires the prior issuance of a construction or building permit shall be allowed. The township shall further have the authority to initiate injunctive or other relief to prevent any violation or continuance of any violation of this chapter.

(B) An unlawful division or split shall also be voidable at the option of the purchaser and shall subject the seller to the forfeiture of all consideration received or pledged therefore, together with any damages sustained by the purchaser, recoverable in an action at law.  
(Ord. 98-01, passed 12-7-1998) Penalty, see § 10.99

**§ 152.09 EFFECTIVE DATE.**

This chapter shall take effect upon publication following its adoption.  
(Ord. 98-01, passed 12-7-1998)

**§ 152.10 LAND DIVISIONS AND ACCESS REQUIREMENTS.**

All divisions/splits of land shall comply with provisions of P. A. 591 of 1996 and P. A. 87 of 1997, being the Land Division Act, State of Michigan. Where land does not abut an existing public or private road or private easement, and a new access route is proposed, standards for the new access route(s) are noted below:

(A) The legal description of the access route shall be recorded with the description of the new parcel(s);

(B) Where 3 or more parcels (new divisions) are established having a new common entry drive, the entry drive, access easement, and/or roadway shall have a minimum right-of-way width of 66 feet;

(C) Where establishment of new parcels (divisions) is limited to 2 with a common entry drive, the entry drive, access easement, and/or roadway shall have a minimum right-of-way width of 30 feet; (adopted August 6, 2012)

(D) Access roads, as described in divisions (B) and (C) of this section, shall be constructed to meet the standards of the Huron County Road Commission for public roads, including but not limited to: minimum road bed design, caving surface material, slope, shoulder width, drainage, adequate visibility, location of ingress/egress onto an existing road, and cul-de-sac radii. For new access routes shall be installed, meeting standards for size and location of the Huron County Road Commission for public roads; and

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(E) Where new access roads cross a watercourse, drainageway, channel, stream, bridge(s) or other structures providing access over the watercourse(s), the road(s) shall be designed and constructed so as to permit use and provide access to emergency vehicles, i.e., fire trucks, ambulances, tow trucks, road maintenance equipment, and the like.

(Am. Ord. passed - -) Penalty, see § 10.99



## CHAPTER 153: SUBDIVISION REGULATIONS

### Section

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**GENERAL PROVISIONS**

**§ 153.001 SHORT TITLE.**

This chapter shall be known and may be designated as the Caseville Township Subdivision Regulations Ordinance.

(Ord. 93-2, § 100, passed - -1993)

**§ 153.002 PURPOSES.**

The purposes of this chapter are to provide for the orderly growth and harmonious development of the community, to secure adequate traffic circulation through coordinated street systems with relation to major thoroughfares, adjoining subdivisions, and public facilities; to achieve individual property lots of maximum utility and habitability; to secure adequate provisions for water supply, drainage and sanitary sewerage, and other health requirements; to secure adequate provisions for recreational areas, school sites and other public facilities; and, to provide logical procedures for the achievement of these purposes.  
(Ord. 93-2, § 101, passed - -1993)

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### § 153.003 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning certain words, terms and phrases shall be defined as follows and all terms as defined in the Subdivision Act shall control in this chapter unless indicated to the contrary in this section.

**BLOCK.** Property abutting 1 side of a street and lying between the 2 nearest intersecting streets, or between the nearest such street and railroad right-of-way, unsubdivided acreage, river or live stream; or between any of the foregoing and any other barrier to the continuity of development.

**COMMISSION.** The Planning Commission of the Township of Caseville.

**CLERK.** The Clerk of the Township of Caseville.

**EASEMENT.** A grant by the owner of the use of a strip of land by the public, a corporation, or persons for specific uses and purposes, to be designated as a public or private **EASEMENT** depending on the nature of the use.

**FILING DATE.** For the purpose of these regulations, the **FILING DATE** shall be the initial meeting date at which the plan for preliminary plat (stage 1), preliminary plat (stage 2), tentative or final, and final plat review appears on the Planning Commission or Township Board's regular meeting agenda.

**IMPROVEMENTS.** Grading, street surfacing, curb and gutters, sidewalks, crosswalks, water mains and lines, sanitary sewers, storm sewers, culverts, bridges, utilities, and other additions to the natural state of land which increases its value, utility, or habitability,

**LOT.** A measured portion of a parcel or tract of land, which is described or fixed in a recorded plat.

**MAJOR STREETS or THOROUGHFARE PLAN.** The part of the master plan which sets forth the location, alignment and dimensions of existing and proposed streets and thoroughfares.

**MASTER PLAN.** The comprehensive land use plan for the township, including graphic and written proposals indicating the general locations recommended for the streets, parks, schools, public buildings, zoning

districts, and all physical developments of the township, and includes any unit or part of such plan separately adopted, and any amendments to such plan or parts thereof duly adopted by the Planning Commission.

**PARCEL (or TRACT).** A continuous area or acreage of land which can be described as provided for in the Subdivision Act.

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**PLAT.** A map or chart of a subdivision of land.

(1) **PRELIMINARY PLAT (STAGE 1).** A map indicating the proposed layout of the subdivision in sufficient detail to provide adequate basis for review and to meet the requirements and procedures set forth in this chapter.

(2) **PRELIMINARY PLAT (STAGE 2).** A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration prepared in conformance with the Subdivision Act.

(3) **FINAL PLAT.** A map of all or part of the subdivision providing substantial conformance to the preliminary plat (stage 2) of the Subdivision prepared in conformance with the requirements of the Subdivision Act and this chapter, and suitable for recording by the County Register of Deeds.

**PROPRIETOR.** A natural person, firm, association, partnership, corporation, or combination of any of them which may hold any ownership interest in land, whether recorded or not.

**STREET.** Any street, avenue, boulevard, road, lane, parkway, viaduct, alley, or other way which is an existing state, county, or municipal roadway; or a street or way shown in a plat heretofore approved pursuant to law or approved by official action; or, a street or way on a plat duly filed and recorded in the office of the County Register of Deeds. A **STREET** includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutter, sidewalks, parking areas, and lawns.

(1) **ALLEY.** A minor service street and primarily to provide secondary vehicular access to the rear or side of properties otherwise abutting upon a street.

(2) **BOULEVARD STREET.** A street developed to 2, 2-lane, 1-way pavements separated by a median.

(3) **COLLECTOR STREET.** A street intended to serve as a major means of access from minor streets to major thoroughfares which has considerable continuity within the framework of the major thoroughfare plan.

(4) **CUL-DE-SAC STREET.** A short minor street having 1 end permanently terminated by a vehicular turn-around.

(5) **MAJOR THOROUGHFARE.** An arterial street of great continuity which is intended to serve as a large volume trafficway for both the immediate township area and region beyond, and may be designated in the township major thoroughfare plan as a major thoroughfare, parkway, expressway, or equivalent term to identify those streets comprising the basic structure of the street plan.

(6) **MARGINAL ACCESS STREET.** A minor street paralleling and adjacent to a major thoroughfare which provides access to abutting properties and protection from through traffic.

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(7) **MINOR STREET.** A street of limited continuity used primarily for access to abutting residential properties.

(8) **TURN-AROUND.** A short boulevard street permanently terminated by a vehicular turn-around.

**SUBDIVISION.** The partitioning or dividing of a parcel or tract of land: by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns for the purpose of sale, or lease of more than 1 year; by building development, where the act of division creates 5 or more parcels of land, each of which is 10 acres or less in area; by the creation of 5 or more parcels of land, each of which is 10 acres or less in area, which are created by successive divisions within a period of 10 years.

**SUBDIVISION ACT.** Means the Subdivision Control Act, Michigan Public Act No. 288 of 1967, as amended.

**TOWNSHIP.** The Township of Caseville.

**TOWNSHIP BOARD.** The Township Board of the Township of Caseville.

**TOWNSHIP ENGINEER** or **ENGINEER.** The **STAFF ENGINEER** or **CONSULTING ENGINEER** of the township.

**TOWNSHIP PLANNER** or **PLANNER.** The **STAFF PLANNER** or **CONSULTING PLANNER** of the township.

**ZONING ORDINANCE.** The Township of Caseville Zoning Ordinance.  
(Ord. 93-2, § 200, passed - -1993)

**Cross-reference:**

*Zoning code, see Chapter 154*

## SUBDIVISION PROCEDURE

## **§ 153.015 SUBDIVISION PROCEDURE.**

The preparation of a subdivision for platting shall be carried out through 3 phases, pre-preliminary plat investigation, preliminary plat (stages 1 and 2), and final plat, all in accordance with the procedure as follows. (Ord. 93-2, Art. III, passed - -1993)

## **§ 153.016 PRE-PRELIMINARY PLAT INVESTIGATION.**

(A) Prior to the preparation and filing of a preliminary plat, the proprietor may meet informally with the Planning Commission in order that he or she may become familiar with the procedures and standards of the township with reference to this chapter and with the proposals of the master plan as they effect the area in which the proposed subdivision is located.

(B) The proprietor should concern himself or herself with the following factors:

(1) The proprietor shall secure a copy of the zoning ordinance, subdivision regulations, engineering specifications, and other similar ordinances or controls relative to the subdivision and improvement of land so as to make himself or herself aware of the requirements of the township.

(2) The area for the proposed subdivision shall be properly zoned for the intended use.

(3) An investigation of adequacy of existing schools and the adequacy of public open spaces including parks and playgrounds to serve the proposed subdivision shall be made by the proprietor.

(4) The relationship of the proposed subdivision with respect to major thoroughfares and plans for widening of thoroughfares shall be investigated by the proprietor.

(5) Standards for sewage disposal, water supply and drainage of the township shall be investigated by the proprietor.

(Ord. 93-2, § 300, passed - -1993)

## **§ 153.017 PRELIMINARY PLAT PROCEDURE (STAGE 1).**

The procedure under this stage for preparation and submittal of a preliminary plat of the land area to be subdivided shall be as follows:

(A) *Filing.*

(1) Ten copies of the preliminary plat (stage 1) of the proposed subdivision, together with written application in triplicate, shall be submitted to the Clerk for the Planning Commission.

(2) Submittal to the Clerk shall be at least 10 days prior to the regular Commission meeting (which meeting shall be considered as the date of filing) at which the proprietor will be scheduled to appear. Should any of the data required in this section be omitted, the Clerk shall notify the proprietor of the additional data required and Commission action shall be delayed until the required data is received. The Commission shall act on the preliminary plat (stage 1) within 30 days after the date of filing unless the proprietor agrees to an extension of time in writing.

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(B) *Identification and description.* The preliminary plat (stage 1) shall include:

- (1) Proposed name of subdivision.
- (2) Location by section, town and range, or by other legal description.
- (3) Names and addresses of the proprietor, and the planner, designer, engineer or surveyor who designed the subdivision layout. The proprietor shall also indicate his or her interest in the land.
- (4) Scale of plat, 1 inch equals 100 feet as minimum acceptable scale.
- (5) Date.
- (6) Northpoint.

(C) *Existing conditions.* The preliminary plat (stage 1) shall include:

- (1) An over-all area map at a scale of not less than 1 inch equals 2,000 feet showing the relationship of the subdivision to its surroundings, such as, section lines and/or major streets or collector streets shall be provided.
- (2) Boundary line of proposed subdivision, section or corporation lines within or adjacent to the tract and over-all property dimensions.
- (3) Property lines of adjacent tracts of subdivided and unsubdivided land shown in relation to the tract being proposed for subdivision including those of areas across abutting roads.
- (4) Location, widths, and names of existing or prior platted streets and private streets, and public easements within or adjacent to the tract being proposed for subdivision, including those located across abutting roads.
- (5) Location of existing sewers, water mains, storm drains and other underground facilities within or adjacent to the tract being proposed for subdivision.

(6) Topography drawn as contours with an interval of at least 2 feet. Topography to be based on U.S.G.S. datum.

(7) The School Board or Board Superintendent of the School District having jurisdiction in the area concerned shall be informed and made aware of the proposed preliminary plat (stage 1) by the proprietor. A letter or document from the School Board or School Board Superintendent indicating awareness of the proprietor's intentions shall be submitted to the Planning Commission as part of the preliminary plat (stage 1).

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(D) *Proposed conditions.* The preliminary plat (stage 1) shall include:

(1) Layout of streets indicating proposed street names, right-of-way widths, connections with adjoining platted streets, and the widths and location of alleys, easements and public walkways.

(2) Layout, numbers and dimensions of lots, including building setback lines showing dimensions.

(3) Indication of parcels of land intended to be dedicated or set aside for public use or for the use of property owners in the subdivision.

(4) An indication of the ownership, and existing and proposed use of any parcels identified as excepted on the preliminary plat. If the proprietor has an interest or owns any parcel so identified as excepted, the preliminary plat shall indicate how this property could be developed in accordance with the requirements of the existing zoning district in which it is located and with an acceptable relationship to the layout of the proposed preliminary plat.

(5) An indication of system proposed for sewage by a method approved by the Township Board and the Township Engineer.

(6) An indication of system proposed for water supply by a method approved by the Township Board and the Township Engineer.

(7) An indication of storm drainage proposed by a method approved by the Township Board and the Township Engineer and, if involving county drains, the proposed drainage shall be acceptable to the County Drain Commissioner. Storm drainage must be provided to an approved outlet.

(8) In the case where the proprietor wishes to subdivide a given area, but wishes to begin with only a portion of the total area, the preliminary plat shall include the proposed general layout for the entire area. The part which is proposed to be subdivided first shall be clearly superimposed upon the over-all plan in order to illustrate clearly the method of development which the proprietor intends to follow. Each subsequent shall follow the same procedure until the entire area controlled by the proprietor is subdivided.

(E) *Preliminary plat (stage 1) review by Planning Commission.*

(1) The Clerk shall receive and check for completeness the preliminary plat (stage 1) as required under divisions (A) through (D). If complete and basically in conformance with applicable municipal requirements, the Clerk shall place the proposal on the agenda of the next regular Commission meeting.

(2) The Clerk shall transmit a copy of the preliminary plat (stage 1) to the Township Engineer and the Township Planner for their technical review and recommendation.

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(3) The Commission shall review all details of the proposed subdivision within the framework of the zoning ordinance, within the various elements of the master plan and within the standards of this subdivision regulations ordinance.

(4) The Commission shall approve conditionally, disapprove, or approve the preliminary plat (stage 1).

(a) Should the approval be a conditional approval and therefore tentative, the preliminary plat (stage 1) shall not be forwarded to the Township Board until said conditions have been satisfied by the proprietor.

(b) Should the Commission disapprove the preliminary plat, it shall record the reasons in the minutes of the regular meeting. A copy of the minutes shall be sent to the proprietor and the School Board or School Superintendent of the school district having jurisdiction in the area concerned.

(c) Should the Commission find that all conditions have been satisfactorily met, it may give approval to the preliminary plat. The Chairman shall make a notation to that effect on each copy of the preliminary plat and distribute copies of same as follows:

1. Return 1 copy to the proprietor.
2. Retain 1 copy which shall become a matter of permanent record in the Commission files.
3. Forward 1 copy to the School Board of School Superintendent of the School District having jurisdiction in the area concerned.
4. Forward the remaining 4 copies to the Township Board via the Clerk's office for informational purposes.

(5) The approval of the Planning Commission shall be effective for a period of 12 months. Should the preliminary plat (stage 2) in whole or in part not be submitted within this time limit, a preliminary plat (stage 1) must again be submitted to the Commission for approval.



(6) No installation or construction of any improvements shall be made on the basis of preliminary plat (stage 1) approval.

(F) If the Planning Commission approves the preliminary plat (stage 1), and if the preliminary plat (stage 1) has been prepared in such a manner as to satisfy all the requirements of a preliminary plat as specified by the subdivision act, the Planning Commission may, at its discretion, forward said preliminary plat (stage 1) to the Township Board, along with a recommendation for tentative approval as a preliminary plat (stage 2). (Ord. 93-2, § 301, passed - -1993)

**§ 153.018 PRELIMINARY PLAT PROCEDURE (STAGE 2).**

The procedure for the preparation and review of a preliminary plat (stage 2) requires tentative and final approval as follows:

(A) *Preliminary plat (stage 2) - tentative approval.*

(1) *Filing.*

(a) Ten copies of a valid and complete preliminary plat (stage 2) of the proposed subdivision, together with written application in triplicate and any other information required to be submitted under the Subdivision Act shall be filed with the Clerk.

(b) The preliminary plat (stage 2) shall conform substantially to the preliminary plat (stage 1) as approved, and it may constitute only that portion of the approved preliminary plat (stage 1) which the proprietor proposed to record and develop at the time; provided, however, that such portion conforms to this chapter.

(c) The Zoning Administrator shall check the proposed plat for completeness. Should any of the data required in the Subdivision Act, or § 153.017(A) through (D), be omitted, the Zoning Administrator shall be directed to inform the proprietor of the data required, and that the application will be delayed until the required data is received.

(d) The Clerk shall transmit a copy of the valid and complete preliminary plat (stage 2) to the Township Engineer and Township Planner for their technical review and recommendations.

(2) *Planning commission review - tentative approval.*

(a) The Clerk shall place the preliminary plat (stage 2) on the next regular Planning Commission agenda, at which meeting the proprietor will be scheduled to appear. The Planning Commission shall act on the preliminary plat (stage 2) within 30 days after the date of filing unless the proprietor agrees to an extension, in writing, of the time required for approval by the Township Board and Planning Commission.

(b) The preliminary plat (stage 2) documents shall be reviewed by the Township Engineer as to compliance with the approved preliminary plat (stage 1) and plans for utilities and other improvements.

(c) The Township Engineer shall notify the Commission of his or her recommendation for either approval or rejection of the preliminary plat (stage 2).

(d) The preliminary plat (stage 2) documents shall be reviewed by the Commission as to compliance with the approved preliminary plat (stage 1).

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(e) Should the Commission find that the preliminary plat (stage 2) is in close agreement with the preliminary plat (stage 1), it shall approve same and notify the Township Board of this action in its official minutes and forward the same, together with all accompanying data, to the Township Board for their review.

(f) Should the Commission find that the preliminary plat (stage 2) does not conform substantially to the previously approved preliminary plat (stage 1) and that it is not acceptable, they shall record the reason in their official minutes and forward same together with all accompanying data to the Township Board and recommend that the Township Board disapprove the preliminary plat (stage 2) until the objections causing disapproval have been changed to meet with the approval of the Commission.

#### **(3) *Township Board - tentative approval.***

(a) The Township Board will not review a preliminary plat (stage 2) until it has received the review and recommendations of the Commission. Following the receipt of such recommendations, the Township Board shall consider the preliminary plat (stage 2) at such meeting that the matter is placed on the regularly scheduled agenda. The Township Board shall take action on the preliminary plat (stage 2) within 15 days of the filing date of the plat.

(b) Should the Township Board tentatively approve the preliminary plat (stage 2), they shall record their approval on the plat and return one copy to the proprietor.

(c) Tentative approval shall not constitute final approval of the preliminary plat (stage 2).

(d) Tentative approval of the Township Board shall be effective for a period of 12 months. Should the preliminary plat (stage 2) in whole or in part not be submitted for final approval within this time limit, the preliminary plat (stage 1) must again be submitted to the Commission for approval unless an extension is applied for by the proprietor, and such request is granted in writing by the Township Board.

#### **(B) *Preliminary plat (stage 2) review by Township Board -final approval.***

(1) The proprietor shall file a valid preliminary plat (stage 2) with the Clerk together with a certified list of all authorities required for approval in §§ 112 to 119 of the Subdivision Act. The proprietor shall also provide approved copies of plats from each of the required authorities.

(2) The Township Board shall take action on the preliminary plat within 15 days of the filing date.

(3) If the preliminary plat (stage 2) conforms substantially to the plan tentatively approved by the Township Board and meets all conditions laid down for tentative approval, the Township Board shall give final approval to the preliminary plat (stage 2).

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(4) The Clerk shall promptly notify the proprietor of approval or rejection in writing. If rejected, reasons shall be given.

(5) Final approval shall be effective for a period of 2 years from the date of final approval. The 2-year period may be extended if applied for by the proprietor and granted by the Township Board in writing.

(6) No installation or construction of any improvements shall be made before the preliminary plat (stage 2) has received final approval of the Township Board, engineering plans have been approved by the Township Engineer, and any deposits required under §§ 153.055 et seq., have been received by the township. Where improvements which are to be owned and/or maintained by the township, such as, sewer and water supply facilities are to be installed prior to recording of the final plat, acceptable easements running to the township covering all proposed street rights-of-way and other places in which such installations are located must be filed with the Clerk.

(Ord. 93-2, § 302, passed - -1993)

#### § 153.019 FINAL PLAT.

The procedure for preparation is review of a final plat shall be a follows:

(A) *Preparation.*

(1) The final plat shall comply with the provisions of the Subdivision Act.

(2) The final plat shall conform substantially to the preliminary plat (stage 2) as approved and it may constitute only that portion of the approved preliminary plat which the proprietor proposed to record and develop at the time, provided, however, that such portion conforms to this subdivision regulations ordinance.

(3) The proprietor shall submit as evidence of title, an abstract of title certified to date with the written opinion of an attorney at law thereon, or at the option of the proprietor, a policy of title insurance for examination in order to ascertain as to whether or not the proper parties have signed the plat.

(B) *Final plat review.*

(1) Five true mylar copies and 3 paper prints of the final plat accompanied by a deposit of such sums of money as the Township Board may require herein or by other ordinances shall be filed by the proprietor with the Clerk.

(2) The final plat shall be reviewed by the Township Engineer as to compliance with the approved preliminary plat and plans for utilities and other improvements.

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(3) The Township Engineer shall notify the Township Board of his or her recommendation for either approval or rejection of the final plat.

(4) The Township Board shall review all recommendations and take action on the final plat within 20 days of its date of filing.

(5) Upon the approval of the final plat by the Township Board, subsequent approvals shall follow the procedure set forth in the Subdivision Act. The 3 prints of the final plat shall be forwarded; 1 to the Clerk, 1 to the Planning Commission, and 1 to the Building Inspector. The 5 true mylar copies shall be forwarded to the Clerk of the County Plat Board.  
(Ord. 93-2, § 303, passed - -1993)

### ***DESIGN LAYOUT STANDARDS***

#### **§ 153.035 GENERALLY.**

The subdivision design layout standards set forth under this subchapter are development guides for the assistance of the proprietor. All final plans must be reviewed and approved by the Township Board and shall conform to the adopted standards of the Huron County Road Commission set forth in the publication entitled Sub-Division Specifications. In addition to compliance with County Road Commission standards, all streets developed under this chapter shall be surfaced with concrete or asphalt in conformance with design standards and specifications established by MDOT and shall be subject to review and approval by the Township Engineer.  
(Ord. 93-2, Article IV, passed - -1993)

#### **§ 153.036 STREETS.**

Streets shall conform to at least all minimum requirements of the general specifications and typical cross-sections as set forth in this subchapter, and other conditions set forth by the Township Board and Huron County Road Commission.

(A) *Location and arrangement.*

(1) The proposed subdivision shall conform to the various elements of the master plan and shall be considered in relation to the existing and planned major thoroughfares and collector streets, and such part shall be platted in the location and width indicated on such plan.

(2) The street layout shall: provide for continuation of collector streets in the adjoining subdivisions or of the proper projection of streets when adjoining property is not subdivided, or conform to a plan for a neighborhood unit drawn up and adopted by the Commission.

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(3) The street layout shall include minor streets so laid out that their use by through traffic shall be discouraged.

(4) Should a proposed subdivision border on or contain an existing or proposed major thoroughfare, the Commission may require marginal access streets, reverse frontage, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation and reduction of traffic hazards.

(5) Should a proposed subdivision border on or contain a railroad, expressway, or other limited access highway right-of-way, the Commission may require the location of a street approximately parallel to and on each side of such right-of-way at a distance suitable for the development of an appropriate use of the intervening land such as for parks in residential districts. Such distances shall be determined with due consideration of the minimum distance required for approach grades to future grade separation.

(6) Half streets shall be prohibited, except where absolutely essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, and where the Commission finds it will be practicable to require the dedication of the other half when the adjoining property is developed. Wherever there exists adjacent to the tract to be subdivided a dedicated or platted and recorded half street, the other half shall be platted.

(7) Should a proposed subdivision border upon or contain an existing or proposed canal, channel or drainage-way, the Commission may require the location of a bridge facility suitable to permit the unimpeded flow of water, the passage of water-borne vehicles, and the movement of emergency vehicles, such as fire and medical units.

(B) *Right-of-way widths.* Street right-of-way widths shall conform to at least the following minimum requirements:

<i>Street Type</i>	<i>Right-of-Way Widths</i>
Major thoroughfares	In conformance with the major thoroughfare plan of the township and/or Huron County
Collector streets	86 ft.
Industrial service streets	86 ft.
Multiple-family residential streets where platted	66 ft.
Minor (single-family residential) streets	66 ft.
Minor (mobile home park residential) streets	In conformance with Mobile Home Commission requirements
Marginal access streets	34 ft.

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<i>Street Type</i>	<i>Right-of-Way Widths</i>
Turn-around (loop) streets	150 ft.
Alleys	20 ft.
Cul-de-sac streets - turn arounds	66 ft. street and 150 ft. exterior diameter turn-around
<p>Minimum length for residential cul-de-sac streets shall be 140 feet. Maximum length for residential cul-de-sac streets shall be 7 times the average lot width and in no case shall exceed 1,000 feet in length. Maximum length for industrial and other cul-de-sac streets shall not exceed 1,000 feet except upon approval of the Commission.</p> <p>Access to streets across all ditches or canals shall be provided by the proprietor in accordance with the Huron County Road Commission specifications and procedures for driveway installation.</p>	

(C) *Street grades.* For adequate drainage, the minimum street grade shall meet the applicable requirements of the Huron County Road Commission. The maximum street grade shall be 6. %.

(D) *Street geometries.* Maximum and minimum street grades, vertical and horizontal street curves and sight distances shall conform to the standards of the Huron County Road Commission.

(E) *Street intersections.* Streets shall be laid out so as to intersect as nearly as possible to 90 degrees. Curved streets, intersecting with major thoroughfares and collector thoroughfares shall do so with a tangent section of centerline 50 feet in length, measured from the right-of-way line of the major or collector thoroughfare.

(F) *Grading and centerline gradients.* Per plans and profiles approved by the Huron County Road Commission.

(G) *Street jogs.* Street jogs with centerline offsets of less than 125 feet shall be avoided. (Ord. 93-2, § 400, passed - -1993)

**§ 153.037 BLOCKS.**

Blocks within subdivisions shall conform to the following standards:

(A) *Sizes.*

(1) Maximum length for blocks shall not exceed 1,300 feet in length, except where, in the opinion of the Commission, conditions may justify a greater distance.

(2) Widths of blocks shall be determined by the condition of the layout and shall be suited to the intended layout.

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**Caseville Township – Land Usage**

(B) *Public walkways.*

(1) Location of public walkways or crosswalks may be required by the Commission to obtain satisfactory pedestrian access to public or private facilities such as, but not limited to, schools and parks.

(2) Widths of public walkway shall be at least 12 feet and shall be in the nature of an easement for this purpose.

(C) *Easements.*

(1) Location of utility line easements shall be provided along the rear or side lot lines as necessary for utility lines. Easements shall give access to every lot, park or public grounds. Such easements shall be a total of not less than 12 feet wide, 6 feet from each parcel.

(2) Recommendations on the proposed layout of telephone, television, natural gas, and electric company easements should be sought from all of the utility companies serving the area. It shall be the responsibility of the proprietor to submit copies of the preliminary plat to all appropriate public utility agencies.

(3) Easements 6 feet in width, 3 feet from each parcel, shall be provided where needed along side lot lines so as to provide for street light dropouts. Prior to the approval of the final plat for a proposed subdivision, a statement shall be obtained from the appropriate public utility indicating that easements have been provided along specific lots. A notation shall be made on the final plat indicating: “The side lot lines between lots (indicating lot numbers) are subject to street light dropout rights granted to the (name of utility company).”

(Ord. 93-2, § 401, passed - -1993)

**§ 153.038 LOTS.**

Lots within subdivisions shall conform to the following standards:

(A) *Sizes and shapes.*

(1) The lot size, width, depth and shape in any subdivision proposed for residential uses shall be appropriate for the location and type of development contemplated.

(2) Lot areas and width and building setback lines shall conform to at least the minimum requirements of the zoning ordinance for the district in which the subdivision is proposed.

(3) Corner lots in residential subdivisions shall be platted at least 10 feet wider than the minimum width permitted by the zoning ordinance.

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(4) Excessive lot depth in relation to width shall be avoided. A depth-to-width ratio of 3 to 1 shall be considered a maximum.

(5) Lots intended for purposes other than residential use shall be specifically designed for such purposes, and shall have adequate provision for off-street parking, setbacks, and other requirements in accordance with the zoning ordinance.

(B) *Arrangement.*

(1) Every lot shall front or abut upon a public street.

(2) Side lot lines shall be at right angles or radial to the street lines.

(3) Residential lots abutting major thoroughfares or collector streets, where marginal access streets are not desirable or possible to attain, shall be platted with reverse frontage lots, or with side lot lines parallel to the major traffic streets.

(4) Lots shall have a front-to-front relationship across all streets where possible.

(5) Where lots border upon bodies of water, the front yard may be designated as the waterfront side of such lot provided the lot has sufficient depth to provide adequate setback on the street side to maintain a setback for all structures equal to the front setback on the street side as well as on the waterfront side. (Ord. 93-2, § 402, passed - -1993)

## § 153.039 NATURAL FEATURES.



The natural features and character of lands must be preserved wherever possible. Due regard must be shown for all natural features such as large trees, natural groves, water courses and similar community assets that will add attractiveness and value to the property, if preserved. The preservation of drainage and natural stream channels must be considered by the proprietor and the dedication and provision of adequate barriers, where appropriate, shall be required.  
(Ord. 93-2, § 403, passed - -1993)

**§ 153.040 FLOOD PLAINS.**

Any area of land within the proposed subdivision which lie either wholly or in part within the floodplain of a river, stream, creek or lake, or any other areas which are subject to flooding or inundation by storm water shall require specific compliance with the Subdivision Act and its review by the Water Resources Commission of the Department of Natural Resources.  
(Ord. 93-2, § 404, passed - -1993)

***IMPROVEMENTS***

**§ 153.055 GENERALLY.**

(A) The improvements set forth under this subchapter are to be considered as the minimum acceptable standard. All those improvements for which standards are not specifically set forth shall have said standards set by ordinance or published rules of the Township Board. All improvements must meet the approval of the Township Board.

(B) Prior to the undertaking of any improvements, the proprietor shall deposit with the Clerk: cash, a certified check, or irrevocable bank letter of credit running to the township, whichever the proprietor selects, to insure the faithful completion of all improvements within the time specified. The amount of the deposit shall be set by the Township Board based on an estimate by the Engineer. Completed construction of all improvements shall be approved by the Township before the final plat is approved. The Township Board shall release funds for the payment of work as it is completed and approved by the township.

(C) Prior to the acceptance by the township of improvements, a two year cash maintenance bond in an amount set by the Township Board shall be posted by the proprietor.

(D) Improvements shall be provided by the proprietor in accordance with the standards and requirements established in this subchapter and/or any other such standards and requirements which may from time to time be established by ordinance or published rules of the township.  
(Ord. 93-2, Article V, passed - -1993)

**§ 153.056 STREETS.**

All streets and appurtenances thereto shall be constructed in accordance with details and specifications approved by the Huron County Road Commission. In addition to County Road Commission requirements, all streets established pursuant to this chapter may be surfaced with concrete or asphalt in accordance with design standards and specifications established by MDOT and accepted engineering principles and practices. All plans shall be reviewed and approved by the Township Engineer.  
(Ord. 93-2, § 500, passed - -1993)

### § 153.057 UTILITIES.

(A) *Requirements for underground wiring.* The proprietor shall make arrangements for all lines for telephone, electric, television and other similar services distributed by wire or cable to be placed underground entirely throughout a subdivided area, except for major thoroughfare right-of-way, and such

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conduits or cables shall be placed within private easements provided to such service companies by the developer or within dedicated public ways, provided only that overhead lines may be permitted upon written recommendation of the Engineer, Planner, Commission, and the approval of the Township Board if it will not constitute a detriment to the health, safety, general welfare, plat design and character of the subdivision. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission. All drainage and underground utility installations which traverse privately owned property shall be protected by easements granted by the proprietor.

(B) *Sewage disposal.* When a proposed subdivision is located within, adjacent to or reasonably near the service area of an available public sanitary sewer system, sanitary sewers and other required appurtenances thereto shall be installed by the subdivider in such manner as to serve all lots. The system provided shall be turned over to the township for operation and maintenance. Where public sewers are not available to serve the site, an on-site sewage treatment facility may be utilized subject to review and approval of the DNR. Where septic tank systems are employed, they must meet the standards of the Huron County Health Department.

(C) *Water supply.* When a proposed subdivision is located within, adjacent to or reasonably near the service area of a public water supply system, water mains, fire hydrants and required water system appurtenances shall be installed by the sub-divider in such a manner as to adequately serve all lots shown on the subdivision plat, both for domestic use and fire protection. In the event of the non-existence or non-availability of a public water supply system, private water supply sources and systems shall be permitted subject to the approval of the County Health Department.

(D) *Storm drainage system.*

(1) An adequate storm drainage system including necessary storm sewers, catch basins, manholes, culverts, bridges, and other appurtenances shall be required in all subdivisions and shall be subject to the approval of the County Drain Commissioner.

(2) Adequate provision shall be made for proper drainage of storm water runover from residential rear yards. Each yard shall be self-contained and shall be drained from rear to front except where topography or other natural features require otherwise.  
(Ord. 93-2, § 501, passed - -1993)

**§ 153.058 OTHER IMPROVEMENTS.**

(A) *Sidewalks.*

(1) *Major thoroughfares.* A 6-foot wide concrete sidewalk located 1 foot from the property line on the side or sides of the roadway abutting the subdivision shall be provided. In those instances where no good purpose would be served by the provision of sidewalks, the Township Board may waive this requirement.

(2) *Collector streets.* A 6-foot concrete sidewalk located 1 foot from the property line on each side of the roadway shall be provided. In those instances where no good purpose would be served by the provision of sidewalks, the township may waive this requirement.

(3) *Minor streets.* A 5-foot concrete sidewalk located 1 foot from the property line on each side of the roadway shall be provided. In those instances where no good purpose would be served by the provision of sidewalks, the township may waive this requirement.

(4) *Marginal access streets.* A 5-foot concrete sidewalk located 1 foot from the property line on the private property side of the roadway shall be provided. In those instances where no good purpose would be served by the provision of sidewalks, the Township Board may waive this requirement.

(5) *Public walkways.* The surface of the walkways shall be developed in concrete. Planting pockets shall be provided in public walkways for tree and shrub planting. The planting plan and surface treatment shall meet the approval of the Commission. Fences and/or other improvements may also be required if the Commission and/or Township Board determines they are necessary to protect the adjacent property owners.

(B) *Street trees.* Existing trees near street right-of-way shall be preserved by the proprietor.

(C) *Street signs.* Prior to the time of plat approval the proprietor shall pay the Huron County Road Commission for the furnishing and erection of road name signs and traffic control signs.

(D) *Monuments.* Monuments shall be placed at all block corners, angle points, points of curves in streets, and at intermediate points as shall be required by the Township Engineer. The monuments shall be of such material, size and length as may be approved by the Township Engineer.

(E) *Street lighting.* For the purpose of protecting public safety, street lights meeting the standards of the Huron County Road Commission and the public utility providing such lighting shall be installed and maintained within the subdivision at all street intersections as a minimum. The township may elect to establish a special assessment district(s) to defray the cost of operating the street lighting system for the benefitting parcels. (Ord. 93-2, § 502, passed - -1993)

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### VARIANCE

#### § 153.075 VARIANCE FOR HARDSHIP.

(A) The Township Board may authorize a variance from these regulations when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the Township Board shall prescribe only conditions that it deems necessary or desirable for the public interest. In making its findings, as required herein below, the Township Board shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity.

(B) No variance shall be granted unless the Township Board finds:

(1) That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his or her land.

(2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.

(3) That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which said property is situated. (Ord. 93-2, § 1200, passed - -1993)

**§ 153.076 VARIANCE FOR PUD OR COMPLETE NEIGHBORHOOD.**

(A) *Conditions.* The Township Board may authorize a variance from these regulations in case of a Planned Unit Development or a plan for a complete community or neighborhood where such development is permitted by the zoning ordinance and which, in the judgment of the Township Board, and after a recommendation is had from the Commission, provides adequate public spaces and includes provisions for efficient circulation, light and air and other needs. In making its findings, as required herein below, the Township Board shall take into account the nature of the proposed use of and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed development upon traffic conditions in the vicinity. The Township Board shall find:

(1) That the standards and requirements of the zoning ordinance of the township are met.

(2) That the Planning Commission has reviewed the plan and recommends its approval as having met the standards and intent of the master plan of land use as it relates to facility needs.

(3) That in granting the variance, it shall be valid only as long as the Planned Unit Development or plan for the complete neighborhood is carried out as approved. Any departure from the plan shall immediately rescind any variance granted.

(4) That the Township Board shall establish a time schedule to be met on the various aspects of the Planned Unit Development or complete neighborhood plan.

(B) *Application.* Application for any such variance shall be submitted in writing by the proprietor at the time the preliminary plat (stage 1) is filed, stating fully and clearly all facts relied upon by the proprietor and shall be supplemented with maps, plans, or other additional data which may aid in the analysis of the proposed project. The plans for such development shall include such covenants, restrictions or other legal provisions necessary to guarantee the full achievement of the plan.

(Ord. 93-2, § 1201, passed - -1993)

***MISCELLANEOUS***

**§ 153.090 COMPLIANCE STANDARDS.**

The approvals required under the provisions of this chapter shall be obtained prior to the installation of any subdivision or project improvements within the township, in public streets, public alleys, public rights-of-way and public easements, and/or under the ultimate jurisdiction of the township. All subdivision or project improvements within the township installed in public streets, public alleys, public rights-of-way or public

easements, and/or under the ultimate jurisdiction of the township shall comply with all of the provisions and requirements of this or any other related ordinance.

(Ord. 93-2, Article VI, passed - -1993)

#### **§ 153.091 INTERPRETATION.**

The provisions of these regulations shall be held to be the minimum requirements adopted for the promotion and preservation of public health, safety and general welfare of the township. These regulations are not intended to repeal, abrogate, annul or in any manner interfere with existing regulations or laws of the township, nor conflict with any statutes of the State of Michigan or Huron County, except that these regulations shall prevail in cases where these regulations impose a greater restriction than is provided by existing statutes, laws or regulations.

(Ord. 93-2, Article VII, passed - -1993)

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#### **§ 153.092 REVIEW FEES.**

Preliminary (stages 1 and 2) and final plat review fees, planning fees, engineering fees, attorney fees, inspection fees, water and sewer connection charges and other applicable development charges shall be paid by the proprietor as provided for by ordinance of the township.

(Ord. 93-2, Article VIII, passed - -1993)

#### **§ 153.093 SEVERABILITY.**

If any section, paragraph, clause, phrase, or part of these subdivision regulations is for any reason held invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of these regulations, and the application of those provisions to any persons or circumstances shall not be affected thereby.

(Ord. 93-2, Article X, passed - -1993)

#### **§ 153.094 REPEAL.**

All ordinances and amendments thereto enacted and/or adopted by the Township Board inconsistent with the provisions of this chapter are hereby repealed, as of the effective date of this chapter. The repeal of the above ordinance and its amendments does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

(Ord. 93-2, Article XI, passed - -1993)

**§ 153.999 PENALTY.**

(A) Any persons, firm or corporation or anyone acting in behalf of said person, persons, firm or corporation, violating any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine of not more than \$500 dollars and the costs of prosecution or in default of the payment thereof, by imprisonment in the County Jail for a period not to exceed 90 days, or both such fine and imprisonment in the discretion of the court. Each day that a violation is permitted to exist shall constitute a separate violation.

(B) This chapter may be enforced additionally by the application to the Huron County Circuit Court for appropriate relief by way of injunction or otherwise.

(Ord. 93-2, Article IX, passed - -1993)

## CHAPTER 154: ZONING CODE

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***GENERAL PROVISIONS***

**§ 154.001 SHORT TITLE.**

This chapter and any amendment thereto, shall be known and may be cited as the Caseville Township Zoning Ordinance and may hereinafter be referred to as this chapter.  
(Ord. § 1.01, passed 4-5-2004)

**§ 154.002 PURPOSE.**

(A) This chapter is based upon the Caseville Township master plan and is intended to:

- (1) Promote the public health, safety and general welfare by regulating the use of land, buildings, and structures.
- (2) Encourage the use of land in accordance with its character and adaptability and limit or prohibit the improper use of land.
- (3) Meet the needs of the people of the township and the state for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land.
- (4) Insure that uses of the land shall be situated in appropriate locations and relationships by establishing zoning districts and regulations applicable to each district.

(5) Reduce hazards to life and property.

(6) Protect environmental quality and positive aesthetic features.

(7) Facilitate adequate and efficient provisions for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements.

(B) This chapter is adopted with reasonable consideration, among other things, of the character of each zoning district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building, and population development. (Ord. § 1.02, passed 4-5-2004)

## Zoning Code

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### § 154.003 LEGAL BASIS.

This Zoning code was adopted pursuant to the Township Zoning Act, PA 184 of 1943, as amended. The continued administration of this code, amendments thereto, and all other matters concerning this code shall be in accordance to PA 110 of 2006, as amended, being the Michigan Zoning Enabling Act. (Ord. § 1.03, passed 4-5-2004)

### § 154.004 APPLICATION AND SCOPE.

(A) This chapter shall not repeal, abrogate, annul or in any other way impair or interfere with existing provisions of other laws or chapter, except those specifically repealed by this chapter, or of any private restrictions placed upon property by covenant, deed, or other private restrictions or with restrictive covenants running with the land to which the township is a party.

(B) Where any provisions of this chapter impose more stringent requirements, regulations, restrictions, or limitations, upon the erection or use of land and buildings, or upon the height or bulk of buildings and structures, or upon safety and sanitary measures; or requires larger yards or open spaces than are imposed or required by the provisions of any other law or chapter, or any said rules, regulations, permits, or easements; then the provisions of this chapter shall govern and apply.

(C) The requirements of this chapter are and shall be construed as minimum requirements. Any conflicting laws of a more restrictive nature shall supercede the appropriate provisions of this chapter. (Ord. § 1.04, passed 4-5-2004)

**§ 154.005 ALLIED CODES.**

When required, other township, county, state, and federal codes have an impact upon the activities being undertaken or planned. In order to assist some of the codes suggestions are listed here:

(A) Maintenance codes for residential structures and property should meet those standards as contained in the Michigan Building Maintenance Code provisions. New construction and renovations shall meet the requirements of the Michigan Building Code.

(B) Areas subject to flooding area regulated and subject to the regulations of the Caseville Township Flood Areas Ordinance.

(C) Condominiums and declaration of condominiums for sale shall be subject to the Condominium Act, Public Act 59 of 1978, as amended.

(D) Subdivision of land is subject to the rules and regulations in the Land Division Act, Public Act 288 of 1967 as amended.

(E) Compliance with Soil Erosion Control Act, where applicable.

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**Caseville Township – Land Usage**

(F) Huron County District Health Department Septic Permit.  
(Ord. § 1.05, passed 4-5-2004)

**§ 154.006 SITE PLANS SUBMITTED PRIOR TO EFFECTIVE DATE.**

(A) Nothing in this chapter shall be deemed to require any change in the plans, construction, or designated use of any building upon which actual construction was begun prior to the enactment of this chapter, provided construction has lawfully begun, is being diligently carried on, and shall be completed within 1 year of the effective date of this chapter. The Zoning Board of Appeals (ZBA) may permit an extension of up to 1 year for completion.

(B) If a lot has an approved site plan within 6 months of the effective date of this chapter, the site plan or Planned Unit Development (PUD) shall remain valid if construction is begun within 1 year and completed within 2 years of the effective date of this chapter. If construction has not begun within this time period, the approval is void.

(C) If the conditions of this section are not met, the requirements and provisions of this chapter shall govern.  
(Ord. § 1.06, passed 4-5-2004)

**§ 154.007 DEFINITIONS.**

(A) *Construction of language.* The following rules of construction apply to the text of this chapter.

(1) The particular shall control the general.

(2) In case of any difference of meaning or implication between the text of this publication and any caption or illustration, the text shall control.

(3) The word **SHALL** is always mandatory and not discretionary. The word **MAY** is permissive, with the decision made by the Planning Commission, Township Board, or Zoning Board of Appeals, as indicated.

(4) The masculine gender includes the feminine and neuter.

(5) All measurements shall be to the nearest integral number, except density and lot measurements.

(6) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

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(7) The word **BUILDING** includes the word **STRUCTURE**. The word **BUILD** includes the words **ERECT** and **CONSTRUCT**.

(8) The word **PERSON** includes an individual, a corporation, a partnership, an incorporated association, or any other entity recognizable as a **PERSON** under the laws of Michigan.

(9) In computing a period of days, the first day is excluded and the last day is included. If the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday,

(10) Unless the context clearly indicates the contrary, where a regulation involves 2 or more items, conditions, provisions, or events connected by the conjunction and, or, either/or, the conjunction shall be interpreted as follows:

(a) **AND** indicates that all the connected items, conditions, provisions, or events shall apply.

(b) **OR** indicates that the connected items, conditions, provisions, or events may apply singly or in any combination (i.e., **OR** also means **AND/OR**).

(c) **EITHER/OR** indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination.

(11) Terms and words not herein defined shall have the meaning customarily assigned to them.



(B) *Definitions.*

**ABANDONMENT.** The relinquishment of land or cessation of the use of the land by the owner or leasee without any intention of transferring rights to the land to another owner or of resuming use of the land or building (i.e. a discontinuance and an indication of an intent to abandon.)

**ACCESSORY BUILDING.** A building located on the same conveyable lot with the main building or use, but the use of which is clearly incidental to that of the main building or use.

**ACCESSORY USE.** A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same zoning lot as, the main use to which it is related.

**ADULT ENTERTAINMENT USES.** Adult entertainment uses shall include, but not be limited to, any of the following defined establishments:

(a) **ADULT BOOK OR SUPPLY STORE.** An establishment having a significant portion of content devoted to the distribution, display or storage of books, magazines and other periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes, and/or novelty items which

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are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas, or an establishment with a segment or section devoted to the sale or display of such material. Such establishment or the segment or section devoted to the sale or display of such material in an establishment is customarily not open to the public generally, but only to 1 or more classes of the public, excluding any minor by reason of age.

(b) **ADULT MOTION PICTURE ARCADE or THEATER.** An enclosed building wherein still or motion pictures, video tapes, or similar material is presented or viewed which is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas (as defined herein) for observation by patrons therein. Such an establishment is customarily not open to the public generally, but only to 1 or more classes of the public, excluding any minor by reason of age.

(c) **ADULT PHYSICAL CULTURE ESTABLISHMENT.**

1. Any establishment, club, or business by whatever name designated, which offers or advertises, or is equipped or arranged so as to provide massages, body and alcohol rubs, physical stimulation, baths or showers, or other similar treatment by any person.

2. The following uses shall not be included within the definition of an ADULT PHYSICAL CULTURE ESTABLISHMENT.

a. Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed physical therapist, a licensed practical nurse, or any other similarly licensed medical professional.

- b. Electrolysis treatment by a licensed operator of electrolysis equipment.
- c. Continuing instruction in martial or performing arts, or in organized athletic activities.
- d. Hospitals, nursing homes, medical clinics, or medical offices.
- e. Barber shops or beauty parlors and salons which offer massages at the scalp, the face, the neck, or shoulders only.
- f. Photography studios whose main business does not include the taking of photographs of specified human anatomical areas.

(d) **CABARET.** An establishment where live entertainment such as, but not limited to, comedy or theater is provided, presented, permitted, or performed, which performances are distinguished or characterized by an emphasis on or relationship to specified sexual activities or specified anatomical areas (as defined herein) for observation by or participation of patrons therein. Also, an

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establishment which features any of the following: topless dancers and/or bottomless dancers, go-go dancers, exotic dancers, strippers, male and/or female impersonators or similar entertainers, topless and/or bottomless waiters, waitresses and/or employees.

(e) **MASSAGE PARLOR or MASSAGE ESTABLISHMENT.** A place where, for any form of consideration or gratuity, manipulated massage or manipulated exercises are practiced for pay upon the human body by anyone using mechanical, therapeutic, or bathing devices or techniques, or any other treatment or manipulation of the human body occurs as part of or in connection with specified sexual activities or where any person providing such treatment, manipulation, or service related thereto exposes specified anatomical areas. A **MASSAGE ESTABLISHMENT** may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths. **MASSAGE ESTABLISHMENTS**, as defined herein, shall not include properly licensed hospitals, medical clinics, or nursing homes, or beauty salons or barber shops in which massages are administered only to the scalp, the face, the neck or the shoulders.

(f) **SPECIFIC ANATOMICAL AREAS.** Portions of the human body defined as follows:

(1) Less than completely and opaquely covered human genitals, pubic region, buttock, or female breast below the point immediately above the top of the areola.

(2) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

(g) **SPECIFIC SEXUAL ACTIVITIES,** The explicit display of any 1 or more of the following:

- (1) Human genitals in a state of sexual stimulation or arousal.
- (2) Acts of human masturbation, sexual intercourse, or sodomy.
- (3) Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

**AGRICULTURE.** The carrying on of any fanning activity or the raising of livestock or small animals. Agricultural use of land shall include horticulture, floriculture, dairying, livestock or poultry raising, farm forestry, and other similar enterprises or uses, but no farms shall be operated for the disposal of garbage, sewage, rubbish, offal, or as rendering plant or for the slaughtering of animals, except such animals as have been raised on the premises and for the use and consumption of persons residing on those premises.

**ALTERATIONS.** Any change, addition, or modification in construction or type of occupancy; any change in the structural members of a building, such as walls, partitions, columns, beams, girders; and any change in the location of a building.

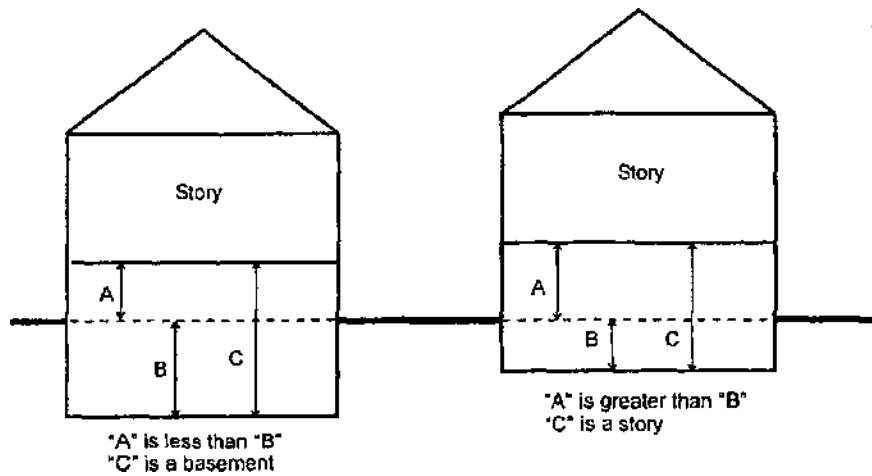
**ARCHITECTURAL FEATURES.** Ornamental or decorative features of a building that constitute a portion of the exterior design including cornices, eaves, gutters, belt courses, sills, lintels, chimneys, moldings, columns, capitals, dentils, parapets, pilasters, cupolas, awnings, and canopies.

**AUTOMOBILE REPAIR.** A place where, along with the sale of engine fuels, the following services may be carried out. General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles including service collision service, such as body, frame, or fender straightening and repair, painting, vehicle rust-proofing and any related activities.

**AUTOMOBILE SERVICE STATION.** A building or structure designed or used for the retail sale of fuel (stored only in underground tanks), lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats. It may include the customary space and facilities for the installation of such commodities on or in such vehicles, and space for facilities for temporary storage, and minor repair.

**BASEMENT.** That portion of a building wholly or partly below grade, but so constructed that the vertical distance from the average grade to the basement floor is greater than the vertical distance from the average grade to the basement ceiling. A basement shall not be included as a story for height measurement.

## Basement



**BED AND BREAKFAST.** Any dwelling in which overnight accommodations are provided or offered for transient guests for compensation, including provisions for a morning meal only for the overnight guest.

**BEDROOM.** A room in a dwelling unit for or intended to be used for sleeping purposes by human beings.

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**BLOCK.** A tract of land bounded on all sides by streets, a railroad right-of-way, a waterway, unsubdivided acreage, or any other barrier to the continuity of development.

**BOAT.** A watercraft having a motor, engine or other machinery of more than 5 horsepower or the equivalent, a personal watercraft as defined in the Marine Safety Act, Act 303 of the Public Acts of 1967, as amended.

**BOAT ACCESS.** Boat launching, mooring and docking, and/or overnight accommodation within 50 feet of the shore from or incidental to a single private riparian property, public or private road end abutting an inland lake, private road end abutting an inland lake, and/or a public or private boat access site.

**BOARDING HOUSE.** A dwelling where meals, or lodging and meals, are provided for compensation to 3 or more persons by pre-arrangement for definite periods of not less than 1 week. A boarding house is to be distinguished from a hotel, motel, rooming house, bed and breakfast, a convalescent or nursing home, or a state licensed or state approved residential facility.

**BUILDING.** An independent structure having a roof supported by columns or walls, intended and/or used for shelter or enclosure of persons or chattels. When any portion thereof is completely separated from every other part by division walls from the ground up, and without openings, each portion of such building shall

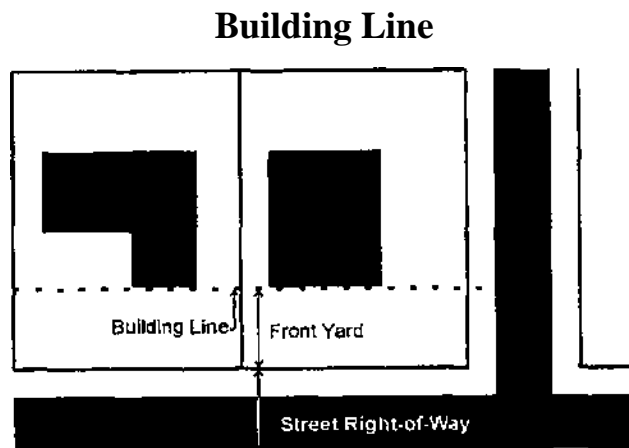
be deemed a *SEPARATE BUILDING*. This refers to both temporary and permanent structures and includes tents, sheds, garages, stables, greenhouses, or other accessory structures.

***BUILDING ENVELOPE.*** The area of a lot which is defined by the minimum setback and spacing requirements within which building construction is permitted by this chapter.

***BUILDING HEIGHT.*** The vertical distance measured from the finished grade of the building to the highest point of the roof surface. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

***BUILDING INSPECTOR.*** The Building Inspector of the township or his or her authorized representative.

***BUILDING LINE.*** A line formed by the face of the building; for the purposes of this chapter, the *BUILDING LINE* shall be the same as the front setback line.



**BUILDING, MAIN.** A building in which is conducted the main use of the lot upon which it is situated.

**BUILDING PERMIT.** The written authority issued by the Building Inspector permitting the construction, removal, repair, moving, alteration or use of a building in conformity with the provisions of this chapter.

**BUILDING SETBACK LINES.** A line(s) defining the minimum front, side or rear yard requirements outside of which no building or structure may be located, except as otherwise provided by this chapter.

**CHANGE IN USE, MAJOR.** Any change in use which results in a new use or additional use of any land, building, or structure, and/or which would cause or allow any change in the amount of required parking, and/or which would cause or allow any change in driveway width or location, and/or which would cause or allow any change in the area or bulk requirements, and/or all instances of special land uses.

**CHANGE IN USE, MINOR.** Any permitted use within a zoning district, which does not require an increase in parking or driveway width or location, does not require any increase in bulk or area of any building or structure, and/or does not require a special land use approval.

**CLUB.** An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.

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**COMMERCIAL USE.** The use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise, or personal services, or the maintenance of offices or recreation or amusement enterprises.

**CONDOMINIUM ACT.** Public Act 59 of 1978, as amended, M.C.L.A. §§ 559.101 et seq.

**CONDOMINIUM, CONVERSION.** A condominium project in which some or all of the proposed condominium units were occupied before the issuance of the notice of proposed action as required by § 71 of the Condominium Act, PA 59 of 1978.

**CONDOMINIUM CO-OWNER.** A person, firm, corporation, partnership, association, trust, or other legal entity or combination thereof, who owns a condominium unit within a condominium project. **CO-OWNER** may include a land contract vendee if the condominium documents or land contract so provides.

**CONDOMINIUM, DETACHED.** A residential condominium project designed to be similar in appearance to a conventional single-family subdivision, except that the limited common areas are arranged in a manner such that clearly defined condominium lots are not created.

**CONDOMINIUM, EXPANDABLE.** A condominium project to which additional land may be added pursuant to express provision in the condominium documents in accordance with this chapter and the Condominium Act.

**CONDOMINIUM LOT or UNIT.** That portion of the land area of a site condominium project designed and intended to function similar to a platted subdivision lot for purposes of determining minimum yard setback requirements and other requirements set forth in this chapter.

**CONDOMINIUM MASTER DEED.** The condominium document recording the condominium project, as approved by the Township Attorney, to which is attached by-laws for the project and approved condominium subdivision plan for the project.

**CONDOMINIUM PROJECT.** A plan or project consisting of not less than 2 condominium units established in conformance with Public Act 59 of 1978, as amended, M.C.L.A. §§ 559.101 et seq.

**CONDOMINIUM, SITE.** A condominium project containing or designed to contain structures or other improvements for residential, commercial, office, business, or other uses permitted in the zoning district in which it is located and in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed as a condominium unit as described in a master deed. A **SITE CONDOMINIUM**, when constructed as an alternative to a platted subdivision, may be also be referred to as a **CONDOMINIUM SUBDIVISION** and shall be considered as equivalent to a platted subdivision for the purpose of regulation by this chapter and other ordinances of the township.

**CONDOMINIUM SITE PLAN** The drawings and related information which pertain to a condominium project and which are required by the zoning ordinance for the review of the township.

**CONDOMINIUM SUBDIVISION.** For the purposes of this chapter, a **CONDOMINIUM SUBDIVISION** shall be subject to the term subdivision as used in this chapter and the Township Subdivision Control Ordinance No. 93-2. If no Township Subdivision Control Ordinance is in effect, the term shall be equivalent to the term subdivision as used in the Subdivision Control Act (Public Act 288 of 1967, as amended).

**CONDOMINIUM SUBDIVISION PLAN.** The drawings and related information prepared in accordance with § 66 of the Condominium Act, PA 59 of 1978.

**CONDOMINIUM UNIT.** That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed.

**CONTRACTIBLE CONDOMINIUM.** A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provisions in the condominium documents and in accordance with this chapter and the Condominium Act.

**CONVALESCENT** or **NURSING HOME**. A structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing, and medical care. Said home shall also conform to, and qualify for license under applicable state laws.

**CONVERTIBLE AREA**. A unit or portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to express provision in the condominium documents and in accordance with this chapter and the Condominium Act.

**CONVEYABLE**. Legally transferable to the ownership of another.

**DENSITY**. The number of dwelling units developed on an acre of land, excluding publicly dedicated streets, parks, and utility easements, if the easement is not useable for recreation purposes.

**DESIGN REGULATIONS**. A set of guidelines regarding the appearance and quality of building materials, landscaping, signage, or overall site layout.

**DEVELOPMENT**. The construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.

**DISCONTINUANCE**. A vacation of a lot, building or structure; or a ceasing of the activities related to the nonconforming situation.

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**DISTRICT**. A portion of the township within which, on a uniform basis, certain uses of land and/or buildings are permitted and within which certain regulations and requirements apply under the provisions of this chapter.

**DRIVE-IN ESTABLISHMENT**. A business establishment so developed that its main retail or service character is dependent on providing a driveway approach of parking spaces for motor vehicles so as to serve patrons while in the motor vehicle.

**DRIVE-THROUGH ESTABLISHMENT**. A business establishment whose method of operation involves the delivery of a product or service directly to customer inside a vehicle, typically through a window or other appurtenance to a building, where vehicles are queued within a stacking area or approach to the service window or facility.

**DWELLING, MULTIPLE FAMILY**. A residential building, or a portion thereof, designed for use and occupancy by 3 or more families living independently of each other, with separate housekeeping, cooking, and bathroom facilities for each. Examples of multiple family dwellings include dwellings commonly known as apartments and townhouses, which are defined as follows:



(a) **APARTMENT.** An attached dwelling unit with common walls, contained in a building with other apartment units which are commonly reached off of a common stair landing or walkway. Apartments are also commonly known as garden apartments or flats.

(b) **EFFICIENCY UNIT.** A dwelling unit consisting of 1 room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the main room providing a total of not less than 460 square feet of floor area.

(c) **TOWNHOUSE.** An attached dwelling unit with common walls, its own front door which opens to the outdoors, and typically, with its own utility connections and front and rear yards. TOWNHOUSES are also commonly known as terrace dwellings or row houses.

**DWELLING, SINGLE-FAMILY.** An independent residential building exclusively for use and occupancy by 1 family.

**DWELLING, TWO-FAMILY.** A residential building used and designed exclusively for occupancy by 2 families living independently of each other.

**DWELLING UNIT.** A house or a building, or a portion thereof having cooking facilities, which is occupied wholly as the home-residence or sleeping place of 1 family, either permanently or transiently, but in no case shall a travel trailer coach, automobile chassis, tent or portable building be considered a dwelling. In case of mixed occupancy, where a building is occupied in part as a **DWELLING UNIT**, the part so occupied shall be deemed a **DWELLING UNIT** for the purpose of this chapter and shall comply with the provisions thereof relative to dwellings.

**EASEMENT.** A right-of-way granted, but not dedicated, for the limited use of private land for private, public or quasi-public purposes, such as for franchised utilities.

**ENVIRONMENTAL IMPACT ASSESSMENT.** A document, including narrative and maps, prepared by a professional qualified in the areas of ecology, botany, wildlife biology, or other relevant discipline describing the presence and ecological functions of waterways, wetlands, floodplains, wildlife habitat, significant native trees and vegetation, topography, soil conditions and other natural features on a site proposed for site plan, subdivision plat, condominium or private road approval.

**ERECTED.** Built, constructed, reconstructed, moved upon, or any physical operations on the premises which are required for the building, excavation, fill, drainage, and the like, shall be considered a part of erection.

**ESSENTIAL PUBLIC SERVICES/UTILITY BUILDINGS.** The erection, construction, alteration, or maintenance and operation by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply, or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment and accessories in

connection therewith, as shall be reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for public health or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment. This definition does not include wireless communication towers or antennas as an essential service.

**FAMILY.** Either of the following:

(a) One or more persons related by bonds of marriage, blood or legal adoption occupying a dwelling unit as a single nonprofit housekeeping unit, plus no more than 2 additional persons such as roomers or boarders.

(b) A collective body of persons living together in 1 house under 1 head, whose relationship is of a permanent and distinct domestic character and is the functional equivalent of a domestic family with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic **FAMILY** must be cooking and otherwise operating as a single housekeeping unit. This definition shall not include club, fraternity, sorority, association, lodge, combine, federation, group, coterie or organization; nor shall it include a group of individuals whose association is temporary in character or nature. There shall be a rebuttable presumption enforceable by the Zoning Administrator in the instance that the number of persons who may reside as a functional equivalent family shall be limited to 6.

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**FARM.** All of the contiguous neighbors or associated land operated as a single unit in which bona fide farming is carried on directly by the owner, operator, manager or tenant farmer, by his or her own labor or with the assistance of members of his or her household or hired employees provided. FARMS may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, poultry farms, and apiaries.

**FARM BUILDINGS.** Any building or structure other than a dwelling, moved upon, maintained, used or built on a farm, which is essential and customarily used on farms of that type, for the pursuit of their agricultural activities, in accordance with the rules and regulations of the Michigan State Construction Code.

**FENCE.** A man made, unrooted accessory structure, partition, or gate intended for use as a dividing marker, barrier, or enclosure and not a part of a structure for which a building permit is required.

**FLOODPLAIN.** That area which would be inundated by storm runoff or flood water equivalent to that which would occur with a rainfall or flood of 100-year recurrence frequency after total development of the watershed.

**FLOODWAY.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1 foot,

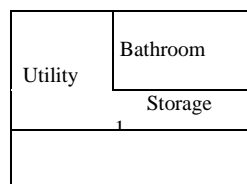
**FLOOR AREA, GROSS.** The sum of all gross horizontal areas of all floors of main building or buildings, plus accessory buildings, measured from the exterior faces of the exterior walls. Any space devoted to off-street parking or loading, basements, breeze ways, unfinished attics, porches (enclosed or unenclosed) and garages shall not be included. Unenclosed courtyards or patios shall not be considered as part of the gross floor area except where they are utilized for commercial purposes, such as the outdoor sale of merchandise or outdoor eating areas. (See image following floor area, useable.)

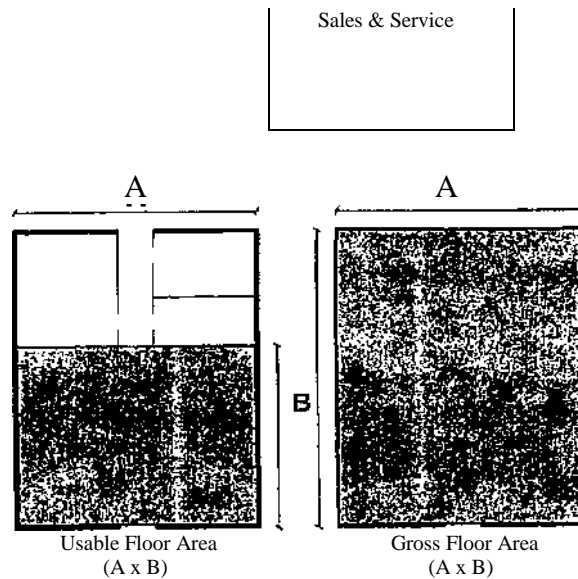
**FLOOR AREA, GROSS LEASABLE (GLA).** The total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines and upper floors, if any, expressed in square feet and measured from the centerlines of joint partitions and from outside wall faces. It is all the floor area on which tenants pay rent. (See image following floor area, useable.)

**Caseville Township – Land Usage**

**FLOOR AREA, USEABLE.** The area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls. Floor area used or intended to be used mainly for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or for utilities or sanitary facilities, shall be excluded from this computation of usable floor area. Where usable floor area is not established it shall be considered to be 85% of the gross floor area.

**Floor Area**





**FRONTAGE.** The linear dimension of a lot measured along the public street right-of-way line or along a private road access easement.

**GRADE.** The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building **GRADE** shall be the level of the ground adjacent to the walls of the building if the finished **GRADE** is level. If the ground is not entirely level, the **GRADE** shall be determined by averaging the elevation of the ground for each face of the building.

**HOME OCCUPATION.** An occupation or profession conducted entirely within a dwelling by the inhabitants thereof and the use is clearly incidental to the main use of the dwelling as a residence.

**HOSPITAL.** A building, structure or institution in which sick or injured patients, primarily in-patients, are given medical or surgical treatment and operating under license by the Health Department of the State of Michigan.

### Zoning Code

**JUNK.** Any motor vehicles, machinery, appliances, product, merchandise with parts missing or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition which cannot be used for the purpose for which the product was manufactured.

**JUNK YARD.** An open area where waste and used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A **JUNK YARD** includes automobile wrecking yards and includes any area of more than 200 square feet for storage, keeping, or abandonment of junk, but does not include uses established entirely within enclosed buildings.

**KENNEL, COMMERCIAL.** Any lot or premises on which 4 or more dogs, cats, or other domestic animals 3 months or older are kept, either permanently or temporarily boarded, either for sale, breeding, boarding, training, hobby, protection, or pets. All kennels shall comply with state and county regulations.

**LANDSCAPING.** The treatment of the ground surface with live plant materials such as, but not limited to, grass, ground cover, trees, shrubs, vines, and other live plant material. In addition, a landscape design may include other decorative natural materials, such as wood chips, boulders, or mulch. Structural features such as fountains, pools, statues, and benches shall also be considered a part of landscaping if provided in combination with live plant material. The following are applicable definitions related to **LANDSCAPING**:

(a) **BUFFER ZONE.** A strip of land with landscaping required along mutual lot lines between certain zoning districts based on the landscaping standards of this chapter. The intent of the required buffer zones is to lessen the impact to less intensive uses from the noise, light, traffic, clutter and litter of adjacent land uses.

(b) **DIAMETER AT BREAST HEIGHT.** The diameter in inches of a tree measured in inches at 4 1/2 feet above the existing grade.

(c) **CALIPER.** The diameter of a tree trunk measured 6 inches above ground level up to and including 4-inch caliper size and 12 inches above ground level for larger sizes.

(d) **GREENBELT.** A strip of land of definite width and location along a public road right-of-way or private road easement reserved as a landscaped area.

(e) **OFF-STREET PARKING LANDSCAPING.** Landscaped areas located in and around (within 10 feet of the edge of the parking lot) a parking lot in specified quantities to improve the safety of pedestrian and vehicular traffic, guide traffic movement, improve the environment, and improve the appearance of the parking area and site.

(f) **SHRUB.** A self-supporting, deciduous or evergreen woody plant generally less than 15 feet in height with several erect, spreading, or prostrate stems and having a general bushy appearance.

(g) **TREE.** A self-supporting woody, deciduous, or evergreen plant which at maturity is 13 feet or more in height with an erect perennial trunk and having a definite crown of foliage.

1. **DECIDUOUS CANOPY TREE.** A deciduous tree which has a height of 25 feet or more and a trunk with at least 5 feet of clear stem at maturity.

2. **DECIDUOUS ORNAMENTAL TREE.** A deciduous tree that is typically grown because of its shape, flowering characteristics or other attractive features and typically grows to a mature height of 25 feet or less.

3. **DECIDUOUS TREE.** A tree that sheds its foliage at the end of the growing season.

4. **EVERGREEN TREE.** A tree that has foliage that persists and remains green throughout the year.

**LIGHTING.** The following terms and phrases related to lighting, when used in this chapter, shall have the following meanings ascribed, except where the context clearly indicates a different meaning:

- (a) **FIXTURE.** The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens.
- (b) **FOOTCANDLE.** A unit of illumination produced on a surface, all points of which are 1 foot from a uniform point source of 1 candle.
- (c) **GLARE.** Direct light emitted by a lamp, luminous tube lighting, or other light source.
- (d) **ILLUMINANCE.** The level of light measured at a surface.
- (e) **LIGHT POLLUTION.** Artificial light which causes a detrimental effect on the environment, enjoyment of the night sky or causes undesirable glare or unnecessary illumination of adjacent properties or uses.
- (f) **LUMINOUS TUBE LIGHTING.** Gas filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used, e.g., neon, argon, etc.
- (g) **SHIELDED FIXTURE.** Outdoor light fixtures shielded or constructed so that light rays emitted by the fixture are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted, e.g. shoebox-type fixtures. A luminaire mounted in a recessed fashion under a canopy or other structure such that the surrounding structure effectively shields the light in the same manner is also considered fully shielded for the purposes of this chapter.

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**LOADING AREA.** An off-street area located for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.

**LOT.** A piece or parcel of land occupied or intended to be occupied by a building and any accessory buildings or by any other use or activity permitted thereon and including the open spaces and yards required under this chapter, and having its frontage upon a public street or road either dedicated to the public or designated on a recorded subdivision.

**LOT AREA.** The total horizontal area within the lot lines of the lot exclusive of any abutting public street right of way or private road easements, or the submerged area of any river or lake at the shoreline or ordinary high water mark.

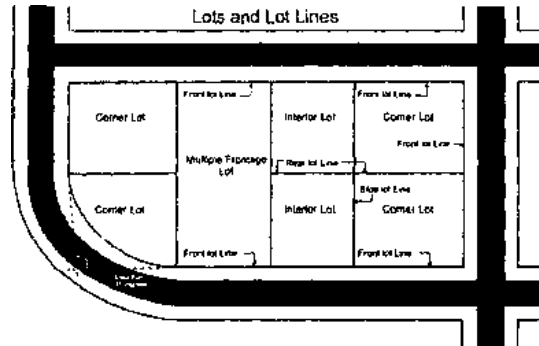
**LOT, CORNER.** A lot located at the intersection of 2 streets or a lot bounded on 2 sides by a curving street, any 2 chords of which form an angle of 135 degrees or less.

**LOT COVERAGE.** The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

**LOT DEPTH.** The mean horizontal distance from the front street line to the center of the rear lot line. In no case will the **LOT DEPTH** be less than its width.

**LOT, INTERIOR.** A lot other than a corner lot with only 1 lot line fronting on a street.

**LOT, LINES.** The boundary lines of a lot as defined herein.



(a) **FRONT LOT LINE.** In the case of an interior lot, the front lot line shall be that line separating said lot from the street. On a corner lot, the shorter street line shall be considered the **FRONT LOT LINE**. On a double frontage lot the line that separates said lot from the street which is designated on the plat as the front shall be considered the **FRONT LOT LINE**. On a lot that abuts water, the line abutting the street shall be considered the **FRONT LOT LINE**.

(b) **REAR LOT LINE.** That lot line which is opposite and most distant from the front lot line of the lot. On a corner lot the line opposite the shorter front lot line shall be considered the **REAR LOT LINE**. In the case of an irregular lot, a line 10 feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the **REAR LOT LINE** for the purpose of determining depth of rear yard.

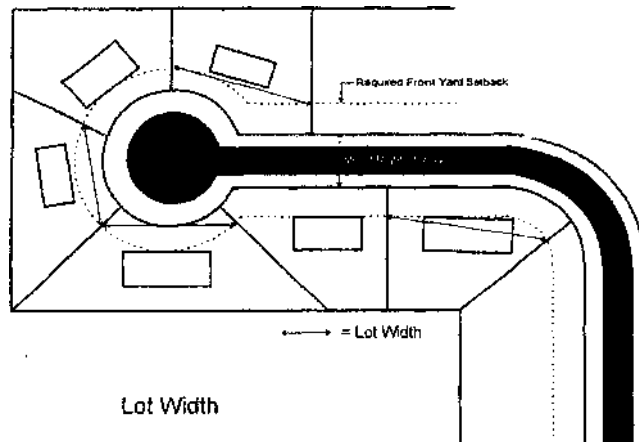
(c) **SIDE LOT LINE.** Any lot line not a front lot line or rear lot line. A **SIDE LOT LINE** separating a lot from a street is a side street lot line. A **SIDE LOT LINE** separating a lot from another lot or lots is an interior **SIDE LOT LINE**.

(d) In the case where the above definitions are not sufficient to designate lot lines, the Zoning Administrator shall designate the front, rear, and side lot lines in consideration of the orientation of the building(s) on the lot, the address of the lot, the orientation of other buildings along the block, and natural features affecting site design.

**LOT, MULTIPLE FRONTAGE.** A lot other than a corner lot having frontage on 2 streets. In the case of a row of double frontage lots, 1 street will be designated as the front street for all lots. If there are existing buildings in the same block fronting on 1 or both of the streets, the required minimum front yard setback shall be observed on those streets where buildings presently front.

**LOT, WATERFRONT.** A lot having frontage on a body of water, such as a lake, bay, stream, river, or canal, as well as frontage on a street.

**LOT, WIDTH.** The straight horizontal distance between the side lot lines, measured at the 2 points where the minimum building line, or minimum front setback line, intersects the side lot lines.



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**LOT, ZONING.** A single tract of land, located within a single block which at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A **ZONING LOT** shall satisfy this chapter with respect to area, size, dimensions, and frontage as required in the district in which the **ZONING LOT** is located. A **ZONING LOT**, therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include 1 or more lots of record.

**LOTS OF RECORD.** A lot which actually exists in a subdivision plat as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

**MANUFACTURED HOME.** A structure transportable in 1 or 2 sections, which is built on a chassis and designed to be used as a dwelling, with or without permanent foundation, when connected to required utilities, and including the plumbing, heating, air-conditioning and electrical systems contained in the structure. Manufactured homes do not include recreational vehicles or travel trailers (See Act 419, P.A. 1976.)



**MANUFACTURED HOME PARK.** A parcel of land that is subdivided into rental lots for the placement of manufactured homes. Manufactured home developments are regulated by the State of Michigan and the Michigan Manufactured Housing Commission (See Act 419, P.A. 1976.)

**MASTER DEED.** The condominium document recording the condominium project as approved by the township, to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan.

**MASTER PLAN.** The statement of policy of the Township Planning Commission relative to the agreed upon and officially adopted guidelines for a desirable physical pattern for future community development. The plan consists of a series of maps, charts, and written materials representing in summary form, the soundest concept for community growth to occur in an orderly, attractive, economical, and efficient manner thereby creating the very best community living conditions.

**MODULAR (PRE-MANUFACTURED) HOUSING UNIT.** A dwelling unit constructed solely within a factory, as a single unit or in various sized modules, which are then transported to a site where they are assembled on a permanent foundation to form a single-family dwelling unit and meeting all codes and regulations applicable to conventional site built construction. A manufactured home is considered a type of **MODULAR HOUSING UNIT** with all of the following characteristics:

- (a) Designed for a long term occupancy.
- (b) Containing sleeping accommodations, a flush toilet, a tub, or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.
- (c) Designed to be transported after fabrication on its own wheels or on flatbed or other trailers or detachable wheels.

(d) Arriving at the site to be occupied as a dwelling unit complete, and ready for occupancy except for minor and incidental operations.

**NON-CONFORMING BUILDING.** A building or portion thereof lawfully existing at the effective date of this chapter, or amendments thereto, and which does not conform to the provisions of this chapter in the zoning district in which it is located.

**NON-CONFORMING LOT.** A lot that was lawfully in existence at the effective date of this chapter, or amendments thereto, which lot does not meet the minimum area or lot dimensional requirements of the zoning district in which the lot is located.

**NON-CONFORMING STRUCTURE.** A structure or portion thereof that was lawfully in existence at the effective date of this chapter, or amendments thereto, which structure does not conform to the location, bulk and/or dimensional requirements of the zoning district in which the lot is located.

**NON-CONFORMING USE.** A use which lawfully occupied a building or land at the effective date of this chapter or amendments thereto, and that does not conform to the use regulations of the zoning district in which it is located.

**NONCONFORMITIES.** Existing lots, buildings, structures, and uses of land that were lawful prior to the effective date of this chapter, but which have become non-conforming under the terms of this chapter and its amendments.

**NON-RESIDENTIAL ZONING DISTRICT.** Any district not included as a residential zoning district.

**NUISANCE.** An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to noise, dust, smoke, odor, glare, fumes, flashes, vibration, shock waves, heat, electronic or atomic radiation, objectionable effluent, noise of congregation of people, particularly at night, passenger traffic, or invasion of non-abutting street frontage by traffic.

**NURSERY, PLANT MATERIALS.** A space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for wholesale or retail sale including products used for gardening or landscaping. The definition of nursery within the meaning of this chapter does not include any space, building, or structure used for the sale of fruits, vegetables or Christmas trees.

**OPEN SPACE.** That part of a zoning lot, which is open and unobstructed by any built features from its lowest level to the sky, and is accessible to all residents upon the zoning lot. This area is intended to provide light and air, and is designed for environmentally, scenic, or recreational purposes. **OPEN SPACE** may include, but is not limited to lawns, decorative plantings, walkways, active and

## Zoning Code

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passive recreation areas, playgrounds, fountains, swimming pools, living plant materials, wetlands and water courses. **OPEN SPACE** shall not be deemed to include driveways, parking lots or other surfaces designed or intended for vehicular travel.

**ORDINARY HIGH WATER MARK.** The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is markedly distinct from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation.

**ORNAMENTAL FENCE.** A fence used to set off or protect gardens, bushes, or other plantings.

**OUTDOOR DISPLAY.** The exhibition, arrangement, assembly, organization and/or display of any material(s) or goods, outside of a building, which has been approved by the township, in accordance with this chapter.

**OUTDOOR STORAGE.** The storage of materials or goods, outside of a building, which has been approved by the township, in accordance with this chapter.

**PARCEL.** Generally any part or portion of land. (Ord. 2013-01 adopted March 4, 2013)

**PARKING LOT.** A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than 2 vehicles.

**PARKING SPACE.** An area of definite length and width for the parking of 1 vehicle only, exclusive of drives, aisles, or entrances giving access thereto, and fully accessible for parking of a permitted vehicle.

**PLANNED UNIT DEVELOPMENT (PUD).** An area of land larger than 3 gross acres, controlled by a landowner, to be developed as a unified project and single entity for a group of structures and a number of dwelling units primarily for residential use, the plan for which does not correspond in lot size, bulk, or type of dwelling, density, lot coverage or required open space to the regulations in any 1 residential district established by other sections of this chapter.

**PLANNING COMMISSION.** The Planning Commission of the Township of Caseville, Huron County, Michigan.

**PRIVATE ROAD.** A road owned and maintained by the owners of the property it serves and provides access to 3 or more dwelling units or parcels, or 2 or more non-residential main buildings. A private road does not include drives serving multiple-family buildings with 3 or more attached dwelling units, parking lot aisles, or drives connecting parking lots to internal roads.

**PUBLIC UTILITY.** Any person, firm, corporation, municipal department, board or commission duly authorized to provide to the public under federal, state, or municipal regulations, transportation, water, gas, electricity, telephone, steam, communications, or sewage disposal services.

**RECREATIONAL EQUIPMENT AND VEHICLES.** Portable structures, machines or devices, self propelled or towable by another vehicle, capable of moving upon the highways without special movement permits; primarily designed, constructed, or modified to provide temporary living quarters or for recreational camping, or travel use. These trailers and other devices shall be primarily intended for such transporting of all such structures, machines, or devices. Motorcycles, bicycles, mini-bikes, and such vehicles as jeeps, 4-wheel drives and pickup trucks with attached cabs which do not exceed the roofline of the vehicle are specifically excluded from this definition. This definition does not include a temporary building, structure or use, permitted to exist during periods of construction of the main building, structure, or use. Various types of RECREATIONAL EQUIPMENT AND VEHICLES include:

(a) **BOATS AND BOAT TRAILERS.** Boats, floats, rafts, canoes, plus the normal equipment to transport them on the highway.

(b) **FOLDING TENT TRAILER.** A folding structure mounted on wheels and designed for travel and vacation use.

(c) **MOTOR HOME.** A recreational vehicle intended for temporary human habitation, sleeping, and/or eating, mounted upon a chassis with wheels and capable of being moved from place to place under its own power. **MOTOR HOMES** generally contain sanitary, water, and electrical facilities. On an industry-wide basis, this type of recreational vehicle is classified as either a Class A or Class B recreational vehicle. A Class A or bus type recreational vehicle has the luggage compartment below the living quarters. The Class C recreational vehicle is a van with the bed over the cab and is much larger than a passenger van due to the bed over the cab.

(d) **OTHER RECREATIONAL EQUIPMENT.** Snowmobiles, jet skis, all terrain, or special terrain vehicles, utility trailers, plus the normal equipment used to transport them on the highway.

(e) **PICKUP CAMPER.** A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational, and vacation uses. On an industry-wide basis, this type of recreational vehicle is classified as a non-motorized recreational vehicle.

(f) **TRAVEL TRAILER.** A portable vehicle on a chassis, which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which may be identified as a **TRAVEL TRAILER** or a fifth wheel by the manufacturer. **TRAVEL TRAILERS** generally include self-contained sanitary, water, and electrical facilities. On an industry-wide basis, this type of recreational vehicle is classified as a non-motorized recreational vehicle.

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(g) **VAN/CAMPER.** A recreational vehicle intended for temporary human habitation, sleeping, and/or eating. This class of recreational vehicles includes conversion vans and camper vans which may contain refrigerators as well as water and electrical facilities. This class closely resembles passenger vans, but some models may be taller to allow for extra head room. On an industry-wide basis, this type of recreational vehicle is classified as a Class B recreational vehicle.

**RESIDENTIAL ZONING DISTRICT.** RR, R-1, R-2, and R-3 zoning districts.

**RESTAURANT.** Any use that includes the sale of food and/or beverages to a customer in a ready-to-consume state. The method of operation may be characteristic of a carry-out, drive-in, drive-through, fast food, standard restaurant, or lounge/tavern, or combination thereof, as defined below:

(a) **BAR, LOUNGE, TAVERN.** A lounge or tavern is a type of restaurant that is operated primarily for the dispensing of alcoholic beverages. The preparation and sale of food or snacks to customers may be permitted.

(b) **CARRYOUT RESTAURANT.** A use that involves the sale of food, beverages, and/or desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption off the premises.

(c) **DRIVE-IN RESTAURANT.** A use that involves delivery of prepared food so as to allow its consumption within a motor vehicle or elsewhere on the premises, but outside of an enclosed building.

(d) **DRIVE-THROUGH RESTAURANT.** A use that involves the delivery of prepared food to the customer within a vehicle, typically passing through a pass-through window, for consumption off of the premises.

(e) **FAST-FOOD RESTAURANT.** A use typically defined by the delivery of ready-to-consume food directly to the customer at a counter or cafeteria line for consumption at the counter where it is served, at tables, booths, or stands inside the structure or out, or for consumption off the premises, but not within a motor vehicle at the site.

(f) **STANDARD RESTAURANT.** A **STANDARD RESTAURANT** is a use that involves either of the following:

1. The delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building.

2. The prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers within a completely enclosed building.

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## Caseville Township – Land Usage

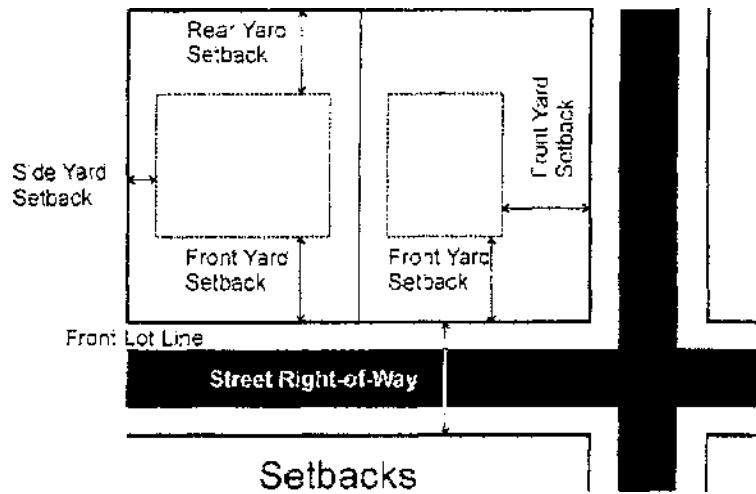
**RIGHT-OF-WAY.** A street, alley, or other thoroughfare or easement permanently established for passage of persons or vehicles.

**ROADSIDE STAND.** A structure for the seasonal display of agricultural produce with no space for customers within the structure itself.

**SEASONAL ACCESSORY USES.** Approved accessory uses for a limited duration of time, which are desirable during a particular season of the year. The sale of fruit, vegetables, certain types of hobby-craft, fish bait, firewood, or other commodities of similar nature are considered to be SEASONAL ACCESSORY USES.

**SETBACK.** The distance between a front, side or rear lot line and the nearest supporting member of a structure on the lot. **SETBACKS** from a public street or private road shall be measured from the right-of-

way line or easement. The minimum **SETBACK** requirement is the minimum distance between a front, side, or rear lot line and the nearest supporting member of a structure in order to conform to obtain minimum open space.



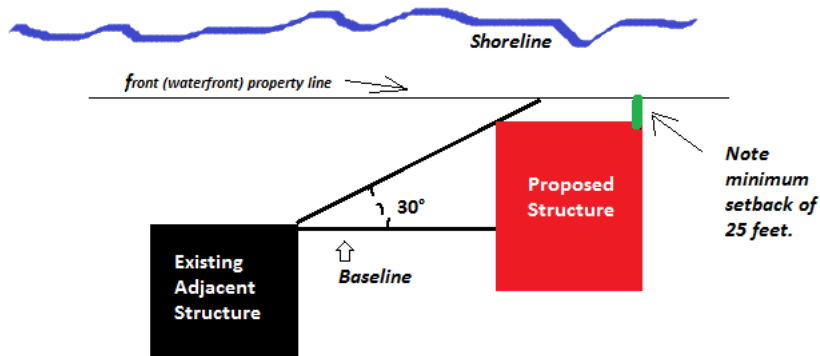
**SHORELINE SETBACK.** The building setback on the lakeside of a waterfront property shall be such that from an adjoining property structure, by using a measurement from the frontmost face corners of the existing structure as a baseline to the proposed structure or addition, there shall be no more than a thirty (30)-degree angle (tangent thirty [30] degrees, being one [1] or two [2]). The purpose being that new residences or additions should not obstruct the view from (of) existing neighboring properties. A special variance is justified where the existing structure is setback more than thirty-five (35)

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feet from the front (waterfront) property line. In addition, a building shall be no closer than twenty-five (25) feet from the front (waterfront) property line. (See illustration)



***SIDEWALK/NON-MOTORIZED PATHWAY.*** A concrete, asphalt, woodchip, or gravel surface with intended exclusively for pedestrian, bicycle, or other non-motorized transportation.

***SIGN.*** Any device, structure, fixture, or placard which uses words, numbers, figures, graphic designs, logos, or trademarks for the purpose of identifying or bringing attention to an establishment, product, goods, services or other message to the general public. Various types of SIGNS and SIGN related terms are defined as follows:

(a) ***BILLBOARD*** or ***OFF-PREMISES SIGN.*** Any sign, whether freestanding or attached to another structure, which identifies a use or advertises products and services not available on the site or parcel on which the sign is located; a sign which directs travelers or provides a message unrelated to the site on which the sign is located.

(b) ***CONSTRUCTION SIGN.*** A sign erected on a site designated on a building permit issued by the Zoning Administrator, which advises the public of the pertinent facts regarding the construction of the building and its site improvements.

(c) ***FREESTANDING SIGN.*** A sign which is erected upon or supported by the ground, including pole signs and ground signs.

(d) ***GASOLINE PRICE SIGN.*** A sign that is used to advertise the price of gasoline. If a brand identification sign is attached to or is a part of the sign advertising price, that portion of the sign used for advertising price shall be considered the gasoline price sign.

(e) ***GROUND SIGN.*** A three (3)-dimensional, self-supporting, base-mounted freestanding sign, consisting of two (2) or more sides extending up from the base, and upon which a message, business, group of businesses or center name is affixed.

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#### Caseville Township – Land Usage

(f) ***IDENTIFICATION SIGN.*** A sign which carries only the name of the firm, the major enterprise, or the main product or service offered for sale on the premises or a combination of these intended only to identify location of said premises and not to advertise, and located only on the premises on which the firm, major enterprise, or main product or service identified is situated.

(g) ***LOW PROFILE SIGN.*** A freestanding sign of limited height designed to be compatible with its surrounding environment.

(h) ***MARQUEE.*** A permanent roof-like structure or canopy, supported by and extending from the face of the building.

(i) ***NON-CONFORMING SIGN.*** A sign which is prohibited under the terms of this chapter, but was erected lawfully and was in use on the date of enactment of this chapter, or amendment thereto or a sign which does not conform to the requirements of this chapter, but for which a variance has been granted.

(j) **POLE SIGN.** A type of freestanding sign that is elevated above the ground on poles or braces and not attached to any building or other structure.

(k) **POLITICAL SIGN.** A temporary sign relating to matters to be voted upon at an election called by a public body.

(l) **PORTABLE SIGN.** A sign designed to be moved from place to place, whether or not it is permanently attached to the ground or structure. This includes hot-air and gas filled balloons, sandwich boards, streamers, ribbons, non-governmental flags, searchlights and signs mounted on a portable structure, including those with wheels, but excludes political signs, real estate signs, construction signs, and regulatory /government signs.

(m) **REAL ESTATE SIGN.** An on-premise temporary business sign placed upon a property advertising that particular property for sale, for rent, or for lease.

(n) **SIGN HEIGHT.** The maximum vertical distance from the uppermost extremity of a sign or sign support to the average preexisting natural grade surrounding the sign base within a radius of fifteen (15) feet from the sign base.

(o) **SIGN SETBACK.** The distance between the centerline of the nearest existing street or roadway and any structural member and/or the face of a sign.

(p) **SURFACE DISPLAY AREA.** The area occupied by a sign message as computed according to this chapter and expressed to the nearest tenth of a square foot.

(q) **TEMPORARY SIGN.** A sign which is intended to be erected only a few days or weeks, including portable signs, trailer signs, banners, pennants, or any other sign which is not permanently affixed to a building face or to a pole, pylon, or other support that is permanently anchored on the ground.

(r) **WALL SIGN.** A sign placed flat, adjacent to the building, extending from the building as a canopy sign or projecting sign, or placed on a separate canopy such as over gasoline pumps.

(s) **WINDOW SIGN.** Sign which is applied, affixed, or attached to the interior or exterior of any building window and visible to the general public from the exterior.

**STATE LICENSED RESIDENTIAL CARE FACILITIES.** A facility for the care of adults, over 18 years of age, as licensed and regulated by the State under Michigan Public Act 218 of 1979, or children, as licensed and regulated by the State under Michigan Public Act 116 of 1973, and rules promulgated by the State Department of Consumer and Industry Services. Such organizations shall be defined as follows:



(a) **ADULT FOSTER CARE CONGREGATE FACILITY.** A foster care facility with the approved capacity to receive more than 20 adults to be provided with foster care.

(b) **ADULT FOSTER CARE FACILITY.** A governmental or nongovernmental establishment subject to state licensing procedures as may be required having as its main function the receiving of adults for foster care. It includes facilities and foster care family homes for adults who are aged, emotionally disturbed, developmentally disabled, or physically handicapped who require supervision on an on-going basis but who do not require continuous nursing care. An adult foster care facility does not include a nursing home, a home for the aged, an alcohol or substance abuse rehabilitation center, a hospital for the mentally ill, or similar facilities.

(c) **ADULT FOSTER CARE FAMILY HOME.** A private residence with the approved capacity to receive not more than 6 adults who shall be provided foster care for 5 or more days a week and for 2 or more consecutive weeks. The adult foster care family home licensee shall be a member of the household and an occupant of the residence.

(d) **ADULT FOSTER CARE LARGE GROUP HOME.** A facility with the approved capacity to receive at least 13, but not more than 20 adults who shall be provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks, for compensation.

(e) **ADULT FOSTER CARE SMALL GROUP HOME.** A facility with the approved capacity of not more than 12 adults who shall be provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks, for compensation.

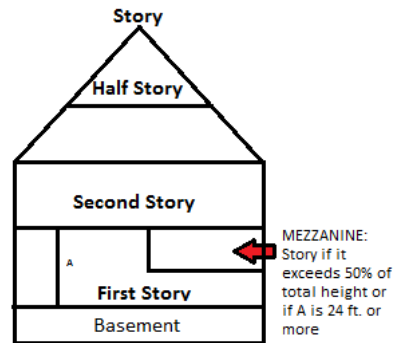
**STEEP SLOPE.** A naturally occurring land form with a vertical change in elevation of 10 feet or more, a slope of 20% or more, and a length of 50 feet or more measured parallel to the contour lines.

**STORY.** The portion of a building, other than a cellar, basement, or mezzanine, included between the surface of any 1 floor and the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

(a) A **MEZZANINE** shall be deemed a full story when it covers more than 50 % of the area of the story underneath said mezzanine, or, if the vertical distance from the floor next below it to the floor next above it is 24 feet or more.

(b) A basement or cellar shall be counted as a story if over 50% of its height is above the level from which the height of the building is measured.

**STORY, HALF.** The part of a building between pitched roof and the uppermost full story, said part having a floor area which does not exceed ½ the floor area of said full story.



**STREET.** A public or private thoroughfare or right-of-way dedicated to or designed for travel and access to any land, lot or parcel, whether designated as a road, avenue, highway, boulevard, drive lane, place, court, or any similar designation. Various types of **STREETS** are defined below:

(a) **ARTERIAL STREET.** A street which carries high volumes of traffic at relatively high speeds, and serves as an avenue for circulation of traffic onto, off of, or around the township. M-25 is the only arterial street in the township.

(b) **COLLECTOR STREET.** A street whose main function is to carry traffic between minor and local roads and arterial roads but may also provide direct access to abutting properties. Crescent Beach, Caseville, and Kinde Roads are the only collector streets in the township.

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(c) **COMMERCIAL DRIVEWAY.** Any vehicular access except those serving up to three (3) dwelling units, or serving just an essential public service structure.

(d) **CUL-DE-SAC.** A street that terminates in a vehicular turnaround.

(e) **LOCAL or MINOR STREET.** A street whose main function is to provide access to abutting properties and is designed to be used or is used to connect minor and local streets with collector or arterial streets.

(f) **PRIVATE ROAD.** A road owned and maintained by the owners of the property it serves and non-residential main buildings. **PRIVATE ROADS** include roads within site condominium projects, roads serving more than three (3) single-family dwelling units and roads within commercial, office, or industrial

complexes. The definition of **PRIVATE ROAD** does not include drives serving multiple-family buildings with three (3) or more attached dwelling units, parking lot aisles or drives connecting parking lots to internal roads.

(g) **PUBLIC STREET**. Any street or portion of a street which has been dedicated to and accepted for maintenance by the township, Huron County, State of Michigan, or the federal government.

(h) **SHARED RESIDENTIAL DRIVEWAY**. A residential driveway that provides vehicular access to 3 single-family dwelling units or two (2) primary residential buildings.

**STRUCTURE**. Anything constructed or erected which requires permanent location on the ground or attachment to something having such location.

**STRUCTURAL (DIMENSIONAL) NON-CONFORMITY**. A nonconformity that exists when the height, size, or minimum floor space of a structure, or the relationship between an existing building and other buildings or lot lines, does not conform to the standards of the zoning district in which the property is located. A structural nonconformity may be referred to as a dimensional nonconformity.

**TEMPORARY ACCESSORY USES**. Accessory uses clearly incidental to the main use of the zoning district where located, of a temporary duration of time. **TEMPORARY ACCESSORY USES** shall include garage sales, yard sales, moving sales, sale of fish bait, sale of produce, sale of flowers, sale of private motor vehicles, sale of hobby craft, sale of firewood, sale of furniture, auctions, the sale of personal effects, church bazaars, carnivals, motor vehicle shows, rodeos, animal shows, and other uses of similar character which are not intended as a permanent activity.

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**TEMPORARY BUILDING or STRUCTURE**. A building or structure which is not permanently affixed to the property, and is permitted to exist for a specific reason for a specific period of time.

**TEMPORARY USE**. A use which is not permanent to the property and is permitted to exist for a specific reason for a specific period of time.

**TOWNSHIP**. The Township of Caseville, Huron County, Michigan.

**TOWNSHIP BOARD**. The Board of Trustees of the Township of Caseville, Huron County, Michigan.

**USE.** The purpose for which land or premises of a building thereon is designed, arranged or intended, or for which it is occupied, maintained, let or leased.

**USE, MAIN.** The main use to which land, buildings or structures are devoted and the main purpose for which the premises exists.

**VARIANCE, DIMENSIONAL.** Permission to depart from the literal requirements relating to setbacks, building height, lot width, and/or lot area as regulated by this chapter.

**VARIANCE, USE.** Permission to establish a use of land that is otherwise not provided for in the zoning district as regulated by this chapter.

**WATERCOURSE.** Any natural or open artificial watercourse, diversion, lake, stream, river, creek, ditch, channel, canal conduit, culvert, drain, waterways gully, ravine, or wash in which waters flow in a definite direction or course, either continuously or intermittently, and which has a definite channel, bed, and banks and shall include the floodplain.

**WETLANDS.** Those natural areas which are wet year-round or which are wet consistently during certain weather or certain conditions, and are defined in Public Act 203 of 1979. M.C.L.A. §281.702.

**WETLAND, STATE REGULATED.** Land characterized by the presence of water at a frequency and duration sufficient to support (and that under normal circumstances does support) wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh and which is any of the following:

- (a) Contiguous to any lake, pond, river or stream.
- (b) Not contiguous to any lake, pond, river or stream; and more than 5 acres in size.

(c) Not contiguous to any lake, pond, river or stream; and five (5) acres or less in size if the Michigan Department of Environmental Quality (MDEQ) determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the MDEQ has so notified the owner.

**WIRELESS COMMUNICATION FACILITIES.** All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices, personal communication transmission equipment and exchanges, microwave relay towers, telephone transmission equipment buildings, and commercial mobile radio service facilities.

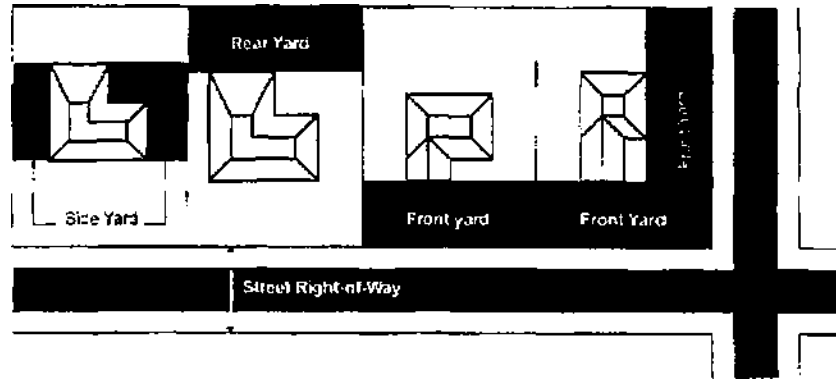
(a) **ATTACHED WIRELESS COMMUNICATION FACILITIES.** Wireless communication facilities affixed to existing structures, including but not limited to existing buildings, towers, water tanks, or utility poles.

(b) **CO-LOCATION.** Location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building intended to reduce the overall number of structures required to support wireless communication antennas within the township.

(c) **WIRELESS COMMUNICATION SUPPORT STRUCTURES.** Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

**YARDS.** The open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter. The measure of yard is the minimum horizontal distance between the lot line and the building or structure.

### Yards



(a) **FRONT YARD.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.

(b) **REAR YARD.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building. In the case of a corner lot, the REAR YARD may be opposite either street frontage.

(c) **SIDE YARD.** An open space between a main building and the side lot line, extending from the front yard to the rear yard. The width of the required SIDE YARD shall be measured horizontally from the nearest point of the side lot line to the nearest point of the main building.

(d) **WATERFRONT YARD.** An unoccupied open space of a waterfront lot which is located between the main structure and the ordinary high water mark.

**ZONING ADMINISTRATOR.** The individual designated by the Township of Caseville to administer the Zoning Ordinance.

**ZONING BOARD OF APPEALS (ZBA).** The Zoning Board of Appeals for the Township of Caseville created pursuant to the provisions of Public Act 184 of 1943 of the State of Michigan, as amended.

**ZONING VARIANCES.** A modification of the literal provisions of the Zoning Ordinance (see Ch. 154) granted when strict enforcement of this chapter would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. The crucial points of **VARIANCE** are undue hardship and unique circumstances applying to the property. A **VARIANCE** is not justified unless both elements are present in the case.

(Ord. § 2.01-2.09, passed 4-5-2004; Am. Ord. - -, passed 9-4-2007; Am. Ord. - -, passed 4-7-2008; Am. Ord. - -, passed 9-6-2011)

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### ***ZONING DISTRICTS IN GENERAL***

#### **§ 154.020 ZONING DISTRICTS.**

For the purpose of promoting the public health, safety, morals, and general welfare of the residents of the township, the geographic area is hereby divided into the following zoning districts which shall be known by the following names and symbols:

<i>Zoning Districts</i>	
<i>Residential Districts</i>	
<b>RR</b>	<b>Rural Residential District</b>
<b>R-1</b>	<b>Low Density Residential District</b>
<b>R-2</b>	<b>Medium Density Residential District</b>
<b>R-3</b>	<b>High Density Residential District</b>
<b>MFR</b>	<b>Manufactured Home District</b>
<i>Non-Residential District</i>	
<b>C-1</b>	<b>Local Commercial District</b>
<b>C-2</b>	<b>Resort Commercial District</b>
<b>I</b>	<b>Industrial District</b>
<b>AG</b>	<b>Agricultural District</b>
<b>WE</b>	<b>Wind Energy Overlay Facility District</b>

(Ord. § 3.01, passed 4-5-2004; Am. Ord. 2006-02, passed 6-5-2006)

**§154.021 ZONING MAP.**

(A) *Established.* The zoning district boundaries are hereby defined and established as shown on the zoning map, township zoning ordinance, with all notations, references, and other information shown thereon. The zoning map shall bear the date adopted or amended and is hereby made a part of this chapter.

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(B) *Signature.* The zoning map shall be identified by the signature of the Township Supervisor and attested by the Township Clerk, and containing the following words:

“This is to certify that this is the Official Zoning Map of Caseville Township adopted on this 5th day of April, 2004. If in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, those changes shall be made on the Zoning Map after the amendment has been approved by the Township Board together with an entry on the Zoning Map as follows: On (date), by official action of the Township Board, the following change(s) were made: (brief description with reference number to Board proceedings).”

(C) *Official copy.* Two official copies of the zoning map shall be maintained and kept up-to-date. One in the Zoning Administrator's Office and the other in the Township Clerk's Office, to be accessible to the public, and shall be final authority as to the current zoning status of lands, buildings, and other structures in the township.  
(Ord. § 3.02, passed 4-5-2004)

**§ 154.022 INTERPRETATION OF DISTRICT BOUNDARIES.**

Where uncertainty or contradiction exists with respect to the boundaries of the various zoning districts as shown on the zoning map due to the scale, lack of detail or illegibility, the following rules apply:

(A) *Right-of-way.* Boundaries indicated as following streets, alleys, highways, or other modes of conveyance shall be deemed to follow the centerlines of the right-of-way.

(B) *Lot lines.* Boundaries which are indicated as approximately following lot lines, or boundary lines shall be constructed as following the legally placed lines.

(C) *Section lines.* Boundaries indicated as approximately following section lines or other lines of a government survey shall be construed as following the section lines or other lines of a government survey as they exist as of the effective date of this chapter or applicable amendment thereto.

(D) *Township boundaries.* Boundaries indicated as approximately following township limits shall be construed as following township limits.

(E) *Interpretation.* Where physical or natural features existing on the ground are at variance with those shown on the zoning map, or in other circumstances not covered by divisions (A) through (E) above, the Zoning Administrator shall interpret the district boundaries. The interpretation may be further appealed to the Zoning Board of Appeals §§ 154.370 et seq.  
(Ord. § 3.03, passed 4-5-2004; Am. Ord. passed - -)

**§ 154.023 ZONING OF VACATED AREAS.**



Whenever any street or other public way within the township shall be vacated, the street or other public way or portion thereof, shall automatically and without further action of the Township Board be classified in the same zoning district and be subject to the same zoning regulations as the property to which it adjoins and becomes attached.

(Ord. § 3.04, passed 4-5-2004)

#### **§ 154.024 USES NOT OTHERWISE INCLUDED IN A DISTRICT.**

(A) A land use which is not cited by name in a zoning district may be permitted upon determination by the Planning Commission that the use is clearly similar in nature and compatible with the main uses permitted by right, special land use, or as a permitted accessory use listed in that district. This determination shall be made at a public hearing, with notice given following the procedures contained in §§ 154.390 et seq. The public hearing shall not replace the requirement for a separate public hearing to consider special land use approval, following the procedures and requirements of §§ 154.390 et seq., if the use is determined to be a special land use. The applicant shall be required to submit pertinent information on the physical and operational characteristics of the proposed use and any additional information that may be requested by the Planning Commission.

(B) In making a determination of similarity and compatibility with the listed uses in that district, the Planning Commission shall consider the following:

(1) *Determination of compatibility.* In making the determination of compatibility, the Planning Commission shall consider specific characteristics of the use in question and compare those characteristics with those of the uses which are expressly permitted by right or special land use in the district. These characteristics shall include, but are not limited to, traffic generation, parking, types of service offered, types of goods produced, methods of operation, and building characteristics.

(2) *Method by which use may be permitted.* If the Planning Commission determines that the proposed use is compatible with permitted uses in the district, the Planning Commission shall decide whether the proposed use is most similar to those permitted by right, as a special land use, or as a permitted accessory use. The proposed use shall be subject to the review and approval requirements for the district in which it is located. The Planning Commission shall have the authority to establish additional standards and conditions under which a use may be permitted in a district.

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(3) *Use provided for in other district.* No use shall be permitted in a district under the terms of this section if said use is specifically listed as a use permitted by right or as a special land use in any other district.

(4) *Prohibited uses.* Certain uses may not be appropriate within Caseville Township given the existing development pattern, environmental conditions, and overall character in the community. All uses not permitted are prohibited. In accordance with the Michigan Zoning Enabling Act of 2006 as amended, a zoning ordinance or zoning decision can prohibit establishment of a requested land use within a township upon a finding that there is not an appropriate location within the township or the use is unlawful, even if there is a

demonstrated need for that land use in the township or surrounding area. In finding that there is no appropriate location for the use within the township, the Planning Commission shall consider the following:

- (a) The land area required by the proposed use.
  - (b) Existing environmental conditions and potential environmental hazards.
  - (c) The potential impact on surrounding properties in terms of traffic, noise, lighting, property valuation, and views.
  - (d) Demand and capacity of utilities and municipal services to support the proposed use.
  - (e) The applicant cannot demonstrate to the satisfaction of the Planning Commission that there is not an alternative land use that will provide the property owner with a reasonable rate of return on investment.
- (Ord. § 3.05, passed 4-5-2004)

**§ 154.025 DISTRICT REQUIREMENTS.**

All buildings and uses in any district shall be subject to the provisions of §§ 154.040 et seq., §§ 154.060 et seq., §§ 154.080 et seq., §§ 154.100 et seq., §§ 154.120 et seq., §§ 154.140 et seq. and §§ 154.160 et seq.  
(Ord. § 3.06, passed 4-5-2004)

**Zoning Code**

***RESIDENTIAL DISTRICTS***

**§ 154.040 DESCRIPTION AND PURPOSE.**

The regulations concerning Residential Districts provide for a variety of residential opportunities to meet the housing needs of people who choose to live in the township. A limited range of other uses that enhance the quality of life within the residential areas will also be permitted.

(A) *RR Rural Residential District.* The primary purpose of this district is to maintain, preserve, and enhance the rural character of the area. While historically not used for agriculture and not subdivided, the open space and wooded areas are generally best suited for low density single-family dwellings on larger parcels. Certain complimentary public and quasi-public uses may also be permitted as special land uses.

(B) *R-1 Low Density Residential District.* It is the intent of this district to permit low-density single-family dwellings. Certain complimentary religious and educational facilities shall also be permitted after special approval.

(C) *R-2 Medium Density Residential District.* It is the intent of this district to permit medium density single- and 2-family dwellings. The purpose of the district is to also allow for a cluster of smaller lot sizes that will serve as a transition between rural uses, low density residential areas, natural features, and higher intensity activity areas such as commercial and industrial nodes, and the state trunkline. Certain complimentary religious, educational, and recreational facilities shall also be permitted after special approval.

(D) *R-3 High Density Residential District.* This district is designated for small lot single-family dwellings, manufactured homes, and multiple-family units such as apartments, townhouses, and 2-family dwellings. It is designed to promote a harmonious mixture of higher density residential types and related educational, cultural, and religious land uses in a basically residential environment.  
(Ord. § 4.01, passed 4-5-2004)

**§ 154.041 USES PERMITTED.**

(A) A notation of “P” in the following table indicates that the use is permitted in the district. A notation of “S” indicates that the use is allowed after special land use approval by the Planning Commission in accordance with the procedures and requirements of §§ 154.285 et seq. and §§ 154.305 et seq. A notation of indicates that the use is not permitted within the district. The “Requirements” column indicates additional requirements or conditions applicable to the use.

<i>Schedule of Residential Uses</i>					
<i>(Uses within the Residential District shall be limited to those allowed under local, state and federal law.)</i>					
	<i>RR</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>Requirements</i>
<b><i>Residential</i></b>					
Single-family dwellings	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>(B)(1)</b>
Accessory apartments	-	-	s	-	<b>(B)(2)</b>
2-family dwellings	-	-	<b>P</b>	<b>P</b>	<b>(B)(3)</b>
Home occupations	<b>S</b>	s	s	s	<b>(B)(4)</b>
Manufactured homes	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>(B)(5)</b>
Multiple-family dwellings	-	~	-	<b>P</b>	
<b><i>State Licensed Residential Care Facilities</i></b>					
Adult foster care family home (1 to 6 adults)	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>(B)(6)</b>
Adult foster care small group home (7 to 12 adults)	s	s	s	s	<b>(B)(6)</b>
Adult foster care large group home (13 to 20 adults)	s	s	s	s	<b>(B)(6)</b>
Convalescent and nursing homes	-	-	-	<b>P</b>	<b>(B)(7)</b>
Foster family home (1 to 4 children 24 hours)	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	
<b><i>State Licensed Residential Care Facilities</i></b>					
Foster family group home (5 to 6 children)	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>(B)(6)</b>
Family day care home (1 to 6 children < 24 hours)	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>(B)(6)</b>
Group day care home (7 to 12 children < 24 hours)	s	s	s	s	<b>(B)(6)</b>
<b><i>Agriculture, Forestry and Fishing</i></b>					
Commercial kennels	s	-	-	-	<b>(B)(8)</b>
Commercial stables	s	-	-	-	<b>(B)(9)</b>
Roadside stands	s	-	-		<b>(B)(10)</b>

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<b><i>Health Care</i></b>					
Hospitals	-	-	-	<b>S</b>	<b>(B)(11)</b>
Medical offices	-	-	-	<b>S</b>	<b>(B)(11)</b>
<b><i>Consumer Services</i></b>					
Bed & breakfasts	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>(B)(12)</b>
<b><i>Entertainment and Recreational</i></b>					

Campground & RV parks	<b>S</b>	-	-	-	<b>(B)(13)</b>
Golf courses, mini-golf facilities, driving ranges and similar private recreation uses	<b>S</b>	-	-	-	<b>(B)(14)</b>
<b><i>Public Administration, Institutional and Utilities</i></b>					
Cemeteries	<b>P</b>	<b>S</b>	<b>S</b>	<b>p</b>	<b>(B)(15)</b>
Churches, temples or other places of worship or public assembly	<b>S</b>	<b>S</b>	<b>S</b>	<b>p</b>	<b>(B)(16)</b>
Essential public services	-	-	-	-	<b>(B)(17)</b>
Essential public service, utility buildings	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>(B)(17)</b>
Government and administrative offices	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>(B)(18)</b>
<b><i>Public Administration, Institutional and Utilities</i></b>					
Halls for private clubs and membership organizations	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	
Libraries and museums	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>(B)(18)</b>
Parks and public recreation facilities	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>(B)(18)</b>
Police and fire stations	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>(B)( 18)</b>
Post office	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>(B)(18)</b>
Schools	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>(B)(19)</b>

(B) Uses noted in the above table shall comply with the following requirements:

(1) *Single-family dwellings.*

(a) Must have a twenty-four (24) foot minimum width across any front, side, and rear elevation.

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(b) Must comply in all respects with the Michigan Building Code, including minimum heights for habitable rooms.

(c) Where a dwelling is required by law to comply with any federal or state standards or regulations for construction that are different than those imposed by the Township Building Code, then such federal or state standard or regulation shall apply.

(d) 1. Must be firmly attached to a permanent foundation constructed on the site in accordance with the Township Building Code and shall have a wall of block, pressure treated lumber or concrete of the same perimeter dimensions of the dwelling, the same as a stick built home.

2. Also, must be firmly attached to either a block, pressure treated lumber or poured concrete foundation the same perimeter dimensions of the dwelling. Under no circumstances may the structure be secured with anchors or skirting, although anchors in conjunction with block, pressure treated lumber and/or poured concrete is acceptable.

(e) Must be constructed of such building materials and types as required in the applicable building code for single-family dwellings.

(f) In the event that the dwelling is a manufactured home, as defined herein, the following conditions shall apply:

1. The dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Manufactured Home Commission.

2. Each manufactured home shall be installed with the wheels removed. Additionally, no dwelling will have any exposed towing mechanism under carriage or chassis.

(g) Shall be connected to a public sewer and water supply or to such private facilities approved by the Huron County Health Department.

(h) The design shall have either a roof overhang of not less than six (6) inches on all sides or alternately with window sills and a roof drainage system concentrating roof drainage at collection points along the sides of the dwelling. The design shall not have less than two (2) exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.

(i) Single family dwellings in an R-3 district shall meet R-1 district regulations (set backs).

(2) *Accessory apartments.*

(a) The apartment will be a complete, separate housekeeping unit that can be isolated from the original unit.

(b) Not more than two (2) apartments will be created within a single-family house (main unit plus one (1) accessory apartment).

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(c) The accessory apartment shall be designed so that, to the degree reasonably feasible, the appearance of the building remains that of a single-family dwelling. Any new entrances shall be located on the side or in the rear of the building.

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(d) The minimum size of the existing dwelling when 1 accessory apartment is to be created is 1,500 square feet. The minimum size of an accessory apartment shall be 460 square feet.

(e) The proposed accessory apartment shall not be injurious to the character of the surrounding neighborhood considering factors such as availability of public services, traffic and parking, property value, noise, or any other reason not contrary to the spirit and purpose of this chapter.

(f) Accessory apartments are not to be used for state licensed residential care facilities or home occupations.



(g) Two additional parking spaces on the same lot must be provided.

(3) *Two-family dwellings.* Permitted in R-2 and R-3 districts when both dwelling units are constructed at the same time in a new structure designed to be a 2-family dwelling on a lot being at least 15,000 square feet in area.

(4) *Home occupations.* Home occupations may be permitted subject to the following conditions:

(a) A home occupation shall be conducted within the confines of a single-family dwelling and shall not exceed 20% of the floor area and shall be clearly incidental and subordinate to its use for residential purposes.

(b) No more than 1 home occupation shall be permitted within any single-family dwelling unit and only 1 employee in addition to the bona fide residents of the dwelling may be active in the occupation within the dwelling unit.

(c) There shall be no change in the outside appearance of the structure or premises, or other visible evidence of conduct of the home occupation, and there shall be no external or internal alterations that are not customary in residential areas.

(d) Unless specifically otherwise provided herein, no article shall be sold or offered for sale on the premises except as prepared within the dwelling or is provided as incidental to the service or profession conducted therein. A retail showroom, sales area, outlet or similar facility is prohibited.

(e) No equipment or process shall be used that creates noise, vibration, glare, fumes, odor, or electrical interference that are nuisances to persons off the lot. The use of hazardous, toxic or extremely flammable materials is prohibited.

(f) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.

(g) Any required parking generated by conducting a home occupation shall be met by off-street parking, suitably screened.

(h) There shall be no storage of equipment, vehicles, or supplies associated with the home occupation outside the dwelling.

(i) Signs for the home occupation shall be limited to 1 non-illuminated, non-protruding name plate, not more than 1 square feet in area, attached to the building, located near the front entrance, and which sign shall contain only the name, occupation, and/or address of the premises.

(5) *Manufactured homes.* This reference is to individual manufactured homes on privately owned lots that are not part of a manufactured home park. All manufactured homes and modular (pre-manufactured) housing units must be placed on a permanent foundation. The dwelling units must meet all zoning chapter requirements, where applicable. The manufactured homes and modular (pre-manufactured) housing units must meet current Building Code requirements and federal or state standards or regulations.

(6) *State licensed residential care facilities.*

(a) All care uses shall be located within a residential building that has an appearance that is non-intrusive and consistent in color, materials, roof-line, and architecture with the single-family residential district in which it is located.

(b) All foster family homes, foster family group homes, family day care homes and group day care homes shall provide sufficient indoor classroom, crib, or play area to meet state requirements.

(c) All care uses involving children shall provide sufficient outdoor play area to meet state regulations. All required outdoor play areas shall be fenced with a 4-foot tall fence, provided that no fence shall be located in a front yard.

(d) All care uses shall provide an on-site drive for drop-offs\loading. This drive shall be arranged to allow maneuvers without creating a hazard to traffic flow on the public street.

(e) Off street parking shall be provided for the number of employees on site at any 1 time.

(f) A lot containing an adult foster care small group home, foster family group home, or group day care home shall be at least 1,500 feet from any other of the above listed group care homes.

(7) *Convalescent and nursing homes.*

(a) The site shall be so developed as to create a land to building ratio on the lot or parcel whereby for each 1 bed in the convalescent home there shall be provided not less than 1,500 square feet of open space. The 1,500 square feet of land area per bed shall provide for landscape setting, off-street parking, service drives, loading space, yard requirements, and space required for accessory uses. The 1,500 square feet requirement is over and above the building coverage area.

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(b) No building, loading area, or parking area shall be closer than 40 feet from any property line.

(c) Ambulance and delivery areas shall be obscured from all residential view with landscaping, a wall or barrier of suitable material at least 5 feet in height, as determined by Planning Commission.

(d) The proposed site shall have at least 1 property line abutting an arterial or collector street from which all ingress and egress to the off-street parking area as well as any other uses of the facility shall be directly accessed from.

(8) *Commercial kennels.*

(a) All kennels shall be operated in conformance with all county and state regulations, kennel permits being valid no longer than 1 year.

(b) For dog kennels, the minimum lot (parcel) size shall be 5 acres.

(c) Buildings wherein animals are kept, animal runs and/or exercise areas shall not be located within 100 feet of any property line.

(d) The facilities shall be so constructed and maintained that odor, dust, noise, or drainage shall not constitute a nuisance or hazard to adjoining premises.

(9) *Commercial stables.*

(a) For breeding, rearing and boarding of horses, mule, and similar domestic animals, the minimum lot size shall be 10 acres, except that up to 2 saddle horses or ponies may be boarded and/or reared on parcels of 5 acres or greater.

(b) Any building used as a stable shall not be located within 100 feet of any property line,

(c) Animals shall be confined in a suitably fenced area, or paddock, to preclude their approaching within 60 feet of any property line.

(d) The facilities shall be so constructed and maintained that odor, dust, noise, or drainage shall not constitute a nuisance or hazard to adjoining premises.

(10) *Roadside stand.* A roadside stand shall be permitted on a roadway within the township for a maximum of 4 weeks in any calendar year under the following conditions:

(a) Only the products grown, produced, or obtained from the site may be offered for sale at a roadside stand.

(b) The gross floor area of the roadside stand shall not be less than 50 square feet but not more than 250 square feet. The building height shall not exceed 14 feet.

(c) Suitable containers for rubbish shall be placed on the premises for public use.

(d) The roadside stand shall be located not less than 25 feet from the roadway right-of-way.

(e) One unlighted sign may be permitted. The sign shall be located on the site and may be a maximum of 20 square feet in size and a maximum of 8 feet in height.

(f) Off-street parking may be provided in the front yard setback area and shall be constructed with a stable and well drained surface. Failure to maintain a safe parking area and proper means of safe access shall constitute grounds for immediate termination of the use.

(11) *Hospitals and medical offices.*

(a) The site shall have at least 1 property line abutting an arterial or collector street. All ingress/egress to the off-street parking shall be directly onto said arterial or collector street.

(b) Any building, parking, or loading area shall be located not less than 50 feet from any lot in a Residential District.

(c) Accessory uses such as a pharmacy, gift shop, cafeteria, daycare, and similar uses shall be permitted.

(d) Ambulance and delivery areas shall be obscured from all residential view with landscaping, a wall or barrier of suitable material at least 5 feet in height, as determined by Planning Commission.

(12) *Bed and breakfast.*

(a) The establishment shall be serviced by approved water and sanitary sewer services.

(b) The establishment shall be located on property with direct access to a public road.

(c) Such uses shall only be established in a detached single-family dwelling.

(d) Parking areas shall be located off street and shall not be located in any required front yard. One parking space shall be provided for each occupant room.

(e) The lot on which the establishment is located shall meet the minimum lot size requirements of the zoning district.

(f) The total number of guest rooms in the establishment shall not exceed 3.

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(g) Exterior refuse storage facilities beyond what might normally be expected for a detached single-family dwelling shall be screened from view on all sides by a 6-foot solid, decorative fence or wall.

(h) One sign shall be allowed for identification purposes. Such sign shall not exceed 16 square feet in area, and may not exceed 4 feet in height. If illuminated, such illumination shall only be of an indirect nature; internally lighted signs are not permitted. Such sign shall be set back at least 1/2 of the front yard and shall be located at least 15 feet from any side or rear lot line.

(i) The establishment shall contain the main residence of the operator and such operator shall live on the premises while the establishment is active.

(j) Accessory retail or service uses to a bed and breakfast establishment shall be prohibited, including but not limited to gift shops, antique shops, restaurants, bakeries, and other similar uses.

(k) Meals and other services provided on the premises shall be served only to the operator's family, employees, and overnight guests.

(l) No guest of the bed and breakfast establishment shall be permitted to reside on the premises for more than 30 consecutive days.

(13) *Campgrounds and RV parks.* Campgrounds and RV Parks are subject to compliance with Act 171, P.A. 1970, as may be amended and administrative rules and regulations promulgated subsequent to the Act as may be amended and the following regulations:

(a) Minimum parcel size shall be 10 acres.

(b) The parcel shall provide direct vehicular access to an arterial or collector street.

(c) There shall be provided a 50 feet wide buffer zone where the facility is adjacent to residentially zoned land, which shall consist of trees or shrubs with a 6 feet high fence at the property line.

(d) All roadways within the facility shall be hard surfaced, consisting of asphalt or concrete.

(e) The campground shall be provided at least 1 public telephone.

(14) *Golf courses, mini-golf facilities, driving ranges and similar private recreation uses.*

(a) The site shall provide all access directly to an arterial or collector street.

(b) The uses shall be located on a parcel of 5 acres or more in area.

(c) The structure(s) shall be located at least 200 feet from a property line of any adjacent residential property, provided that where topographic conditions are such that buildings would be screened from view the Planning Commission may reduce this requirement.

(d) When such uses are located on a parcel of 60 acres or more the site must contain a shelter building with toilet facilities which meet all requirements of the County Health Department and Township Building Code. Main and accessory buildings and impervious surfaces including parking areas shall be set back at least 75 feet from all property lines.

(15) *Cemeteries*. Must occupy a site of 10 or more acres.

(16) *Churches, temples or other places of worship or public assembly*.

(a) The site shall have ingress and egress directly onto an arterial or collector street.

(b) The height of main buildings shall not exceed 48 feet. Accessory buildings or buildings occupied by accessory uses shall not exceed the height limitation otherwise permitted in the district.

(c) Off-street parking shall not be permitted in the required front or side yard setbacks.

(d) Parking in the front yard shall be limited to drop-off activities and a limited amount of parking such as for handicapped persons and seniors. The Planning Commission may allow up to 25 % of the total parking in front yard upon a finding this is compatible with surrounding uses or better preserves natural features than alternative parking locations.

(e) Parking/loading and staging spaces for service vehicles or buses shall only be located within the rear yard, provided the Planning Commission may allow some use of the side yard upon a finding that site conditions make the rear yard unable to accommodate all of the needed parking.

(f) A landscape berm or other screen determined by Planning Commission shall be required along parking and paved areas adjacent to a residential use or zoning district, to screen activities and headlight glare.

(17) *Essential public services /utility buildings (without storage yards)*.

(a) Utility and public service buildings and uses, including telephone exchange buildings, electric transformer stations and substations and gas regulator stations (without storage yards) shall only be permitted when operating requirements necessitate locations within the district to serve the immediate vicinity and such use is not detrimental to the surrounding neighborhood.

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(b) Electrical substations and/or gas regulator stations shall be enclosed with a fence or wall at least six (6) feet high and adequate to obstruct passage of persons or materials and shall meet all of lot area, setback and yard requirements of the district in which they are located. Landscaping shall be required to improve the appearance of the facility and to minimize the appearance of the fencing.

(c) Any building which is constructed shall be landscaped and shall be designed to conform with the general character of the architecture of the surrounding neighborhood and shall meet all of the lot area, setback and yard requirements of the district in which they are located.

(d) All underground pipelines shall be buried at least three (3) feet below the surface of the ground and shall pass under all existing drain tile unless the owner of the land and any affected drain tile or untiled land shall consent in writing to the installation of said pipeline above said drain tile or at a depth of less than three (3) feet. In no case shall power lines or pipelines be installed at a depth of less than two (2) feet below the surface of the ground or within six (6) inches above or below existing drain tiles.

(e) Where a pipeline or power line is proposed to pass through land not previously so used as a site for power lines or pipelines, the location, erection and use shall first be approved by the Planning Commission. A public notice shall be given in a newspaper of general circulation in the township containing a statement of the proposed use and location, and the time for a hearing thereon which shall not be less than seven (7) days from the date of publication. If, on such hearing, it shall appear that the proposed location, erection or use be detrimental to the public health, safety or general welfare, then such use shall forthwith be denied.

(18) *Government and administrative offices, libraries, museums, police and fire stations, parks and recreation facilities, and post offices.*

(a) Municipal uses shall not permit outdoor storage of materials.

(b) Municipal uses will be permitted where the residential character of the area will not be compromised, in the opinion of the Planning Commission.

(19) *Schools.*

(a) The buildings and impervious surfaces, including parking, loading, and play areas, shall be located not less than fifty (50) feet from any other parcel in any Residential District.

(b) All access to said site shall be directly from an arterial or collector street. (Ord. § 4.02, passed 4-5-2004; Am. Ord. - -, passed 11-3-2008; Am. Ord. - -, passed 9-8-2009; Am. Ord. - -, passed 11-1-2010)

§ 154.042 DISTRICT REGULATIONS.

All residential buildings on all lots shall comply with the area, height and bulk requirements in the following table.

<i>Districts</i>	<i>RR</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	
<b><i>Lot Requirements</i></b> <sup>b,c,d,e,f,g</sup>					
Minimum lot area (sq. ft.) <sup>h</sup>	1.0 acre	12,000	12,000 <sup>k</sup>	<sup>k,l</sup>	
Minimum lot width (sq. ft.) <sup>i</sup>	250	65 <sup>f</sup>	65	-	
<b><i>Setback Requirements</i></b> <sup>m,n</sup>					
Front yard <sup>j</sup>	50 <sup>e</sup>	25 <sup>e</sup>	25 <sup>e</sup>	30 <sup>e</sup>	
Side yard	Least one (ft.)	20	6	6	10
	Total both (ft.)	50	12	12	20
Rear yard (ft.)	50	35	35	45	
Natural feature/waterfront (ft.) <sup>o</sup>	25	25	25	25	
<b><i>Maximum Building Height</i></b>					
In feet	40	40	40	40	
In stories	2.5	2.5	2.5	2.5	
<b><i>Minimum Useable Floor Area</i></b>					
Min. useable floor area (sq. ft.)	1,040	1,040	1,040	<sup>g-p</sup>	
<b><i>Maximum Lot Coverage</i></b> <sup>q</sup>					
Max. lot coverage (%)	35%	35%	35%	40% <sup>r</sup>	
Residential on site wind and solar energy conversion systems	See note s				
Notes to table:					
a: Modifications to dimensional requirements and maximum density may be permitted by the Township under §§ 154.160 et seq.					
b: In the AG, RR, R-1, and R-2 zoning districts, no more than 1 residential dwelling shall be placed on a lot. In the R-3 zoning district, no more than 1 single-family or 2-family residential dwelling shall be placed on a lot.					

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c: In the case of a site condominium where no subdivision of land under Public Act 288 of 1967 (the Subdivision Control Act) has taken place and where the land therefore remains as 1 lot or parcel this restriction shall not apply; however, in this instance, not more than 1 single-family or 2-family dwelling shall be constructed upon an individual unit of ownership within a site condominium development.
d: No residential dwelling shall be erected in Industrial or Commercial Districts except for sleeping quarters for a watchman or caretaker, as an accessory use to the main use, except as a special use authorized by the Planning Commission.
e: In any Residential District, the front yard setback requirements of a lot may be modified so as to equal the average



depth of existing front yards on developed lots within 100 feet of both sides of said lot and within the same block frontage, provided the front yard shall not be less than 20 feet.
f: All newly created waterfront lots shall have an area and width equal to or greater than the median area and width of all developed single-family lots within 300 feet, provided lots shall not be less than 12,000 square feet.
g: Single-family dwellings developed in the R-3 District are subject to the area and bulk requirements of the R-1 District.
h: Any submerged area of a lake, river, pond or stream, or regulated wetlands shall not count towards meeting the minimum lot area.
i: All lots shall have frontage on a dedicated public street, approved private road or shared driveway meeting the requirements of §§ 154.240 <i>et seq.</i>
j: Buildings on lots having frontage on 2 streets shall comply with front yard requirements on both such streets.
k: Two-family dwellings shall have a minimum lot area of 15,000 square feet, a minimum lot width of 100 feet, and a minimum useable floor area of 810 per unit.
l: A maximum density of 10 dwelling units per 1 acre of site area is permitted in the R-3 district.
m: Architectural features and vertical projections may extend or project into a required yard as provided in § 154.202.
n: All multiple family buildings shall be spaced a minimum of 30 feet apart. All buildings shall be set back a minimum of 20 feet from any internal road, drive, or parking lot within the site.
o: A 25-foot natural feature setback shall be maintained in relation to the ordinary high water mark of any pond, or stream and to the edge of any drainageway, or regulated wetland. Along lakes, the setback from the shoreline of any building subsequently erected shall be in accordance with the shoreline setback, as defined 154.007.

(Ord. 2013-05 adopted October 7, 2013)

p: Required minimum floor area of units in multiple-family dwellings are as follows: Efficiency unit: 460 square feet One-bedroom unit: 560 square feet Two- bedroom unit: 760 square feet Three-bedroom unit: 960 square feet (5) Plus 100 square feet for each additional bedroom.
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q: The maximum lot coverage percentage shall be calculated as the maximum allowable ground area that may be covered by main buildings and accessory structures as a percentage of the lot area.

r: Building length shall not exceed 200 feet.

s: On site wind and solar energy systems are permitted in all residential districts. See §§ 154.136 and 154.138 for general regulations and §§ 154.137 and 154.139 for residential specifications.

(Ord. § 4.03, passed 4-5-2004; Am. Ord. - -, passed 1-4-2010; Am. Ord. - -, passed 9-7-2010; Am. Ord. - -, passed 3-7-2011)

## ***MANUFACTURED HOME DISTRICTS***

### **§ 154.060 DESCRIPTION AND PURPOSE.**

(A) The intent of the Manufactured Home District is to provide an affordable housing alternative where placement of such a development would be appropriate and consistent with the general character of the township. The standards required in this district are intended to be consistent with the adopted standards for other types of housing in the township. All manufactured home parks shall comply with the applicable requirements of Act 96, P. A. 1987, as amended. However, some standards of this chapter are more stringent than the typical standards promoted by the Manufactured Housing Commission. These more strict standards reflect the overall nature of the township, in contrast with some other areas of Michigan where the universal rules of the Manufactured Housing Commission may be appropriate. These adopted standards are designed to foster and encourage development that complements and protects the investment on adjacent properties, and promotes preservation of important natural features.

(B) Since the characteristics, densities, and impacts of a manufactured home parks typically simulate those of multiple-family residential developments manufactured home parks are not necessarily considered to be completely compatible with other types of single-family neighborhoods. Therefore, manufactured home parks are intended to serve as a transitional use between residential and nonresidential districts, similar to the manner and fashion in which multiple-family districts are to be utilized.  
(Ord. § 5.01, passed 4-5-2004)

### **§ 154.061 USES PERMITTED.**

(A) A notation of “P” in the following table indicates that the use is permitted in the district. A notation of “S” indicates that the use is allowed after special land use approval by the Planning Commission in accordance with the procedures and requirements of §§ 154.305 et seq. The “Requirements” column indicates additional requirements or conditions applicable to the use.

<i>Schedule of Manufactured Home Uses</i>		
	<i>MFR</i>	<i>Requirements</i>
<b><i>Residential</i></b>		
Single-family dwellings	P	(B)(1)
Accessory apartments	P	(B)(2)
Two-family dwellings	P	(B)(3)
Home occupations	P	(B)(4)
Manufactured homes	P	(B)(5)
Manufactured home parks	P	(B)(6)
<b><i>State Licensed Residential Care Facilities</i></b>		
Adult foster care family home (1 to 6 adults)	P	(B)(7)
Adult foster care small group home (1 to 6 adults)	S	(B)(7)
Adult foster care large group home (7 to 12 adults)	s	(B)(7)
Convalescent and nursing homes	P	(B)(8)
Foster family home (1 to 4 children 24 hours)	P	(B)(7)
Foster family group home (5 to 6 children 24 hours)	s	(B)(7)
Family day care home (1 to 6 children < 24 hours )	P	(B)(7)
Group day care home (7 to 12 children < 24 hours)	s	(B)(7)
<b><i>Public Administration, Institutional and Utilities</i></b>		
Cemeteries	s	(B)(9)
Churches, temples or other places of worship	s	(B)(10)
Essential public service/utility buildings	s	(B)(11)

<i>Schedule of Manufactured Home Uses</i>		
	<i>MFR</i>	<i>Requirements</i>
<b><i>Public Administration, Institutional and Utilities</i></b>		
Essential public services	P	(B)(11)

Government and administrative offices	S	(B)(12)
Halls for private clubs and membership organizations	S	
Libraries and museums	S	(B)(12)
Parks and public recreation facilities	P	(B)(12)
Police and fire stations	S	(B)(12)
Post office	S	(B)(12)
Schools	S	(B)(13)

(B) Uses noted in the above table shall comply with the following requirements:

(1) *Single-family dwellings.*

(a) Must have a twenty-four (24) foot minimum width across any front, side, and rear elevation.

(b) Must comply in all respects with the Township Building Code, including minimum heights for habitable rooms.

(c) Where a dwelling is required by law to comply with any federal or state standards or regulations for construction that are different than those imposed by the Township Building Code, then such federal or state standard or regulation shall apply.

(d) Must be firmly attached to either a block, pressure treated lumber or poured concrete foundation the same perimeter of the dwelling. Under no circumstances may the structure be secured with anchors or skirting although anchors in conjunction with block, pressure treated lumber and/or poured concrete walls is acceptable.

(e) Must be constructed of such building materials and types as required in the applicable building code for single-family dwellings.

(2) *Accessory apartments.*

(a) The apartment will be a complete, separate housekeeping unit that can be isolated from the original unit.

(b) Not more than 2 apartments will be created within a single-family house. (Main unit plus 1 accessory apartment.)

(c) The accessory apartment shall be designed so that, to the degree reasonably feasible, the appearance of the building remains that of a single-family dwelling. Any new entrances shall be located on the side or in the rear of the building.

(d) The minimum size of the existing dwelling when 1 accessory apartment is to be created is 1,500 square feet. The minimum size of an accessory apartment shall be 460 square feet.

(e) The proposed accessory apartment shall not be injurious to the character of the surrounding neighborhood considering factors such as availability of public services, traffic and parking, property value, noise, or any other reason not contrary to the spirit and purpose of this chapter.

(f) Accessory apartments are not to be used for state licensed residential care facilities or home occupations.

(g) Two additional parking spaces on the same lot must be provided.

(3) *Two-family dwellings.* Permitted in the Manufactured Home District when both dwelling units are constructed at the same time in a new structure designed to be a 2-family dwelling on a lot being at least 15,000 square feet in area.

(4) *Home occupations.* Home occupations may be permitted subject to the following conditions:

(a) A home occupation shall be conducted within the confines of the main dwelling and shall not exceed 20% of the floor area and shall be clearly incidental and subordinate to its use for residential purposes.

(b) No more 1 than home occupation shall be permitted within any single dwelling unit and only 1 employee in addition to the bona fide residents of the dwelling may be active in the occupation within the dwelling unit.

(c) There shall be no change in the outside appearance of the structure or premises, or other visible evidence of conduct of the home occupation, and there shall be no external or internal alterations that are not customary in residential areas.

(d) Unless specifically otherwise provided herein, no article shall be sold or offered for sale on the premises except as prepared within the dwelling or is provided as incidental to the service or profession conducted therein. A retail showroom, sales area, outlet or similar facility is prohibited.

(e) No equipment or process shall be used that creates noise, vibration, glare, fumes, odor, or electrical interference that are nuisances to persons off the lot. The use of hazardous, toxic or extremely flammable materials is prohibited.

(f) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.

(g) Any required parking generated by conducting a home occupation shall be met by off-street parking, suitably screened.

(h) There shall be no storage of equipment, vehicles, or supplies associated with the home occupation outside the dwelling.

(i) Signs for the home occupation shall be limited to 1 non-illuminated, non-protruding name plate, not more than 1 square feet in area, attached to the building, located near the front entrance, and which sign shall contain only the name, occupation, and/or address of the premises.

(5) *Manufactured homes.* This reference is to individual manufactured homes on privately owned lots that are not part of a manufactured home park. All manufactured homes and modular (pre-manufactured) housing units must be placed on a permanent foundation. The dwelling units must meet all zoning ordinance requirements, where applicable. The manufactured homes and modular (pre-manufactured) housing units must meet current building code requirements and federal or state standards or regulations.

(6) *Manufactured home parks.* A manufactured home park shall comply with the requirements of Public Act 96 of the Michigan Public Acts of 1987 (M.C.L.A. §§ 125.2301 to 125.2350 inclusive), as amended and all other provisions of this division. In order to ensure an adequate local review of a manufactured home park in compliance with § 11(2) of P. A. 96 of 1987 (M.C.L.A. § 125.2311), the rules of the State Manufactured Housing Commission as set forth and provided for under § 4(1)(a) of P. A. 96 of 1987 as amended and the requirements of this section.

(a) *Park area.* The minimum manufactured home park area shall be 15 acres, excluding adjacent parcels which may be proposed for expansion.

(b) *Lot area.* Each manufactured home lot, exclusive of streets, shall have a minimum area of 5,500 square feet. This may be reduced by up to 20% provided that the individual site shall be equal to at least 4,400 square feet and for each square foot of land gained through the reduction of a site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space. This open space shall be in addition to that required under R125.1946, Rule 946 and R125.1941 and R125.1944, Rules 941 and 944 of the Michigan Administrative Code.

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(c) *Number of homes.* No more than 1 manufactured home shall be parked on any 1 lot.

(d) *Setbacks and spacing.* Each manufactured home site shall have the following minimum yard requirements:

1. *Home not sited parallel to an internal road.* Twenty feet from any part of an attached structure of an adjacent home that is used for living purposes for the entire year.

2. *Home sited parallel to an internal road.* Fifteen feet from any part of an attached structure of an adjacent home that is used for living purposes for the entire year if the adjacent home is sited next to a home on and parallel to the same internal road or an intersecting internal road.

(e) *Periphery setback.* Manufactured homes shall be set back at least 50 feet from any public street right-of-way line and 10 feet from any other exterior property line. This 50-foot setback shall include a minimum 20-foot wide greenbelt, which includes minimum screening, as outlined in division (B)(6)(l) below.

(f) *Manufactured unit.* All manufactured homes shall be in compliance with the construction standards promulgated by the United States department of housing and urban development, 24 C.F.R. part 1700 et seq. and parts 3280 and 3282, under the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, 42 U.S.C. § 601 et seq.

(g) *Height.* The maximum height of any community or similar building shall not exceed 35 feet, or 2 stories in height, whichever is less. Storage or service buildings shall not exceed 15 feet, or 1 story in height.

(h) *Concrete slab, skirting, and anchoring.* Each home shall be installed in compliance with the standards established in R125.1602, Rule 602 of the Manufactured Housing Commission's General Rules. All areas between the manufactured home and ground shall be enclosed by a skirt, providing said skirting is constructed or installed and is fire resistant and in conformity with the requirements under R125.1604, Rule 604 of the Manufactured Housing Commission's General Rules. A home anchoring system shall be provided that is designed and constructed in compliance with the United States Department of Housing and Urban Development standards entitled Manufactured Home Construction and Safety Standards and be installed in compliance with its manufacturer's specifications.

(i) *Occupancy.* No manufactured home shall be occupied without first being connected to a permanent sanitary system and water source, and in accordance with Part 2 of the MDEQ Manufactured Home Park Standards.

(j) *Access and circulation.*

1. *Interior street widths.* Minimum street widths within the manufactured home park shall be accordance with the table below.

<i>Schedule of Manufactured Home Park Streets</i>	
<i>Parking</i>	<i>Minimum Street Width</i>
No on-street parking	21 feet
Parallel parking 1 side	31 feet
Parallel parking both sides	41 feet

2. *Street construction.*

a. All streets within the manufactured home park shall be of concrete or bituminous aggregate meeting AASHTO street construction specifications, and may be provided with concrete curbing.

b. Streets shall be crowned with drainage directed to the outside edges.

c. Interior roads shall be required to end in a 50 foot in radius cul-de-sac.

d. Maximum cul-de-sac length shall be 1,000 feet.

e. Stop signs shall be located at ingress and egress and all intersections of interior streets.

f. The location of speed limit signs will be so located to promote safety for all occupants and visitors to the park.

3. *Access.* The manufactured home park shall provide for egress and ingress off of a primary road. Access drives shall provide for 2-way traffic and be a minimum of 33 feet in width.

4. *Signage.* All road signs (name and traffic control) shall be installed and maintained by the community in accordance with the Michigan Manual of Uniform Traffic Control Devices.

5. *Sidewalks.* Concrete walkways are to be at least 3 feet wide. If a developer provides sidewalks, the sidewalks are to be designed, constructed, and maintained for safe and convenient movement from all home sites to principal destinations within the community and connection

to public sidewalks outside the community. Individual sidewalks shall be constructed between at least



1 entrance or patio, porch, or deck if provided, and the parking spaces on the home site or parking bay, whichever is provided, or common sidewalk, if provided.

(k) *Parking.*

1. *Unit parking.* Each site shall provide off street and/or on-street parking that will accommodate a minimum of 2 vehicles.

2. *Visitor parking.* Parking for visitors shall be provided at a ratio of 1 space per 3 unit lots.

(l) *Landscaping.* A typical landscape plan shall be incorporated in the plans submitted for preliminary site plan review to the Planning Commission. The typical plan shall indicate the type and size of landscape planting and screening improvements to be completed in the proposed manufactured housing community. Manufactured housing communities shall be landscaped and screened as follows:

1. *Complete and permanent landscaping.* All areas of circulation, common parking lots, recreation facilities, open space areas, buildings for service and areas of storage shall be completely and permanently landscaped and maintained in good condition.

2. *Deciduous canopy tree.* One deciduous canopy tree shall be provided for every 2 lots.

3. *Boundary screening along existing development.* If a manufactured home park abuts an existing development, the development shall be required to provide screening along the boundary abutting the existing development.

4. *Boundary screening, type of screening required.* The required screening shall consist of evergreen trees or shrubs at least 3 feet in height which are spaced so they provide a continuous screen at maturity. Alternative screening devices may be utilized if they conceal the manufactured home park as effectively as the required landscaping described in division (B)(6)(l)3.

5. *Right-of-way landscaping.*

a. If the development abuts a non-residential development, it need not provide landscaping. In all cases a development shall provide landscaping along the boundary abutting a public right-of-way.

b. The manufactured home park shall have a 50-foot minimum setback from any public street exterior to the development, which shall be properly landscaped with grassed area and maintained by the owner and operator of the manufactured home park. A minimum of 1 deciduous canopy tree, 1 evergreen tree and 4 shrubs shall be planted for each 30 lineal feet, or portion thereof,

of required greenbelt length. At time of planting, canopy trees shall have a minimum size of 3-inch caliper and evergreen trees shall have a minimum height of 6 feet. Trees may be planted at uniform intervals, at random, or in groupings. All existing trees 4 inches or greater in diameter at breast height within the greenbelt shall be preserved, except where their removal is necessary to install access points.

6. Dead, damaged, or diseased landscaping shall be replaced, within 1 year, so as to maintain the approved screening originally approved.

(m) *Waste receptacles.* A location for the storage and removal of daily waste shall be established and maintained by the park, unless curb side pick-up is provided, at a location approved by the Planning Commission and the MDEQ. The area for storage shall be kept in a manner suitable to preclude infestation of insects and rodents.

(n) *Utilities.*

1. The sanitary sewer and water system of the manufactured home park shall comply with MDEQ.

2. All utilities, including telephone, cable, and electric, shall be placed underground throughout the park in accordance with R125.1932 to R125.1940 of the Manufactured Housing Commission's General Rules. All utility providers shall have an easement granted to the provider.

(o) *Fire protection.*

1. The manufactured home park shall provide on-site water sources for fire protection. The location and number of on-site water sources shall be determined by the following.

2. The park management shall notify each resident, upon occupancy, of all of the following:

a. The home site shall be kept free of fire hazards, including combustible materials under the home.

b. That vehicular parking is prohibited within 15 feet of a fire hydrant.

c. Each home site shall be numbered and clearly marked for positive identification. Each number shall be easily readable from the road servicing the home site.

d. Each home is to be provided with at least 1 fire extinguisher approved by the National Fire Protection Association and 1 smoke detector approved by the State Construction Code Authority.

(p) *Accessory buildings and uses.*

1. *Accessory buildings.* Site-built buildings within a manufactured home park shall be approved and built in compliance with the Michigan Residential Code, which supercedes state unapproved local building codes that are not identical and shall require applicable permits. Any addition to a manufactured home that does not comply with the standards of the U. S Department of Housing and Urban Development for manufactured homes shall comply with the Township Building Codes. Storage sheds, carports and garages shall require a building permit or zoning compliance permit from the township prior to construction.

2. *Storage.* If the owner of the manufactured home park permits storage of boats, motorcycles, recreation vehicles, and similar equipment in the manufactured home park, common areas for the storage of that equipment shall be provided by the owner within the development. Such storage shall be limited to use only by residents and management of the manufactured home park. No part of any such storage area shall be located in a required yard on the perimeter of the manufactured home park. A storage area shall be screened from view from existing residences adjacent to the manufactured home park.

(7) *State licensed residential care facilities.*

(a) All care uses shall be located within a residential building that has an appearance that is non-intrusive and consistent in color, materials, roof-line, and architecture with the single-family residential district in which it is located.

(b) All foster family homes, foster family group homes, family day care homes and group day care homes shall provide sufficient indoor classroom, crib, or play area meeting state requirements. Documentation of approved areas, as licensed by the state, shall be provided.

(c) All care uses involving children shall provide sufficient outdoor play area to meet state regulations. All required outdoor play areas shall be fenced with a 4-foot tall fence, provided that no fence shall be located in a front yard.

(d) All day care uses shall provide an on site drive for drop offs/loading. This drive shall be arranged to allow maneuvers without creating a hazard to traffic flow on the public street.

(e) Off street parking shall be provided for the number of employees on site at any 1 time.

(f) A lot containing an adult foster care small group homes, foster family group homes, or group day care homes shall be at least 1,500 feet from any other of the above listed group care homes.

(8) *Convalescent and nursing homes.*

(a) The site shall be so developed as to create a land to building ratio on the lot or parcel whereby for each 1 bed in the convalescent home there shall be provided not less than 1,500 square feet of open space. The 1,500 square feet of land area per bed shall provide for landscape setting, off-street parking, service drives, loading space, yard requirements, and space required for accessory uses. The 1,500 square feet requirement is over and above the building coverage area.

(b) No building, loading area or parking area shall be closer than 40 feet from any property line.

(c) Ambulance and delivery areas shall be obscured from all residential view with landscaping, a wall or barrier of suitable material at least 5 feet in height, as determined by Planning Commission

(d) The proposed site shall have at least 1 property line abutting an arterial or collector street from which all ingress and egress to the off-street parking area as well as any other uses of the facility, shall be directly accessed from.

(9) *Cemeteries.* Must occupy a site of 10 or more acres.

(10) *Churches, temples or other places of worship or public assembly.*

(a) The site shall have ingress and egress directly onto an arterial or collector street.

(b) The height of principal buildings shall not exceed 48 feet. Accessory buildings or buildings occupied by accessory uses shall not exceed the height limitation otherwise permitted in the district.

(c) Off-street parking shall not be permitted in the required front or side yard setbacks.

(d) Parking in the front yard shall be limited to drop-off activities and a limited amount of parking such as for handicapped persons and seniors. The Planning Commission may allow up to 25 % of the total parking in the front yard upon a finding this is compatible with surrounding uses or better preserves natural features than alternative parking locations.

(e) Parking/loading and staging spaces for service vehicles or buses shall only be located within the rear yard, provided the Planning Commission may allow some use of the side yard upon a finding that the rear yard unable to accommodate all of the needed parking.

(f) A landscape berm or other screen determined by Planning Commission shall be required along parking and paved areas adjacent to a residential use or zoning district, to screen activities and headlight glare.

(11) *Essential public services /utility buildings (without storage yards).*

(a) Utility and public service buildings and uses, including telephone exchange buildings, electric transformer stations and substations and gas regulator stations (without storage yards) shall only be permitted when operating requirements necessitate locations within the district to serve the immediate vicinity and such use is not detrimental to the surrounding neighborhood.

(b) Electrical substations and/or gas regulator stations shall be enclosed with a fence or wall at least six (6) feet high and adequate to obstruct passage of persons or materials and shall meet all of lot area, setback and yard requirements of the district in which they are located. Landscaping shall be required to improve the appearance of the facility and to minimize the appearance of the fencing.

(c) Any building which is constructed shall be landscaped and shall be designed to conform with the general character of the architecture of the surrounding neighborhood and shall meet all of the lot area, setback and yard requirements of the district in which they are located.

(d) All underground pipelines shall be buried at least three (3) feet below the surface of the ground and shall pass under all existing drain tile unless the owner of the land and any affected drain tile or untiled land shall consent in writing to the installation of said pipeline above said drain tile or at a depth of less than three (3) feet. In no case shall power lines or pipelines be installed at a depth of less than two (2) feet below the surface of the ground or within six (6) inches above or below existing drain tiles.

(e) Where a pipeline or power line is proposed to pass through land not previously so used as a site for power lines or pipelines, the location, erection and use shall first be approved by the Planning Commission. A public notice shall be given in a newspaper of general circulation in the Township containing a statement of the proposed use and location, and the time for a hearing thereon which shall not be less than seven (7) days from the date of publication. If, on such hearing, it shall appear that the proposed location, erection or use be detrimental to the public health, safety or general welfare, then such use shall forthwith be denied.

(12) *Government and administrative offices, libraries, museums, police and fire stations, parks and recreation facilities, and post offices.*

(a) Municipal uses shall not permit outdoor storage of materials.

(b) Municipal uses will be permitted where the residential character of the area will not be compromised, in the opinion of the Planning Commission.

(13) *Schools.*

(a) The buildings and impervious surfaces, including parking, loading and play areas, shall be located not less than fifty (50) feet from any other parcel in any residential district.

(b) All access to said site shall be directly from an arterial or collector street.  
(Ord. § 5.02, passed 4-5-2004; Am. Ord. - passed 11-3-2008; Am. Ord. - -, passed 2-6-2012)

**§ 154.062 DISTRICT REGULATIONS FOR USES OTHER THAN MANUFACTURED HOME PARKS.**

(A) *Schedule of area and bulk requirements.* All lots, buildings, and structures in the Manufactured Home District, except for manufactured home parks, shall comply with the area, height, and bulk requirements in § 154.042.

(B) *Number of dwellings to be placed on a lot.* No more than one (1) single-family or one (1) two (2)-family dwelling shall be placed on a lot.

(C) In the case of a site condominium where no subdivision of land under Public Act 288 of 1967 (the Subdivision Control Act) has taken place and where the land therefore remains as one (1) lot or parcel this restriction shall not apply; however, in this instance, not more than one (1) single-family or two (2)-family dwelling shall be constructed upon an individual unit of ownership within a site condominium development.  
(Ord. § 5.03, passed 4-5-2004)  
COMMERCIAL DISTRICT

**§ 154.080 DESCRIPTION AND PURPOSE.**

(A) *C-1 Local Commercial District.* The C-1 Local Commercial District is intended to provide for a traditional mixture of office space, retail outlets and various services that will meet the needs of township residents and that of the surrounding community.

(B) *C-2 Resort Commercial District.* The C-2 Resort Commercial District is intended to promote a variety of resort related uses within the township. These uses should be oriented to the vacationing and traveling public as well as the permanent population. The district is also intended to encourage water oriented businesses, recreational facilities, dining and entertainment uses, accommodations, and accessory retail activities.  
(Ord. § 6.01, passed 4-5-2004; Am. Ord. - -, passed 9-7-2010)

**§ 154.081 USES PERMITTED.**

(A) A notation of “P” in the table below indicates that the use is permitted in the district. A notation of “S” indicates that the use is allowed after special land use approval by the Planning Commission in accordance with the procedures and requirements of §§ 154.285 et seq. and §§ 154.305 et seq. A notation of “ – ” indicates that the use is not permitted within the district. The “Requirements” column indicates additional requirements or conditions applicable to the use.

<i>Schedule of Commercial Uses</i>			
<i>(Uses within the Commercial District shall be limited to those allowed under local, state and federal law.)</i>			
	<i>C-1</i>	<i>C-2</i>	<i>Requirements</i>
<b><i>Retail Trade</i></b>			
Automobile dealerships, new and used	S	-	(B)(1)
Automobile parts supply stores	P	-	
Automobile service stations	S	-	(B)(2)
Boat, recreational vehicle and motorcycle dealerships	S	P	(B)(3)
Lumber stores and yards	S	-	(B)(4)
Manufactured home dealers	S	-	(B)(5)
Nurseries and garden retail stores	P	-	
Outdoor commercial display and sales accessory to a retail use	S	P	(B)(6)
Outdoor storage and accessory to a retail use	S	P	(B)(7)
Propane sales	P	P	
Retail establishments and shopping centers	P	P	
<b><i>Finance, Insurance and Real Estate, Professional Office and Related Services</i></b>			
Banks, savings and loans and credit unions	P	-	
Contractors offices and buildings without outdoor storage	P	-	
Insurance carriers, agents, brokers and service	P	-	
Mortgage, loan security and commodity brokers	P	-	
Offices for general executive, administrative functions, accounting, law, professional, engineering and management services	P	-	

	<i>C-1</i>	<i>C-2</i>	<i>Requirements</i>
<b><i>Finance, Insurance and Real Estate, Professional Office and Related Services</i></b>			
Real estate agents, leasers, developers, operators and title companies	<b>P</b>	-	
Research, testing, design, technical training or experimental product development	<b>P</b>	-	
<b><i>Health Care</i></b>			
Hospitals	<b>P</b>	-	(B)(8)
Medical offices	<b>P</b>	-	(B)(8)
<b><i>Consumer services</i></b>			
Automobile washes	<b>S</b>	-	(B)(9)
Beauty and barber shops	<b>P</b>	-	
Bed and breakfasts	<b>P</b>	<b>P</b>	
Carpet and upholstery cleaners	<b>P</b>	-	
Child day care	<b>P</b>	-	
Coin-operated laundries	<b>P</b>	-	
Conference centers, exhibit halls and similar uses	<b>S</b>	<b>S</b>	
Equipment rental and leasing	<b>S</b>	<b>S</b>	(B)(10)
Funeral homes and mortuaries	<b>P</b>	-	(B)(11)
Hotels and motels	<b>P</b>	<b>P</b>	(B)( 12)
Laundries, dry cleaners and tailors	<b>P</b>	-	
Passenger car rental	<b>S</b>	-	(B)( 13)
Photocopying, printing and office services	<b>P</b>	-	
Photography, art and graphic design studios	<b>P</b>	-	
Repair services (watches, radio, TV and appliances)	<b>P</b>	-	
Restaurants not serving alcoholic beverages	<b>P</b>	<b>P</b>	
Restaurants and bars, lodges, or taverns serving alcoholic beverages	<b>P</b>	<b>P</b>	

**Zoning Code**



	<i>C-1</i>	<i>C-2</i>	<i>Requirements</i>
<b><i>Consumer services</i></b>			
Restaurants, carryout	<b>P</b>	<b>P</b>	
Restaurants w/open front windows, cafe or outdoor seating	<b>P</b>	<b>P</b>	
Restaurants and other uses w/drive-through or drive-up services	<b>S</b>	-	(B)(14)
Shoe repair shops	<b>P</b>	-	
Truck and trailer rental	<b>S</b>	-	(B)(10)
Veterinary clinics and hospitals	<b>P</b>	-	
<b><i>Entertainment and recreational</i></b>			
Billiard halls	<b>S</b>	-	(B)(15)
Bowling centers	<b>S</b>	-	(B)(15)
Campground and RV parks	-	<b>S</b>	(B)(16)
Dance studios, schools and halls	<b>S</b>	-	
Golf courses, miniature golf courses, driving ranges and batting cages	<b>S</b>	<b>S</b>	
Hunting preserves	-	<b>S</b>	(B)(23)
Indoor tennis courts and racquetball	<b>S</b>	<b>S</b>	
Marinas and boat storage or repair	<b>S</b>	<b>P</b>	
Motion picture theaters	<b>S</b>	-	
Movie rental store	<b>P</b>	-	
Parks, public recreation facilities and nature preserves		<b>P</b>	
Personal storage buildings	<b>S</b>	<b>S</b>	
Physical fitness facilities, sports and recreation clubs	<b>S</b>	<b>S</b>	
Sports arenas, skating rinks ad other indoor recreation	<b>S</b>	<b>S</b>	
<b><i>Public Administration, Industrial and Utilities</i></b>			
Cemeteries	<b>P</b>	-	(B)(17)
Churches, temples or other places of worship or public assembly	<b>P</b>	-	(B)(18)
Essential public services	<b>P</b>	-	(B)(19)
Government and administrative offices	<b>P</b>	-	(B)(19)

<i>Schedule of Commercial Uses</i>			
	<i>C-1</i>	<i>C-2</i>	<i>Requirements</i>
<b><i>Public Administration, Industrial and Utilities</i></b>			
Halls for private clubs and membership organizations	P	-	
Libraries and museums	P	-	(B)(20)
Parks and public recreation facilities	P	-	
Police and fire stations	P	-	(B)(20)
Post office	P	-	(B)(20)
Schools	P	-	(B)(21)
<b><i>Single-Family Home</i></b>	S	S	(B)(22)

(B) Uses noted in the above table shall comply with the following requirements:

(1) *Automobile dealerships, new or used.*

(a) All parking and outdoor storage areas shall be paved with a permanent and durable surface.

(b) The proposed site shall have at least one (1) property line abutting an arterial or collector street. All ingress/egress to the off-street parking, shall be directly onto the arterial or collector street.

(c) Where adjoining residentially zoned or used property, the Planning Commission may require a solid, decorative, masonry wall six (6) feet in height along any common lot line. Such wall shall be continuously maintained in good condition. The Planning Commission may approve a fence, landscaped berm, or landscaping as an alternative.

(2) *Automobile service stations.*

(a) All repair work is to be done indoors.

(b) Where possible, overhead doors shall not face public streets or residential districts.

(c) Outside storage of oil drums, trailers, tires, equipment for rent, or other materials shall not be permitted.

(d) Storage of wrecked, partially dismantled, or other derelict vehicles is prohibited, unless such storage is required under police or court order. Vehicles shall not be stored outdoors for more than seven (7) days.

(e) There shall be no outdoor storage or display of vehicle components and parts, supplies equipment or other merchandise, except the Planning Commission may approve an area for display of retail merchandise within 10 feet of the main building.

(f) The proposed site shall have at least 1 property line abutting a arterial or collector street. All ingress/egress to the off-street parking, shall be directly onto the arterial or collector street.

(g) A combination automobile service station, convenience store, restaurant, and/or carwash shall be permitted only if there is adequate space for safe and efficient pedestrian and vehicular circulation and sufficient parking for each use. Parking shall be provided for each use, provided the Planning Commission may allow a 25% reduction in the total collective requirement based on multi-purpose customer visits and employees.

(h) Where an automobile service station adjoins property located in any Residential District, a solid, decorative, masonry wall 6 feet in height shall be erected and maintained along the service station property line. All masonry walls shall be protected by a fixed curb or barrier to prevent vehicles from contacting the wall.

(3) *Boat, recreational vehicle and motorcycle dealerships.*

(a) Outdoor storage of automobiles or vehicles for sale shall not be permitted in any required front or required side yard.

(b) All parking and outdoor storage areas shall be paved with a permanent and durable surface.

(c) The proposed site shall have at least 1 property line abutting an arterial or collector street. All ingress/egress to the off-street parking, shall be directly onto the arterial or collector street.

(d) Where adjoining residentially zoned or used property, the Planning Commission may require a solid, decorative, masonry wall 6 feet in height along any common lot line. Such wall shall be continuously maintained in good condition. The Planning Commission may approve a fence, landscaped berm, or landscaping as an alternative.

(4) *Lumber stores and yards.*

(a) Lumber stores and yards must be fenced.

(b) The storage of soil, sand, mulch, and similar loosely packaged materials shall be contained and covered to prevent it from blowing into adjacent properties.

(c) An obscuring screen consisting of a wall, fence or landscaping shall be required as determined by the Planning Commission. All outdoor display, sales and storage area property lines adjacent to a Residential District shall be screened.

(d) The proposed site shall have at least 1 property line abutting a arterial or collector street. All ingress/egress to the off-street parking shall be directly onto the arterial or collector street.

(e) All stored materials shall not be piled or stacked higher than the height of the obscuring screen.

(f) The designated area for outside storage shall be suitably drained and be paved (covered) with such material as deemed appropriate for the intended use (concrete, asphalt, crushed aggregate, and the like).

(g) All loading and truck maneuvering shall be accommodated on-site.

(h) Fencing and lighting for security purposes may be required as determined by the Planning Commission. All lighting shall be shielded from adjacent residential areas.

(5) *Manufactured home dealer.*

(a) Minimum lot area shall be 5 acres.

(b) Display models and sales office are to located so they meet the minimum required front side and rear yards of the district.

(c) An obscuring screen consisting of a wall, fence or landscaping shall be required as determined by the Planning Commission. All property lines adjacent to a residential district shall be screened.

(d) All parking areas for customers shall be constructed of a durable and dustless surface and shall be graded and drained to dispose of all surface water.

(e) The proposed site shall have at least 1 property line abutting an arterial or collector street. All ingress/egress to the off-street parking, shall be directly onto the arterial or collector street.

(f) Fencing and lighting for security purposes may be required as determined by the Planning Commission. All lighting shall be shielded from adjacent residential areas.

(6) *Outdoor commercial display and sales accessory to a retail use.*

(a) All open air or outdoor display shall be accessory to the approved main use, and shall be directly related to the business or activity conducted within the main building.

(b) All parking and equipment storage areas shall be constructed of a durable and dustless surface and shall be graded and drained to dispose of all surface water.

(c) The material(s) utilized for any use shall not create a noxious odor, create blight, or create an unsafe traffic condition (i.e. reduction of sight distance to street(s), maneuvering lanes and/or parking areas).

(d) The display of any material(s) and/or products shall be limited to not more than 10% of the front or side yard(s), exclusive of required maneuvering lanes, driveways and/or parking spaces.

(e) The outdoor display shall be a minimum of 20 feet from the front property line and not less than 1/2 of any required side yard.

(f) All outdoor displays shall be safely anchored or secured in place, in a method and manner designed to safely resist overturn by wind loads or impact.

(g) Display materials shall be limited to those approved for use by the Michigan State Construction Code and Fire Codes.

(h) The Planning Commission may require fencing, greenbelts and/or masonry walls to isolate or screen any outdoor display area.

(i) Any display involving soil or berming shall be constructed in a manner which will eliminate surface water, soil, sand, sediment, and/or any other material from eroding, washing or otherwise being transported onto any roadway or adjacent property.

(7) *Outdoor storage accessory to a retail use.*

(a) Outdoor storage shall be accessory only to a permitted retail use on a site containing a main building of 500 square feet or more.

(b) All storage shall be confined to the side or rear yard and shall be suitably screened from the view of passers-by on the street and adjoining property owners, either with opaque fencing or plants that shall, within 6 months of planting, totally obscure the stored material.

(c) The storage of any materials and/or products shall meet all setback requirements of the district in which it is located.

(d) All loading and parking shall be provided off-street in accordance with this chapter, and outdoor storage of any kind shall not utilize or obstruct any required parking, loading-unloading space(s), and/or maneuvering lane(s).

(e) The storage of any soil, fertilizer, or other loose, unpackaged materials, shall be contained so as to prevent any spread thereof to adjacent properties or roadways.

(f) The storage shall comply with the standards established by the Michigan State Construction Code and the Township Fire Code for storage.

(8) *Hospitals and medical centers.*

(a) The proposed site shall have at least 1 property line abutting an arterial or collector street. All ingress/egress to the off-street parking shall be directly onto the arterial or collector street.

(b) Any building shall be located not less than 50 feet from any lot in a Residential District.

(c) Ambulance and delivery areas shall be obscured from all residential view with a wall or barrier of suitable material at least 5 feet in height.

(9) *Automobile car washes.*

(a) Only 1 ingress/egress driveway shall be permitted on any single street.

(b) Where adjoining residentially zoned or used property, the Planning Commission may require a solid, decorative, masonry wall 6 feet in height along any common lot line. Such wall shall be continuously maintained in good condition. The Planning Commission may approve a fence, landscaped berm, or landscaping as an alternative.

(c) All washing facilities shall be within a completely enclosed building. Self-service facilities may be within a partially enclosed building.

(d) Vacuuming and drying may be located outside the building, but shall not be in the required front yard and shall be set back at least 50 feet from any residential district. Such areas shall be screened with obscuring landscaping as determined by the Planning Commission.

(10) *Equipment rental and leasing; truck and trailer rental.*

(a) Buildings are to be located so they meet the minimum required front, side, and rear yards of the district.

(b) No equipment or vehicles for rent are to be stored in the front yard.

(c) An obscuring screen consisting of a wall, fence, or landscaping shall be required as determined by the Planning Commission. All property lines adjacent to a residential district shall be screened.

(d) All parking and equipment storage areas shall be constructed of a durable and dustless surface and shall be graded and drained to dispose of all surface water.

(e) The proposed site shall have at least 1 property line abutting a arterial or collector street. All ingress/egress to the off-street parking, shall be directly onto the arterial or collector street.

(f) Fencing and lighting for security purposes may be required as determined by the Planning Commission. All lighting shall be shielded from adjacent residential areas.

(11) *Funeral homes and mortuaries.*

(a) Adequate assembly area shall be provided off-street for vehicles to be used in a funeral procession. The assembly area shall be provided in addition to any required off-street parking area.

(b) A caretaker's residence may be provided within the main building.

(12) *Hotels and motels.*

(a) Each unit shall contain not less than two hundred fifty (250) square feet of floor area.

(b) No guest shall establish a legal residence at a motel.

(13) *Passenger car rental.*

(a) Outdoor storage of vehicles for rent shall not be permitted in any required front or required side yard.

(b) All parking and vehicle storage areas shall be paved with a permanent and durable surface.

(c) The proposed site shall have at least 1 property line abutting an arterial or collector street. All ingress/egress to the off-street parking shall be directly onto the arterial or collector street.

(d) Where adjoining residentially zoned or used property, the Planning Commission may require a solid, decorative, masonry wall six (6) feet in height along any common lot line. Such wall shall be continuously maintained in good condition. The Planning Commission may approve a fence, landscaped berm, or landscaping as an alternative.

(14) *Restaurants and other uses with drive-through or drive-up service.*

(a) A minimum sixty (60) foot setback shall be provided from the front lot line and any adjoining Residential District. Driveway and aisles may be located within the setback, provided they are a minimum of ten (10) foot from the side lot line.

(b) Where adjoining residentially zoned or used property, the Planning Commission may require a solid, decorative, masonry wall 6 feet in height along any common lot line. Such wall shall be continuously maintained in good condition. The Planning Commission may approve a fence, landscaped berm, or landscaping as an alternative.

(c) When constructed adjacent to other commercial developments, the restaurant shall have a direct vehicular access to the existing commercial development where possible.

(d) Clear delineation between the drive-through stacking lane and the parking lot shall be provided such that vehicles waiting in the drive-through lane do not block access to parking spaces.

(e) Each drive-through facility shall provide a lane to allow other vehicles to pass those waiting to be served at the drive-through.

(15) *Billiard halls and bowling centers.*

(a) The site shall have at least 1 property line abutting an arterial or collector street.

(b) Whenever any such use abuts a Residential District, a transition buffer area of at least 100 feet in width, in addition to the setback requirement, shall be provided. Walls, fences, or landscaping shall be required as part of this buffer area as determined by the Planning Commission.

(c) Building design and materials shall be compatible with the existing or intended character of the surrounding area.

(d) Provisions shall be taken, at the discretion of the Planning Commission, to insure that excessive dust, noise, traffic, lighting glare, and trespassing are not inflicted on adjacent properties.

(16) *Campgrounds and RV parks.* Campgrounds and RV parks are subject to compliance with Act 171, P.A. 1970, as may be amended and Administrative Rules and Regulations promulgated subsequent to the Act as may be amended and the following regulations:

(a) Minimum parcel size shall be 10 acres.

(b) The parcel shall provide direct vehicular access to a public street.

(c) All roadways within the facility shall be hard surfaced, consisting of asphalt or concrete.

(d) There shall be provided a fifty (50) feet wide buffer zone where said facility is adjacent to residentially zoned land; said buffer zone shall consist of trees or shrubs with a six (6) feet high fence at the property line. (Ord. 2013-01 adopted March 4, 2013)

(17) *Cemeteries.* Must occupy a site of 10 or more acres.



(18) *Churches, temples or other places of worship or public assembly.*

(a) The site shall have ingress and egress directly onto an arterial or collector street.

(b) The height of main buildings shall not exceed forty-eight (48) feet. Accessory buildings or buildings occupied by accessory uses shall not exceed the height limitation otherwise permitted in the district.

(c) Off-street parking shall not be permitted in the minimum required side yard setback. Parking in the front of the front yard shall be limited to drop-off activities and a limited amount of parking such as for handicapped persons and seniors. The Planning Commission may allow up to twenty-five percent (25%) of the total parking in front yard upon a finding this is compatible with surrounding uses or better preserves natural features than alternative parking locations.

(d) Parking/loading and staging spaces for service vehicles or buses shall only be located within the rear yard, provided the Planning Commission may allow some use of the side yard upon a finding site conditions make exclusive use of the rear yard impractical.

(e) A landscape berm shall be required along parking and paved areas adjacent to a residential use or zoning district, to screen activities and headlight glare.

(19) *Essential public services/utility buildings (without storage yards).*

(a) Utility and public service buildings and uses, including telephone exchange buildings, electric transformer stations and substations and gas regulator stations (without storage yards) shall only be permitted when operating requirements necessitate locations within the district to serve the immediate vicinity and such use is not detrimental to the surrounding neighborhood.

(b) Electrical substations and/or gas regulator stations shall be enclosed with a fence or wall at least six (6) feet high and adequate to obstruct passage of persons or materials and shall meet all of lot area, setback, and yard requirements of the district in which they are located. Landscaping shall be required to improve the appearance of the facility and to minimize the appearance of the fencing.

(c) Any building which is constructed shall be landscaped and shall be designed to conform with the general character of the architecture of the surrounding neighborhood and shall meet all of the lot area, setback and yard requirements of the district in which they are located.

(d) All underground pipelines shall be buried at least three (3) feet below the surface of the ground and shall pass under all existing drain tile unless the owner of the land and any affected drain tile or untiled land shall consent in writing to the installation of said pipeline above said drain tile or at a depth of less than three (3) feet. In no case shall power lines or pipelines be installed at a depth of less than two (2) feet below the surface of the ground or within six (6) inches above or below existing drain tiles.

(e) Where a pipeline or power line is proposed to pass through land not previously so used as a site for power lines or pipelines, the location, erection and use shall first be approved by the Planning Commission. A public notice shall be given in a newspaper of general circulation in the Township containing a statement of the proposed use and location, and the time for a hearing thereon which shall not be less than seven (7) days from the date of publication. If, on such hearing, it shall appear that the proposed location, erection or use be detrimental to the public health, safety or general welfare, then such use shall forthwith be denied.

(20) *Government and administrative offices, libraries, museums, police and fire stations, parks and recreation facilities, and post offices.*

(a) Municipal uses shall not permit outdoor storage of materials.

(b) Municipal uses will be permitted where the residential character of the area will not be compromised, in the opinion of the Planning Commission.

(21) *Schools.*

(a) The buildings and impervious surfaces, including parking, loading, and play areas, shall be located not less than fifty (50) feet from any other parcel in any Residential District.

(b) All access to said site shall be directly from an arterial or collector street.

(22) *Single-family homes.* Single-family homes are permitted after special use approval and must meet the requirements of §§ 154.040 *et seq.* and all other concerns relating to single-family homes.

(23) *Hunting preserves.* Hunting preserve operational standards for Registered Privately Owned Cervidae Facilities as adopted by the Michigan Department of Agriculture and the Natural Resources Commission, and provisions that prohibit all firearms but shotguns and muzzleloaders. All hunting parties shall be accompanied by an employee of the deer ranch.

(24) *Construction, contractor's equipment and supply storage.*

(a) Equipment and supply storage shall be to the side and rear of the building.

(b) The designated area for outside storage shall be suitably drained and be paved (covered) with such material as deemed appropriate for the intended use (concrete, asphalt, crushed aggregate, paver, and the like).

(c) The area shall be setback a minimum of 150 feet from any public road right-of-way, any private road right-of-way, or any private road easement, a minimum of 200 feet from any residential district and a minimum of 20 feet from any non residential property line.

(d) Cranes or other lifting equipment shall be stored with movable or projecting sections at the lowest elevation possible.

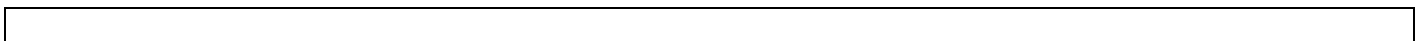
(e) An access way to the designated storage area shall be provided, graded, and surfaced with an all weather durable pavement, and maintained from the public right-of-way or private road easement to permit free access of emergency vehicles of any kind.  
(Ord. § 6.02, passed 4-5-2004; Am. Ord. - -, passed 9-5-2006; Am. Ord. - -, passed 9-24-2007; Am. Ord. - -, passed 5-4-2009; Am. Ord. - -, passed 9-8-2009; Am. Ord. - -, passed 11-1-2010; Am. Ord. - -, passed 2-6-2012)

**§ 154.082 DISTRICT REGULATIONS.**

Any structure or use of the land in a Commercial District shall be subject to the district regulations in the table below.

[Table begins on Page 140]

<b>Schedule of Commercial Area and Bulk Requirements</b>		
<b>Districts</b>	<b>C-1</b>	<b>C-2</b>
Minimum lot area (sq. ft.)	15,000	15,000
Minimum lot width (ft.) <sup>a</sup>	100	100
<b>Setback Requirements<sup>b,e</sup></b>		
Front yard (ft.) <sup>c,d</sup>	40	40 <sup>f</sup>
Side yard	Least one (ft.)	25 <sup>g</sup>
	Total both (ft.)	50 <sup>g</sup>
Rear yard (ft.)	10 <sup>h</sup>	10 <sup>h</sup>
Natural feature/Waterfront (ft.) <sup>i</sup>	25	25
<b>Maximum Building Height</b>		
In feet	40	40
In stories	2.5	2.5
<b>Minimum Useable Floor Area</b>		
Min. useable floor area (sq. ft.)	-	-
<b>Maximum lot coverage (%)</b>		
Buildings	35%	35%
Impervious surfaces, incl. buildings	75%	75%
Commercial on site wind and solar energy conversion systems	See note k	
Notes to table:		
a. All lots shall have frontage on a dedicated public street, approved private road or service drive meeting the requirements of §§ 154.240 <i>et seq.</i>		
b. Architectural features and vertical projections may extend or project into a required yard as provided for in the § 154.202.		
c. Setback requirements, where the setbacks are to be provided from abutting streets, shall be provided whether such right of way is public, private or an access easement.		



***Schedule of Commercial Area and Bulk Requirements***

d. Buildings on lots having frontage on two (2) streets shall comply with front yard requirements on both such streets.

e. Where a setback has been established by fifty percent (50%) of the developed frontage between two (2) intersecting streets, then this established setback shall determine the required front yard provided that this setback is not reduced to less than twenty-five (25) feet.

f. In a C-2 District, where structures and uses are intended to service boats, the waterfront setback can be reduced to the water-edge.

g. Side yards.

1. Where the side of a lot in a Commercial District abuts upon the side of a lot in any Residential District, that side yard shall be no less than twenty-five (25) feet.

2. There shall be a side yard of no less than forty (40) feet on the street side of a corner lot.

3. No side yard shall be required when directly abutting other commercial uses.

4. Where fire walls are provided, no side yards are required along the interior side lot lines of the district, except as otherwise specified in the Building Code, provided that if walls of structures facing the interior side lot lines contain windows, or other openings, minimum side yards of ten (10) feet shall be provided.

h. Rear yards.

1. Where the rear of a lot in a Commercial District abuts upon the side yard or rear of a lot in any Residential 2.. District, there shall be a rear yard of no less than twenty-five (25) feet.

2. No accessory building shall be allowed closer than six (6) feet from the side or rear lot line, except that no accessory building or structure shall occupy any part of a ten (10)-foot deep rear yard.

3. All loading and unloading shall be confined to the rear yard.

i. A twenty-five (25)-foot natural feature setback shall be maintained in relation to the ordinary high water mark of any lake, pond, or stream and to the edge of any drainageway, or regulated wetland. Only docks or decks shall be permitted within the natural feature setback area.

j. Buildings of modular design used as office space in a commercial district, must be firmly attached to a permanent foundation constructed on site in accordance with the Township Building Code and shall have a wall of block or concrete of the same perimeter dimensions of the dwelling, the same as a stick built home.

k. On site wind and solar energy systems are permitted in all commercial districts. See §§ 154.136 and for general regulations and §§ 154.137 and 154.139 for commercial specifications.

(Ord. § 6.03, passed 4-5-2004; Am. Ord. - -, passed 11-2-2009; Am. Ord. - -, passed 1-4-2010; Am. Ord. - -, passed 9-7-2010)

## ***INDUSTRIAL DISTRICT***

### **§ 154.100 DESCRIPTION AND PURPOSE.**

The Industrial District is intended to accommodate research, wholesale and warehouse activities, and light industrial operations. Uses shall be developed such that external, physical effects will in no manner affect in a detrimental way any of the surrounding districts. The district is intended for the manufacturing, compounding, processing, packaging, assembly, and/or treatment of products from previously prepared material.

(Ord. § 7.01, passed 4-5-2004)

**§154.101 USES PERMITTED.**

(A) A notation of “P” in the following table indicates that the use is permitted in the district. A notation of “S” indicates that the uses is allowed after special land use approval by the Planning Commission in accordance with the procedures and requirements of §§ 154.285 et seq. and §§ 154.305 et seq. The “Requirements” column indicates additional requirements or conditions applicable to the use.

<i>Schedule of Industrial Uses</i> (Uses within the Industrial District shall be limited to those allowed under local, state and federal law.)		
	I	<i>Requirements</i>
<b><i>Finance, Insurance and Real Estate, Professional Offices and Related Services</i></b>		
Research, testing, design, technical training or experimental product development	P	
<b><i>Consumer Services</i></b>		
Automobile repair	P	(B)(1)
Central dry cleaning plants	P	
<b><i>Entertainment and Recreational</i></b>		
Adult entertainment uses	S	(B)(2)
Personal Storage Buildings	S	
<b><i>Public Administration, Institutional and Utilities</i></b>		
Electric transformer stations and transmission towers w/o outdoor storage	P	
Electric transformer stations and transmission towers w/outdoor storage	P	
Essential public services	P	
<b><i>Public Administration, Institutional and Utilities</i></b>		
Power generation plants	P	
Radio and television broadcasting stations	P	
<b><i>Manufacturing</i></b>		
Meat and dairy products processing	P	
Offices accessory to a permitted industrial use	P	
Research, design and pilot or experimental product development and testing	P	

<i>Schedule of Industrial Uses</i>		
	<i>I</i>	<i>Requirements</i>
<b><i>Manufacturing</i></b>		
The manufacture, compounding, processing, packaging, or treatment of such products as, but not limited to: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, tools, die, gauges, and machine shops	P	
The manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials	P	
<b><i>Warehousing, Transportation and Construction</i></b>		
Construction contractor equipment and supply storage	S	(B)(3)
Mini-storage/self storage	P	(B)(4)
Open storage yard	S	(B)(5)
Railroad freight terminals transfer and storage tracks	P	
Scrap processing yards, junk yards	S	
Warehousing accessory to a permitted use	p	(B)(6)
Warehousing, wholesale and distribution facilities including truck terminals	p	(B)(6)
<b><i>Mining</i></b>		
Extraction and mining of sand, gravel, or other materials	S	
Processing of sand, gravel, or other materials	S	
<b><i>Single-Family Homes</i></b>	S	(B)(7)

(B) Uses noted above shall comply with the following requirements:

(1) *Automotive repair.*

(a) All main and accessory structures shall be set back a minimum of five hundred (500) feet from a single-family residential district.

(b) There shall be a minimum lot frontage on a paved road of two hundred (200) feet.

(c) Overhead doors shall not face a public street or residential district. The Planning Commission can modify this requirement upon a determination that there is no reasonable alternative and the poor visual impact will be diminished through use of landscaping.



(d) Where adjoining residentially zoned or used property, the Planning Commission may require a solid, decorative, masonry wall 6 feet in height along any common lot line. The Planning Commission may approve a fence, landscaped berm, or landscaping as an alternative.

(e) All maintenance and repair work shall be conducted completely within an enclosed building.

(f) There shall be no outdoor storage or display of vehicle components and parts, materials, commodities for sale, supplies, or equipment.

(g) Storage of wrecked, partially dismantled, or other derelict vehicles shall be fully screened from view by adjoining property owners and passers-by on the street.

(h) The applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as: special check valves, drain back catch basins, and automatic shut off valves.

(2) *Adult entertainment uses.*

(a) No adult entertainment use shall be permitted within an 800-foot radius of any residential district or use. Measurement shall be from the nearest premises of the adult entertainment use to the nearest residential district lot line or residential property line.

(b) No adult entertainment use shall be permitted within a 1,000-foot radius of a school, child day care facility, library, park, playground or other recreational facility, place of worship, or another existing adult entertainment use. Measurement shall be made from the nearest premises of the adult entertainment use to the nearest property line of a school, library, recreational facility, place of worship, or existing adult entertainment use.

(c) The premises shall be constructed and maintained in such a manner so that material depicting, describing, or relating to specified sexual activities or specified anatomical areas cannot be observed from any display, decoration, sign show window, or other opening. No exterior door or window on the premises shall be kept open at any time while the business is in operation.

(d) Building size shall not exceed 5,000 square feet of gross floor area.

(e) The building shall provide sufficient sound absorbing insulation so noise generated inside the premises shall not be audible anywhere on any adjacent property or public right of way.

(f) The Planning Commission may require a wall, fence, or additional landscaping to provide an appropriate screen views from public streets and surrounding land uses.

(g) The hours of operation shall be approved by the Planning Commission.

(h) No person shall operate an adult entertainment use unless there is conspicuously posted in each room where such use is carried on a notice indicating the prices for all services performed by the use. No person operating or working at the place of business shall solicit or accept any fees except those indicated on any such notice.

(i) No person shall reside in or permit any person to reside in the premises of an adult entertainment use.

(3) *Construction contractors equipment and supply storage.*

(a) The storage area shall be situated entirely to the rear of the main building on same zoning lot with the main building.

(b) The area shall be set back a minimum of 150 feet from any public road right-of-way or any private road easement, a minimum of 200 feet from any Residential District, and a minimum of 20 feet from any Non-Residential District or property line.

(c) A 6-foot tall obscuring wall or solid fence shall be provided around the perimeter of the storage area. No materials shall be stored higher than the wall or fence.

(d) An access way to the designated storage area shall be provided, graded and surfaced with an all weather durable pavement, and maintained from the public right-of-way or private road easement to permit free access of emergency vehicles at any time.

(e) The designated area for outside storage other than an access way shall be paved and suitably drained. The Planning Commission may grant an exception for an alternate surface material (e.g., crushed aggregate, grass pavers) when deemed appropriate for the intended use.

(f) Cranes or other lifting equipment shall be stored with movable or projecting section(s) at the lowest elevation possible.

(4) *Mini-storage/self storage facilities.*

(a) All stored vehicles, boats, and/or trailers shall have a current title and license.

(b) Machinery, equipment, lumber crates, pallets, boxes, building, or other materials either discarded, unsightly, or showing evidence of a need for repairs shall not be stored, parked, or abandoned in an outside storage area.

(c) A 6-foot tall obscuring wall or solid fence shall be provided around the perimeter of the storage area.

(5) *Open storage yards.*

(a) Such uses shall be located at least two hundred (200) feet from any Residential District.

(b) A six (6)-foot tall obscuring wall or solid fence shall be provided around the perimeter of the storage area.

(c) No required front yard spaces shall be used for the storage of equipment or material.

(6) *Warehousing.*

(a) The storage area shall be approved and in accordance with the provisions of the current State of Michigan Construction Code, as amended.

(b) A six (6)-foot tall obscuring wall or solid fence shall be provided around the perimeter of the storage area.

(c) Proposed warehouse use(s) shall not be approved until the Planning Commission receives a written compliance report, prepared by the:

1. Township Fire Inspector;

2. Township Building Official or State Construction Code Commission or Bureau, or his or her/their duly authorized agent(s), in which the product(s) to be stored or enclosed within the subject warehouse are described, classified as Low, Medium, or High Hazard, and upon review of state and local fire and building codes, the materials are approved for storage, within the structure in question.

(7) *Single-family homes.* Single-family homes are permitted after special approval and must meet the requirements of §§ 154.040 et seq. and all other concerns relating to single-family homes. (Ord. § 7.02, passed 4-5-2004; Am. Ord. - -, passed 9-5-2006; Am. Ord. - passed 11-1-2010)

**§ 154.102 DISTRICT REGULATIONS.**

(A) Any structure or use of the land in an Industrial District shall be subject to the district regulations in the table below.

<i>Schedule of Industrial Area and Bulk Requirements</i>	
<i>Districts</i>	<i>I</i>
<i>Lot Requirements</i>	
Minimum lot area (sq. ft.)	40,000
Minimum lot width (ft.) <sup>a</sup>	200

<b>Schedule of Industrial Area and Bulk Requirements</b>		
<b>Districts</b>	<b>I</b>	
<b>Setback Requirements<sup>b</sup></b>		
Front yard (ft.) <sup>c</sup>	50	
Side yard	Least one (ft.)	12
	Total both (ft.)	50
Rear yard (ft.) <sup>d</sup>	50	
Natural feature/waterfront (ft.) <sup>e</sup>	25	
<b>Maximum Building Height</b>		
In feet	40	
In stories	2.5	
<b>Minimum Useable Floor Area</b>		
Min. useable floor area (sq. ft.)	-	
<b>Maximum Lot Coverage</b>		
Max. lot coverage (%)		
Industrial on site wind and solar energy conversion systems	See note h	
The following notes apply to the above table:		
<p>a. All lots shall have frontage on a dedicated public street or approved private road meeting the requirements of §§ 154.240 <i>et seq.</i></p> <p>b. No building shall be located closer than fifty (50) feet to a Residential District property line.</p> <p>c. Off-street parking for visitors, over and above the number of spaces required under §§ 154.285 <i>et seq.</i>, may be permitted within the front yard provided that the off-street parking is not located within forty (40) feet of the front lot line.</p> <p>d. All loading and unloading shall be provided in the rear yard, and shall be no closer than twenty-five (25) feet to the rear or side lot lines.</p> <p>e. A twenty-five (25)-foot natural feature setback shall be maintained in relation to the ordinary high water mark of any pond, or stream and to the edge of any drainageway, or regulated wetland. Along lakes, the setback from the shoreline of any building subsequently erected shall be in accordance with the shoreline setback, as defined § 154.007.</p> <p>f. The storage of all materials, objects, equipment, machinery, and inoperable motor vehicles shall be wholly within a completely enclosed building or screened from public view. No storage shall be located in the front yard or a side yard abutting a street.</p>		

***Schedule of Industrial Area and Bulk Requirements***

- g. Buildings of modular design used as office space in an industrial district must be firmly attached to a permanent foundation constructed on site in accordance with the Township Building Code and shall have a wall of block or concrete the same perimeter dimensions, the same as a stick built home.
- h. On site wind and solar energy systems are permitted in all industrial districts. See §§ 154.136 and 154.138 for general regulations and §§ 154.137 and 154.139 for industrial specifications.

(B) *General performance standards.* The following shall be considered to be the minimum performance standards subject to county, state, or federal standards and requirements which may be more restrictive:

(1) *Odors.* The emission of obnoxious odors, noise, dust, fumes or vibrations of any kind shall not be permitted which are contrary to the public health, safety and general welfare.

(2) *Gases.* No gas shall be emitted which is detrimental to the public health, safety and general welfare.

(3) *Glare and heat.* Glare and heat from arc welding, acetylene torch cutting, or similar processes shall be performed so as not to have an adverse effect outside of the property.

(4) *Fire and safety hazards.* The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with state rules and regulations as established by Public Act 207 of 1941, as amended.

(Ord. § 7.03, passed 4-5-2004; Am. Ord. - -, passed 11-2-2009; Am. Ord. - -, passed 1-4-2010; Am. Ord. - passed 9-7-2010)

***AGRICULTURAL DISTRICT***

**§ 154.120 DESCRIPTION AND PURPOSE, AG AGRICULTURAL DISTRICT.**

The Agricultural Districts are designed to preserve those areas historically used for farming and animal husbandry, dairying, horticulture and other agricultural activities. At the same time, in order to provide a degree of flexibility, it is the intent of this subchapter to allow single-family, nonfarming dwellings and related residential uses on larger parcels and certain limited uses related to farming. In addition, an “overlay zoning” technique is incorporated into this subchapter to encourage the development of alternative energy resources in the Agricultural District (wind energy, biomass digesters, and the like) as well as to preserve large tracks of land within the district for future agricultural use. In the Agricultural District, for all non-residential buildings and structures, site plans are inspected and approved by the Caseville Township Site Plan Administrator not the Huron County Building Department.

A county building permit is not required for agricultural out buildings as defined in the Michigan Building Code definitions. Electrical and plumbing systems are subject to county and provider regulations. (Ord. § 8.01, passed 4-5-2004; Am. Ord. 2006-03, passed 12-4-2006; Am. Ord. - passed 9-6-2011)

**§ 154.121 USES PERMITTED.**

(A) A notation of “P” in the table below indicates that the use is permitted in the district. A notation of “S” indicates that the use is allowed after special land use approval by the Planning Commission in accordance with the procedures and requirements of §§ 154.285 et seq. and §§ 154.305 et seq. The “Requirements” column indicates additional requirements or conditions applicable to the use.

<i>Schedule of Agricultural Uses</i>		
<i>(Uses within the Agricultural District shall be limited to those allowed under local, state and federal law.)</i>		
	<b>AG</b>	<b>Requirements</b>
<b><i>Residential</i></b>		
Single-family dwellings	P	(B)(1)
Home occupations	S	(B)(2)
<b><i>Agriculture, Forestry and Fishing</i></b>		
Commercial kennels	S	(B)(3)
Commercial stables	<b>S</b>	(B)(4)
Farms	p	(B)(5)
Greenhouses	p	
Roadside stands	p	(B)(6)
Tree/shrub farming	p	
<b><i>Mining</i></b>		
Extraction and mining of sand, gravel, or other materials	<b>S</b>	(B)(7)
Processing of sand, gravel, or other materials	<b>S</b>	(B)(7)
<b><i>Entertainment and Recreational</i></b>		
Campground and RV parks	<b>S</b>	(B)(8)
Golf courses, miniature golf courses, driving ranges and batting cages	<b>S</b>	(B)(9)

<i>Schedule of Agricultural Uses</i> <i>(Uses within the Agricultural District shall be limited to those allowed under local, state and federal law.)</i>		
	<i>AG</i>	<i>Requirements</i>
<b><i>Public Administration, Institutional and Utilities</i></b>		
Essential public services	<i>S</i>	(B)(10)
Essential public service/utility buildings	<i>S</i>	(B)(10)
<b><i>Manufacturing</i></b>		
Meat and dairy products processing	<i>P</i>	
<b><i>Warehousing, Transporting and Construction</i></b>		
Airports and heliports	<b>S</b>	(B)(11)
Composting and recycling facilities	<b>S</b>	(B)(12)
Sewage disposal	<b>S</b>	

(B) Uses noted in the above table shall comply with the following requirements:

(1) *Single-family dwellings.*

(a) 1. Must have a twenty-four (24) foot minimum width across any front, side, and rear elevation.

2. Single-family dwellings minimum useable floor: one thousand and forty (1,040) square feet.

(b) Must comply in all respects with the Michigan Building Code, including minimum heights for habitable rooms.

(c) Where a dwelling is required by law to comply with any federal or state standards or regulations for construction that are different than those imposed by the Township Building Code, then such federal or state standard or regulation shall apply.

(d) Must be firmly attached to a permanent foundation constructed on the site in accordance with the Township Building Code and shall have a wall of the same perimeter dimensions of the dwelling. Under no circumstances may the structure be secured with anchors or skirting, though anchors in conjunction with block and/or poured concrete walls is acceptable.

(e) Must be constructed of such building materials and types as required in the applicable building code for single-family dwellings.

(f) In the event that the dwelling is a manufactured home, as defined herein, the following conditions shall apply:

1. The dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Manufactured Home Commission.

2. Each manufactured home shall be installed with the wheels removed. Additionally, no dwelling will have any exposed towing mechanism under carriage or chassis.

(g) Shall be connected to a public sewer and water supply or to such private facilities approved by the Huron County Health Department.

(h) The design shall have either a roof overhang of not less than six (6) inches on all sides or alternately with window sills and a roof drainage system concentrating roof drainage at collection points along the sides of the dwelling. The design shall not have less than two (2) exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.

(2) *Home occupations.* Home occupations may be permitted subject to the following conditions:

(a) A home occupation shall be conducted within the confines of the main dwelling and shall not exceed 20% of the floor area and shall be clearly incidental and subordinate to its use for residential purposes.

(b) No more than one (1) home occupation shall be permitted within any single dwelling unit and only one (1) employee in addition to the bona fide residents of the dwelling may be active in the occupation within the dwelling unit.

(c) There shall be no change in the outside appearance of the structure or premises, or other visible evidence of conduct of the home occupation, and there shall be no external or internal alterations that are not customary in residential areas.

(d) Unless specifically otherwise provided herein, no article shall be sold or offered for sale on the premises except as prepared within the dwelling or is provided as incidental to the service or profession conducted therein. A retail showroom, sales area, outlet or similar facility is prohibited.

(e) No equipment or process shall be used that creates noise, vibration, glare, fumes, odor, or electrical interference that are nuisances to persons off the lot. The use of hazardous, toxic or extremely flammable materials is prohibited.

(f) Any required parking generated by conducting a home occupation shall be met by off-street parking.



(g) There shall be no storage of equipment, vehicles, or supplies associated with the home occupation outside the dwelling.

(h) Signs for the home occupation shall be limited to 1 non-illuminated, non-protruding name plate, not more than 1 square feet in area, attached to the building, located near the front entrance, and which sign shall contain only the name, occupation, and/or address of the premises.

(i) Must be firmly attached to either a block or poured foundation the same perimeters or dimensions of the dwelling. Under no circumstances may the structure be secured with anchors or skirting, though anchors in conjunction with block and/or poured concrete is acceptable.

(3) *Commercial kennels.*

(a) All kennels shall be operated in conformance with all county and state regulations, kennel permits being valid no longer than one (1) year.

(b) For dog kennels, the minimum lot (parcel) size shall be five (5) acres.

(c) Buildings wherein animals are kept, animal runs and/or exercise areas shall not be located within one hundred (100) feet of any property line.

(d) The facilities shall be so constructed and maintained that odor, dust, noise, or drainage shall not constitute a nuisance or hazard to adjoining premises.

(4) *Commercial stables.*

(a) For breeding, rearing, and boarding of horses, mule, and similar domestic animals, the minimum lot size shall be ten (10) acres, except that up to two (2) saddle horses or ponies may be boarded and/or reared on parcels of five (5) acres or greater.

(b) Any building used as a stable shall not be located within one hundred (100) feet of any property line.

(c) Animals shall be confined in a suitably fenced area, or paddock, to preclude their approaching within sixty (60) feet of any property line.

(d) The facilities shall be so constructed and maintained that odor, dust, noise, or drainage shall not constitute a nuisance or hazard to adjoining premises.

(5) *Farms.*

(a) All accessory farm buildings for uses other than those usually incidental to the dwelling, shall be located not less than one hundred (100) feet from any dwelling and not less than twenty-five (25) feet from any lot line or property boundary, with the exception that the main farm barn building shall not be less than one hundred fifty (150) feet from the front property line.

(b) The processing and storage of animals and products grown on farms is permitted when accessory and incidental to a farm as defined herein; provided such processing or storage is not obnoxious or offensive by reason of odor, noise, fumes, dust, smoke, waste, vibration, or other characteristics.

(6) *Roadside stand.* A roadside stand shall be permitted on a roadway within the township for a maximum of four (4) weeks in any calendar year under the following conditions:

(a) Only the products grown, produced, or obtained from the site may be offered for sale at a roadside stand.

(b) The gross floor area of the roadside stand shall not be less than fifty (50) square feet but not more than two hundred fifty (250) square feet. The building height shall not exceed fourteen (14) feet.

(c) Suitable containers for rubbish shall be placed on the premises for public use.

(d) The roadside stand shall be located not less than twenty-five (25) feet from the roadway right-of-way.

(e) One unlighted sign may be permitted. The sign shall be located on the site and may be a maximum of twenty (20) square feet in size and a maximum of eight (8) feet in height.

(f) Off-street parking may be provided in the front yard setback area and shall be constructed with a stable and well drained surface.

(7) *Extractive uses.*

(a) Extractive operations reasonably related to site development for building foundations, parking lot grading and preparation, grading for approved detention or retention ponds and/or intended to accommodate swimming pools, as determined by the Township Site Plan Administrator and Zoning Administrator, shall not require a special land use approval.

(b) All extractive uses shall be established and maintained in accordance with all applicable State of Michigan statutes.

(c) The applicant shall submit a written statement describing:

1. The equipment to be used and the process involved.

2. A time period by which the excavation shall be completed, including a specified extension period should undue weather conditions arise.

3. Indication of the proposed use of the property following the extraction.

4. An approved reclamation plan.
5. An agreement to conform to the standards of the zoning ordinance.
6. Documentation that demonstrates to the satisfaction of the Planning

Commission that the extractive activities will not produce any serious consequences which will adversely affect the natural topography, drainage patterns, water bodies, floodplains, street conditions, nearby property values or use of adjacent land; the Planning Commission may require separate environmental, engineering, traffic impact or marketing studies supporting the need for and minimal consequences of such extraction.

(d) The Planning Commission may require a performance bond or other guarantee to ensure compliance with the standards of this subchapter. In addition, the Planning Commission may require an occupancy permit to allow extractive activities for a time not exceeding 1 year. The permit may be renewed upon the finding by the Zoning Administrator that the applicant has complied with the requirements by the township and other appropriate agencies.

(e) In order to ensure sublateral support, no machinery shall be erected or maintained within fifty (50) feet of any property line or street right-of-way; or within two hundred (200) feet of any Residential District.

(f) Creation of a lake or pond shall only be permitted where the applicant can demonstrate using engineering and hydrologic studies that the water can be maintained in a nonpolluted condition; and that the applicant meets any requirements by the MDEQ (Michigan Department of Environmental Quality).

(g) Truck routing shall be restricted to those streets designed to accommodate truck traffic on a year-round basis. The Planning Commission may restrict access routes to protect the character or surrounding areas and/or street pavement and base conditions.

(h) A reclamation plan shall be provided indicating final grades which are harmonious with surrounding grades and not in excess of 5% unless demonstrably necessary for the proposed reclamation land use. No topsoil shall be removed from the site; topsoil shall be redistributed properly upon completion of the extractive activities, or phase thereof.

(i) The Planning Commission may require that the site be enclosed with a six (6) foot security fence with a locking access gate. Such fences shall be placed no closer than fifty (50) feet to the top or bottom of any slope.

(j) No slope shall exceed an angle with the horizontal of forty-five (45) degrees.

(k) No building or structure shall be erected on the site, except as may be permitted in that zoning district or if approved as a temporary structure for machinery or field office.

(1) Proper measures shall be utilized to minimize the nuisance of noise and dust or airborne materials, as determined by the Zoning Administrator, and may include requirements on stockpiling size and/or covering of stockpiles.

(8) *Campgrounds and RVparks.* Campgrounds and RV parks are subject to compliance with Act 171, P.A. 1970, as may be amended and administrative rules and regulations promulgated subsequent to the Act as may be amended and the following regulations:

(a) Minimum parcel size shall be ten (10) acres.

(b) The parcel shall provide direct vehicular access to a public street.

(c) There shall be provided a fifty (50) feet wide buffer zone where said facility is adjacent to residentially zoned land; said buffer zone shall consist of trees or shrubs with a six (6) feet high fence at the property line.

(d) All roadways within the facility shall be hard surfaced, consisting of asphalt or concrete.

(e) The campground shall be provided at least one (1) public telephone.

(9) *Golf courses, mini-golf facilities, driving ranges and similar private recreation uses.*

(a) The site shall provide all access directly to an arterial or collector street.

(b) When such uses are located on a parcel of five (5) acres or more in area; the structure(s) shall be located at least two hundred (200) feet from a property line of any adjacent residential property; provided that where topographic conditions are such that buildings would be screened from view the Planning Commission may reduce this requirement.

(c) When such uses are located on a parcel of sixty (60) acres or more the site must contain a shelter building with toilet facilities which meet all requirements of the County Health Department and Township Building Code. Main and accessory buildings shall be set back at least seventy-five (75) feet from all property lines.

(10) *Essential public services/utility buildings (without storage yards).* Utility and public service buildings and uses, including telephone exchange buildings, electric transformer stations and substations and gas regulator stations (without storage yards) shall only be permitted when operating requirements necessitate locations within the district to serve the immediate vicinity and such use is not detrimental to the surrounding neighborhood.

(a) Electrical substations and/or gas regulator stations shall be enclosed with a fence or wall at least six (6) feet high and adequate to obstruct passage of persons or materials and shall meet all of lot area, setback and yard requirements of the district in which they are located. Landscaping shall be required to improve the appearance of the facility and to minimize the appearance of the fencing.

(b) Any building which is constructed shall be landscaped and shall be designed to conform with the general character of the architecture of the surrounding neighborhood and shall meet all of the lot area, setback and yard requirements of the district in which they are located.

(c) All underground pipelines shall be buried at least three (3) feet below the surface of the ground and shall pass under all existing drain tile unless the owner of the land and any affected drain tile or untiled land shall consent in writing to the installation of said pipeline above said drain tile or at a depth of less than three (3) feet. In no case shall power lines or pipelines be installed at a depth of less than two (2) feet below the surface of the ground or within six (6) inches above or below existing drain tiles.

(d) Where a pipeline or power line is proposed to pass through land not previously so used as a site for power lines or pipelines, the location, erection and use shall first be approved by the Planning Commission. A public notice shall be given in a newspaper of general circulation in the township containing a statement of the proposed use and location, and the time for a hearing thereon which shall not be less than seven (7) days from the date of publication. If, on such hearing, it shall appear that the proposed location, erection or use be detrimental to the public health, safety or general welfare, then such use shall forthwith be denied.

(11) *Airports and heliports.*

(a) The plans for these facilities shall have received approval by the Federal Aviation Agency and the Michigan Department of Aeronautics (FAA) prior to submittal to the Planning Commission for their review and approval.

(b) The standards of the FAA and Michigan Department of Aeronautics for determining obstruction to air navigation shall be complied with. These standards shall be applied by the class of airport as determined by the above agencies.

(c) The area of the clear zone (see FAA definition) shall be provided for within the land area under airport ownership.

(12) *Composting and recycling facilities.*

(a) All access must be from an arterial or collector. Local traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal left or right turns into or out of an arterial or collector road.

(b) No residential subdivisions with officially filed plats should exist within one-half (1/2) mile of the facility.

(c) The parcel shall be no less than ten (10) acres and no greater than forty (40) acres in size. No more than seventy-five percent (75 %) of the site may be used for active composting at any one (1) time.

(d) No hazardous or toxic wastes, as defined by the Department of Natural Resources, may be deposited or stored.

(e) Routes for truck movement to and from the site shall be identified by the Huron County Road Commission. Wear on public roads, traffic hazards, and encroachment of noise, dust, and other nuisances upon adjacent uses must be considered.

(f) No open burning shall be permitted and all process involving the use of equipment for chipping, cutting, compressing (other than movement of compost materials), or packaging shall be conducted within a completely enclosed building.

(g) Adequate drainage measures shall be taken to prevent standing water on the site.

(h) No loading shall be allowed which is visible from adjacent streets. Street side loading shall be allowed provided the loading dock is set back a minimum of seventy (70) feet from the street right-of-way line, or one hundred ten (110) feet from the street center line, whichever is greater.

(i) All outdoor storage of refuse of any kind shall be visually screened from streets, and adjacent property by an opaque screen made of materials compatible with the buildings materials uses in the main structure. No refuse collection areas shall be permitted between a frontage street and building line.

(j) No retail sales shall take place on site.

(Ord. § 8.02, passed 4-5-2004; Am. Ord. - -, passed 8-4-2008; Am. Ord. - -, passed 11-2-2009; Am. Ord. - -, passed 11-1-2010; Am. Ord. - -, passed 9-6-2011)

**§ 154.122 DISTRICT REGULATIONS.**

All lots, buildings, and structures shall comply with the area, height, and bulk requirements in the following table, except lots of record before the adoption of this chapter having less than the new two (2) acres requirement, shall adhere to the zoning (setbacks, square footage, and the like) of the R-1 Residential District.

<i>Schedule of Agricultural Area and Bulk Requirements</i>	
<i>Districts</i>	<i>AG</i>
<b><i>Lot Requirements</i></b>	
Minimum lot area (sq. ft.) <sup>a</sup>	<i>c</i>
Minimum lot width (sq. ft) <sup>b</sup>	<i>c</i>

<b>Schedule of Agricultural Area and Bulk Requirements</b>	
<b>Districts</b>	<b>AG</b>
<b>Setback Requirements<sup>d</sup></b>	
Front yard (ft.)	50 <sup>fg</sup>
Side Yard	Least one (ft.)
	Total both (ft.)
Rear yard (ft.) <sup>e</sup>	50 <sup>fg</sup>
Natural feature/waterfront (ft.) <sup>h</sup>	25
<b>Maximum Building Height</b>	
In feet	40
In stories	2.5
<b>Minimum Useable Floor Area</b>	
Min. useable floor area (sq. ft.)	-
<b>Maximum Lot Coverage</b>	
Max. lot coverage (%)	-
Agricultural on site wind and solar energy conversion systems	See note i
Notes to table:	
a. Any submerged area of a lake, river, pond or stream, or regulated wetlands shall not count towards meeting the minimum lot area.	
b. All lots shall have frontage on a dedicated public street, approved private road or shared driveway meeting the requirements of §§ 154.240 <i>et seq.</i>	
c. The minimum lot area and width for single family dwellings, not including farm dwellings in this district shall be two (2) acres and one hundred forty (140) feet, respectively. Dairy, poultry, and animal farms shall contain a minimum of twenty (20) acres and two hundred fifty (250) feet of frontage. Other uses permitted under this section shall contain a minimum of ten (10) acres and two hundred fifty (250) feet of frontage.	
d. Architectural features and vertical projections may extend or project into a required yard as provided in § 154.202.	
e. Buildings on lots having frontage on two (2) streets shall comply with front yard requirements on both such streets.	

*Schedule of Agricultural Area and Bulk Requirements*

f. For residential uses there shall be no less than fifty (50) feet; provided, however, that no side yard shall be less than twenty (20) feet. For all other uses, there shall be side yards of no less than fifty (50) feet each.

g. Farm buildings or corrals housing animals or poultry shall be located at least one hundred (100) feet from all property lines.

h. A twenty-five (25)-foot natural feature setback shall be maintained in relation to the ordinary high water mark of any pond, or stream and to the edge of any drainage way, or regulated wetland. Along lakes, the setback from the shoreline of any building subsequently erected shall be in accordance with the Shoreline setback, as defined in § 154.007.

Only waterfront structures, including docks, and appurtenances to them may be located within the shoreline or the natural feature setback.

i. On site wind and solar energy systems are permitted in all agricultural districts. See §§ 154.136 and for general regulations and §§ 154.137 and 154.139 for agricultural specifications.

(Ord. § 8.03, passed 4-5-2004; Am. Ord. - -, passed 8-4-2008; Am. Ord. - passed 1-4-2010; Am. Ord. - passed 9-7-2010)

***WIND ENERGY FACILITY OVERLAY DISTRICT***

**§ 154.125 PURPOSE AND INTENT.**

(A) The purpose of this subchapter is to provide a regulatory scheme for the designation of properties suitable for the location, construction and operation of Wind Energy Conversion Facilities (Wind Energy Facilities) in Caseville Township, Huron County, to protect the health, welfare, safety, and quality of life of the general public, and to ensure compatible land uses in the vicinity of the areas affected by wind energy facilities.

(B) A Wind Energy Facility Overlay District shall be considered a map amendment, wherein land so classified shall become pre-qualified for a Wind Energy Facility with construction of such facility approved pursuant to Wind Energy Facility Site Plan Review requirements of this subchapter. It is further recognized that a Wind Energy Facility Overlay District is intended as an agricultural preservation measure.

(Ord. 2006-02, passed 6-5-2006)

**§ 154.126 DEFINITIONS.**

For the purposes of this subchapter, the following definitions shall apply unless the text clearly indicates or requires a different meaning.



**BOARD OF TRUSTEES.** The Caseville Township Board of Trustees.

**FAA.** The Federal Aviation Administration.

**HUB HEIGHT.** When referring to a wind turbine, the distance measured from the ground level to the center of the turbine hub.

**MET TOWER.** A meteorological tower used for the measurement of wind speed.

**MICHIGAN TALL STRUCTURE ACT (ACT259 OF 1959).** Shall govern the height of structures in proximity to airport-related uses and is included as a standard in this subchapter by reference.

**PLANNING COMMISSION.** The Caseville Township Planning Commission.

**WIND ENERGY CONVERSION FACILITY (WECF) or WIND ENERGY FACILITY.** An electricity-generating facility consisting of one (1) or more wind turbines under common ownership or operation control, and includes substations, MET Towers, cables/wires and other buildings accessory to such facility whose main purpose is to supply electricity to off-site customers.

**WIND ENERGY FACILITY SITE PERMIT.** A permit issued upon compliance with standards of this subchapter.

**WIND ENERGY FACILITY SITE PLAN REVIEW.** The process used to review a proposed Wind Energy Facility.

**WIND ENERGY OVERLAY DISTRICT.** A district created by the Board of Trustees, upon receiving a recommendation of the Planning Commission, by identifying specific areas within the Agricultural District best situated for development of wind energy facilities and adopting specific provisions that apply in that area in addition to other provisions of the Zoning Ordinance.

**WIND TURBINE.** A wind energy conversion system which converts wind energy into electricity through the use of a **WIND TURBINE** generator, and includes the turbine, blade, tower, base and pad transformer, if any, provided that such a system shall only be a **WIND TURBINE** for purposes of this subchapter if both have a total height greater than one hundred (100) feet and nameplate capacity of greater than one hundred (100) kilowatts.  
(Ord. 2006-02, passed 6-5-2006)

## **§ 154.127 REGULATORY FRAMEWORK.**

(A) *Zoning.* A wind energy facility may be constructed on land that is zoned Agricultural and within an area designated as a Wind Energy Facility Overlay District on the official zoning map of the township, subject to provisions and standards of the Wind Energy Facility Site Plan Review requirements of this subchapter.

(B) *Principal or accessory use.* A wind energy facility and related accessory uses may be considered either principal or accessory use. A different existing use or an existing structure on the same parcel shall not preclude the installation of a wind energy facility or a part of such facility on such parcel. Wind energy facilities that are constructed and installed in accordance with the provisions of this subchapter shall not be deemed to constitute the expansion of a nonconforming use or structure. Wind energy facilities shall be reviewed and approved pursuant to this subchapter.

(C) After designation as a Wind Energy Overlay District, new structures and uses within the “overlay” area shall be limited to those uses identified with Agricultural District and wind energy facilities, subject to any additional standards of this subchapter.

(Ord. 2006-02, passed 6-5-2006)

**§ 154.128 APPLICABILITY.**

A large-scale wind energy conversion facility is a wind energy conversion facility (wind energy turbine) which has a total height of more than one hundred (100) feet and a rated capacity of more than one hundred (100) kw. Large-scale wind energy facilities shall be permitted in the Agricultural District with a Wind Energy Facilities Overlay District classification. Wind Energy Facility Site Plan Review standards shall be used when reviewing a large-scale wind energy facility.

(Ord. 2006-02, passed 6-5-2006)

**§ 154.129 WIND ENERGY FACILITIES SITE PLAN REVIEW PROCEDURE.**

The following process shall be utilized when reviewing a large-scale wind energy conversion facility.

(A) A wind energy overlay district classification is a prerequisite to developing a large-scale wind energy facility. The intent of this overlay district is to identify agricultural land eligible for commercial, large-scale wind energy conversion facilities and, at the same time, provide for maximizing and preserving agricultural activity.

(1) *Site Plan Review required.* Wind energy conversion facilities shall not be located, constructed, erected, altered or used without first obtaining a Wind Energy Facilities Permit pursuant to this subchapter. The Wind Energy Facilities Site Plan must be reviewed and approved by the Planning Commission pursuant to standards contained herein. A site plan which does not fully comply with the standards of this subchapter shall be submitted to the Board of Trustees for further review and possible approval. Modifications of development standards shall be based on a recommendation by the Planning Commission that said modification is in the best interest of the township and the applicant. Where modification of a standard is requested, the Board of Trustees shall hold a public hearing prior to consideration of a modified site plan. An applicant proposing a wind energy facility must submit the following site plan materials:

(a) Survey of the property showing existing features such as contours, large trees, buildings, structures, roads (rights-of-way), utility easements, land use, zoning district, ownership of property and vehicular access.

(b) Plan(s) showing the location of proposed turbine towers, underground and overhead wiring (including depth underground wiring), access roads (including width), substations and accessory structures;

(c) A description of the routes to be used by constructions and delivery vehicles and or any road improvements that will be necessary in the county to accommodate construction vehicles, equipment or other deliveries and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction of the wind energy facility;

(d) Engineering data concerning construction of the tower and its base or foundation, which must be engineered and constructed in such a manner that upon removal of said tower, the soil will be restored to its original condition to a depth of three (3) feet;

(e) Anticipated construction schedule; and

(f) Description of operations, including anticipated regular and unscheduled maintenance.

(2) *Application fee.* An applicant for a wind energy facility shall remit an application fee to the township in the amount specified in the fee schedule adopted by resolution of the Board of Trustees. This schedule shall be based on the cost to the township of the review, which may be adjusted from time to time.

(3) *Application material.* The following shall be included and/or utilized as standard when preparing, submitting and reviewing an application for a wind energy facility. A site plan which differs from these standards can be approved only upon the review of the Planning Commission and approval of the Board of Trustees that the modification is the best interest of the township and applicant.

(a) *Avian analysis.* The applicant shall submit an avian study to assess the potential impact of proposed wind energy facilities upon bird and bat species. The avian study shall at a minimum report on a literature survey for threatened and endangered species, and any information on critical fly way s. The applicant must identify any plans for post-construction monitoring or studies. The analysis should also include an explanation of potential impacts and propose a mitigation plan, if necessary.

(b) *Visual appearance; lighting; power lines.* The applicant shall use measures to reduce the visual impact of wind turbines to the extent possible, utilizing the following:

1. Wind turbines shall be mounted on tubular towers, painted a non-reflective, non-obtrusive color. The appearance of turbines, towers, and buildings shall be maintained throughout the life of the wind energy facility pursuant to industry standards (such as the condition of exterior paint,

signs, landscaping, and the like). A certified registered engineer and authorized factory representative shall certify that the construction and installation of the wind energy conversion system meets or exceeds the manufacturer's construction and installation standards.

2. The design of the wind energy facility's buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend facility components with the natural setting and the existing environment.

3. Wind energy facilities shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof.

4. Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind energy facility.

5. The electrical collection system shall be placed underground within the interior of each parcel at a depth designed to accommodate the existing agricultural land use to the maximum extent practicable. The collection system may be placed overhead adjacent to county/township roadways, near substations or points of interconnection to the electric grid or in other areas as necessary.

(c) *Setback, separation and security.* The following setbacks and separation requirements shall apply to all wind turbines within a wind energy facility; provided, however, that pursuant to this subsection a reduction to the standard setbacks and separation requirements may be permitted if the intent of this subchapter would be better served thereby.

1. *Inhabited structures.* Each wind turbine shall be set back from the nearest residence, school, hospital, church or public library, a distance no less than either two (2) times its hub height or one thousand (1000) feet, whichever is greater. A lesser setback may be approved pursuant to this subsection if its intent would be better served thereby. A reduced setback shall be considered only with written approval from the owner of the inhabited structure. Where a wind energy facility is located in the vicinity of a city or village, a setback of one thousand (1000) feet from the city/village limits shall be required.

2. *Property line setbacks.* Excepting locations of public roads (see below), drain rights-of way and parcels with inhabited structures, wind turbines shall not be subject to a property line setback. Along the border of the Wind Energy Facility Overlay District, there shall be a setback distance equal to two (2) times the hub height of the wind turbine. Wind turbines and access roads shall be located so as to minimize the disruption to agricultural activity and, therefore, the location of towers and access routes is encouraged along internal property lines. Where a turbine location is proposed nearer to an internal property line than one and one-half (1-1/2) times the hub height of the wind turbine, an easement shall be established on the abutting parcel(s).

3. *Public roads.* Each wind turbine shall be back from the nearest public road a distance no less than four hundred (400) feet or one and one-half (1-1/2) times its hub height, whichever is greater, determined at the nearest boundary of the underlying right-of-way for such public road.

4. *Communication and electrical lines.* Each wind turbine shall be setback from the nearest above-ground public electric power line or telephone line a distance no less than four hundred (400) feet or one and one-half (1-1/2) times its hub height, whichever is greater, determined from the existing power line or telephone line.

5. *Tower separation.* Turbine/tower separation shall be based on industry standards, manufacturer recommendation and the characteristics (prevailing wind, topography, and the like) of the particular site location. At a minimum, there shall be a separation between towers of not less than three

(3) times the turbine (rotor) diameter, and the wind energy facility shall be designed to minimize disruption to farmland activity. Documents shall be submitted by the developer/manufacturer confirming specifications for turbine/ tower separation.

6. Following the completion of construction, the applicant shall certify that all construction is completed pursuant to the Wind Energy Site Permit and, in addition, that appropriate security will be in place to restrict unauthorized access to wind energy facilities.

(B) *Total wind turbine/tower height.* The total height of a wind turbine shall be the distance to the center of the hub of the wind turbine plus the distance to the tip of the turbine blade at its highest point. Generally, the hub height shall be limited to two hundred and seventy-five (275) feet from existing grade unless modification of this maximum height is approved pursuant to this section. The applicant shall demonstrate compliance with the Michigan Tall Structure Act (Act 259 of 1959, as amended) and FAA guidelines as part of the approval process.

(Ord. 2006-02, passed 6-5-2006)

#### § 154.130 WIND ENERGY FACILITIES NOISE REGULATIONS.

(A) Audible noise or the sound pressure level from the operation of the wind energy facility shall not exceed fifty (50) dBA, or the ambient sound pressure level plus five (5) dBA, whichever is greater, for more than ten percent (10%) of any hour, measured at any residence, school, hospital, church or public library existing on the date of approval of any Wind Energy Facility Site Permit. The applicant shall be able to provide sound pressure level measurements from a reasonable number of sampled locations at the perimeter and in the interior of the wind energy facility to demonstrate compliance with this standard.

(B) In the event audible noise from the operation of the wind energy facility contains a steady pure tone, the standards for audible noise set forth in division (A) above shall be reduced by five (5) dBA. A pure tone is defined to exist if the one-third (1/3) octave band sound pressure level in the band, including the tone, exceeds the arithmetic average of the sound pressure levels of the two (2) contiguous one-third (1/3) octave bands by five (5) dBA for center frequencies of five hundred (500) Hz and above, by eight (8) dBA for center frequencies between one hundred sixty (160) Hz and four hundred (400) Hz, or by fifteen (15) dBA for center frequencies less than or equal to one hundred and twenty-five (125) Hz.

(C) The ambient noise level shall be expressed in terms of the highest whole number sound pressure level in dBA, which is exceeded for more than five (5) minutes per hour. Ambient noise levels shall be

measured at a building's exterior of potentially affected existing residences, schools, hospitals, churches and public libraries. Ambient noise level measurement techniques shall employ all practical means of reducing the effect of wind-generated noise at the microphone. Ambient noise level measurements may be performed when wind velocities at the proposed project site are sufficient to allow wind turbine operations, provided that the wind velocity does not exceed thirty (30) mph at the ambient noise measurement location.

(D) Any noise level falling between two (2) whole decibels shall be the lower of the two.

(E) In the event the noise levels resulting from the wind energy facility exceed the criteria listed above, a waiver to said levels may be approved provided that the following have been accomplished:

(1) Written consent from the affected property owner(s) has been obtained stating that they are aware of the wind energy facility and the noise limitations imposed by this section; that consent is granted to allow noise levels to exceed the maximum limits otherwise allowed; and that consent is granted to allow noise levels to exceed the maximum limits allowed; and

(2) If the applicant wishes the waiver to apply to succeeding owners of the property, a permanent noise impact easement must be recorded in the Huron County Register of Deeds Office which describes the benefitted and burdened properties and which advises all subsequent owners of the burdened property that noise levels in excess of those otherwise permitted by this subchapter may exist on or at the burdened property.

(Ord. 2006-02, passed 6-5-06)

**§ 154.131 MINIMUM GROUND CLEARANCE.**

The blade tip of any wind turbine shall, at its lowest point, have ground clearance of not less than seventy-five (75) feet.

(Ord. 2006-02, passed 6-5-06)

**§ 154.132 SIGNAL INTERFERENCE PROHIBITED.**

No Large Scale Wind Facility shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antennas for radio, television or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception. No Large Scale Wind Facility shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference in the link's operation.

(Ord. 2006-02, passed 6-5-2006)

## **§ 154.133 SAFETY, CERTIFICATION AND INSPECTIONS.**

### *(A) Safety.*

- (1) All collection system wiring shall comply with all applicable safety and stray voltage standards.
- (2) Wind turbine towers shall not be climbable on the exterior.
- (3) All access doors to wind turbine towers and electric equipment shall be lockable.
- (4) Appropriate warning signs shall be placed on wind turbine towers, electrical equipment and Wind Energy Facility entrances.

*(B) Certification.* Any approval for Wind Energy Facilities shall require the applicant to provide a post-construction certification that the project complies with applicable codes and industry practices.

*(C) Inspections.* The applicant shall submit biannual inspection reports to the Zoning Board/ Planning Commission or its designated officer confirming compliance with applicable codes and industry practices. (Ord. 2006-02, passed 6-5-2006)

## **§ 154.134 DECOMMISSIONING.**

The applicant shall submit a plan describing the intended disposition of the wind energy facilities at the end of their useful life, and shall describe any agreement with the landowner regarding equipment removal upon termination of the lease. A performance bond or equivalent financial instrument shall be posted in an amount determined by the Township (to be utilized in the event the decommissioning plan needs to be enforced with respect to tower removal, site restoration and the like). The bond shall be in favor of the Township, and may be provided jointly as a single instrument for multiple townships within a single wind farm, provided that any such single instrument shall be in amount of at least one million dollars (\$1,000,000) and shall contain a replenishment obligation.

(Ord. 2006-02, passed 6-5-2006)

## **§ 154.135 ANEMOMETER TOWERS (MET) REGULATIONS.**

Anemometer towers (MET) are used to conduct wind assessment studies for possible installation of wind energy conversion facilities. Anemometer towers and attached equipment are limited to a height of two hundred sixty-three (263) feet, or eighty (80) meters, and shall be located to conform to a height vs. setback requirement of one and one-half (1-1/2) times the height of the tower. Use of temporary towers (those without permanent foundations) is limited to a two (2)- year period.

(Ord. 2006-03, passed 12-4-2006; Am. Ord. - -, passed 2-2-2009)

**§ 154.136 ON-SITE WIND ENERGY CONVERSION SYSTEMS; ALL DISTRICTS.**

(A) *Purpose.* The regulation of on-site wind energy conversion systems (WECSs), including the height, minimum lot area and required setbacks for such systems, is intended to provide for an alternative source of power generation, while protecting the health, safety, and welfare of residents.

(B) *Scope of regulations.* On-site wind energy conversion systems (WECSs) may be erected, relocated, enlarged, structurally changed, or altered in accordance with the provisions of this section.

(C) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words and phrases not defined in this section but defined in § 154.137 shall be given the meanings set forth in that section.

(1) **ADJACENT OCCUPIED STRUCTURE.** A residence, school, hospital, church, public library, business or other buildings used for public gathering, excluding accessory structures, that is located on an adjoining property when the permit application is submitted.

(2) **APPLICANT.** The person, whether natural or legal entity, filing an application under this section.

(3) **DECIBEL.** A unit for expressing relative difference in power, usually between acoustic or electric signals, equals to ten times the common logarithm of the ratio of the two levels. A DECIBEL (dB) is a unit that expresses the magnitude of sound pressure and sound intensity.

(4) **HEIGHT.** The height of a wind energy conversion system measured from natural grade at the point of installation to the tip of the rotor blade or assembly at its highest point or blade-tip height.

(5) **MECHANICAL SHADOW.** The entire envelope that is occupied by the circle swept by the furthest extension of any blade or other exposed moving component of a wind energy conversion system.

(6) **ON-SITE WIND ENERGY CONVERSION SYSTEM.** A device or system designed to supplement other electricity sources as an accessory use for residential, commercial, waterfront, office, and industrial buildings or facilities, wherein the power generated is used primarily for onsite consumption. A WECS converts wind energy into electricity through the use of a wind turbine generator, and may include a nacelle, rotor, tower, foundation, blades, guy wires and pad transformer.

(7) **ROOF-MOUNTED.** Any part of a wind energy conversion system that is located on the roof of a building, fire or parapet walls; stage lofts, chimneys, smokestacks, water tower, or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building.

(8) **SHADOW FLICKER.** The visible flicker effect when rotating turbine blades cast shadows on the ground and nearby structures causing the repeating pattern of light and shadow.



(9) **SYSTEM OPERATOR.** The person who has any responsibility for the day-today operation and maintenance of the wind energy conversion system.

(10) **SYSTEM OWNER.** The person having controlling or majority legal title interest in the wind energy conversion system, including their respective successors and assigns.

(11) **TOWER.** Any structure, including its supports that are ground-mounted, designed and constructed primarily for the purpose of supporting one or more wind turbines. This includes self-supporting lattice towers, guyed lattice towers, or monopole towers.

(D) *Development standards.* All on-site Wind Energy Conversion Systems- on-site WECSs- shall conform to the following standards.

(1) *General regulations.* Prior to installation of an on-site WECS, an application for a site permit must be filed and subsequently be approved by the Zoning Administrator or Planning Commission, as applicable. The following information shall be provided:

(a) Application, name, address, and contact information, including a legal description (property identification number) of the property on which the project would be located;

(b) *Project description.* Provide the WECSs specifications, including manufacturer and model, rotor diameter, tower height where applicable, tower type (freestanding, guyed, building or roof mounted), total system height (i.e., tower height plus 1/2 rotor diameter); and

(c) *Site plan.* The site plan shall include maps/drawings showing the physical features and land uses of the project area, both before and after construction of the proposed project. The site plan shall include :

1. The property boundaries and physical dimensions of the property;
2. The location, height and dimensions of all existing and proposed structures and fencing on the site as well as on adjacent parcels. Indicate location of proposed WECSs;
3. If the parcel has a waterfront setting, identify location of watercourse or water body, including location and elevation of the Ordinary High Water Mark (OHWM);
4. Identify any known wetland or county drains (or drain easements) located on the property;
5. *Insurance.* Proof of applicant's liability insurance that shall include coverage for off-site damage or loss to persons or property;

6. *Consent documents.* Copies of any written waivers from neighboring property owners, as applicable;

7. *Sound pressure level.* A copy of the manufacturer's modeling and analysis report for the proposed WECS;

8. *Certification.* Certification that applicant has complied or will comply with all applicable state and federal laws and regulations, including all local building and electrical codes. Manufacturers plans and specifications for foundations, tower design, roof mounting devices, and the like shall be provided or in the alternative, certification information as required herein shall be provided by a professional engineer licensed in the State of Michigan; and

9. *Utility notification.* No on-site WECSs shall be installed until evidence is provided that the area's electrical utility company has been informed of the customer's intent to install an interconnected customer-owned generator (interconnection and parallel operating agreement). Off-grid systems are exempt from this requirement.

(E) *Construction and design.* All reference to WECSs shall assume on-site accessory use.

(1) *Exterior finish.*

(a) *Tower-mounted WECSs:* shall typically maintain a neutral, non-reflective exterior color, or a galvanized steel finish, unless Federal Aviation Administration (FAA) or other applicable authority require otherwise. In addition, the Planning Commission or its designee may require that such WECSs be painted in such a way as to reduce visual obtrusiveness, in order to conform to the surrounding environment and/or architecture.

(b) *Roof-mounted WECSs:* WECSs and associated wires and equipment shall be painted so as to be architecturally compatible with the building to which they are attached.

(2) WECSs may not be artificially lighted unless otherwise required by the FAA or approved or authorized by the Planning Commission.

(3) WECSs may include one or more small signs, emblems, or decals to identify the following: the name or logo of the manufacturer and/or installer, the make, serial number, and other pertinent information about the wind energy conversion system. Such signs shall not contain advertising copy.

(4) *Minimum clearances.* The minimum clearance between the mechanical shadow (lowest projection of turbine blade/rotor or moving part) and the ground at the base shall be 15 feet. The minimum clearance between the mechanical shadow and any nearby structure shall be ten feet, excluding roof-mounted wind energy conversion systems.

(5) *Provisions for safety.*

(a) Towers that are not roof-mounted shall be enclosed with a six-foot tall fence or the base of the tower shall not be climbable for a distance of 12 feet.

(b) When roof-mounted WECSs can be accessed by the public, adequate guards, gates, locks and/or warning devices, as determined by the building official, shall be provided to ensure safety.

(c) When towers are supported by guy wires (in approved areas), the wires shall be clearly visible to a height of at least six feet above the guy wire anchors.

(d) WECSs shall have automatic braking, governing or a feathering system to prevent uncontrolled rotation or movement.

(6) *Noise.* A WECS shall not exceed 50 decibels, as measured from the closest lot line. Product specifications and modeling shall be provided. This level may be exceeded during short-term events, such as severe windstorms.

(7) *Unsafe or inoperative systems.*

(a) Any WECS found to be unsafe by the building official shall be repaired by the owner to meet all code requirements, or removed as directed.

(b) If any WECS is not used for a period of 12 months, the owner will be notified by certified mail to set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If one is not provided to the satisfaction of the Township, the landowner shall remove the WECS within 60 days of receipt of the notice to remove.

(8) *Signal interference.* WECS shall not materially interfere with communication systems such as, but not limited to, radio, telephone, television, satellite, or emergency communication.  
(Ord. - -, passed 1-4-2010)

**§ 154.137 SPECIFIC STANDARDS FOR WIND ENERGY CONVERSION SYSTEMS.**

(A) *R-1, R-2, R-3 districts.* WECSs in the R-1, R-2, and R-3 Districts are a permitted accessory use subject to the following standards:

(1) *Height.* WECSs shall meet the following height standards:

(a) Height of WECSs mounted on towers shall not exceed 60 feet;

(b) Height of WECSs that are roof-mounted may exceed the height of the tallest part of the roof to which it is attached by no more than 20 feet; and

(c) Applicants may request special use approval from the Planning Commission to waive height restrictions for towers located at institutional or governmental properties [where principal uses are allowed by right or special approval in the R-1, R-2, or R-3 districts: WECSs are accessory to a principal use or special approval use].

(2) *Setback requirements.* WECSs shall meet the following setback requirements.

(a) *WECSs general rules.* WECSs, including mechanical shadow, may not encroach into setback requirements for uses for the zoning district in which they are to be located: nor shall a WECS be located between the road/street side lot line and the front wall of principal buildings, unless specifically approved by the Planning Commission. On a waterfront lot, the ‘shoreline setback’ and/or waterfront setback provision(s) of this section shall not prohibit the placement of a WECS between the ordinary high water mark (OHWM) and the principal structure, subject to other provisions for WECSs (height, side yard setback, and the like) and this section.

(b) *WECSs on towers.* WECSs shall be set back a distance equal to the mechanical shadow from all adjacent occupied structures.

(c) *WECS roof-mounted.* WECSs shall be set back a distance equal to the mechanical shadow from all adjacent occupied structures, or other wind energy conversion systems.

(3) *Waiver of setback provisions for WECSs if the following conditions are met.* When the mechanical shadow encroaches onto an adjacent property, the Planning Commission may waive the setback requirements provided that the affected property owners sign a waiver that sets forth the applicable setback provision(s) and the proposed changes. The waiver(s) run with the land and shall not exceed the life of the WECS that is being installed at the time.

(a) The written waiver shall notify all applicable property owner(s) of the setback required by this section, describe how the wind energy conversion system is not in compliance, and state that consent is granted to waive the setback as required by this section for the wind energy conversion system.

(b) Any such waiver shall be in recordable form, signed by the participating land owner(s) and non-participating landowner(s), recorded in the office of the Huron County Register of Deeds with a copy of the recorded original returned to the Planning Commission.

(c) When the mechanical shadow encroaches upon an adjacent public property or public right-of-way the Planning Commission may waive the setback requirements on the participating landowner property and/or township property or public right-of-way provided that the participating landowner obtains an encroachment permit from the Huron County Road Commission or other appropriate agency.

(4) *Number.* WECSs may consist of one to five wind turbines, towers, or pedestals and associated control or conversion electronics.

(5) *Installation.* WECSs may be mounted on towers, pedestals, or roof-mounted.

(6) *Guy wires.* Tower structures requiring guy wires are not permitted.

(7) *Rotor diameter.* Rotor diameter shall not exceed 24 feet (12-foot blades).

(8) *Minimum lot size.* None.

(B) Agricultural, Commercial and Industrial Districts, WECSs 80 feet or less in height in all agricultural, commercial, and general industrial districts are a permitted accessory use subject to the following standards.

(1) *Height.* WECSs shall meet the following height standards.

(a) *Tower installation.* Height of WECSs mounted on towers shall not exceed 80 feet.

(b) *Roof-mounted installation.* Height of WECSs that are roof-mounted may exceed the height of the tallest part of the roof to which it is attached by no more than 20 feet.

(2) *Setback requirements.* WECSs shall meet the following setback requirements.

(a) *General rules for location on lot.* WECSs, including mechanical shadow, may not encroach into setback requirements for principal uses for the zoning district in which they are to be located; nor shall they be located between the front lot line and the front wall of the principle buildings, unless specifically approved by the Planning Commission.

(b) *WECSs on towers.* WECSs, including mechanical shadow, 60 feet or less in height may not encroach into setback areas for uses for the zoning district in which they are to be located; nor shall WECSs be located between the front lot line and the front wall of a principal building. WECSs, including mechanical shadow, exceeding a height of 60 feet shall be set back a distance equal to 110% of the system height from all property boundaries, public rights-of-way, utility lines or other wind energy conversion systems.

(c) *WECSs roof-mounted.* Wind energy conversion systems shall be set back a distance equal to the mechanical shadow from all adjacent occupied structures, or other wind energy conversion systems.

(3) *Waiver of setback provisions.* Setbacks may be waived if the following conditions are met: when the mechanical shadow encroaches onto an adjacent property, the Planning Commission may waive

the setback requirements on the participating landowner property and/or non-participating landowner property provided that the affected property owners sign a waiver that sets forth the applicable setback provision(s) and the proposed changes:

(a) The written waiver shall notify all applicable property owner(s) of the setback required by this section, describe how the wind energy conversion system is not in compliance, and state that consent is granted to waive the setback as required by this article for the wind energy conversion system;

(b) Any such waiver shall be in recordable form, signed by the participating land owner(s) and non-participating landowner(s), recorded in the office of the Huron County Register of Deeds with a copy of the recorded original returned to the Building and Zoning Department; and

(c) When the mechanical shadow encroaches upon an adjacent public property or public right-of-way the Planning Commission may waive the setback requirements on the participating landowner property and/or county property or public right-of-way provided that the participating landowner receive an encroachment permit from the Huron County Road Commission.

(4) *Number.* Wind energy conversion systems may consist of one or more wind turbines, towers, or pedestals and associated control or conversion electronics.

(5) *Installation.* Wind energy conversion systems may be mounted on towers, pedestals, or roof-mounted.

(6) *Rotor diameter.* Rotor diameter is not limited.

(7) *Minimum lot size.* None.

(C) Agricultural, Commercial and Industrial Districts with WECSs above 80 feet in height are a permitted use after special use approval in agricultural, commercial, and general industrial districts, subject to the following standards.

(1) *Height.* Height of WECSs mounted on towers shall not exceed 150 feet.

(2) *Setback requirements.* WECSs shall meet the following setback requirements:

(a) WECSs may not encroach into setback requirements for principal uses for the zoning district in which they are to be located;

(b) No part of WECS structures, including guy wire anchors, may extend closer than ten feet to the property boundaries of the site; and

(c) WECSs, including mechanical shadow, shall be set back a distance equal to 150% of the system height from all adjacent occupied structures and 110% of the system height from all property boundaries, public rights-of-way, utility lines or other wind energy conversion systems.

(3) *Number.* Wind energy conversion systems may consist of one (1) or more wind turbines, towers, or pedestals and associated control or conversion electronics.

(4) *Installation.* Wind energy conversion systems are mounted on towers.

(5) *Rotor diameter.* Rotor diameter is not limited.

(6) *Minimum lot size.* Two and one-half (2 1/2) acres.

(7) *Shadow flicker.* The Planning Commission may require that the applicant conduct an analysis on potential shadow flicker at adjacent occupied structures. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The analysis shall identify problem areas where shadow flicker may affect residents and describe measures that shall be taken to eliminate or mitigate the problems.

(8) *Decommissioning.* The applicant shall submit a decommissioning plan. The plan shall include the anticipated life of the project, the estimated decommissioning costs, net of salvage value in current dollars, the method of ensuring that funds will be available for decommissioning and restoration and the anticipated manner in which the project will be decommissioned and the site restored.

(9) *Surety agreement.* The Planning Commission may require that applicants provide a form of surety either through an escrow account, bond or otherwise, to cover the cost of removal in the event the Township must remove the wind energy conversion system, of an amount and form determined to be reasonable by the Planning Commission, but in no event to exceed more than one hundred and twenty-five percent (125%) of the cost of removal and compliance with the additional requirements set forth herein, as determined by the applicant. Such surety will not be required for municipally or state-owned wind energy conversion systems. If required, the applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for cost of living adjustment.

(Ord. - -, passed 1-4-2010)

#### **§ 154.138 SOLAR ENERGY CONVERSION SYSTEMS.**

(A) *Purpose.* The regulation of solar systems, including the height, size, and required setbacks for such systems, is intended to provide for an alternative source of power generation, while protecting the health, safety, and welfare of residents.

(B) *Scope of regulations.* Solar systems may be erected, relocated, enlarged, structurally changed, or altered in accordance with the provisions of this section.

(C) *Definitions.* Certain words and phrases used in this section shall have the meaning set forth in this section.

**ACTIVE SOLAR SYSTEM.** A solar system that transfers solar energy into electricity typically via a photovoltaic process.

**APPLICANT.** The person or entity filing an application under this section.

**BUILDING INTEGRATED SOLAR SYSTEMS.** A solar system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. **BUILDING INTEGRATED SYSTEMS** include, but are not limited to, photovoltaic or hot water solar systems that are contained within roofing material, windows, skylights, or awnings.

**HEIGHT.** The height of a solar energy conversion system measured from natural grade to the highest point of the system.

**MOUNTING DEVICES.** Devices and hardware that allow the mounting of a solar connector onto a roof surface or the ground.

**OFF-GRID SOLAR SYSTEM.** A system that is not electrically connected in any way to electric circuits that are served by an electric utility company.

**ON-GRID SOLAR SYSTEM.** A system that is electrically connected in any way to electric circuits that are served by an electric utility company.

**PASSIVE SOLAR COLLECTION SYSTEM.** A system that captures solar light or heat, typically for the purpose of heating water.

**PHOTOVOLTAIC SYSTEM.** An active solar energy system that converts solar energy directly into electricity.

**POLE-MOUNTED SOLAR SYSTEM.** A ground-mounted pole structure and its supports that is designed and constructed primarily for the purpose of supporting one or more solar systems. This includes self-supporting lattice towers or monopole towers.

**ROOF-MOUNTED SOLAR SYSTEM.** A solar energy conversion system that is located on the roof of a building, fire or parapet wall; stage loft, water tower, or roof structure for the housing of an elevator, stairway, tank, ventilating fan, or similar equipment required to operate and maintain the building.

**SOLAR ACCESS.** A southern view of the sun, from any point on the collector surface that is not obscured by any vegetation, building, or object located on parcels of land other than the parcel upon which the solar collector or module is located, between sunrise and sunset on any day of the year.

**SOLAR ARRAY.** Any number of solar collectors or photovoltaic modules.



**SOLAR COLLECTOR.** A device, structure or part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal or electrical energy.

**SOLAR HOT WATER SYSTEM.** A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, such as residential domestic hot water or hot water for commercial processes.

**SOLAR SYSTEM.** A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or to provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generating, or water heating.

**WALL-MOUNTED SOLAR SYSTEM.** A system that is located on the wall of a building or structure.

(D) *Development standards.* All solar systems shall conform to the following:

(1) *Application procedures.* Applications for a permit to install a solar system shall be submitted to the Huron County Building and Zoning Department and Caseville Township Site Plan Reviewer. The application shall include a plan showing the following:

(a) Size and proposed location of the solar collector, including location, of any buildings on the site and on any contiguous lot;

(b) A picture or sketch of all the elements of the solar collector which would be exposed to view from adjacent properties;

(c) Dimensions of all buildings;

(d) Lot lines;

(e) Setback lines as established in the zoning regulations; and

(f) Solar panels are exempt as accessory structures.

(2) *Standards.* All structural, electrical and mechanical components of the solar systems shall conform to relevant and applicable local, state, and national codes and all applicable industry standards. Photovoltaic systems shall be installed by contractors certified by the North American Board of Certified Energy Practitioners (NABCEP).

(3) *Utilities.* No on-grid solar system shall be installed until evidence has been given that the electrical utility company has been informed of and approves of the customer's intent to install an interconnected customer-owned generator.

(4) *Signs.* Solar systems may include one or more small signs, emblems, or decals to identify the following:

- (a) The name or logo of the manufacturer and/or installer.
- (b) The make, serial number, and other pertinent information about the solar system.
- (c) Such signs shall not contain advertising copy.

(5) *Unsafe or inoperative systems.*

(a) Any solar system found to be unsafe by the building official shall be repaired by the owner to meet all code requirements, or removed as directed.

(b) If any solar system is not used for a period of twelve (12) months, the owner shall be notified by certified mail to set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If one is not provided to the satisfaction of the township, the landowner shall remove the solar system within sixty (60) days of receipt of the notice to remove.

(6) *Disconnecting solar systems during emergencies or utility maintenance.*

(a) The township and Public Safety Departments for the township shall have the right to disconnect solar systems during emergencies, such as fire or other catastrophe, or when utility maintenance is to be performed.

(b) Solar systems shall include an emergency disconnect that is clearly labeled, easily accessible, and in a location to be approved by the Huron County electrical inspector.  
(Ord. - -, passed 9-7-2010)

#### **§ 154.139 SPECIFIC STANDARDS FOR SOLAR SYSTEMS.**

(A) Solar systems are a permitted use subject to the following standards:

(1) *Height.* Solar systems shall meet the following height standards:

(a) Height of solar systems mounted on poles shall not exceed height requirements for the zoning districts in which they are placed.

(b) Height of solar systems that are roof-mounted may exceed the height of the tallest part of the roof to which it is attached by no more than ten (10) feet.

(c) Applicants shall obtain special use approval from the Planning Commission to waive height restrictions.

(2) *Setback requirements.* Solar systems shall meet the following setback requirements:

(a) *General rules for location on lot.* Solar systems, with the exception of building integrated solar systems, may not encroach into setback requirements for uses for the zoning district in which they are to be located; nor shall they be located between the front lot line and the front wall of dwellings.

(b) *Pole-mounted solar systems.* Solar systems shall be set back a distance equal to the height of the pole or solar system, whichever is greater, from all adjacent occupied structures.

(c) *Roof-mounted solar systems.*

1. *Location on the roof.* The collector surface and mounting devices shall not extend beyond the exterior perimeter of the building on which it is mounted.

2. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the side or rear of a building and shall be painted to blend in with adjacent surfaces.

(3) *Number.*

(a) *Pole-mounted.* Solar systems may consist of two (2) pole-mounted systems.

(b) *Roof-mounted.* Unlimited.

(c) *Building integrated.* Unlimited.

(d) *Wall-mounted.* The number is subject to special approval in all zoning districts.

(4) *Installation.* Solar systems may be mounted on poles, roof-mounted, or wall-mounted.

(5) *Guy wires.* Poles requiring guy wires are not permitted in R-1, R-2, R-3, and RR.

(6) *Size of solar systems.*

(a) *Ground-mounted.*

1. Active solar systems: two hundred (200) square feet.

2. Passive solar systems: thirty-two (32) square feet.

(b) *Roof-mounted.*

1. Active solar systems: There is no limit to the size of roof-mounted systems provided they do not exceed the square footage of the roof to which they are attached.

2. Passive solar systems: Limited to thirty-two (32) square feet per application (e.g., one (1) unit to heat a pool and one (1) unit to provide heat for a home water system).

(c) *Building integrated*. There is no limit to the size of building integrated systems.

(d) *Wall-mounted*.

1. Active solar systems: Size is subject to special approval in all zoning districts.

2. Passive solar systems: Limited to thirty-two (32) square feet per application (e.g., one (1) unit to heat a pool and one (1) unit to provide heat for a home water system).

(7) *Minimum lot size*. None.

(a) Where a solar system is the principal use of the property, it is only permitted after special use approval in the Commercial and Industrial Districts subject to the following standards:

1. *Height*. Height is subject to special approval.

2. *Square footage of systems*. Subject to special approval.

3. *Setback requirements*. Solar systems shall meet the following setback requirements:

A. Solar systems may not encroach into setback requirements for principal uses for the zoning district in which they are to be located.

B. Solar systems shall be set back a distance equal to one hundred percent (100 %) of the system height from all property boundaries, public rights-of-way, and utility lines.

4. *Number*. Subject to special approval.

5. *Installation*. Solar systems may be ground-mounted, roof-mounted or on poles.

6. *Minimum lot size*. Subject to special approval.

7. *Decommissioning*. The applicant shall submit a decommissioning plan that is in recordable form to be recorded with the Huron County Register of Deeds. The plan shall include the anticipated life of the project, the estimated decommissioning costs, net of salvage value in current dollars, the method of ensuring that funds shall be available for decommissioning and restoration and the anticipated manner in which the project shall be decommissioned and the site restored.

8. The Planning Commission may require that applicants provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the township must remove the solar system, of an amount and form determined

to be reasonable by the Planning Commission, but in no event to exceed more than one hundred twenty-five percent (125%) of the cost of removal and compliance with the additional requirements set forth herein, as determined by the applicant. Such surety shall not be required for municipally or state-owned solar systems. If required, the applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for cost of living adjustment.

(B) *Responsibility of township.* The township shall not be responsible for requiring that adjacent property owners provide and/or maintain solar access to any solar collector system.  
(Ord. - passed 9-7-2010)

### ***NATURAL FEATURES OVERLAY DISTRICT***

#### **§ 154.140 DESCRIPTION AND PURPOSE.**

The purpose of this subchapter is to ensure that property is developed in a manner consistent with its zoning designation, and arranged to protect important natural features on the site and in the vicinity of the site. The Natural Features Overlay District establishes procedures to enable the applicant and Planning Commission to achieve the mutually compatible objectives of reasonable use of land and protection of vital natural resources.

(Ord. § 9.01, passed 4-5-2004)



**§ 154.141 APPLICABILITY.**

(A) This subchapter shall apply to all development plans requiring site plan approval, private road approval, subdivision plat approval, and site condominium plan approval that are located within the natural feature corridor, as designated on the future land use map in the Caseville Township master plan, dated November 2002. Development subject to this subchapter shall be designed and arranged to ensure that disturbance to any natural features in those areas as a result of development shall be minimized.

(B) The provisions of this overlay zoning district shall apply in addition to the applicable regulations of the underlying zoning district. Where a conflict exists between the requirements of the districts, the more restrictive requirement(s) shall apply.

(Ord. § 9.02, passed 4-5-2004)

**§ 154.142 USES PERMITTED.**

The uses permitted shall be regulated by the underlying zoning district. The review and approval process applicable in the underlying zoning district shall be followed with the additional information required by this Overlay Zoning District.

(Ord. § 9.03, passed 4-5-2004)

**§ 154.143 ENVIRONMENTAL IMPACT ASSESSMENT.**

(A) An environmental impact assessment shall be submitted with any application for site plan, private road, site condominium or preliminary subdivision plat approval where the site includes natural features such as wetlands, woodlands, drainageways, or other natural features in need of protection, as determined by the Planning Commission.

(B) The report shall be prepared by a professional qualified in the areas of ecology, botany, wildlife biology, or other relevant discipline acceptable to the Planning Commission and describe the following:

(1) Wildlife use and habitat showing the species of wildlife using the area, the times or seasons that the area is used by those species, and the value (meaning feeding, watering, cover, nesting, roosting, perching) that the area provides for such wildlife species.

(2) Boundary of wetlands in the area and a description of the ecological functions and characteristics provided by those wetlands.

(3) Pattern, species, and location of any significant native trees and other native site vegetation.

(4) Bank, shoreline, and ordinary high water mark of any stream or body of water on the site.

(5) Wildlife movement corridors.

(6) General ecological functions provided by the site and its features.

(C) The Planning Commission may employ their own consultants to review, at the applicant's expense, information/reports submitted by the applicant if the findings of the applicant or environmental specialists are disputed.  
(Ord. § 9.04, passed 4-5-2004)

**§ 154.144 ESTABLISHMENT OF NATURAL FEATURES PROTECTION AREA.**

(A) All site plans for developments subject to the Natural Features Protection Overlay District shall divide the site into the following 2 areas based upon the environmental impact assessment:

(1) Development area(s).

(2) Natural features protection area(s), as described below and illustrated on the future land use map in the township's master plan.

(B) The development area shall indicate the specific area(s) of a site within which the developed project may be constructed and within which the development activity shall be contained. The actual boundary of development area to be shown on a site plan shall be based on the environmental impact assessment report.

(C) The natural features protection area shall be established in areas of the site that will provide the following:

(1) Erosion prevention and control, including but not limited to protection of natural drainage channels and compliance with an approved storm water drainage management plan.

(2) Preservation of significant native trees and other native site vegetation, including protection of natural area buffers zones.

(3) Stream corridor and wetland protection and buffering.

(4) Preservation of site topography, including but not limited to such characteristics as steepness of slopes, existing drainage features, rock outcroppings, river and stream terraces, valley walls, ridgelines, and scenic topographic features.

(5) Presence of floodplains and floodways.

(6) Maintaining continuity of wildlife movement corridors.

(7) Preservation of natural area buffer zones as delineated below.



(D) The use of the Planned Unit Development (PUD) option contained in §§ 154.160 *et seq.* to place natural features protection areas into common open space is encouraged. (Ord. § 9.05, passed 4-5-2004)

**§ 154.145 DEVELOPMENT STANDARDS AND GUIDELINES.**

(A) *Activities, vehicles permitted.* No construction activity, including grading, excavation, stockpiling of fill material, or storage of building equipment supplies or vehicles shall be permitted within the natural features protection areas whether to provide for a building site, on-site utilities or services, or for any roads or driveways except as provided for below:

- (1) Mitigation of development activities.
- (2) Restoration of previously disturbed or degraded areas.
- (3) Emergency public safety activities and utility installations when such activities and installations cannot reasonably be contained to areas outside of those identified as significant.
- (4) The enhancement of the habitat values or other natural resource values of a natural area.

(B) *Establishment of buffer zones.* Buffer zones shall be established adjacent to natural features protection areas. Such buffers shall have a minimum width of 100 feet, however the Planning Commission may reduce the width to no less than 25 feet in consideration of the following criteria:

- (1) Foreseeable impacts of development on the wildlife usage or ecological character or function of the natural area.
- (2) Ecological and wildlife use characterization of the natural area.
- (3) Existence of wildlife movement corridors.
- (4) Extent of floodplains and floodway s.
- (5) Type, amount, and extent of existing vegetation on the site.
- (6) Existence of special wildlife habitat features.
- (7) Character of the proposed development in terms of use, density, traffic generation, quality and quantity of runoff water, noise, lighting, and similar potential development impacts.
- (8) Site topography, including but not limited to such characteristics as steepness of slopes, existing drainage features, and scenic topographic features.

(C) *Protective fencing.* Prior to any development or site clearing, fencing shall be installed at the limits of soil disturbance adjacent to priority protection areas. Fencing shall be a minimum of 4 feet in height and shall remain in place until it is authorized to be removed by the township. No filling, excavating or storage of materials, debris, or equipment shall take place within the fenced area.

(D) *Mitigation of disturbance.* Disturbance to natural features protection areas shall be avoided and mitigation measures undertaken to restore any damaged or lost natural resource.

(E) *Connections.* If the development site contains natural features protection areas that connect to off-site areas of a similar nature, the development plan shall preserve these connections. If natural features protection areas lie adjacent to the development site, but are not connected across the development site, then the development plan shall provide connection. The connections shall be designed and constructed to allow for wildlife movement between natural areas.

(F) *Lakes and ponds.* If the development site contains a lake or pond, the development plan shall include enhancements and restoration as necessary to provide wildlife habitat and improve the aesthetic quality in areas of the shoreline. The development plan shall also include a design that addresses erosion control protection and shoreline landscaping on or adjacent to the lots or tracts.

(G) *Design and aesthetics.* Projects located within the overlay district, shall be designed to complement the visual context of the natural area. Techniques including architectural design, site design, the use of native landscaping, and choice of colors and building materials shall be utilized in such manner that blend with the natural character of the area.

(H) *Storm water drainage/erosion control.* Storm water drainage and erosion control plans shall meet all generally accepted standards as reviewed and approved by the Township Engineer for design and construction and shall, where feasible, utilize nonstructural control techniques, including but not limited to:

- (1) Limitation of land disturbance and grading.
- (2) Maintenance of vegetated buffers and natural vegetation.
- (3) Minimization of impervious surfaces.
- (4) Use of contoured landscapes, runoff spreaders, grass, or rock-lined swales.
- (5) Use of infiltration devices.

(Ord. § 9.06, passed 4-5-2004)

## ***PLANNED UNIT DEVELOPMENT (PUD)***

### **§ 154.160 DESCRIPTION AND PURPOSE.**

(A) The intent of this subchapter is to provide an optional method for residential or mixed used land development, which allows for flexibility in the application of the requirements governing the type of residential structures permitted and their placement on the property. PUDs permit the coordinated development on larger sites in order to protect significant natural features present which the property owner and Township wish to preserve, provide the opportunity to mix compatible uses or residential types, or allow clustering of residential units and mixed use developments to preserve common open space.

(B) A PUD will provide for the development of land as an integral unit which incorporates within a single plan the location and arrangement of all buildings, drives, parking areas, utilities, landscaping, and any other improvements or changes within the site. Deviation from the specific site development requirements of this chapter may be allowed, so long as the general purposes for the requirements are achieved and the general provisions of the zoning ordinance observed.

(C) These PUD regulations shall not be used for circumventing the more specific requirements in this chapter, or the planning upon which the requirements are based. Rather, these provisions are intended to result in a development which is substantially consistent with the zoning requirements as generally applied to the proposed uses, but with specific modifications to the general requirements that, in the judgment of the township, assure a superior quality of development. If this improved quality is not clearly apparent upon township review, a site shall not qualify for the modifications allowable under this development option.  
(Ord. § 10.01, passed 4-5-2004)

### **§ 154.161 ELIGIBILITY REQUIREMENTS.**

The following conditions shall apply to all PUDs:

(A) *Unified control.* The PUD shall be under the control of 1 owner or group of owners and shall be capable of being planned and developed as 1 integral unit.

(B) *Size.* A parcel must have a minimum area of 5 acres of contiguous land to be considered for a PUD.

(C) *Recognizable benefits.* The benefits of a PUD District can be provided through site design elements in excess of the requirements of this chapter and shall offer at least 1 of the following:

(1) *Significant natural assets.* For sites that contain significant natural assets there shall be extensive, creative, and effective preservation efforts demonstrated. Significant natural assets include features such as: active farmland, woodlands, rolling topography with grades exceeding 15 %, significant views, natural drainage ways, water bodies, floodplains, regulated or non-regulated wetlands, or natural corridors that connect quality wildlife habitats.

(2) *Recreation facilities.* If the site lacks natural features, it can qualify if the development will preserve an existing recreation facility or provide new recreation facilities to which all residents of the development shall have reasonable access. Such recreation facilities include areas such as a neighborhood park, golf course, passive recreational facilities, soccer fields, ball fields, bike paths, or similar facilities which provide a feature of community-wide significance and enhance residential development.

(3) *Mixed use.* A site can qualify if the development will provide a complementary and integrated mixture of uses, residential densities, and/or housing types. A mixed use project shall be considered a project which proposes a combination of single family detached and multiple family housing or a mixture of compatible residential, commercial, and industrial uses.

(4) *Land reclamation.* Sites which require extensive reclamation in order to be suitable for development should be offered the incentives of the PUD District. Extensive land reclamation includes conditions such as environmental contamination clean-up and redevelopment of abandoned natural resource extraction sites. Work must involve complete clean-up, grading and restoration of the site to offer a viable development area.

(Ord. § 10.02, passed 4-5-2004)

**§ 154.162 TYPES OF PUDS.**

(A) A property meeting the eligibility requirements may be rezoned to an appropriate PUD District, based on the requirements shown in the following table and appropriate requirements contained elsewhere in this chapter. The rezoning shall be concurrent with the approval of a PUD conceptual plan. The PUD designation shall be noted in the application, and on the official zoning map upon approval.

<i>Types of PUDs</i>			
<i>District Name</i>	<i>Locations Allowed</i>	<i>Permitted Uses</i> (The Planning Commission shall establish a list of permitted uses as a part of the PUD agreement based upon the following.)	<i>Requirements</i>
Residential open space PUD	RR, R-1, R-2, R-3	Residential open space projects may be permitted with recreational uses. Residential types permitted in the underlying zoning district shall be permitted with additional uses as provided for herein	154.163(A); 154.164; 154.165
Mixed use PUD	C-1, C-2, I, AG	A mixture of residential, commercial, industrial, recreational and open space uses shall be permitted based upon the underlying zoning designation of each PUD component.	154.163(A); 154.164; 154.165

(B) *Residential open space PUD.*

(1) *Residential density.*

(a) The density of dwelling units within the approved PUD shall not generally exceed the density allowed for the underlying Residential District for which the zoning change is requested.

(b) The number of dwelling units allowed within a PUD shall be determined in the following manner;

The applicant shall prepare, and present to the Planning Commission for review, a parallel design plan showing the number of lots that could be developed on the site under the underlying zoning district. The parallel design plan shall be submitted with the preliminary plan of the PUD. The layout of the parallel plan shall comply with state and township requirements and design criteria for a tentative preliminary subdivision plat, fully consistent with Public Act 288 of 1967 (Land Division Act), as amended and the township subdivision control regulations. This design shall include all information that would be required for a tentative preliminary plat, including areas appropriately sized for storm water detention. Such areas cannot be counted towards the permitted density. The Planning Commission shall review the design and determine the number of lots that could be feasibly constructed following the parallel design. This number, as determined by the Planning Commission review, shall become the maximum number of dwelling units allowable within the PUD site.

(2) *Attached dwelling units.* Where the underlying zoning is R-3, multiple-family dwelling units shall be permitted meeting the density and design requirements of this chapter. Where the underlying zoning is R-2, up to 40% of the dwelling units may be attached single-family housing, provided the remaining dwelling units (at least 60%) shall be detached single-family residential.

(3) *Lot dimensions.* Once the density has been established, the allowable number of dwelling units may be clustered with lot areas and widths reduced below the minimum requirement of the underlying zoning district, provided that the open space within the development equals or exceeds the total area of lot area reduction.

(4) *Regulatory flexibility.* The setback and density requirements of the underlying zoning district shall be used as guidelines for the residential open space PUD. To encourage flexibility and creativity consistent with the intent of the PUD regulations, the township may permit specific departures from the requirements of the zoning ordinance. A table shall be provided on the site plan that lists all deviations and regulatory modifications. Deviations shall only be approved through a finding by the township that the deviation will result in a higher quality of development than would be possible using conventional zoning requirements. Only those deviations consistent with the intent of this subchapter shall be considered. In no case shall a density bonus exceed an additional 10% of the permitted number of dwelling units.

(5) *Open space.* All land within a development that is not devoted to a residential unit or road right-of-way shall be set aside as common land for neighborhood use, recreation, conservation, or agriculture. A residential open space PUD shall maintain a minimum of 50% of the gross area of the site as dedicated open space held in common ownership. Open space shall be provided along the exterior public roads with a depth of at least 100 feet, either landscaped or preserved in a natural wooded condition.

(C) *Mixed use PUD.*

(1) *Uses.* A mixed use PUD shall include a mixture of uses that are considered by the Planning Commission to be consistent with the underlying zoning districts. Each use component of the PUD shall be designated with a specific zoning district (e.g. R-1 and C-1). A minimum of 40% of the PUD land area shall be occupied by residential, recreational or open space uses. The list of permitted uses shall be established by the Planning Commission in the PUD agreement.

(2) *Dimensional requirements.* All area and bulk dimensional requirements shall comply with that of the respective zoning district. To encourage flexibility and creativity consistent with the intent of the PUD, the township may permit specific departures from the requirements of the zoning ordinance as a part of the approval process. Any regulatory modification shall be approved through a finding by the township that the deviation shall result in a higher quality of development than would be possible using conventional zoning requirements. A table shall be provided on the site plan that lists all deviations and regulatory modifications. In no case shall a density bonus exceed an additional 10% of the permitted number of dwelling units.

(3) *Parking.* To encourage a true integration of mixed uses and improved efficiency in land use, the township may permit the overlap in parking requirements between uses that have alternating peak-parking demands or where the mixture of uses on a site would result in multi-purpose trips.

(4) *Open space.* A minimum 25% of the site shall be open space. Such open space shall be dispersed throughout the site and linked through pedestrian corridors. The open space shall constitute 1 or more of the following: undisturbed areas of key natural features, landscaped open space or areas that include outdoor seating and gathering areas. Detention areas may comprise up to 50% of the required open space provided they are designed to provide a natural appearance as described herein.

(5) *Driveway access and circulation.*

(a) Access shall be limited to 1 major entrance along any arterial, excluding an entrance designed solely for truck traffic. Additional access points shall only be considered if spaced at least 500 feet apart and a traffic impact study demonstrates overall traffic operations and safety will be improved.

(b) Main access points shall be spaced from existing intersections to ensure proper spacing and safe access and egress from the property. Access points shall be identified by the township, with input from road agency staff, to minimize conflicts with traffic operations at intersections or existing access points.

(c) The site design shall direct traffic flow to use the main access points. Stacking or queuing depth at site access points shall be sufficient to accommodate expected peak hour volumes without conflict to inbound or internal circulation. Interior drives shall provide circulation between uses.

(d) Additional right-of-way shall be provided to accommodate improvements to the existing arterial roadway system that are planned or required to mitigate traffic associated with the PUD. (Ord. § 10.03, passed 4-5-2004)

### **§ 154.163 PUD DESIGN REQUIREMENTS.**

In addition to the requirements for specific types of PUDs above, all PUDs shall meet the following requirements:

(A) *Open space requirements.*

(1) *Open space.* All land within a development that is not devoted to a residential unit or road right-of-way shall be set aside as common land for neighborhood use, recreation, conservation or agriculture.

(2) *Areas not considered open space.* The following land areas are not included as dedicated open space for the purposes of meeting minimum open space requirements:

(a) Area proposed as single-family residential or site condominium lots.

(b) Area proposed to be occupied by multiple-family dwellings, including the minimum required setbacks around buildings.

(c) Any area proposed for a commercial land use.

(d) The area of any road right-of-way or private road easement.

(e) Any parking and loading areas.

(f) Any submerged land area of a pond, lake or stream, provided protected wetlands and stormwater ponds designed to appear, and function similar to a natural wetland may be counted for up to 50% of the minimum required open space.

(g) Golf courses.

(3) *Open space location.* Open space shall be planned in locations visible and accessible to all in the development. The open space may either be centrally located, along the road frontage of the development, located to preserve natural features, located to buffer adjacent farmland or located to connect open spaces throughout the development, provided the following shall be included within the open space area:

(a) Open space shall be situated to maximize the preservation of any existing site woodlands or other significant natural areas.

(b) A minimum 100-foot wide undisturbed open space setback shall be maintained from the edge of any stream or wetland; provided that the township may permit trails, boardwalks, observation platforms, or other similar structures that enhance passive enjoyment of the site's natural amenities within the setback.

(c) Where adjacent land includes open space, public land or existing or planned bike paths, open space connections shall be provided between the site and adjacent open space. Trails between adjoining open space development shall be constructed to allow future interconnection between neighborhoods.



(4) *Open space protection.* The dedicated open space shall be set aside in perpetuity by the developer through a conservation easement that is found acceptable to the township. The conservation easement shall assure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use. The conservation easement shall provide the following:

(a) Allowable use(s) of the dedicated open space shall be indicated. The Township may require the inclusion of open space restrictions that prohibit the following:

1. Dumping or storing of any material or refuse.
2. Activity that may cause risk of soil erosion or threaten any living plant material.
3. Cutting or removal of live plant material except for removal of dying or diseased vegetation.
4. Use of motorized off road vehicles.
5. Cutting, filling or removal of vegetation from wetland areas.
6. Use of pesticides, herbicides, or fertilizers within or adjacent to wetlands.

(b) Requirements that the dedicated open space shall be maintained by parties who have an ownership interest in the open space. Requirements for scheduled maintenance of the open space shall be provided. The conservation easement shall provide for maintenance to be undertaken by the township in the event that the open space is not adequately maintained, or is determined by the township to be a public nuisance, with the assessment of costs upon the owners of the open space.

(c) A provision that the dedicated open space shall forever remain open space, subject only to uses approved by the township on the approved site plan. Further subdivision of open space land or its use for other than recreation, conservation or agricultural purposes, except for easements for utilities and septic systems, shall be strictly prohibited. Any change in use of the open space from what is shown on the approved site plan shall require Township Board approval, based upon a recommendation by the Planning Commission, and shall not diminish compliance with the requirements of this subchapter.

(d) Nothing herein shall prevent the conveyance of open space to a public agency or other non-profit entity for recreational or conservation use.

(B) *Natural features.*

(1) *Limits of tree clearing.* The development shall be designed so as to preserve natural resources. The limits of tree clearing and grading shall be clearly shown on the preliminary site plan or plat.

(2) *Animal or plant habitats.* If animal or plant habitats that are characteristic of pre-settlement habitat exist on the site, the Township, as a condition of approval, may require that the site plan preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas.

(C) *Landscaping.* The following landscaping requirements shall be met in addition to other landscaping requirements contained in §§ 154.220 *et seq.*:

(1) *Street trees.* Both sides of all internal roads shall be landscaped with street trees. One deciduous canopy tree shall be provided on each side of the road for every 40 feet of road frontage. Existing trees preserved within 10 feet of the road right-of-way or easement may be credited towards meeting this requirement.

(2) *Buffers.* Mixed Use PUDs shall provide a landscaped buffer along all lot lines. The buffer shall be a minimum of 25 feet in width and consist of 1 evergreen tree or deciduous canopy tree for each 15 feet of the lot line lot, arranged in natural groupings. Preservation of existing trees within the buffer may be credited towards meeting the landscaping requirements.

(3) *Storm water detention ponds.*

(a) All ponds and storm water management facilities shall be designed to fit into the natural landscape and provide a natural appearance. Landscaping shall be provided around the perimeter of the pond to create the appearance of a natural pond or wetland. Landscaping shall include a combination of deciduous canopy trees, shrubs, and grasses that are adapted to saturated soil conditions. Canopy trees may be dispersed around the perimeter, but should provide greater clusters in locations that will provide shade and minimize the heating effect of the sun on the storm water detention pond.

(b) Storm water detention ponds shall be designed with shallow side slopes that do not require security fencing. For ponds not dedicated to the County Drain Commission, the development agreement shall provide for long term maintenance of the storm water detention pond by the homeowners association.

(D) *Design requirements.*

(1) *PUD design requirements.* Signs, lighting, landscaping, building architecture and materials, and other features of the project, shall be designed to achieve an integrated and controlled development, consistent with the character of the community, surrounding development or developments, and natural features of the area.

(2) *Parking lots.* Site design and landscaping shall diminish the prominence of parking lots as viewed from public streets.  
(Ord. § 10.04, passed 4-5-2004)

**§ 154.164 APPLICATION PROCEDURES.**

Applications are to be filed with the Caseville Township Planning Commission.

(A) *Applicant.* An application for approval of a PUD shall be submitted by or on behalf of an applicant who has a demonstrable legal interest in all of the lands within the proposed development.

(B) *Pre-application conference.* An applicant shall meet with Planning Commission prior to the submission of a formal application. The purpose of the conference is to review procedures necessary for the submission of an application. Special problems concerning utilities, street access, site design, and zoning will be identified to enable the developer to better plan for the project. Time requirements for plan approval shall be reviewed.

(C) *Preliminary plan.*

(1) Before submitting a final plan, an applicant shall submit a preliminary plan of the PUD, in accordance with requirements set forth in this section. This plan shall show the name, location and main design elements so as to enable the Planning Commission to make a determination as to whether the Preliminary PUD is in keeping with the intent of the PUD ordinance.

(2) The Planning Commission shall conduct a public hearing on the proposed PUD. Notice of said public hearing shall be published in the local newspaper not less than 5 but not more than 15 days prior to the date of the public hearing. All property owners of lands within 300 feet of the property in question shall be notified by first class mail or personal delivery to each dwelling unit or other occupied structure.

(3) The Planning Commission approval of a preliminary plan shall confer on the applicant the conditional right that the general terms and conditions under which the preliminary plan approval was granted will not be changed. After Planning Commission approval, the preliminary plan shall be submitted to the Township Board for its approval or disapproval.

(D) *Final plan application.*

(1) Upon approval of a preliminary plan application, a developer shall prepare and submit a final plan application in accordance with the requirements set forth in this section. A final plan submitted in accord with an approved preliminary plan shall warrant approval by the Planning Commission and the Township Board.

(2) After a study of the proposed final plan for a PUD or part thereof, the Planning Commission shall, within 30 days of the receipt of said plan, recommend to the Township Board approval, approval with modification, or disapproval of the project. The Planning Commission shall prepare a report explaining its action. The Planning Commission shall recommend approval of a final plan unless it is determined that said final plan is not in accordance with the approved preliminary plan.

(3) Prior to final plan approval by the Township Board the developer shall have executed, and submitted in duplicate to the Township, an agreement with the Township setting forth:

(a) The specific location and use of all common lands and common facilities within the development.

(b) The organizational structure of homeowners association and the provisions for implementation of transfer of control to said association from the developer.

(c) The methods for levying assessments on the common lands and facilities, both with respect to taxes and operation and maintenance fee.

(d) Provisions enabling the township to enter in and maintain such common lands and facilities, both with respect to taxes and operation and maintenance fee.

(e) Provisions whereby the Zoning Administrator shall not issue a certificate of occupancy until all the required improvements as set forth in the site plan have been completed, or a financial guarantee sufficient to cover the cost of any improvements not completed, has been provided to the township as prescribed by the Township Board.

(f) Provisions to allow the township to enter and complete such improvements if the developer has failed to do so within the stated period of time.

(4) Upon approval of a final plan application by the Township Board, the developer may obtain necessary building permits for the construction of the PUD.

(E) *Submission requirements - preliminary plan application.* Five copies of each of the following items are required to be submitted as part of the preliminary plan application in addition to an application fee as established by the Township Board:

(1) Applicants name, address, phone number, proof of property interest, and the name, address, and phone number of the architect, engineer, or designer preparing the application.

(2) A written legal description of the total site area proposed for development.

(3) A site plan and supporting maps and drawing containing the following information at a scale of not more than 1 inch equals 100 feet and sufficiently dimensioned so as to identify the size and location of the various elements of the plan.

(a) Location map.

(b) Site topography, existing and proposed at spot intervals (interval no greater than 2 feet).

(c) The general location of all existing and proposed buildings and structures.

(d) Public and private roadways within and adjacent to the site.

(e) Walkways within and adjacent to the site.

(f) Park areas, driveways, and loading and service areas.

(g) Open areas, and a description as to use.

(h) A written tabulation of statistical data concerning the site, including the number of dwelling units by type, the area of all parcels created, the area of all common open space, and the number of parking spaces provided.

(i) A parallel plan showing the number of lots that could be developed on the site under the pre-PUD zoning district.

(j) A general landscape plan of landscaping within the site.

(k) The location and screening of any outside trash containers.

(l) The location and size of all known utilities and drainage facilities.

(m) The general location of all proposed utilities and drainage facilities.

(n) The dimensions of all parcels to be created as a part of the development.

(4) General building elevation drawings showing the architectural style to be used in the development.

(F) *Submission requirements - final plan application.* The following items are required to be submitted as part of the final plan application in addition to the submittal requirements described in § 154.308:

(1) A written legal description of the total site area proposed for development. (2 copies)

(2) A letter of transmittal setting forth the proposed development schedule, including the sequence of any phases of development. (2 copies)

(3) The organizational structure of the homeowner's association to be formed for the financing, operation and maintenance of all common open space and common property and facilities within the development. (2 copies)

(4) A copy of all covenants pertaining to the development. (2 copies)  
(Ord. § 10.05, passed 4-5-2004)

#### **§ 154.165 PUD REZONING.**

The application for PUD rezoning is reviewed and approved in accordance with § 154.397.  
(Ord. § 10.06, passed 4-5-2004)

#### **§ 154.166 APPROVAL PERIOD.**

(A) *Preliminary plan.* The length of time during which the approval of the preliminary plan for a PUD remains valid shall be 18 months from the date of Township Board approval. An extension may be applied for in writing by the applicant prior to the expiration date, and extensions may be granted by the Township Board twice, each for a period of 1 year.

(B) *Final plan.* The length of time during which approval of a final plan for a PUD remains valid shall be 2 years from the date of Township Board approval. An extension may be applied for in writing by the applicant prior to the expiration date, and extensions may be granted by the Township Board twice, each for a period of 1 year. Where a PUD is being developed in phases, the initiation of each new development phase shall automatically extend the approval for 2 years from the date of issuance of a land use permit.  
(Ord. § 10.07, passed 4-5-2004)

## **§ 154.167 PERFORMANCE GUARANTEE**

(A) *Condition for issuance of temporary certificate of occupancy.* If, when a certificate of occupancy is requested, all required site improvements have not been completed, the Zoning Administrator may issue a temporary certificate of occupancy upon receipt from the developer by the Township Clerk of a financial guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit or surety bond in an amount sufficient to cover the cost of outstanding improvements.

(B) *Covered improvements.* The amount of the performance guarantee shall be limited to cover the estimated cost of improvements necessary to comply with provisions of the zoning ordinance and any conditions attached to the PUD approval, and said improvements shall include, but not be limited to, roadways, lighting, utilities, sidewalks, screening and drainage.

(C) *Exemptions.* This section shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited pursuant to Act. No. 288 of the Public Acts of 1967, as amended, being M.C.L.A. §§ 560.101 to 560.293.

(D) *Completion time.*

(1) All required improvements covered by the performance guarantee shall be completed within 240 days of the issuance of the temporary certificate of occupancy.

(2) In the event all required improvements are not completed within the time period provided, the township, by resolution of the Township Board, may proceed to have such work completed and reimburse itself for the cost thereof from the security furnished by the applicant proprietor.

(E) *Release of performance guarantee.* The Township Clerk may authorize the release of such financial security upon completion of the outstanding improvements. Any written request from the developer seeking a release of a portion of the financial security shall be accompanied by the written certification from the developer's engineer or architect certifying what part of the improvements have, in fact, been completed. (Ord. § 10.08, passed 4-5-2004)

## **§ 154.168 AMENDMENTS TO PLANS.**

(A) Minor changes in the location, siting, or character of buildings and structures may be authorized by the Zoning Administrator, if required by engineering or other circumstances not foreseen at the time the final development program was approved. No change authorized under this section may increase by more than 10%, or decrease by more than 20%, the size of any building or structure, or change the location of any building or structure by more than 10 feet in any direction; provided, notwithstanding, anything in the foregoing, the Zoning Administrator may not permit changes beyond the minimum requirements set forth in this chapter.

(B) All other changes in the planned unit, including changes in the site plan and in the development schedule, must be made under the procedures that are applicable to the initial approval of the PUD. (Ord. § 10.09, passed 4-5-2004)

**§ 154.169 SUBDIVISION REQUIREMENTS.**

Any PUD which will result in the creation of parcels of land under separate ownership, as defined in Act 288 of 1967, the Land Division Act, of Act 59 of 1978, the Condominium Act, shall comply with the provisions of those Acts.

(Ord. § 10.10, passed 4-5-2004)

***GENERAL PROVISIONS TO APPLY TO ALL ZONING DISTRICTS; EXCEPTIONS***

**§ 154.185 APPLY TO ALL ZONING DISTRICTS.**

These general provisions shall apply to all zoning districts except as otherwise noted. (Ord. Art. 11, passed 4-5-2004)

**§ 154.186 EFFECT OF ZONING.**

Zoning applies to every building, structure or use. No building, structure or land shall be used or occupied, and no building or structure or part thereof shall be erected, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with this chapter.

(Ord. § 11.01, passed 4-5-2004)

**§ 154.187 EFFECT ON UNLAWFUL STRUCTURES AND USES.**

Structures or uses which were unlawfully existing at the time of the effective date of this chapter shall not become or be made lawful solely by reason of adoption of the chapter.

(Ord. § 11.02, passed 4-5-2004)



**§ 154.188 REQUIRED AREA OR SPACE.**

A lot, yard, court, parking area, or other space shall not be divided, altered or reduced so as to make it not in conformance with the minimum requirements of this chapter. If the lot is already less than the minimum requirements of this chapter, the lot or lots in common ownership, or a yard, court, parking area, or other space shall not be divided, altered, or reduced so as to increase its noncompliance with such minimum requirements. (Ord. § 11.03, passed 4-5-2004)

**§ 154.189 HEIGHT EXCEPTIONS.**

(A) The following buildings and structures shall be exempt from height regulations in all zoning districts: parapet walls not exceeding three (3) feet in height, chimneys, cooling towers, elevator bulkheads, belfries, flag poles, fire towers, grain elevators, silos, stacks, elevated water towers, stage towers, monuments, cupolas, domes, church spires, necessary mechanical appurtenances, electrical transmission towers, and television, radio reception, and transmission antennas and towers, so long as they do not exceed sixty (60) feet in height.

(B) Any mechanical equipment, including water and gas meters, elevator housings, stairways, tanks, heating, ventilation and air conditioning equipment, and other similar equipment, located on the roof of any building shall comply with the following requirements:

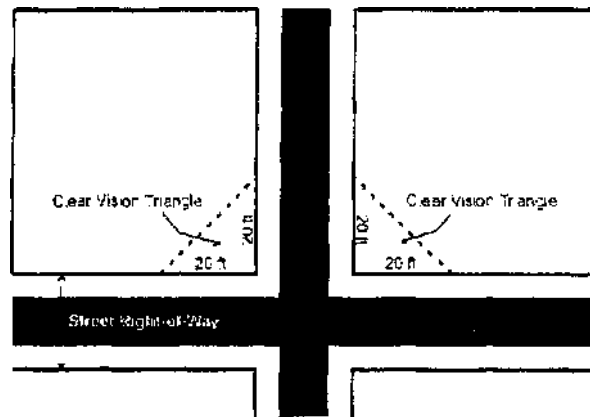
(1) All such equipment shall be screened by a solid wall, fence, landscaping, and/or architectural feature that is constructed of the same material and compatible in appearance with the main building.

(2) Roof-mounted equipment shall not exceed a height of ten (10) feet above the surrounding roof surface, and shall occupy no more than fifteen percent (15%) of the total roof area. When roof-mounted equipment is located on a building that is adjacent to a residential use or is in view from the adjacent roadway, appropriate architectural screening shall be required. (Ord. § 11.04, passed 4-5-2004)

**§ 154.190 INTERSECTION VISIBILITY**

On any corner property, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to obstruct vision between a height of two and one-half (2 1/2) feet and eight (8) feet above the established curb or shoulder grade within a triangle formed by the two (2) street right-of-way lines and the line connecting them at points twenty (20) feet from the intersection of the right-of-way lines.

**Intersection Visibility**



(Ord. § 11.05, passed 4-5-2004)

**§ 154.191 ACCESSORY BUILDINGS, STRUCTURES, AND USES.**

*(Note: In the Agricultural District, for all non-residential buildings and structures, site plans are inspected and approved by the Caseville Township Site Plan Administrator not the Huron County Building Department. A county building permit is not required for agricultural out buildings as defined in the Michigan Building Code definitions. Electrical and plumbing systems are subject to county and provider regulations.)*

(A) Accessory buildings, structures, and uses are permitted only in connection with, incidental to, and on the same lot with a main building, structure, or use which is permitted in the particular zoning district (except as otherwise provided in division (O)). Boat wells and swimming pools are permitted within all residential districts. Boat wells and swimming pools have the same setback requirements as accessory buildings except that boat wells are exempt from front yard (water side) lot line set back requirements (side yard requirements must be observed) and swimming pools may be placed in the waterside yard provided they are in-ground pools and the required safety fencing will not violated the thirty (30) degree rule. Above-ground pools and hot tubs that may violate the thirty (30) degree rule are not allowed on the waterside yards. Boat wells and swimming pools will not be included in accessory building count or square feet of property used.

(B) An accessory building, structure, or use must be in the same zoning district as the main building, structure, or use on a lot.

(C) Where the accessory building, structure, or use is structurally attached to a main building, structure, or use, it shall be subject to all the regulations of this chapter applicable to main buildings, structures, and uses. To be considered attached the accessory building must have same, or close to, roofline and foundation of main structure. An entrance from the main building to the accessory (attached) building is not required.

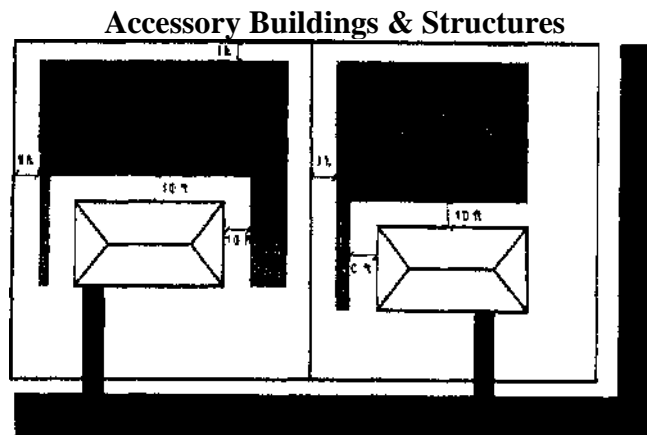
(D) No accessory building, structure, or use shall be occupied or utilized unless the main structure to which it is accessory is occupied or utilized.

(E) No accessory building, structure, or use may be placed on a lot without a main building, structure or use (except as otherwise provided in division (O)).

(F) No accessory building, structure, or use shall be erected in any front yard, including all such sides of a corner lot unless otherwise noted.

(G) No accessory building, structure, or use shall be erected in any required yard except a rear yard, except that accessory buildings, structures, and uses may be erected in any required side yard when set back a minimum of seventy-five (75) feet from the front lot line (except as otherwise provided in division (O)).

(H) Accessory buildings, structures, or uses shall not be located closer than six (6) feet from any side or rear lot line.



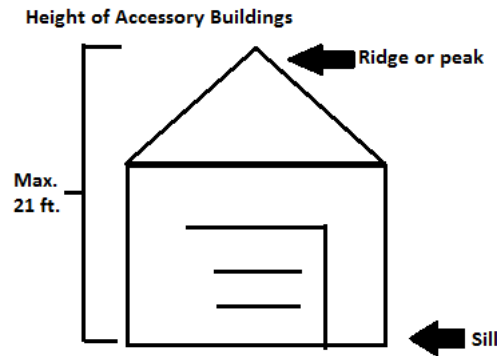
(I) The detached accessory building, when it is on skids with a wood floor and capable of being moved, may be placed within three (3) feet of an occupied part of the main structure and touching if next to an unoccupied part of the main structure (garage, breezeway, etc.). If the accessory building is fire rated, it can be placed next to any part of the main building. Concrete is the preferred flooring for all accessory buildings, however, the detached accessory building, when it is on skids with a wood floor

and capable of being moved, may be placed within three (3) feet of an occupied part of the main structure and touching if next to an unoccupied of the main structure (garage, breezeway, and the like).

(J) All accessory buildings, structures, and uses combined shall cover no more than twenty-five percent (25%) of any rear yard.

(K) No more than two (2) detached accessory buildings shall be permitted on any lot.

(L) The maximum building height of any detached accessory building shall be twenty-one (21) feet, measured from the grade door sill to the ridge or peak.



(M) Accessory waterfront structures, and uses may be allowed as an accessory use to the main use permitted in the zoning district of the waterfront property. Only docks, mooring apparatus, and decks shall be permitted within the waterfront yard. The allowable accessory use of the waterfront property shall be limited to not more than one (1) dock per lot or dwelling unit, which shall be limited to the mooring of watercraft owned by the occupants of the dwelling. Swimming pools may be placed on the waterside yard provided they are in-ground pools and the required safety fencing will not violate the 30 degree rule. Above-ground pools and hot tubs that may violate the 30 degree rule are not allowed on the waterside yard.

(N) Accessory buildings under two hundred (200) square feet are required to have a wood floor with skids or a cement floor. Accessory buildings or stand-alone garages over two hundred (200) square feet must have a concrete floor.

(O) In addition to the foregoing, the following are required in the areas zoned R-1:

(1) For the purpose of this section **ACCESSORY BUILDING** is more specifically defined as any recreation room, garage, storage shed, playhouse, gazebo, or similar structure which is not attached to the primary residence located on the property. No residential occupancy.

(2) No more than two (2) detached accessory buildings may be built on a waterfront lot and provided the following requirements are met:

(a) The primary residence must be under construction or completed prior to the issuance of any permit.

(b) The accessory building(s) must be no closer to the water than the primary residence.

(c) The combined areas of all structures on the lot may not exceed thirty-five percent (35%) of the total area of the lot.

(d) The accessory building may be located between the residence and the road right-of-way.

(e) The accessory building must be located a minimum distance of twenty-five (25) feet from the road right-of-way or easement right-of-way.

(f) The location of the accessory building must comply with all other setback building and zoning requirements within the R-1 district.

(g) The accessory building must comply with the following:

1. Maximum ground floor square footage: one thousand two hundred (1,200) square feet per building.

2. The total combined square footage of the ground floor space of all accessory buildings shall not exceed one thousand five hundred (1,500) square feet.

3. Accessory buildings may be within three (3) feet of each other. If the accessory buildings are fire rated they are allowed to touch.

4. Maximum exterior side-wall height: 12 feet measured in accordance with International Residential Code.

5. Maximum door height: fixed ten (10) feet (attached or unattached).

6. Maximum roof pitch: twelve (12)/twelve (12); minimum six (6)/twelve (12).

7. The longest dimension, on any side, may not exceed forty (40) feet.

8. Maximum height, measured from grade door sill to ridge or peak, may not exceed twenty-one (21) feet.

(3) A single accessory building may be built on a vacant non-waterfront lot which is across the road from the primary residence in an R-1 district. For the purpose of this section, **ACROSS THE ROAD** is any lot which is located directly across a public or private road or street from the primary residence or is located fifty (50) feet or less from the primary residence. The fifty (50)-foot distance is calculated by extending the lot lines of the two (2) parcels to the centerline of the road. The point where the extended lot line of the primary residence intersects the centerline of the road must be fifty (50) feet or less from the point that the extended lot line of the vacant parcel intersects the centerline of the road.

(a) The accessory building must meet all of the criteria set forth in division (0)(2)(g), above, and:

(b) The accessory building, when combined with the detached accessory building located on the parcel containing the primary residence, may not exceed the combined square footage maximum of one thousand five hundred (1,500) as calculated under division (0)(2)(g)2., above.

(c) Any lot that the depth is one hundred ten (110) feet or less the accessory building must comply with a required six (6)-foot rear set back, and if the depth of the lot is over one hundred ten (110) feet, the building must be no closer to the road right of way than seventy-five (75) feet.

(d) Must be at least six (6) feet from the side and rear lot lines of the parcel upon which it is to be constructed.

(e) No accessory building(s) may cover more than twenty-five percent (25 %) of any vacant lot.

(f) Prior to the issuance of a building permit the owner must provide:

1. A survey of each lot showing the location of the road right-of-way and the primary residence.

2. The proposed location of the accessory building.

3. Compliance with the requirement that the two (2) parcels qualify as across the road.

(g) Prior to issuance of a building permit, the owner must provide proof of ownership of the lot containing the primary residence and the lot upon which the accessory building is to be constructed and proof that a deed restriction has been recorded which prohibits the separation of the lots, either by lease or sale.

(h) For the purposes of calculating the number of accessory buildings, and the maximum square footage, any and all of the contiguous, adjacent lots, or across the road (as defined in division (0)(3), above) and accessory buildings thereon owned by the owner of the primary residence will be combined.

(4) The restrictions on a lot containing an accessory building provided pursuant to division (0)(3)(g) may be released when either of the following conditions are met:

(a) Substituted primary residence which is located either across the road or an adjacent property.

(b) When a residence is built on the lot containing the accessory building.

(P) *Outdoor furnaces.* All outdoor furnaces shall comply with the following rules and regulations:

(1) *Installation.*

(a) All outdoor furnaces shall comply with the Michigan Air Pollution Controls Rules, Part 1 (R336.11 19), Part 2 (R336.1278), Part 3 (R336-1301) and Part 9 (R336.1901);

(b) All outdoor furnaces shall be installed, operated and maintained as per the manufacturer's instructions; and

(c) A mechanical permit through the Huron County Building Department shall be secured.

(2) *Permitted fuel.* Only firewood, untreated lumber, corn and/or bio-mass fuels are permitted to be burned in any outdoor furnace. Burning of any and all other materials is prohibited. No outdoor furnace shall be utilized as a waste incinerator.

(3) *Setbacks.* Outdoor furnaces shall be placed:

(a) Forty (40) feet or more from the nearest point of intersection of any other adjacent property owner's structure; and

(b) Twenty (20) feet or more from the nearest point of intersection of the property line of another property owner.

(4) *Chimney height.* The chimney height of any furnace located fifty (50) feet or less to any residence not served by the furnace shall be at least fifteen (15) feet high and/or two (2) feet higher than the eave line of the unserved residence; the chimney height of any furnace located more than fifty (50) feet but no more than one hundred (100) feet to any furnace shall be at least fifteen (15) feet high and/or seventy-five percent (75%) of the height of the eave line of the unserved residence, plus an additional two (2) feet; the chimney height of any furnace located more than one hundred (100) feet but no more than one hundred and fifty (150) feet to any residence not served by the furnace shall be at least fifty percent (50%) of the height of the eave line of that residence, plus an additional two (2) feet; the chimney height of any furnace located more than one hundred and fifty (150) feet but no more than two hundred (200) feet to any residence not served by the furnace shall be at least twenty-five percent (25 %) of the height of the eave line of the unserved residence, plus an additional two (2) feet. The chimney height of any furnace located more than two hundred (200) feet from any residence not served by the furnace shall be a minimum of eight (8) feet.

(5) *Chimney specification.* Chimneys shall be supported to withstand winds up to ninety (90) miles per hour and shall comply with all applicable manufacturer's specifications as well as any state or federal rules and regulations.

(Ord. § 11.06, passed 4-5-2004; Am. Ord. - -, passed 12-4-2006; Am. Ord. - -, passed 11-2-2009; Am. Ord. - -, passed 3-7-2011; Am. Ord. --, passed 9-6-2011; Am. Ord. - -, 2-6-2012; Am. Ord. - passed 3-5-2012)

**§ 154.192 ESTABLISHING GRADES.**

(A) All uses in every district shall be graded, provided with necessary drainage facilities and maintained so as to prevent standing water. Existing grades shall not be altered in any manner that increases the runoff or flow of water onto adjacent properties.

(B) For any new construction or development, finish grades shall be so designed as to contain all accumulated storm water on the subject lot or parcel, or direct said storm water to an outlet approved by the Zoning Administrator. All site plans or plot plans as required by this chapter shall show both existing and proposed drainage patterns on the subject site, including all existing drainage courses, whether public or private, and any and all proposed alterations to such drainage courses. The first floor elevation of the proposed construction, other proposed and existing buildings on the subject parcel, and structures on adjacent lots or parcels shall be shown.

(C) Except as provided below, the finish grades of any site may be raised a maximum of eighteen (18) inches above the crown of the road.

(D) When a new building is constructed on a vacant parcel between two (2) existing developed properties, the finish grades about the new development shall be set to conform with the average of the finish grades of the existing developed properties on both sides.



(E) In special cases where unusual topographic or natural features exist, or where existing soil conditions or other constraints requires the Huron County Health Department to establish a finish grade in excess of the above requirements, it shall be the responsibility of the property owner to utilize whatever means are necessary to contain all storm water on the premises, or to direct such storm water to an outlet approved by the Zoning Administrator. Such containment and/or disposal mechanisms may include, but are not limited to the following: earth berms, containment and redirection of roof conductors through perimeter drains, retention ponds, swales, open drains, enclosed drains or artificial lift and discharge means. All costs associated with providing these required improvements are the responsibility of the landowner implementing the grade alteration. The proposed method of drainage is subject to the review and approval of the Zoning Administrator following the review and written recommendation of the Building Inspector. The method of drainage selected shall not be less than that which is required to direct runoff away from adjacent properties, and which is necessary to protect the public health, safety and welfare of the township.

(F) A grading plan showing existing and proposed grades and method of drainage, prepared by a registered professional engineer, shall be submitted for all uses except single family dwellings, two (2) family dwellings, and farm buildings.

(G) Grading and drainage plans should be designed and installed to reflect the following considerations:

- (1) Grading should result in drainage being directed away from the building on all sides.
- (2) Drainage swales should be designed so they are inconspicuous.
- (3) Storm water should drain to the property line at street.

(4) A seep swale should run parallel with the street on the street right-of-way between the property line and the pavement. Elevation of this seep swale must be lower than the street so street drainage will occur in those areas of the township that do not have storm drains. Most of the soil in the township in the residential areas is deep sand. The objective of the parallel street seep swale is to create a retention basin to allow water to seep away over time after a rain event. The Building Inspector will determine if a driveway culvert tube is necessary.

(5) The elevation of the soil surface at the property line should be the same as the edge of the pavement or curb of the public street, whichever is higher in elevation.

(6) Drainage from private property shall not be directed onto public land, except where it is directed to approved public storm water facilities.

(7) All grades shall have a minimum slope of one percent (1%) and a maximum of eight percent (8%).

(Ord. § 11.07, passed 4-5-2004; Am. Ord. - passed 3-7-2011)

**§ 154.193 SEWAGE DISPOSAL AND WATER SUPPLY.**

There shall be provided for every building or structure hereafter erected, altered or moved upon any premises and used in whole or in part for human habitation or congregation, including dwellings, business, recreational, commercial, industrial, or other purposes, a safe and sanitary means of collection and disposal of sewage and industrial waste and a safe and sanitary water supply system in accordance with the requirements of Huron County District Health Agency, the Public Health Department, the State of Michigan, and the Federal Government Environmental Protection Agency.  
(Ord. § 11.08, passed 4-5-2004)

**§ 154.194 RESERVED.**

**§ 154.195 BUILDINGS TO BE MOVED.**

Any building or structure which has been wholly or partially erected on any premises within or outside the township shall not be moved to and/or placed upon any premises unless a land use permit for such building or structure shall have been secured. Any such building or structure shall fully conform to all the provisions of this chapter in the same manner as a new building or structure to be erected in the same district.  
(Ord. § 11.10, passed 4-5-2004)

**§ 154.196 EXCAVATIONS OR HOLES.**

The construction, maintenance, or existence within the township of any unprotected, unbarricaded, open or dangerous excavation, holes, pits or wells, or of any excavations, holes or pits which constitute or are reasonably likely to constitute a danger or menace to public health, safety or welfare, is hereby prohibited; provided, however, this section shall not prevent any excavation under a permit issued pursuant to this chapter or the building code, where such excavations are properly protected and warning signs posted in such a manner as may be approved by the Zoning Administrator.  
(Ord. § 11.11, passed 4-5-2004)

## **§ APPROVAL OF PLATS.**

No proposed plan of a new subdivision shall hereafter be approved by either the Township Board or the Township Planning Commission, unless the lots within such a plat equal or exceed the minimum size, width, and other requirements set forth in the various districts of this chapter and unless such plat fully conforms with the statutes of the State of Michigan, Public Act 288 of 1967. If developed as part of a PUD, the minimum size, width and other requirements may be modified, as deemed appropriate by the Planning Commission. (Ord. § 11.12, passed 4-5-2004)

## **§ 154.198 LOT AREA, YARDS, AND OPEN SPACE REQUIREMENTS.**

Space which has been counted or calculated as part of a side yard, rear yard, front yard, court, lot area, or other open space to meet the requirements of this chapter for a building, shall not be counted or calculated to satisfy or comply with a yard, court, lot area, or other open space requirement for any other building. (Ord. § 11.13, passed 4-5-2004)

## **§ 154.199 EXISTING PORCHES.**

(A) All covered porches existing at the time of adoption of this chapter may be enclosed with screens, including an opaque railing enclosure not to exceed 30 inches in height from the floor. In any Residential District, any covered porch existing at the time of adoption of this chapter which encroaches on the required minimum front yard may be enclosed with removable storm windows, including an opaque railing enclosure not to exceed 30 inches in height from floor, provided said enclosed porch will not extend toward the street line beyond the enclosed portion of any adjacent dwelling by more than 1/3 of the distance separating the 2 buildings. In no case shall such enclosed porch be less than 10 feet from the street line.

(B) In any Residential District, covered porches existing at the time of adoption of this chapter and extending into the required front yard area may be replaced with a vestibule or enclosed entry way, provided such vestibule or enclosed entry way is not greater than 8 feet wide, does not extend more than 4 feet from the main wall of the building involved, or nearer than 10 feet from the front property line. (Ord. § 11.14, passed 4-5-2004)

## **§ 154.200 NEW BASEMENTS UNDER EXISTING DWELLINGS.**

All dwellings lacking a full basement or foundation and which extend into the minimum front, side, or rear yards may have a basement, cellar, or foundation constructed under the entire structure in its present location, provided that at the time of construction the dwelling was properly located on the lot. (Ord. § 11.15, passed 4-5-2004)

## **§ 154.201 JUNK YARDS, VEHICLES, AND STORAGE.**

(A) All junk yards shall be screened from view by a solid uniformly painted wall, fence which is 8 feet in height, or a screen approved by the Zoning Administrator above which no material or storage shall be easily visible, within 6 months from the time the Zoning Administrator notifies the property owner in writing that he or she has such a junk yard. The Zoning Board of Appeals, after public hearing, may authorize an extension of the 6 months' time requirement for removal of a non-conforming junk yard for a period not to exceed 18 months. The Zoning Board of Appeals, granting an extension of time as stated above may at its discretion make mandatory, any clean up, fencing, or other requirements it deems necessary so that the junk yard will not be detrimental to adjacent properties or the surrounding neighborhood.

(B) No machinery, equipment, vehicles, lumber piles, crates, boxes, building blocks, unsightly noxious weeds, garbage, or other materials either discharged, unsightly, or showing evidence of a need for repairs, with or without a current license shall be placed, stored, parked, abandoned, or junked in any open area that is visible from the street, public place, or adjoining residential property for longer than 48 hours. In the event the above items are permitted to be placed, stored, parked, abandoned, or junked in such area, the Zoning Administrator shall give written notice to the owner of the premises on which said item is stored and/or to the owner of the stored item to remove, or cause to be removed said item within 48 hours after the giving of such notice. Failure to comply with such notice within 48 hours shall constitute a violation of the chapter. The above notwithstanding, the Zoning Administrator may, upon investigation, issue a letter to the owner or owners authorizing a grace period not to exceed 30 days. This section does not apply to storage of building materials for on-site construction purposes. In the event that compliance does not occur, the township or any duly authorized contractor may enter upon the land and cause all such areas to be cleared. All expenses of such clearing shall be paid by the owner of such land.

(C) No junk motor vehicle shall be kept for any period of 30 days or longer upon any premises within the Township which premises are not licensed as a junk yard.

(1) Provided, however, that this shall not prohibit the keeping of not to exceed 2 junk motor vehicles upon the premises of a public, commercial motor vehicle repair garage, or upon any premises within the township where such vehicles are stored wholly within an enclosed garage upon the premises owned or occupied by the owner of such junk motor vehicle.

(2) Provided, further, that this shall not prohibit the keeping of farm tractors or other motorized farm equipment upon any farm which such tractor or farm equipment is used for farming operations nor shall it prohibit the keeping of motorized construction equipment upon the premises within any Commercial District, which premises is legally devoted to such construction business if such construction equipment is regularly used or in a usable condition.

(Ord. § 11.16, passed 4-5-2004)

**§ 154.202 PROJECTIONS INTO YARDS.**

Architectural features and vertical projections may extend or project into a required yard as shown below.

<i>Schedule of Permitted Projection into Yards</i>			
<i>Projection</i>	<i>All Yards</i>	<i>Rear Yard</i>	<i>Side Yard</i>
Air conditioning equipment shelters	-	X	X
Air conditioning units, window mounted	X	-	-
Access drives	X	-	-
Arbors and trellises	X	-	-
Architectural entrance features (a)	X	-	-
Awnings and canopies	X	-	-
Bay windows (a)	X	-	-
Decks, open or enclosed (b)	-	X	X
Eaves, overhanging (a)	X	-	-
Fences	X	-	-
Flagpoles	X		-
Gardens	X	-	-
Gutters (a)	X	-	-
Hot tubs	-	X	X
Landscaping	X	-	-
Laundry drying equipment	-	X	X
Light standard, ornamental	X	-	-
Paved terraces and open porches (b)	X	-	-
Privacy walls	-	X	-
Sidewalks, bike paths and walkways	X	-	-
Stairways, open unroofed	X	-	-

<i>Schedule of Permitted Projection into Yards</i>			
<i>Projection</i>	<i>All Yards</i>	<i>Rear Yard</i>	<i>Side Yard</i>
Steps and stoops	X	-	-
Swimming pools	-	X	X
Walls	X	-	-
Notes to table:			
x = Permitted in any area of yard.			
a. <i>Architectural features.</i> Bay windows, window sills, belt courses, cornices, eaves, overhanging eaves and other architectural features may 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 into any front or rear yard not more than twenty- four (24) inches.			
b. <i>Paved terraces and open porches.</i> Open paved terraces or decks not requiring a railing (less than 30 inches from grade) whether attached or unattached may project into front and rear yards at random. No matter what level they are built, elevated decks or porches (over thirty (30) inches from grade) roofed or not, attached or unattached, shall be considered part of the structure for purposes of determining setbacks and enforcement of the thirty (30) degree requirement.			

(Ord. § 11.17, passed 4-5-2004; Am. Ord. - -, passed 4-7-2008)

**§ 154.203 WIRELESS COMMUNICATION FACILITIES.**

(A) General. The regulations of this section are intended to conform with federal laws and administrative rules governing facilities needed to operate wireless communication systems and to set forth procedures and standards for review and approval for the location of such facilities within Caseville Township. It is the township's intent to reasonably regulate the location and design of such facilities to retain the integrity of neighborhoods and the character, property values and aesthetic quality of the township. Given the increase in the number of wireless communication facilities requested as a result of the new technology and the Federal Telecommunications Act of 1996, it is the policy of the township that all users should co-locate on attached wireless communication facilities and wireless communication support structures. Co-location is proposed in order to assure the most economic use of land and to prevent the proliferation of duplicative services.

(B) *Approval process.* Wireless communication facilities may be located within the township in accordance with the following table.

<b><i>Wireless Communication Facilities</i></b>		
<b><i>Type/Location of Wireless Communication Facility</i></b>	<b><i>Districts Permitted</i></b>	<b><i>Approval Procedure</i></b>
<b><i>Attached to Existing Structures</i></b>		
Attached to an existing conforming structure that will not be materially changed in appearance	All on-residential districts	Preliminary plan approval by the Planning Commission
Attached to an existing utility pole that will not be modified or materially alter the pole or impair sight lines or compromise safety	All districts	Preliminary plan approval by the Planning Commission, provided letter of acceptance is provided by the utility company
Co-location upon an attached wireless communication facility previously approved for such co-location	All districts	Preliminary plan approval by the Planning Commission
<b><i>Located on a Municipally Owned Site, or a Site Owned by Another Governmental Entity, Religious Institution, or Public School</i></b>		
Monopole up to 120 feet in height	All districts	Special land use and site plan approval in accordance with §§ 154.305 <i>et seq.</i> and §§ 154.330
<b><i>New Facility Not Addressed Above</i></b>		
Monopole up to 120 feet tall	All non-residential districts	Special land use and site plan approval in accordance with §§ 154.305 <i>et seq.</i> and §§ 154.330
Monopole any height	1-1 district	
Lattice tower where it can be demonstrated that a monopole is not feasible	1-1 district	

(C) *Application requirements.* The following information shall be provided with the application, in addition to other submittal requirements for sketch plan or site plan, as required in §§ 154.305 et seq.;

(1) Signed certification by a professional engineer licensed by the State of Michigan with regard to the manner in which the proposed structure will fall in the event of damage, accident, or injury (i.e. fall zone), and that the setback area provided shall accommodate the structure should it fall or break and provide a reasonable buffer in the event the structure fails.

(2) A description of performance guarantee to be posted at the time of receiving a land use permit for the facility to ensure removal of the facility when it is abandoned or is no longer needed. The applicant shall demonstrate that funds will be available to the township for removal of any structure used for wireless communication in an amount which reasonably reflects the cost of removal of the facility and restoration of the property or structure upon which the facility is located or placed. Adequate funds shall also be provided to cover the township's administrative costs in the event that the applicant or its successor does not remove the wireless communication facility in a timely manner.

(3) A map that illustrates existing and known proposed wireless communication facilities within Caseville Township and adjacent communities, which are relevant in terms of potential co-location or to demonstrate the need for the proposed facility. If and to the extent the information in question is on file with the township, the applicant shall be required only to update as needed. Any such information which is trade secret and/or other confidential commercial information which, if released would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of governmental policy, M.C.L. A. § 15.243(1)(g). This chapter shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the community.

(4) For all new facilities, in recognition of the township's policy to promote co-location, a written agreement, transferable to all assessors and assigns, that the operator shall make space available on the facility for co-location.

(D) *Design requirements applicable to all facilities.* In addition to the criteria of listed in §§ 154.305 et seq. and §§ 154.330 et seq., all wireless communication facilities shall be constructed and maintained in accordance with the following requirements:

(1) Facilities shall be located and designed to be harmonious with the surrounding areas. The Planning Commission may require unique design of the structure to diminish the visual impact or to create an architectural feature that will enhance community character.

(2) All new and modified wireless communication facilities shall be designed and constructed to accommodate co-location.

(3) Landscaping shall be provided to screen the structure base, accessory buildings, and enclosure from adjacent uses and public rights-of-way.



(4) Fencing shall be provided for protection of the support structure and security from persons who may access facilities.

(5) Any non-conforming situations on the site shall be brought into conformance prior to the erection of the wireless communication facility. If existing buildings or structures are not in conformance with the current zoning standards, improvements shall be made to decrease the nonconformity or additional landscaping shall be provided to reduce the impact of the nonconformity and the wireless facility.

(6) The operator shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.

(7) The applicant shall demonstrate that the requested height of the new or modified support structure and antenna shall be the minimum height necessary for reasonable communication by the applicant, including additional height to accommodate future co-location where appropriate.

(8) There shall be unobstructed access to the support structure, for operation, maintenance, repair, and inspection purposes, which may be provided through or over an easement.

(9) Where an attached wireless communication facility is proposed on the roof of a building if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed, and maintained to be architecturally compatible with the main building.

(10) The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted. Any aviation hazard lighting shall be detailed on the plans.

(11) A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous maintenance to a reasonably prudent standard.

(E) *Setbacks.*

(1) *From any residential district.* The height of the structure, plus 25 feet. The person or body with authority to approve the facility may decrease this setback to that provided in division (E)(3) below upon a finding that no residential use exists or is expected on the adjacent site.

(2) *From any existing or proposed rights-of-way or other publicly traveled roads or non-motorized improved pathways.* One-half the height of the structure, plus 25 feet, provided the engineering information required in division (C)(1) is provided; otherwise the setback shall be the height of the facility.

(3) *From non-residential district.* One-half the height of the structure, plus 10 feet.

(4) *Accessory buildings.* Accessory buildings shall be a maximum of 14 feet high and shall be set back in accordance with the requirements for main buildings in that zoning district.

(F) *Removal.* As a condition of every approval of a wireless communication facility, adequate provision shall be made for removal of all or part of the facility by users and owners upon the occurrence of 1 or more of the following events:

(1) When the facility has not been used for 180 days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use.

(2) Six months after new technology is available at reasonable cost, as determined by the Planning Commission, which permits the operation of the communication system without the requirement of the support structure.

(G) *Co-location.* It is the policy of Caseville Township to minimize the overall number of newly established locations for wireless communication facilities and wireless communication support structures within the township and to encourage the use of existing structures for attached wireless communication facilities. If a provider fails or refuses to permit co location on a facility owned or controlled by it, where co-location is feasible, the result will be that a new and unnecessary additional structure will be required, in contradiction with township policy. Co-location shall be required unless an applicant demonstrates that collocation is not feasible. Co-location shall be deemed feasible for the purpose of this section where all of the following are met:

(1) The wireless communication provider or property owner where co location is proposed will accept market rent or other market compensation for collocation and the wireless communication provider seeking the facility will pay such rates.

(2) The site on which co location is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.

(3) The co-location being considered is technically reasonable, e.g. the co-location will not result in unreasonable interference, given appropriate physical and other adjustments in relation to the structure, antennas and the like.

(H) *Non-conforming facilities and penalties for not permitting co-location.* If a party who owns or otherwise controls a wireless communication facility shall fail or refuse to alter a structure to accommodate a proposed and otherwise feasible co-location, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect. In addition, if a party refuses to allow co-location in accordance with the intent of this section, and this action results in construction of a new tower, the township may refuse to approve a new wireless communication support structure from that party for a period of up to 5 years. Such a party may seek and obtain a variance from

the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the 5-year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication services.

(I) *Variances.* The Zoning Board of Appeals may consider a variance from the standards of this section, based upon a finding that 1 or more of the following factors exist, as appropriate for the type of variance requested:

(1) *Location.* The applicant has demonstrated that a location within a district or location in accordance with the standards of this section can not reasonably meet the coverage or capacity needs of the applicant.

(2) *No co-location.* The applicant has demonstrated that a feasible co-location is not available for the coverage area and capacity needs because existing structures can not support the facility, that co-location would result in unreasonable interference, or that reasonable financial terms are not available for co-location.

(3) *Setback.* The applicant has provided engineering information that documents that the tower is self collapsing and that the setback area provided shall accommodate the structure should it fall or break and provide a reasonable buffer in the event the structure fails.

(4) *Height.* The height requested is due to signal interference due to topography, tall buildings, masses of trees, or other obstructions, or would reduce the number of towers to the benefit of the township.

(5) *All.* The applicant has proposed means to mitigate any negative impacts through provision for future co-location and special design of the facility and site.  
(Ord. § 11.18, passed 4-5-2004)

## ***DESIGN REGULATIONS***

### **§ 154.220 ARCHITECTURE.**

(A) *Intent.* The intent of these regulations is to provide specific design guidelines to encourage development and redevelopment that protects and enhances the rural character of Caseville and creates a character that reinforces a sense of community identity, encourage a form of development that will achieve the physical qualities necessary to enhance the economic vitality of the township, prevent the creation of blight, and protect property values and to implement recommendations of the master plan.

(B) *Applicability.* All uses except single and 2-family residential uses shall comply with the design regulations of this section under the following circumstances:

(1) *New buildings.* All uses that receive a building permit or site plan approval for construction of a new building after the effective date of this chapter shall fully comply with the design regulations of this section.

(2) *Expansions to buildings.* For buildings existing prior to the effective date of this chapter, major building improvements or expansions that require site plan approval may be permitted by the Planning Commission without a complete upgrade to meet the regulations of this section, provided there are reasonable improvements to the building in relation to the scale and construction cost of the building improvements or expansion. Major exterior renovations shall be consistent with the building design regulations herein to the extent deemed practical.

(3) *Minor improvements to buildings.* For buildings existing prior to the effective date of this chapter, minor changes, improvements, and modifications that are approved administratively shall be permitted, provided the improvements shall not increase noncompliance with the requirements of this section.

(C) *Exterior wall design regulations.*

(1) *Wall materials.* The use of exterior wall materials on walls that are visible from a public road or a parking lot shall be in compliance with the maximum percentages permitted in the following table.

<i>Schedule of Exterior Building Wall Materials</i>		
<i>Building Materials</i>	<i>Maximum Percent of Wall that may be Covered by Building Materials by Zoning District<sup>1</sup></i>	
	<i>Commercial</i>	<i>Industrial</i>
Brick or face brick	100%	100%
Cast stone	25%	100%
Concrete formed in place	25%	75%
Finishes <sup>2</sup>	25%	50%
Glass block	25%	25%
Metal <sup>3</sup>	25%	50%
Precast concrete	25%	75%

<i>Schedule of Exterior Building Wall Materials</i>		
<i>Building Materials</i>	<i>Maximum Percent of Wall that may be Covered by Building Materials by Zoning District<sup>1</sup></i>	
	<i>Commercial</i>	<i>Industrial</i>
Reflective glass	0%	50%
Split face block	50%	100%
Stone	100%	100%
Vinyl siding	50%	0%
Wood siding	50%	0%

1 Does not include areas of facade consisting of doors and windows.  
2 Includes fiberglass, reinforced concrete, polymer plastic (fypon), exterior insulation and finishing systems (EIFS), plaster, stucco and similar materials. Such materials shall not be used where contact with vehicles may occur, such as parking areas, traffic ways, and loading areas, unless such walls are adequately protected to prevent damage.  
3 Flat sheets and seamed or ribbed panels, including aluminum, porcelain and stainless steel and similar material. Such materials shall not be used where contact with vehicles may occur, such as parking areas, traffic ways, and loading areas, unless such walls are adequately protected to prevent damage.

(2) *Allowance for other materials.* The Planning Commission may waive strict compliance with division (C)(1) when the following qualities can be demonstrated. The proposed building design and materials schedule shall be accompanied by a written design statement which shall describe how the selected wall materials and material combinations will be consistent with and enhance the building design.

- (a) The design and materials are found to be in keeping with the character of the township.
- (b) The materials are found to be permanent and durable.
- (c) The design and materials are compatible with the type of use and development proposed.
- (d) The design and materials meet the intent of this section.

(3) *Long walls.* When building walls are 100 feet or greater in length, design variations must be applied to assure that the building is not monotonous in appearance. Such variations include but are not limited to recess and projections along the building facade, architectural details or features, enhanced ornamentation around building entry ways, landscaping, and variations in building height.

(4) *Colors.* Information on building colors shall be submitted with the site plan and considered to be part of any site plan approval under §§ 154.285 et seq. Colors shall be compatible with the surrounding area.

(D) *Screening rooftop equipment.* Rooftop equipment shall be screened by a pitched roof enclosure or parapet wall of sufficient height so as to not be visible from the adjoining public road or adjacent property. The method to screen rooftop equipment shall be compatible with the building through color, scale, materials, and architectural style.

(Ord. § 12.01, passed 4-5-2004)

### **§ 154.221 LANDSCAPING.**

(A) *Intent.* The intent of this section is to promote the public health, safety, and welfare by establishing minimum regulations for the design installation and maintenance of landscaping, greenbelts, and buffer zones. Landscaping, greenbelts, and buffer zones are necessary for the continued protection and enhancement of all land uses. Landscaping and greenbelts enhance the visual image of the Township, preserve natural features, improve property values, and alleviate the impact of noise, traffic, and visual distraction. Buffer zones protect less intense uses from the noise, light, traffic, litter, and other impacts.

(B) *Applicability.*

(1) The regulations of this section shall apply to all projects subject to review by the township.

(2) The landscaping requirements shall be met prior to the issuance of a certificate of occupancy and shall be continuously maintained in a sound, healthy, and vigorous growing condition.

(3) Creativity in landscape design is encouraged. The regulations are intentionally flexible to encourage adaptability and creative design. Applicants are encouraged to provide additional landscaping to improve the function, appearance, and value of their property.

(4) The regulations herein shall be required independently of each other and shall not be double counted to fulfill the requirements of different required landscape elements.

(5) In any case where an existing building and/or parking area is being increased by 25% or more over the original site plan, the site shall be brought into full compliance with the landscape regulations herein. Where an increase in an existing building and/or parking area is less than 25%, the extent of new landscaping shall be equal to 4% of compliance for every 1% of increase in the building or parking footprint. For example, a 10% building expansions shall require 40% compliance with these landscape regulations.

(C) *General requirements.*

(1) Plant material shall be installed so that at maturity, it does not obscure traffic signs or lighting, obstruct access for emergency vehicles, interfere with adequate sight distance for motorists, or disrupt drainage patterns on the site or on adjacent properties.

(2) Landscaped areas shall be covered by grass or other living ground cover.

(3) Planting beds shall be maintained with woodchips or similar natural material, non-stone, at a minimum depth of 3 inches.

(4) Trees and shrubs shall be setback 10 feet from the edge of a road and 5 feet from a vehicular access or pathway.

(5) The overall landscape plan shall not contain more than 33% of any 1 species. The use of trees native to the area and mixture of trees from the same species association are encouraged.

(D) *Plant material specifications.*

(1) *Size.* The minimum specifications in the table below shall apply to all plant material at the time of planting proposed in accordance with the landscaping requirements of this chapter.

<i>Minimum Plant Size</i>			
<i>Plant Type</i>	<i>Minimum Caliper<sup>1</sup></i>	<i>Minimum Height</i>	<i>Minimum Spread</i>
Deciduous shade trees	3 inches	4 feet first branch	-
Deciduous ornamental trees	2 inches	4 feet	-
Evergreen trees	-	6 feet	-
Shrubs	-	2 feet	15 inches
Hedges <sup>2</sup>	-	4 feet	-

Footnotes:  
<sup>1</sup> Measured 12 inches above grade  
<sup>2</sup> Hedges shall be planted and maintained so as to form a continuous, unbroken, visual screen within 2 years after planting

(2) *Spacing.* Planting in informal groupings to create a naturalistic appearance is desirable. Whenever possible, plant materials shall not be placed closer than 4 feet from the fence line or property line.

(3) *Recommended plant materials.* The following table lists recommended plant materials for required landscaping. Plant materials of equal or better quality may be substituted for suggested plant materials.

<i>Recommended Plant Materials</i>	
<i>Common Name</i>	<i>Genus</i>
<i>Deciduous Canopy Trees</i>	
Beech	Fagus
Birch	Betula
Gingko (male)	Gingko
Hackberry	Celtis
Hard Maple	Acer
Hickory	Carya
Honeylocust (Thornless Cultivars only)	Gleditsia
Hornbeam (Blue Beech)	Carpinus
Linden	Tilia
Oak	Quercus
Planetree (Sycamore)	Platanus
<i>Deciduous Ornamental Trees</i>	
Dogwood (tree form)	Cornus
Downy Serviceberry	Amelanchier
Flowering Plum (tree form)	Prunus
Flowering Pear	Pyrus
Hawthorn	Crataegus
Hornbeam	Carpinus
Magnolia	Magnolia
Redbud	Cercis
Rose of Sharon	Hibiscus



<i>Recommended Plant Materials</i>	
<i>Common Name</i>	<i>Genus</i>
<b><i>Evergreen Trees (Dwarf, Globe, Pendulous Species/Cultivars Are Not Permitted)</i></b>	
Douglas Fir	Pseudotsuga
Fir	Abies
Hemlock (Blue Columnar Chines)	Tsuga
Juniper	Juniperus
Pine	Pinus
Pyramidal Red Cedar	Cedrus
Pyramidal White Pine	Pinus Strobus
Spruce	Picea
<b><i>Shrubs</i></b>	
Barberry	Berberis
Boxwood	Buxus
Buckthorn	Rhamnus
Cotoneaster	Cotoneaster
Currant	Ribes
Dogwood (shrub form)	Cornus
Euonymus	Euonymus
False Cyprus	Chamaecyparis
Fir	Abies
Forsythia	Forsythia
Holly	Ilex
Honeysuckle	Lonicera
Hydrangea	Hydrangea
Juniper (Hetz, Pfitzer, Savin, Low Spreading)	Juniperus
Lilac	Syringa

<i>Recommended Plant Materials</i>	
<i>Common Name</i>	<i>Genus</i>
Mock-orange	Philadelphus
Potentilla	Potentilla
Privet	Ligustrum
Quince	Chaenomeles
Sumac	Rhus
Viburnum	Viburnum
Weigela	Weigela
Witchhazel	Hamamelis
Yes (Globe, Spreading, Upright, Pyramidal Japanese)	Taxus

(4) *Undesirable plant materials.* Use of the plant materials (or their clones and cultivars) listed in the table below is not encouraged because they split easily, their wood is brittle and breaks easily, their roots clog drains, or they are unusually susceptible to disease or insect pests. The Planning Commission, however, may allow trees from this list when associated with an appropriate ecosystem, such as a wetland area.

<i>Undesirable Plant Materials</i>	
<i>Common Name</i>	<i>Genus Species</i>
American Elm	Ulmus Americana
Box Elder	Acer Negundo
Eastern Red Cedar	Juniperus Virginiana
European Barberry	Berberis Thunbergii
Northern Catalpa	Catalpa Speciosa
Poplar	Populus Deltoides
Soft Maple (Silver)	Acer Sacharinum
Tree of Heaven	Ailanthus Altissima
Willow	Salix Spp.

(E) *Greenbelts.* Greenbelts shall conform to the following regulations:

(1) Non-residential uses requiring site plan approval shall provide a 20-foot wide greenbelt along the lots frontage, adjacent to, and outside of the road right-of-way. A minimum of 1 deciduous canopy tree shall be planted for each 30 lineal feet, or portion thereof, of required greenbelt length.

(2) Multiple-family developments, site condominiums, and single-family subdivisions shall provide greenbelts in accordance with division (I).

(3) For the purpose of calculating required plant material, greenbelt length shall be measured between side lot lines along the site's frontage, following the road right-of-way. The frontage calculation shall include any openings for driveways, sidewalks, or easements with the number of trees. Fractions of trees shall be rounded upward to the nearest whole number.

(4) All existing trees 6 inches in diameter at breast height within the greenbelt shall be preserved, except where necessary to install access points.

(F) *Buffer zones.*

(1) In order to provide protective screening and buffers between abutting land uses, a landscaped buffer zone shall be provided in accordance with the following. This section applies to any application for site plan, subdivision, or condominium approval. These regulations do not apply along a lot line where the abutting land use is separated by a public road right-of-way or private road easement.

(2) The table in division (F)(2)(a) identifies where and what type of buffer is required between land uses. The table in division (F)(2)(b) details the minimum landscape elements that must be included in each type of buffer zone.

(a) *Required buffer zones.*

<i>Required Buffer Zones</i>					
<i>Proposed Use</i>	<i>Proposed Use Adjacent To</i>				
	<i>Agricultural District</i>	<i>Single-family District</i>	<i>Multiple-family District</i>	<i>Commercial District</i>	<i>Industrial District</i>
Agricultural	None	None	None	None	None
Single-family Residential <sup>1</sup>	None	None	A	A	B
Multiple-family Residential	A	A	A	A	B

<b>Required Buffer Zones</b>					
<b>Proposed Use</b>	<b>Proposed Use Adjacent To</b>				
	<b>Agricultural District</b>	<b>Single-family District</b>	<b>Multiple-family District</b>	<b>Commercial District</b>	<b>Industrial District</b>
Commercial <sup>2</sup>	A	B	A	A	A
Industrial	B	B	B	A	A

Footnotes:  
<sup>1</sup> Applies to applications for subdivision plat or condominium site plan approval only  
<sup>2</sup> Includes non-residential special land uses in Residential Districts

(b) *Description of required buffer zones.*

<b>Description of Required Buffers</b>		
<b>Buffer Zone</b>	<b>Minimum Width</b>	<b>Minimum Plant Materials</b>
A	15 feet	1 deciduous tree or evergreen tree or 4 shrubs per each 25 linear feet along the property line, rounded upward
B	30 feet	1 deciduous tree, 1 evergreen tree and 4 shrubs per each 20 linear feet along the property line, rounded upward

(G) *Off-street parking.*

(1) All off street parking areas shall provide the following landscaping within the parking lot envelope, described as the area including the parking lot surface and extending 10 feet from the edge of the parking lot.

(a) One deciduous canopy tree shall be required for each 10 parking spaces, provided that in no case less than 1 tree shall be provided.

(b) A minimum of 1/3 of the trees required shall be placed within the interior of the parking lot.

(2) Parking lot islands shall be at least 100 square feet in area, 10 feet in width and 2 feet shorter than adjacent parking space.

(3) When off-street parking and loading of a non-residential use abuts a residential zoning district, the parking lot and loading area shall be screened from such residential district by a solid, ornamental masonry wall at least six (6) feet tall meeting the requirements of division (I). In lieu of a wall, the Planning Commission may permit or require one (1) evergreen tree planted every fifteen (15) feet along the mutual property boundary, in addition to the landscape plant materials required in division

(H) *Detention and retention ponds.* Detention and retention ponds shall provide the following landscaping:

(1) Plantings shall be provided a rate of one (1) deciduous canopy or evergreen tree and ten (10) shrubs per fifty (50) linear feet of pond perimeter as measured along the top elevation of the pond bank.

(2) To the extent possible, pond configuration shall be incorporated into the natural topography of the site. Where this is not practical, the pond shall be shaped to emulate a natural formed free form depression and shall be part of the natural landscape and open space system of the site.

(3) Plantings shall replicate a natural environment. Trees and shrubs shall be clustered around the basin and contain a variety of plant material.

(I) *Walls and fences.*

(1) *Wall specifications.*

(a) Required walls shall be located on the lot line except in the following instances:

1. Where underground utilities interfere with placement of the wall on the property line, the wall shall be placed on the utility easement line located nearest the property line.

2. Where located adjacent to a side street, the wall shall be set back eight (8) feet from the side property line. The area between the wall and the property line shall be landscaped in accordance with the greenbelt provisions set forth previously.

(b) Required obscuring walls shall be six (6) feet in height, and shall be constructed of the materials that are architecturally compatible with the materials used on the facade of the main structure on the site.

(c) Decorative masonry walls shall be erected on a concrete foundation which shall have a minimum depth of forty-two (42) inches and shall not be less than four (4) inches wider than the wall to be erected.

(d) As a substitute for a required wall, the Planning Commission may, in its review of the site plan, approve the use of other existing or proposed natural or man-made landscape features that would produce substantially the same results in terms of screening, durability and permanence.

(e) *Retaining walls.*

1. Retaining walls may be placed on the lot line provided they do not interfere with plotted easements or underground utilities. When underground utilities are present, the retaining wall can be placed on the utility easement line located nearest the property line. All retaining walls shall be constructed of a stone, block or treated wood, steel or plastic that is compatible to the main structure located at the site.

2. When adjacent to a street, the retaining wall shall be set back eight (8) feet from the property line. The area between the retaining wall and street shall be landscaped according to the Township Greenbelt Regulations.

3. Under no circumstances shall retaining walls be built without an approved foundation and without appropriate tiebacks. The foundation shall be concrete with a minimum depth of forty-two (42) inches below grade and not less than four (4) inches wider than the wall to be constructed. Tiebacks will be of a suitable material and installed at intervals to prevent retaining wall collapse.

4. If the retaining wall is to be built of treated dimensional lumber, the foundation shall be the same stone or block walls with an appropriate means of attaching the treated lumber to the foundation. If the treated lumber is to be pile-driven or otherwise seated to a depth of forty-two (42) inches below grade, the lowest course of treated lumber must be below grade to aid in stabilizing and to prevent backfill seepage.

5. If the retaining wall is to be constructed of quarried stone, the lowest course of stone must be buried to a depth of one-half (1/2) of the stone face in order to insure proper stability. Additional courses, up to a height of forty-eight (48) inches, must have a slight setback and not overlap the previous course. Foundations are not required for a retaining wall constructed of quarried stone provided the quarry stone is not less than twenty-four (24) inches front to back.

6. Retaining walls shall not exceed forty-eight (48) inches in height, however, retaining walls may be two (2)-tiered as long as each tier is set back forty-eight (48) inches from the front edge of the previous wall. Appropriate tiebacks shall be used on each tier to help ensure public safety.

7. Proper backfill and drainage will be provided for all types of retaining walls. This would normally consist of filter cloth against the back of the wall, granular backfill for drainage and perforated drain with filter sock. Construction variations might occur, with the Building Inspector's approval, depending on township location.

(f) *Terrace setbacks and slopes.*

1. Terrace and slope parapets, whose main purpose is to prevent erosion and aid in landscaping, may be placed on the lot line provided they do not interfere with plotted easements or underground utilities. When underground utilities are present, the parapets can be placed on the utility easement line located nearest the property line.

2. When adjacent to a street the parapets shall be set back eight (8) feet from the property line. The area between terrace or slope and street shall be landscaped according to the Township Greenbelt Regulations.

3. All terrace or slope parapets that are to be used as a terrace or to retain a slope, need a foundation for the base course of compacted gravel or sand not less than sixteen (16) inches in depth and not less than four (4) inches wider than the barrier to be constructed. Parapets will be constructed of stone, block or wood. They shall not exceed twenty-four (24) inches in height per tier with each succeeding tier set back an appropriate distance so that the total angle from horizontal shall not be greater than fifty-five (55) degrees. The lowest course of stone, block or wood shall be below grade to help stabilize the parapet.

(2) *Fence specifications.* Fences erected for screening purposes shall be a maximum of six (6) feet in height. The completed fence must face the decorative side to the adjoining property. Fences erected for screening purposes shall be a minimum of six (6) feet in height with posts at least three (3) feet in the ground and constructed of traditional fence material. An owner's indemnification form or a survey is required for all new fences. (Ord. 2013-05 adopted October 7, 2013)

(3) *Snow and sand fences.* Fences intended to control the movement of sand or snow in areas subject to wind forces, shall be maintained in a stable and vertical position. Materials may be either wood slat or plastic webbing fence materials intended for the purpose. Posts shall be steel fence posts of adequate length to support the fence structurally during the maximum anticipated wind velocity. Fences necessary for the full time restraint of sand shall be kept in like new condition, with replacement of broken slats and wires. Fences shall not be allowed to be buried with more than eight (8) inches of sand and shall be maintained in a plumb condition.

(4) *Construction, replacement or repair offences generally.* No person shall erect, construct, replace, or substantially repair any fence, except in accordance with the provisions of this chapter. Any fence existing on or before the adoption date of this section, and not in conformance with the requirements of this chapter, shall not be altered or modified except to make it more conforming.

(5) *Determination of property or lot lines when fence is erected.* It shall be the obligation and sole responsibility of persons obtaining fence permits under this chapter and erecting fences to determine the location of property or lot lines. The township shall not determine property or lot lines.

(6) *Location of fence on street or between sidewalk and curb.* It shall be unlawful to construct any fence or barrier in any public street in the township, except in conjunction with the excavation for a building or similar structure as provided in the building code of the township.

(7) *Prohibited fences.* It shall be unlawful for any owner or occupant of land in the township, other than on land used for agricultural purposes, to build or maintain any fence constructed wholly or in part of barbed wire, or any fence, guard wall, or other protection upon which there shall be fixed, attached, or placed in any manner any spike, nail, or pointed instrument of any kind or description, or any fence electronically charged; provided, however, barbed wire or similar instruments may be used along the top of such fences surrounding industrial plants and real estate appurtenant thereto. If such barbed wire or similar instruments are fastened to a portion of the fence extending at an angle over the property enclosed, it shall not extend over other private or public property and not projecting on the opposite side or the side adjacent to a sidewalk or public way. There shall be no fences, barriers or other obstructions on the beach at any time which prevent foot traffic on the beach.



(8) *Height in residential districts.* The following restrictions shall apply to fences located within Residential Districts as established in this chapter:

(a) All fences, except ornamental fences, shall be at least three (3) feet in height above grade.

(b) Fences located in required front yards shall not exceed four (4) feet in height above grade.

(c) Fences within ten (10) feet of the property or lot line, abutting on a street, shall not exceed four (4) feet in height above grade.

(d) Where no other restriction applies, a fence shall not exceed six (6) feet in height above grade.

(e) Fences related to swimming pool security, either in-ground or above ground, must comply with county and state requirements.

(9) *Height in non-residential districts.* The following restrictions shall apply to fences located in an area other than a Residential District:

(a) Fences on property zoned C-1, C-2, and I Districts shall be of standard commercial fencing not to exceed six (6) feet in height.

(b) Barbed wire, spikes, nails, or any other sharp point or instrument of any kind on top or on the sides of any fence, or electric current or charge in said fences is prohibited. Barbed wire cradles may be placed on top of fences enclosing public utility buildings and such fences may exceed six (6) feet in height and be located in a front yard wherever deemed necessary in the interests of public safety, provided that shrubs or evergreens are planted which will eventually screen such barbed wire cradles.

(c) Notwithstanding the above, security fencing is allowed in an Industrial District within ten (10) feet of the front property line provided it is suitably landscaped; provided further that if barbed wire cradles on top of such fences are proposed, such shall be permitted if such fences are six (6) feet or greater in height.

(10) *Exceptions to height restrictions.*

(a) Fences which enclose public parks, playgrounds, or public utility installations, shall not exceed a height of eight (8) feet measured from the surface of the ground, and shall not obstruct vision to an extent greater than twenty-five percent (25%) of their total area.

(b) This chapter shall not apply to construction fences as authorized and required in the Building Code.

(J) *Residential landscaping.* Multiple-family developments, site condominiums, and single-family subdivisions shall provide the following landscaping:

(1) A twenty (20)-foot wide greenbelt shall be provided along the site frontage adjacent to and outside of the road right-of-way. A minimum of one (1) deciduous canopy tree and one (1) evergreen tree shall be planted for each thirty (30) lineal feet, or portion thereof, of required greenbelt length.

(2) Front yard landscaping for individual units shall be provided at a rate of two (2) deciduous canopy trees for every unit.

(3) Cul-de-sacs shall be planted at a rate of one (1) canopy tree, or two (2) ornamental trees, per one thousand (1,000) square-foot area. Fractions of trees shall be rounded upward to the nearest whole number.

(K) *Modification of landscape requirements.* The Planning Commission may reduce or modify the location of the landscape requirements contained in this section based upon a determination that the landscaping required in this section will not be necessary or effective in meeting the intent of this chapter. In making such a determination, the following shall be considered:

(1) Topographic features or other unique features of the site create conditions such that strict application of the landscape regulations would result in a less effective screen than an alternative landscape design.

(2) The intent to comply with the regulations has been demonstrated by the applicant with alternatives considered by the applicant prior to the Planning Commission consideration of modification to requirements.

(L) *Maintenance.* Required landscaping (including greenbelts, buffer zones, trees, lawns, and ground cover) shall be maintained in a healthy, neat, and orderly appearance, free from refuse and debris. All unhealthy and dead plant material shall be replaced in the next appropriate planting period. The landscape plan shall indicate the individual(s) or business(es) who will be responsible for continued maintenance of the landscaping. Those charged with this responsibility shall also be responsible for maintenance of adjacent landscaped areas in public rights-of-way.

(M) *Treatment of existing plant material.* In instances where healthy plant material exists on a site prior to its development, the Planning Commission may permit substitution of existing plant material in place of the requirements set forth previously in this section, provided substitution is in keeping with the spirit and intent of this section. In the event that healthy plant materials which are intended to meet the requirements of this chapter are cut down, damaged or destroyed during construction, the damaged plant material shall be replaced. (Ord. § 12.02, passed 4-5-2004; Am. Ord. - -, passed 9-4-2007; Am. Ord. - -, passed 1-5-2009; Am. Ord. - -, passed 3-7-2011; Am. Ord. - -, passed 9-6-2011)

**§ 154.222 LIGHTING.**

(A) *Intent.* The intent of this section is to protect the health, safety, and welfare of the public by recognizing that buildings and sites need to be illuminated for safety, security and visibility for pedestrians and motorists. To do so, this section provides regulations for various forms of lighting that will minimize light pollution; maintain safe nighttime driver performance on public roadways; preserve the restful quality of nighttime by eliminating intrusive artificial light and lighting that unnecessarily contributes to sky glow, reduce light pollution and light trespass from light sources onto adjacent properties, conservation of electrical energy, and curtail the degradation of the nighttime visual environment.

(B) *Applicability.* The regulations in this section shall apply to any light source that is visible from any property line, or beyond, for the site from which the light is emanating. The Zoning Administrator may review any building or site to determine compliance with the requirements under this section. Whenever a person is required to obtain a building permit, electrical permit for outdoor lighting or signs, a special land use approval, subdivision approval or site plan approval, the applicant shall submit sufficient information to enable the Zoning Administrator and/or Planning Commission to determine whether the proposed lighting will comply with this section.

(C) *Lighting regulations.* All lighting must comply with the following regulations:

(1) *Exterior lighting.* All exterior lighting including free-standing poles and building mounted, shall be fully shielded and directed downward to prevent off-site glare.

(2) *Intensity.* The intensity of light within a site shall not exceed 10 footcandles within any part of the site and 1 footcandle at any property line, except where it abuts a residential district or use whereby a maximum of 0.5 footcandles is permitted. The only exception is with gas station canopy, where a maximum of 20 footcandles is permitted within the site but the above regulations shall apply to intensity at the property line.

(3) *Fixtures.* Metal halide fixtures shall be used in an effort to maintain a unified lighting regulation throughout the township and prevent sky glow. The Planning Commission may approve decorative light fixtures as an alternative to shielded fixtures when it can be proven that there will be no off-site glare and the proposed fixtures will improve the appearance of the site.

(4) *Pole height.* The maximum height of parking lot light fixtures shall be 20 feet, except that the Planning Commission may permit a maximum height of 30 feet in the Industrial District when the poles are no closer than 150 feet to a residential district.

(5) *Hours of operation.* Except where used for security purposes, all outdoor lighting fixtures, existing or hereafter installed and maintained upon private property within commercial and industrial zoning districts shall be turned off between 11:00 p.m. and sunrise, except when used for uses, such as sales or assembly and repair areas, where such use continues after 11:00 p.m. but only for so long as such use continues.

(6) *Luminous tube and exposed bulb lighting.*

(a) Luminous tube and exposed bulb fluorescent lighting is prohibited as an architectural detail on all buildings. The Planning Commission may approve internally illuminated architectural bands when it can be shown that the treatment will enhance the appearance of the building.

(b) Luminous tube and exposed bulb fluorescent lighting is permitted as part of a sign meeting the requirements of §§ 154.285 et seq.

(7) *Other lighting.*

(a) The internal illumination of building-mounted canopies is prohibited.

(b) Indirect illumination of signs, canopies, and buildings is permitted provided a maximum 125-watt bulb is utilized and there is no glare.

(c) The use of laser light source, search lights, or any similar high intensity light for outdoor advertisement or entertainment is prohibited.

(d) Lighting shall not be of a flashing, moving or intermittent type.

(Ord. § 12.03, passed 4-5-2004)

**§ 154.223 MECHANICAL EQUIPMENT.**

Mechanical equipment, such as blowers, ventilating fans and air conditioning units, must be attached to or within 10 feet of the main building and be placed not closer than 20 feet to adjoining properties. Ground mounted equipment will be screened with landscaping or wall. Roof mounted equipment will be screened in accordance with § 154.220(D).

(Ord. § 12.04, passed 4-5-2004)

**§ 154.224 WASTE RECEPTACLES.**

Waste receptacles shall be designed, constructed and maintained according to the regulations of this section. Waste receptacle location and details of construction shall be shown on site plans.

(A) *Location.* Waste receptacles shall be located in the rear yard or non-required side yard (i.e. not within the required side yard), unless otherwise approved by the Planning Commission. Waste receptacles shall be at least 10 feet from a non-residential property line and in no case be less than 20 feet from any residential district. The location and orientation of the waste receptacle and enclosure shall minimize the potential for the waste receptacle to be viewed from a public street or adjacent residential districts.

(B) *Accessibility.* Waste receptacles shall be easily accessed by refuse vehicles without potential of damaging the building or automobiles parked nearby.

(C) *Base.* The receptacle base shall be, constructed of 6 inches of reinforced concrete pavement. The base shall extend 6 feet beyond the front of the waste receptacle pad or gate to support the front axle of a refuse vehicle.

(D) *Regulations.* Waste receptacles shall meet the following regulations:

(1) Each waste receptacle shall have an enclosing lid or cover.

(2) The enclosure shall be a wall constructed of brick, concrete block, or a wooden enclosure provided the lumber is treated to prevent decay with a minimum height of 6 feet or at least 1 foot higher than the receptacle, whichever is higher, and spaced at least 3 feet from the receptacle. Suggested timber materials include Cedar, No. 2 Cedar rough sawn seasoned, Redwood, No. 2 Common Finish (S4S), Douglas Fir-larch or Southern Pine. Posts shall be set in concrete 42 inches below grade. Posts shall be either 6 by 6-inch pressure treated wood or 3-inch diameter galvanized steel posts.

(Ord. § 12.05, passed 4-5-2004)

### ***OFF-STREET PARKING AND LOADING***

#### **§ 154.240 STATEMENT OF PURPOSE.**

(A) The purpose of this section is to reduce or prevent traffic congestion and a shortage of parking facilities in the township at the time of erection, enlargement or change in use, of any main building or structure. Off-street parking and loading areas are to be designed, maintained and operated in a manner that will ensure their efficient use, promote safety, improve aesthetics and, where appropriate, protect surrounding uses from undesirable impacts.

(B) In all zoning districts, there shall be provided, before any building or structure is occupied or is enlarged or increased in capacity, off-street parking, and loading spaces for motor vehicles as herein prescribed. (Ord. § 13.01, passed 4-5-2004)

**§ 154.241 APPLICABILITY.**

All uses except single- and 2-family residential uses shall comply with the regulations of this subchapter under the following circumstances:

(A) *New buildings.* All uses that receive a building permit or site plan approval for construction of a new building after the effective date of this chapter shall fully comply with the design regulations of this subchapter.

(B) *Change of use.* The occupancy or use of a building or any part of a building shall not be changed unless the new use fully complies with the design regulations of this subchapter.

(C) *Enlargement of use.* No building or use shall be enlarged unless the enlarged use fully complies with the regulations of this subchapter.

(D) *Existing parking and loading spaces.* No loading area or parking space which exists at the time this chapter becomes effective, or which subsequent thereto is provided for the purpose of complying with the provisions of this chapter, shall thereafter be relinquished or reduced in any manner below the requirements established by this chapter unless additional parking and loading area, or space which complies with the provisions of this chapter, is provided for the minimum parking and loading spaces required by this chapter. (Ord. § 13.02, passed 4-5-2004)

**§ 154.242 LOCATION OF FACILITIES.**

Off-street parking facilities shall be located as hereafter specified; when a distance is specified, it shall be the walking distance measured from the nearest point of the parking facility to the nearest normal entrance to the building or use that such facility is required to serve.

(A) For all buildings and uses in Residential and Agricultural Districts, required parking shall be provided on the lot with the building or use it is required to serve.

(B) For commercial, industrial, and all non-residential buildings and uses in Commercial and Industrial Zoning Districts, required parking shall be provided within 300 feet of the building it is intended to serve. (Ord. § 13.03, passed 4-5-2004)

**§154.243 YARD REQUIREMENTS.**

(A) For all non-residential uses in Residential and Agricultural Districts and all uses in Commercial or Industrial Districts, parking areas may be located in the front yard. The parking areas must be no closer than 20 feet to the front lot line.

(B) For all non-residential uses in Residential and Agricultural Districts and all uses in Commercial or Industrial Districts, a minimum setback of 10 feet is required to the side and rear lot lines.  
(Ord. § 13.04, passed 4-5-2004)

**§ 154.244 MINIMUM NUMBER OF PARKING SPACE REQUIREMENTS.**

The minimum number of off-street parking spaces shall be determined in accordance with the following table.

<i>Minimum Number of Parking Space Requirements</i>	
<i>Use</i>	<i>Parking Space per Unit of Measurement</i>
<b><i>Residential</i></b>	
Manufactured homes	2 spaces for each dwelling unit
Multiple-family dwellings	1.5 spaces for each efficiency or 1-bedroom unit; 2 spaces for each 2-bedroom unit; 2.5 spaces for each unit with 3 or more bedrooms; plus 1 space per 200 square feet of gross floor area of any clubhouse facility
Single- and 2-family dwellings	2 spaces for each dwelling unit
<b><i>Institutional</i></b>	
Churches, temples or other places of worship or public assembly	2 spaces for: each 5 seats, or each 8 feet of pew length; or 1 space for each 3 persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Schools, elementary and middle	1.5 spaces for each classroom, plus amount required for auditorium or gymnasium seating
Schools, secondary and institutions of higher learning	1 space for each 8 students, plus 1.5 spaces for each classroom, plus amount required for auditorium or gymnasium seating
State licensed residential care facilities	1 space for each 4 clients (child or adult)

<i>Minimum Number of Parking Space Requirements</i>	
<i>Use</i>	<i>Parking Space per Unit of Measurement</i>
<b><i>Recreation/Entertainment</i></b>	
Batting cages	3 spaces per cage
Bowling alleys	4 spaces for each bowling lane plus required spaces for each accessory use
Golf courses, driving range	2 spaces per each 3 tees
Golf courses, miniature	1 space per each course hole
Golf courses, par 3	3 spaces per each course hole
Ice/roller skating rink	6 spaces per 1,000 of useable floor
Motion picture theaters	1 space for each 4 seats; plus 4 spaces per screen or stage
<b><i>Recreation/Entertainment</i></b>	
Racquetball/tennis	1 space per 1,000 sq. ft useable floor area; or 6 spaces per court whichever is greater
Swimming pools	1 space per each 3 person of capacity authorized by building code
Video arcades	1 space per 50 sq. ft. useable floor area; with a minimum of 6 spaces
<b><i>Commercial</i></b>	
Automobile service stations and repair	2 spaces per bay; plus 1 space per tow truck; plus 1 space per 500 square feet of useable floor area devoted to sales of automotive goods, convenience and/or fast food restaurants
Automobile wash (self-service)	1 space for each 5 stalls; plus 2 stacking spaces for each bay
Automobile wash (automatic)	3 spaces for each stall; plus 5 stacking spaces for each bay
Beauty and barber shop	3 spaces for each chair
Funeral homes and mortuary establishments	1 space for each 50 square feet of useable floor area
Furniture, appliance and household goods retail sales	1 space for each 500 square feet of useable floor area
Hotels and motels	1.5 spaces for each guest room, plus required spaces for any accessory uses
Movie rental stores	1 space for each 100 square feet of useable floor area
Outdoor commercial display and roadside stands	1 space for each 200 square feet of indoor useable floor area, plus 1 space for each 1,000 square feet for outdoor display area



<i>Minimum Number of Parking Space Requirements</i>	
<i>Use</i>	<i>Parking Space per Unit of Measurement</i>
Personal service establishments	1 space for each 50 square feet of useable floor area
Restaurants - without drive-through facilities	1 space per 2 seats, plus 1 space for each employee
Restaurants - with drive-through facilities	1 space for each 75 square feet eating area plus 1 space for each employee, plus 8 stacking spaces for the drive-through lane
Retail stores not otherwise specified	1 space for each 2000 square feet of useable floor area
<b><i>Office</i></b>	
Banks, credit unions, and other similar uses (with or without drive-through)	1 space for each 150 square feet of useable floor area, plus 2 spaces for each non-drive through automatic teller machine; plus 4 stacking spaces per window
Medical and dental offices and clinics	3 spaces for each examining room, dental chair or similar use area
Other offices not specified	1 space for each 300 square feet of useable floor area
<b><i>Industrial</i></b>	
Composting and recycling facilities	1 space for each employee at peak shift and 1 for every 5 acres of land in use for composting
Manufacturing, processing, and research establishments	1 space for each 750 square feet of gross floor area, plus the area required for offices or other accessory uses located on the premises
Warehouses and wholesale	1 space for each 2,000 square feet of gross floor area, plus those spaces required for offices located on the premises

(Ord. § 13.05, passed 4-5-2004)

**§ 154.245 UNITS OF MEASUREMENT.**

For the purpose of determining off-street parking requirements, the following units of measurement shall apply:

(A) *Floor area.* In the case of uses where floor area is the unit for determining the required number of off-street parking spaces, the unit shall mean the gross floor area, except that such floor area need not include any area used for parking within the main building and need not include any area used for incidental service storage installations of mechanical equipment, heating system, and similar uses.

(B) *Places of assembly.* In churches and other places of public assembly in which those in attendance occupy benches, pews or other similar seating facilities, each 24 inches of seating facilities shall be counted as 1 seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.

(C) *Fractions.* When units of measurement determining the number of required parking spaces result in a fractional space, any fraction up to and including 1/2 shall be disregarded and fractions over 1/2 shall require 1 parking space.

(D) *Employee parking.* Parking spaces required for employees shall be based on the maximum number of employees on the premises at any 1 time.

(E) *Stacking spaces for drive through facilities.* An off-street stacking space is defined as an area 10 feet wide by 24 feet long and shall not include the use of any parking space, street, alley, or sidewalk. (Ord. § 13.06, passed 4-5-2004)

**§ 154.246 PARKING LOT DESIGN STANDARDS.**

The minimum standards in the following table shall be observed in the design off-street parking facilities.

<i>Parking Lot Design Standards</i>				
<i>Parking Angle</i>	<i>Stall Width</i>	<i>Length</i>	<i>Aisle Width</i>	
			<i>1-Way</i>	<i>2-Way</i>
0 degrees (parallel)	10 ft.	25 ft.	12. ft	24 ft.
45 to 74 degrees	10 ft.	23 ft.	18 ft.	26 ft.
75 to 90 degrees	10 ft.	20 ft.	18 ft.	26 ft.

(Ord. § 13.07, passed 4-5-2004)

## **§ 154.247 JOINT USE OF FACILITIES**

Provisions of common parking facilities for several uses in the same vicinity is encouraged. Off street parking space for separate buildings or uses may be provided collectively subject to the following:

(A) The total number of spaces provided shall not be less than the number which would be required if the spaces were provided separately. However, the Planning Commission may reduce the total number of spaces provided collectively by up to 25 % upon making the determination that the parking demands of the uses being served will not be at the same time of day.

(B) The collective off-street parking shall not be located farther than 500 feet from the building or use being served.

(C) A change in use that does not comply with the above requirements will be required to provide the required parking.  
(Ord. § 13.08, passed 4-5-2004)

## **§ 154.248 PARKING DEFERMENT.**

A smaller amount of parking may be approved by a finding by the Planning Commission that the required amount of parking is excessive, provided that the area to meet the full parking requirement is retained as open space. The required amount of parking may be reduced up to 25 %. The site plan shall note the area where parking is being deferred with a dotted parking lot layout. If within a 2-year period following issuance of a certificate of occupancy the Township Planner determines based on observed use that the deferred parking is needed, then the parking shall be constructed by the applicant within 6 months of being informed in writing by the Township Planner.

(Ord. § 13.09, passed 4-5-2004)

## **§ 154.249 REQUIREMENTS FOR PARKING AREAS.**

Off-street parking areas shall be developed and maintained in accordance with the following requirements:

- (A) The parking lot and its driveway shall be:
- (1) Designed to provide adequate drainage.
  - (2) Surfaced with concrete or asphalt pavement.
  - (3) Maintained in good condition, free of dust, trash, and/or debris.

(B) The parking lot and its driveways shall not be used for repair, dismantling, or servicing of any vehicles.

(C) The parking lot shall be provided with entrances and exits so located as to minimize traffic congestion.

(D) There shall be a curb or bumper rail provided wherever an off-street parking and loading area adjoins a public sidewalk or right-of-way or adjacent property so designed to prevent any portion of a vehicle from encroaching upon said sidewalk or right-of-way or adjacent property.  
(Ord. § 13.10, passed 4-5-2004)

**§ 154.250 BARRIER FREE PARKING REQUIREMENTS.**

(A) Each parking lot that serves a building or use, with the exception of single- and 2-family dwelling units, shall provide spaces for physically handicapped persons in accordance with the Michigan Department of Labor, Construction Code Commission, Barrier Free Design Division.

(B) The required number of accessible parking spaces shall be included with the number of total parking spaces for the use and shall be in accordance with the following.

<i>Barrier Free Parking Requirements</i>	
<i>Total Number of Spaces Required</i>	<i>Minimum Number of Accessible Spaces Required</i>
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	8
301-400	12
over 400	12, plus 2 for every 250 or fraction thereof over 400

(C) Accessible parking spaces shall be signed and marked and shall be located closest to the nearest accessible entrance on an accessible route.

(D) Accessible parking spaces shall be at least 8 feet wide and shall have an adjacent access aisle a minimum of 5 feet in width. Two accessible parking spaces may share a common access aisle.

(E) Where a curb exists between a parking lot surface and a sidewalk entrance, an inclined approach or curb cut with a gradient of not more than a 1:12 slope and width of a minimum 4 feet shall be provided for wheelchair access.

(Ord. § 13.11, passed 4-5-2004)

**§ 154.251 OFF-STREET LOADING SPACES.**

(A) *Generally.* For every building or addition to an existing building hereafter erected, to be occupied by uses requiring the receipt or distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same lot with such building or addition:

(1) An area or means adequate for maneuvering and entrance and exits for delivery vehicles.

(2) Off-street loading spaces in relation to floor areas as follows:

(a) Up to 20,000 square feet -1 space.

(b) Twenty thousand or more but less than 50,000 square feet - 2 spaces.

(c) One additional space for each additional 50,000 square feet or fraction thereof.

(B) *Requirements.*

(1) Each loading space shall be at least 10 feet wide, 35 feet long, and shall have a clearance of 14 feet above grade.

(2) Off-street loading areas shall be surfaced with a concrete or bituminous pavement and shall be sloped and drained to dispose of surface water.

(3) Required loading areas shall be in addition to required off-street parking areas.  
(Ord. § 13.12, passed 4-5-2004)

## **§ 154.252 REPAIR OF VEHICLES**

The parking, carrying out of repair, restoration, and maintenance procedures or projects on vehicles in any Residential District, when such work is not conducted entirely within the interior of the vehicle, shall be subject to the following limitations:

(A) All vehicles parked or being worked on outside shall be on an improved driveway surface, licensed, and operable.

(B) Procedures exceeding 48 hours in duration or which require the vehicle to be inoperable in excess of 48 hours shall be conducted within an enclosed building.

(C) Inoperable vehicles and vehicle parts shall be stored inside an enclosed building.  
(Ord. § 13.13, passed 4-5-2004)

## **§ 154.253 PARKING OF COMMERCIAL VEHICLES.**

(A) Parking of commercial vehicles over 1 ton shall be prohibited in all Residential Districts; except this restriction shall not apply to essential public service vehicles. Parking and storage of larger vehicles for farming or lumbering operations is permitted in the AG Districts if the Planning Commission determines the vehicle is used exclusively for uses or activities permitted in the district.

(B) It shall be unlawful for the owner, tenant or lessee of any lot to permit the open storage or outdoor parking of semi-tractor (WB-50 or larger) trucks and/or semi-trailers, bulldozers, earth carriers, cranes or any other similar equipment or machinery, unless the storage or display of such vehicles is an approved use or unless the vehicles are temporarily parked while in use for approved construction on such lot.  
(Ord. § 13.14, passed 4-5-2004)

## ***ACCESS MANAGEMENT AND PRIVATE ROAD STANDARDS***

## **§ 154.265 STATEMENT OF PURPOSE.**

(A) The intent of this section is to establish requirements for driveway spacing and the number of driveways to be considered during the site plan review process. The procedures and requirements of this section are intended to promote safe and efficient travel within the township, minimize disruptive and potentially hazardous traffic conflicts, separate traffic conflict areas by reducing the number of

driveways, provide efficient spacing requirements between driveways, and between driveways and intersections, protect the substantial public investment in the street system, and to ensure reasonable access to properties, though not always the most direct access.

(B) The requirements of this subchapter apply to areas outside the right-of-way, which are under township jurisdiction through site plan review. The driveway requirements herein may be more restrictive than the requirements of the Huron County Road Commission and Michigan Department of Transportation, which have jurisdiction within the right-of-way. Construction within the public right-of-way under the jurisdiction of Huron County must also meet the permit requirements of the county. Where any conflicts arise, the more stringent requirement shall apply.

(C) Caseville Township recognizes the establishment of private roads. Requirements for private roads are provided for instances where private roads are to be used for access to property or where severe topography or important natural features would be compromised by construction of new public roads. The owners accessing private roads assume full liability and maintenance responsibilities for private roads and to construct and maintain roads to Huron County Road Commission specifications.  
(Ord. § 14.01, passed 4-5-2004)

#### **§ 154.266 EXISTING NON-CONFORMING PRIVATE ROADS AND ACCESS EASEMENTS.**

(A) The township recognizes there exist private roads and access easements which were lawful prior to the adoption of this section that do not fully conform with the requirements herein. Such roads are declared by this section to be legal nonconforming roads or easements. The intent of this section is to permit legal nonconforming roads and easements to continue. This section is also intended to allow new construction to occur on existing lots which front along such a road on the effective date of this section, if the roads are reasonably capable of providing sufficient access for the uses permitted in the zoning district and for provision of emergency service vehicles as determined by the township.

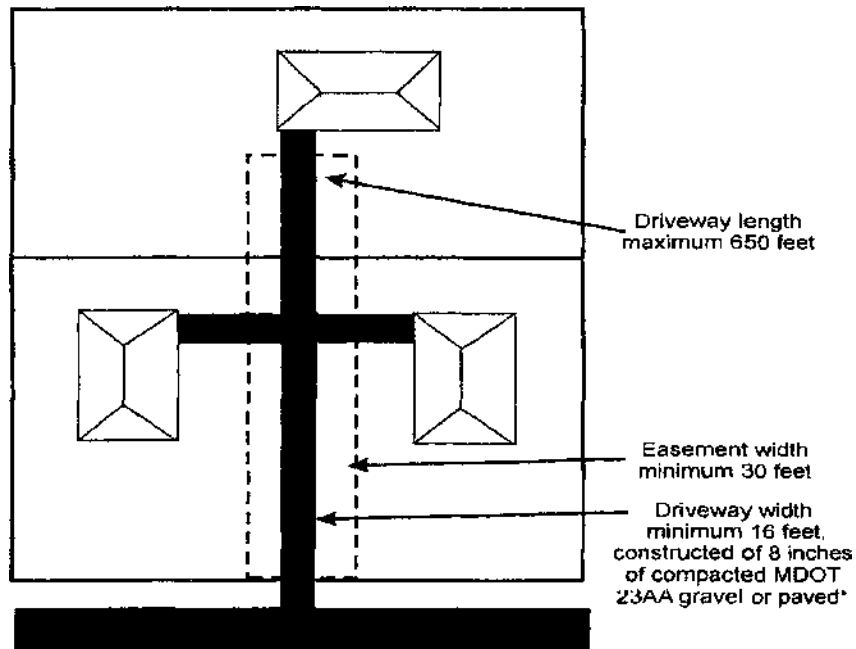
(B) This section is also intended to recognize the construction of new private roads, the improvement of existing nonconforming roads that would increase the number of lots or building sites served by such a road, except in platted subdivisions, divisions of land or site condominium projects existing on the effective date of this section. Provisions can be made to upgrade such roads to comply with the requirements herein. Any reconstruction, widening or extension of a nonconforming private road or access easement shall be in conformity with this section and the Huron County Road Commission specifications.  
(Ord. § 14.02, passed 4-5-2004)

**§ 154.267 SHARED RESIDENTIAL DRIVEWAYS**

(A) Two or 3 residential dwelling units or residentially zoned lots may have access from a shared driveway when the conditions of this section are met. A deed restriction shall be recorded for the lots served by the shared driveway indicating that no additional lots may access the driveway, unless a public road or private road meeting the requirements of this subchapter is provided.

(B) A shared driveway shall have a width of at least 16 feet and be constructed of 8 inches of compacted MDOT 23 A A gravel or paved. The width may be reduced to not less than 12 feet if the length of the shared driveway is less than 300 feet long or if there are significant topographic, wetland, or other natural features on the site and 16-foot wide passing flares are provided at least every 300 feet.

(C) The shared driveway shall be a maximum of 650 feet in length.





(D) The shared driveway shall have a recorded shared access agreement with an easement of a minimum width of 30 feet. This easement may be included in the calculation for minimum lot area and width.

(E) All permit requirements of the county must be met, in addition to the above.  
(Ord. § 14.03, passed 4-5-2004)

### § 154.268 PRIVATE ROADS.

(A) *Application.* The following information shall be submitted to the Township Planning Commission when applying for a private road:

(1) Applicable site plan information in accordance with §§ 154.305 et seq.

(2) Parcel number and name of owner for all properties having legal interest in the private road.

(3) Plans designed by a registered engineer showing location, dimension, and design of the proposed private road or changes to an existing private road.

(4) A copy of the private road agreement that includes the terms of responsibility, maintenance provisions, and any restriction on use of the road. This document must specifically state that Caseville Township and the Huron Road Commission are not responsible for maintenance of the private road.

(5) Location of all public or private utilities located within the private road right-of-way or easement, or within 20 feet of the right-of-way including water, sewer, telephone, gas, electricity, and television cable.

(6) Location of any lakes, streams, drainageways, MDEQ regulated wetlands or trees with a caliper of 8 inches or greater within 100 feet of the proposed private road right-of-way or easement.

(B) *Design requirements.*

(1) *Access easement width.* A minimum 66 feet wide easement shall be provided.

(2) *Road design.* All new private roads shall meet the public street base, pavement width, surface, slope, and drainage system requirements of the Huron County Road Commission. The design of private roads shall be approved by the County Engineer. A private road serving no more than 8 lots or dwelling units in a Residential District may be constructed of 8 inches of compacted MDOT 23AA gravel instead of asphalt or concrete.

(3) *Width for private roads.* The minimum pavement width shall be 30 feet. The minimum pavement width may be reduced to not less than 22 feet wide where the Planning Commission determines the reduced width will preserve significant natural features.

(4) *Maximum length, cul-de-sac turnarounds.* The maximum length of a private road shall be 750 feet and shall serve a maximum of 24 lots or dwelling units served by a single means of access. Any single means of access serving more than 5 lots or dwelling units shall include a turn-around with a 45-foot radius or a 55-foot radius if a center landscaped island. These requirements may be adjusted by The Planning Commission in particular cases, with input from the fire department, provided there is a finding that traffic impacts are adequately mitigated and a second means of emergency access can be required by the Planning Commission.

(5) *Grade.* Grades shall not exceed 10%, with a maximum grade of 2% for a minimum distance of 30 feet from its intersection with a public right-of-way or another private road.

(6) *Compliance with AASHTO requirements.* Where no specific requirement is provided in this section, private road design plans shall meet the design criteria outlined in the most recent edition of the American Association of State Highway and Transportation Officials (AASHTO) Manual A Policy on Geometric Design for Highways and Streets.

(7) *Intersection design requirements.* Private roads which intersect with existing or proposed private roads or public street rights-of-way should intersect at a 90-degree angle. Where constrained by environmental features or existing site constraints, the Township Engineer may allow a reduced angle of intersection but in no case shall the angle be less than 70 degrees.

(8) *Intersection offsets from public streets.* Proposed private roads or entrances to a development shall align directly across from, or be offset at least 250 feet from public streets or private road intersections on the opposite side of the street, measured centerline to centerline. This requirement may be reduced if approved by the Huron County Road Commission.

(9) *Vertical clearance.* In order to provide adequate access for emergency vehicles, 15 feet of overhead tree clearance shall be provided within the traveled portion of the right-of-way.

(10) *Signs.* All signs within the private road or access easement shall be identified on the site plan and be in accordance with the Michigan Manual of Uniform Traffic Control Devices, unless the Planning Commission approves another type of design for consistency with the character of the development. Street signs shall be provided at all intersections. These signs shall contrast in terms of color with public street signs, and shall clearly indicate the road is private.

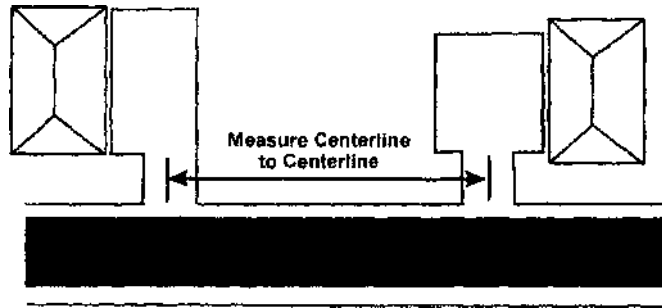
(Ord. § 14.04, passed 4-5-2004)

**§ 154.269 COMMERCIAL DRIVEWAYS**

(A) *Number.* One driveway will be permitted for a commercial development. More than 1 driveway may be permitted only for properties with a continuous frontage of over 300 feet, and 1 additional driveway for each additional 300 feet of frontage, if the Planning Commission determines there are no other reasonable access opportunities.

(B) *Spacing requirements.*

(1) Minimum spacing requirements between a proposed commercial driveway and an intersection either adjacent to the property or on the opposite side of the street may be set on a case-by-case basis, but in no instance shall be less than 100 feet along M-25 and 200 feet along all other roadways. These measurements are from the near edge of the proposed driveway, measured at the throat perpendicular to the street, to the near lane edge of the intersecting street or pavement edge for uncurbed sections.



(2) Minimum spacing between 2 commercial driveways shall be determined based upon posted speed limits along the parcel frontage. The minimum spacings indicated in the following table are measured from centerline to centerline.

<i>Minimum Driveway Spacing From Other Driveways</i>	
<i>Posted Speed Limit (mph)</i>	<i>Minimum Driveway Spacing (feet)</i>
25	125
30	155
35	185

<i>Minimum Driveway Spacing From Other Driveways</i>	
<i>Posted Speed Limit (mph)</i>	<i>Minimum Driveway Spacing (feet)</i>
40	225
45	300
50 and higher	330

(3) To reduce left-turn conflicts, new commercial driveways shall be aligned with those across the roadway, where possible. If alignment is not possible, driveways shall be offset a minimum of 250 feet along M-25 and 150 feet along all other roads from those on the opposite side of the roadway. These requirements may be reduced by the Planning Commission in cases where compliance is not possible. (Ord. § 14.05, passed 4-5-2004)

**§ 154.270 NON-MOTORIZED PATHWAYS.**

(A) *Intent.* It is hereby determined that non-motorized pathways promote and provide for the public health, safety, and general welfare by providing a safer location for travel along roads for bicyclists and pedestrians than the edge of the traveled road, encouraging aerobic exercise, conserving energy, and reducing air pollution and traffic congestion by allowing for a convenient means of travel by bicycle or as a pedestrian, rather than utilizing a motor vehicle.

(B) *Location.* Non-motorized pathways shall be required as follows:

(1) Along the entire site frontage of any development located along a major road identified as a location for a proposed non-motorized pathway as identified in the parks and recreation plan.

(2) Along at least 1 side of all internal streets within any residential development that have an overall density greater than 1 dwelling unit per acre. The Planning Commission may modify this requirement provided another type of pedestrian trail system is provided by the applicant that meets the intent of this section.

(C) *Design.* The following construction requirements shall apply to all non-motorized pathways:

(1) All non-motorized pathways shall be at least 5 feet wide constructed of concrete or asphalt in accordance with the specifications of the American Association of State Highway and Transportation Officials (AASHTO). Bike paths shall be constructed to meet all requirements of the Huron County Road Commission.

(2) An inclined approach shall be required where sidewalks and bikepaths intersect curbs for barrier free access. Crosswalk pavement markings and signs may be required by the Planning Commission. (Ord. § 14.06, passed 4-5-2004)

## *SIGNS*

### **§ 154.285 STATEMENT OF PURPOSE.**

The intent of this subchapter is to regulate signs and to minimize outdoor advertising within the township to protect public safety, health and welfare; minimize abundance and size of signs to reduce visual clutter, motorist distraction, and loss of visibility; promote public convenience; preserve property values; and enhance the aesthetic appearance and quality of life within the township. The requirements contained herein are intended to be content neutral. These objectives are accomplished by establishing the minimum amount of regulations necessary concerning the size, placement, construction, illumination, and other aspects of signs in the township in order to:

(A) Protect the public right to receive messages, including religious, political, economic, social, philosophical, and other types of information protected by the First Amendment of the U. S. Constitution.

(B) Maintain and improve the image of the township by encouraging signs of consistent size which are compatible with and complementary to related buildings and uses, and harmonious with their surroundings.

(C) Recognize that the proliferation of signs is unduly distracting to motorists and non-motorized travelers, reduces the effectiveness of signs directing and warning the public, causes confusion, reduces desired uniform traffic flow, and creates potential for accidents.

(D) Recognize that the main intent of commercial signs, to meet the purpose of these requirements and serve the public interest, should be for identification of an establishment on the premises, and not for advertising special events, brand names or off-premise activities, as these can be advertised more appropriately by other methods.

(E) Eliminate potential conflicts between business signs and traffic control signs, which could create confusion and hazardous consequences.

(F) Enable the public to locate goods, services, and facilities without excessive difficulty and confusion by restricting the number and placement of signs.

(G) Prevent signs that are potentially dangerous to the public due to structural deficiencies or disrepair. (Ord. § 15.01, passed 4-5-2004)

### § 154.286 PROHIBITED SIGNS.

Any sign not expressly permitted is prohibited in addition to the following signs:

(A) *Signs installed prior to the effective date of this chapter.* Any sign installed prior to the effective date of this chapter without a permit, when the previous ordinance required a permit or any sign unlawfully installed, erected, or maintained after the effective date of this chapter

(B) *Commercial vehicles used as signs.* No commercial vehicle may be parked on a commercial or industrial lot for a time period exceeding 48 hours for the intended purpose of advertising a product or serving as a business sign.

(C) *Emergency vehicles simulation signs.* Signs that simulate or could in any way be confused with the lighting of emergency vehicles or traffic signals.

(D) *Exterior string lights.* String lights used in connection with a commercial enterprise, other than holiday decorations.

(E) *High intensity/flashing light signs.* Signs using high intensity or flashing lights, spinners or animated devices. However, signs of this type which present items such as time, temperature, date and public interest events may be permitted providing it meets all applicable sign requirements, is maintained and kept in good working order.

(F) *Moving signs.* Signs having moving members or parts.

(G) *Non-regulatory signs.* Signs placed in any public right-of-way, attached to a utility pole or affixed to a tree.

(H) *Obsolete signs.* A sign that advertises a product or service that is no longer available or that advertises a business or service that has closed.

(I) *Billboards and off-premise signs.* Signs erected for the purpose of advertising a product, event, person or subject, unless otherwise provided for in this subchapter or covered under the State Highway Act.

(J) *Portable signs.* Except where expressly allowed in this subchapter.

(K) *Public or private tower signs.* Any type of signage including logos shall not be permitted on a public or private radio, television, cellular phone, or water towers with the exception of the name of the municipality, unless approved by the Township Board.

(L) *Roof signs.* A sign erected above the roof line of a building.

(M) *Signs that obstruct vision.* Signs that obstruct any approved traffic control device, street sign, or signal from view; interferes with site distance necessary for traffic safety; or distracts from visibility of existing traffic signs or devices.

(N) *Signs that confuse traffic.* Signs which make use of words such as STOP, LOOK, DANGER, or other words, phrases, symbols, or characters in such a manner as to interfere with, mislead, or confuse traffic.

(O) *Signs that obstruct access.* Any sign which obstructs ingress or egress from any required door, window, fire or other required exit way.  
(Ord. § 15.02, passed 4-5-2004)

#### **§ 154.287 GENERAL REQUIREMENTS FOR PERMITTED SIGNS.**

Signs which are permitted as accessory uses serving a commercial or informational purpose may be permitted subject to the requirements of this section; provided, that no such sign shall be erected or altered until approved by the township and until a permit has been issued. It shall be unlawful for any person, firm, or corporation to erect, place, construct, or alter any sign in the township except in conformance with the provisions of this subchapter, subject to issuance of a permit, except as otherwise provided herein.

(A) *Display area.* No sign shall exceed the maximum sign display area allowed for a district. The sign display area is to be expressed in square feet and shall be computed as follows:

(1) *Single-face sign.* The allowable area for a single-face sign shall be measured by calculating the square footage of the sign face as measured by enclosing the most protruding points or edges of a sign within a parallelogram or rectangle, including any frame.

(2) *Wall signs.* Where a sign consists of individual letters and/or a logo affixed directly to a building, the area of the sign shall be computed by measuring the area of the envelope required to enclose the lettering and logo.

(3) *Double-face signs.* Where a sign has two (2) or more faces, the area of only the larger face shall be considered when calculating maximum size, provided all faces are part of the same structure, back-to-back, contain the same message and are separated by no more than two (2) feet.

(B) *Materials.* Sign materials shall be designed to complement the original construction materials and architectural style of the building facade to promote an overall unified and aesthetic effect as permitted in the various districts.

(C) *Illumination.*

(1) *General requirements.* Signs may be illuminated only by steady, stationary, shielded light sources using approved electrical devices directed solely at the sign, or internal to it.

(2) *Timer controls.* Each illuminated sign shall be equipped with a functional timer control. No sign shall be illuminated after 10:00 p.m. or one-half (1/2) hour following the close of the business, whichever is later. No sign shall be illuminated before 6:00 a.m., or one-half (1/2) hour prior to the beginning of the business, whichever is earlier.

(3) *Nonglare, shielded lighting.* Use of glaring undiffused lights or bulbs shall be prohibited. Lights shall be shaded and/or shielded downward so as not to project onto adjoining properties or thoroughfares.

(4) *Wiring.* Underground wiring shall be required for all illuminated signs not attached to a building.

(D) *Location.*

(1) *Public right-of-way.* No sign shall be located within, project into, or overhang a public right-of-way, except as otherwise allowed herein.

(2) *Setbacks.*

(a) All signs, unless otherwise provided for, shall be set back a minimum of ten (10) feet from any public street right-of-way line in all Non-Industrial Districts and set back twenty (20) feet from any public street right-of-way in the Industrial District. This distance shall be measured from the nearest edge of the sign, measured at a vertical line perpendicular to the ground to the right-of-way.

(b) Side yard setbacks for signs shall be the same as that required for the main building, provided that all non-residential signs shall be set back at least one hundred (100) feet from any Residential District.

(3) *Safety triangle.* No sign shall be located within, project into, or overhang the triangular area formed at the intersection of any two (2) street right-of-way lines (existing or proposed) by a straight line drawn between said right-of-way lines at a distance along each line of twenty (20) feet from their point of intersection.



(E) *Measurement.* The distance between a sign and another sign, a property line, parking lot, or building shall be measured along a straight horizontal line that represents the shortest distance between the sign and the other sign, property line, parking lot, or building.

(F) *Safety.*

(1) All signs shall be erected so that any part including cables, guys, etc. shall have a minimum clearance of 4 feet from any electrical conductor, electric light pole, street lamp, traffic light, or other public utility pole.

(2) All signs shall be designed to comply with wind pressure and other requirements set forth in the adopted Building Code. Signs with electrical connections shall comply with Electrical Code requirements, including the application, inspection, and approval of an electrical permit. (Ord. § 15.03, passed 4-5-2004; Am. Ord. - -, passed 1-4-2010)

**§ 154.288 SPECIFIC SIGN REQUIREMENTS.**

(A) The number, display area, and height of signs within the various zoning districts are provided in the following table and its accompanying set of footnotes. Some additional requirements for specific types of signs are given in this section.

<i>Specific Sign Requirements</i>						
<i>Type of Sign</i>	<i>Districts Permitted</i>	<i>Max. Height (ft.)</i>	<i>Max. Display Area (ft.)</i>	<i>Max. Number</i>	<i>Permit Required</i>	<i>Additional Requirements</i>
<b><i>Directional</i></b>	All districts	-	<b><i>1</i></b>	1 wall or double faced freestanding	no	(B)(1)
<b><i>For rent/lease/sale, real estate and temporary</i></b>	All districts	-	7	1 per property	no	(B)(8)
<b><i>Flags</i></b>	All districts	30	-	2	no	(B)(2)
<b><i>Freestanding</i></b>	All non-residential districts	10	32 per face	1	yes	(B)(3)
<b><i>Gasoline price sign</i></b>	All non-residential districts	-	12 per face	2 wall or double faced freestanding	yes	(B)(4)

<i>Specific Sign Requirements</i>						
<i>Type of Sign</i>	<i>Districts Permitted</i>	<i>Max. Height (ft.)</i>	<i>Max. Display Area (ft.)</i>	<i>Max. Number</i>	<i>Permit Required</i>	<i>Additional Requirements</i>
<i>Identification</i>	All districts	-	1	1 wall or double faced freestanding	no	(B)(5)
	All non-residential districts	6	3	1 parking lot sign and 1 driveway sign		
<i>Marquee (awning/canopy)</i>	All non-residential districts	-	-	-	yes	(B)(6)
<i>No hunting or trespassing</i>	All districts	-	4	-	no	-
<i>Political</i>	All districts	-	-	3	no	(B)(7)
<i>Recreational/institutional</i>	All districts	4	20 per face	1 freestanding	yes	-
<i>Wall</i>	All non-residential districts	-	-	-	Yes	(B)(9)
<i>Window</i>	All non-residential districts	-	20% of glass surface	-	no	(B)(10)

(B) Signs noted in the table in division (A) shall comply with the following requirements:

(1) *Construction signs.* Construction signs must be removed within 180 days after start of construction. This pertains only to the building or project under construction and information related to its developers, contractors, subcontractors, engineers, brokers and architects.

(2) *Flags.* Includes flags or insignia bearing the official design of a nation, state, municipality, educational institution, or non-commercial organization.

(3) *Freestanding signs.* One on-premises freestanding sign may be allowed for those premises having at least 50 feet of major street frontage. Freestanding signs shall be subject to all of the following:

(a) *Low profile.* Signs shall be of a low profile design.

(b) *Existing right-of-way.* Located completely outside of the existing road right-of-way.

(c) *Joint applicants.* If, due to inadequate frontage on a major street, a commercial premises is prohibited from having a freestanding sign, the owner may obtain a joint permit for a sign with one (1) or more adjacent commercial premises, subject to all of the following requirements:

1. The aggregate frontage of all joint applicants exceeds fifty (50) feet of frontage of a major street.
2. A limit of one (1) freestanding sign shall be allowed for the aggregate frontage of all joint applicants.
3. An applicant shall be limited to participating in one (1) joint application for a sign permit.

(d) *Corner lots.* Allow commercial property on a corner lot with a least two hundred (200) feet of road frontage on both sides one (1) sign per property line. Signs shall be set no closer than one hundred fifty (150) feet from both corner lot lines.

(4) *Gasoline price signs.* Each gasoline service station may be allowed the following signs in addition to the signs otherwise allowed by this section:

- (a) Signs shall be of a low profile design.
- (b) Gasoline pump signs not exceeding three (3) square feet per pump containing customary information regarding the brand, type of gasoline sold, and service provided.
- (c) Signs shall not project into the public right-of-way.
- (d) May contain up to two (2) pump island signs located on the structural supports identify mg self-serve and full-serve operations, provided that there is no business identification or advertising copy on such signs and that such signs do not exceed 4 square feet in area.

(5) *Identification signs.*

(1) For the sole purpose of designating an assigned house number, owner name, occupant, or building name.

(2) Such signs shall not be counted in the total sign area allowed on the premises, however, such signs in excess of one (1) square foot in surface display area may be allowed as part of the total sign area otherwise allowed by this chapter.

(6) *Marquee signs.* Signs on marquees, awnings, and canopies may be allowed, subject to compliance with all of the following requirements:

(a) A total area of the lettering and logo shall not exceed twenty-five percent (25 %) of the total area of the marquee, awning, or canopy (excluding supports) that is visible from the street.

(b) The display area of the sign on a marquee, awning, or canopy shall be counted toward determining compliance with the requirements for total allowable area of wall signs allowed on the parcel.

(c) Any lettering used solely for the purpose of presenting the numerals of a street address shall not be included within the computed sign area on a marquee, awning, or canopy, provided that the height or width of the numerals does not exceed the height or width of other letters or numerals on the marquee, awning, or canopy.

(7) *Political signs.*

(a) Placed with the permission of the owner or entity in charge of the premises where located.

(b) The owner of the property or the person in charge thereof shall be responsible for the removal of the signs.

(c) Located in an area that can be accessed without trespass to other owners of adjoining properties.

(d) Removed within seven (7) days after the election at which the vote for the question or person is held.

(8) *Real estate signs.* Must be removed ten (10) days after the sale, lease, or rental of the property upon which erected.

(9) *Wall signs.*

(a) The maximum aggregate surface display area shall be ten percent (10%) or forty (40) square feet, whichever is greater, of the total area of the wall on which it is displayed.

(b) Sign shall not extend more than twelve (12) inches beyond the surface of the portion of the building wall area upon which it is painted, erected, or fastened.

(c) The maximum aggregate total of the surface display area of all wall signs on any premises is one hundred twenty (120) square feet for any premises.

(10) *Window signs.* The area of permanent window signs shall be counted in determining compliance with requirements for total area of wall signs.  
(Ord. § 15.04, passed 4-5-2004; Am. Ord. - -, passed 1-5-2009; Am. Ord. - -, passed 1-4-2010)



**§ 154.289 PERMITS.**

(A) No sign shall be erected or altered until approved by the Zoning Administrator and a permit issued.

(B) No permit shall be required for ordinary servicing or repainting of an existing sign message, cleaning of a sign, or changing of the message on the sign where the sign is designed for such changes (such as lettering on a marquee or numbers on a gasoline price sign). Furthermore, a permit shall not be required of signs which are stated as being allowable without a permit.  
(Ord. § 15.05, passed 4-5-2004)

**§ 154.290 FEES.**

Fees, as established by the Township Board, for the issuance of sign permits shall be paid to the Caseville Township Treasurer in advance of the issuance of the permit.  
(Ord. § 15.06, passed 4-5-2004)

**§ 154.291 APPEALS .**

Appeals shall be the responsibility of the Board of Appeals in accordance with §§ 154.370 et seq. Fees for appeals, as established by the Township Board, shall be paid to the Caseville Township Treasurer.  
(Ord. § 15.07, passed 4-5-2004)

***SITE PLAN REVIEW***

**§ 154.305 STATEMENT OF PURPOSE.**

The purpose of this subchapter is to provide for consultation and cooperation between the developer and the Planning Commission in order that the developer may accomplish their objectives in the utilization of the land within the regulations of this chapter, and with minimum adverse effect on existing uses in the immediate vicinity. The procedures set forth herein are further intended to:

- (A) Achieve efficient use of the land.
- (B) Minimize adverse impacts on adjoining or nearby properties.

(C) Provide a mechanism for review of new development as well as redevelopment of existing sites and, to bring existing development into compliance with current standards.

(D) Encourage cooperation and consultation between the township and the applicant to facilitate development in accordance with the township's land use objectives.  
(Ord. § 16.01, passed 4-5-2004)

**§ 154.306 USES SUBJECT TO SITE PLAN REVIEW.**

The uses in the following table require site plan approval by Planning Commission in order to being eligible for a building permit.

<i>Uses Requiring Site Plan Review</i>
<b><i>New Development</i></b>
Multiple-family dwellings
Construction of any nonresidential use or building
Establishment of special land uses in all zoning districts, except where specifically noted elsewhere in this table
Erection of wireless communication towers or other communication towers
Construction of essential public service buildings and storage areas
Golf courses and public/private parks
<b><i>Expansions</i></b>
An increase in the floor area for a use requiring site plan approval by up to 25 % of the existing floor area
An increase in parking or loading area over 25 %
<b><i>Changes in Use</i></b>
Any change in the use of land or a building to a more intensive use, in terms of parking needs, noise, traffic and similar impacts
A change from a non conforming use, building or site, to a more conforming situation

(Ord. § 16.02, passed 4-5-2004)



**§ 154.307 SITE PLAN REVIEW PROCEDURES.**

(A) *Applicant attendance.* The application shall be submitted by the owner of an interest in the land for which site plan approval is sought, or the designated agent of the owner. The applicant or a designated representative must be present at all scheduled review meetings or consideration of the plan shall be tabled without consideration of the site plan due to lack of representation. The Zoning Administrator may recommend to the Planning Commission that the applicant's architect or engineer be required to be present at the meeting in order to address technical matters related to the application.

(B) *Preliminary site plan review.* The applicant shall be required to submit 10 copies of the preliminary site plan to the Planning Commission for its review. Sufficient information, as described in § 154.308, shall be submitted at least 1 week prior to the next scheduled Planning Commission meeting that describes the proposed project. Discussion at the Planning Commission meeting is in no way a formal approval or decision on any aspect of a proposed project, but is intended to guide the applicant in preparing a final site plan.

(C) *Final site plan review.* The applicant shall submit 10 copies of the final site plan to the Planning Commission. Sufficient information, as described in § 154.308, shall be submitted at least 1 week prior to the next scheduled Planning Commission meeting that describes the proposed project. Additional information may be required by the Planning Commission to make the determinations required herein. (Ord. § 16.03, passed 4-5-2004)

**§ 154.308 SUBMITTAL REQUIREMENTS.**

The following data shall be included with and as part of the site plan(s) or sketch plan(s) submitted for review:

<i>Site Plan and Sketch Plan Submittal Requirements <sup>1</sup></i>		
<i>Plan Data</i>	<i>Required For:</i>	
	<i>Preliminary Plan</i>	<i>Final Site Plans</i>
<i>Application Form</i>		
Name and address of the applicant and property owner	x	x
Address and common description of property and complete legal description	x	x
Dimensions of land and total acreage	x	x
Zoning on the site and all adjacent properties	x	x

<b>Site Plan and Sketch Plan Submittal Requirements <sup>1</sup></b>		
<b>Plan Data</b>	<b>Required For:</b>	
	<b>Preliminary Plan</b>	<b>Final Site Plans</b>
<b>Application Form</b>		
Description of proposed project or use, type of building or structures, and name of proposed development, if applicable	x	x
Name and address of firm or individual who prepared site plan	x	x
Proof of property ownership	x	x
<b>Site Plan Descriptive and Identification Data</b>		
Site plans shall consist of an overall plan for the entire development, drawn to an engineer's scale of not less than 1 inch = 50 feet of property less than 3 acres, or 1 inch = 100 feet of property 3 acres or more in size. Sheet size shall be at least 24 by 36 inches. If a large development is shown in sections on multiple sheets, then 1 overall composite sheet shall be included	x	x
Title block with sheet number/title; name, address and telephone number of the applicant and firm or individual who prepared the plans; and date(s) of submission and any revisions (month, day, year)	x	x
Scale and north-point	x	x
Location map drawn to a separate scale with north-point, showing surrounding land, water features, zoning and streets within a quarter mile.		x
Legal and common description of property	x	x
<b>Site Plan Descriptive and Identification Data</b>		
Identification and seal of architect, engineer, land surveyor, or landscape architect who prepared drawings		x
Zoning classification of petitioner's parcel and all abutting parcels	x	x
Proximity to section corner and major thoroughfares		x
Net acreage (minus rights-of-way and submerged land) and total acreage	x	x

<i>Site Plan and Sketch Plan Submittal Requirements <sup>1</sup></i>		
<i>Plan Data</i>	<i>Required For:</i>	
	<i>Preliminary Plan</i>	<i>Final Site Plans</i>
<b><i>Site Data</i></b>		
Existing lot lines, building lines, structures, parking areas and other improvements on the site and within 100 feet of the site	X	X
Topography on the site and within 100 feet of the site at 2-foot contour intervals, referenced to a U.S.G.S. benchmark		X
Proposed lot lines, lot dimensions, property lines, setback dimensions, structures, and other improvements on the site and within 100 feet of the site	X	X
Location of existing drainage courses, floodplains, lakes, streams, and wetlands with elevations	X	X
All existing and proposed easements including type	X	X
Location of exterior lighting (site and building lighting)		X
Location of trash receptacle(s) and transformer pad(s) and method screening	X	X
Extent of any outdoor sales or display area	X	X
<b><i>Access and Circulation</i></b>		
Dimensions, curve radii and centerlines of existing and proposed access points, roads and road rights-of-way or access easements	X	X
Driveways and intersections within 250 feet of site		X
Cross section details of proposed roads, driveways, parking lots, sidewalks and non-motorized paths illustrating materials and thickness		X
<b><i>Access and Circulation</i></b>		
Dimensions of acceleration, deceleration and passing lanes		X
Dimensions of parking spaces, islands, circulation aisles and loading zones	X	X
Calculations required for number of parking and loading spaces	X	X

<i>Site Plan and Sketch Plan Submittal Requirements <sup>1</sup></i>		
<i>Plan Data</i>	<i>Required For:</i>	
	<i>Preliminary Plan</i>	<i>Final Site Plans</i>
<b><i>Access and Circulation</i></b>		
Designation of fire lanes	x	x
Traffic regulatory signs and pavement markings		x
Location of existing and proposed sidewalks/pathways within the site or right-of-way	x	x
Location, height and outside dimensions of all storage areas and facilities	x	x
Traffic impact study may be required at the Planning Commissioner's request when the use generates traffic that exceeds trip generation rate recognized by the Institute of Traffic Engineers (ITE)	x	x
<b><i>Landscape Plans</i></b>		
Location, sizes and types of existing trees 6 inches or greater in diameter, measured at 3.5 feet off the ground and the general location of all other existing plant materials, with an identification of materials to be removed and materials to be preserved	x	x
Description of methods to preserve existing landscaping		x
Location of existing and proposed lawns and landscaped areas	x	x
Landscape plan, including location and type of all proposed shrubs, trees and other live plant material		x
Planting list for proposed landscaped materials with caliper size or height of material, method of installation, botanical and common names and quantity		x
Proposed dates of plant installation		x
Landscape maintenance schedule		x
<b><i>Building and Structure Details</i></b>		
Location, height and outside dimensions of all proposed buildings or structures	x	x
Building floor plans and total floor area		x
Details on accessory structures and any screening		x

<i>Site Plan and Sketch Plan Submittal Requirements <sup>1</sup></i>		
<i>Plan Data</i>	<i>Required For:</i>	
	<i>Preliminary Plan</i>	<i>Final Site Plans</i>
<b><i>Building and Structure Details</i></b>		
Size, height and method of shielding for all site and building lighting		X
Location, size, height and lighting of all proposed site and wall signs	X	X
Location, size, height and material of construction for all obscuring wall(s) or berm(s) with cross-sections, where required	X	X
Building facade elevations for all sides, drawn at an appropriate scale		X
Description of exterior building materials and colors (samples may be required)		X
<b><i>Information Concerning Utilities, Drainage and Related Issues</i></b>		
Location of sanitary sewers and septic systems, existing and proposed		X
Location and size of existing and proposed water mains, well sites, water service, storm sewer loads and fire hydrants		X
Storm water drainage and retention/detention calculations	X	X
Indication of site grading, drainage patterns and other storm water management measures	X	X
Storm water retention and detention ponds, including grading, side slopes, depth, high water elevation, volume and outfalls	X	X
Location and size of underground storm sewers and drains	X	X
Location of above and below ground gas, electric and telephone lines, existing and proposed		X
Location of transformer and utility boxes		X
Assessment of potential impacts from the use, processing or movement of hazardous materials or chemicals, if applicable		X
<b><i>Additional Information Required for Multiple-family Residential Development</i></b>		
Number and location of each type of residential unit (1-bedroom units, 2-bedroom units, etc.)		X
Density calculations by type of residential unit (dwelling units per acre)		X

<i>Site Plan and Sketch Plan Submittal Requirements<sup>1</sup></i>		
<i>Plan Data</i>	<i>Required For:</i>	
	<i>Preliminary Plan</i>	<i>Final Site Plans</i>
<i>Additional Information Required for Multiple-family Residential Development</i>		
Garage locations and details, if proposed		x
Mailbox clusters		x
Location, dimensions, floor plans and elevations of common building(s) (e.g. recreation, laundry, etc.) if applicable		x
Swimming pool fencing detail, including height and type of fence, if applicable		x
Location and size of recreation and open space areas		x
Indication of type of recreation facilities proposed for recreation area		x

<sup>1</sup> If any of the items listed above are not applicable, a list of each item considered not applicable and the reason(s) why each listed item is not considered applicable should be provided on the site plan.

(Ord. § 16.04, passed 4-5-2004; Am. Ord. - -, passed 2-6-2012)

**§ 154.309 STANDARDS FOR SITE PLAN APPROVAL.**

Site plan approval shall be granted only if the site plan meets all applicable standards set forth in this section as follows:

(A) *Adequacy of information.* The site plan shall include all required information in sufficiently complete and understandable form to provide an accurate description of the proposed use(s) and structure(s).

(B) *Sited design characteristics.* All elements of the site design shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property, and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted by this chapter. The site shall be designed to conform to all provisions of the zoning ordinance. Redevelopment of existing sites shall be brought into conformance with all site improvement provisions of this chapter which are relative to and proportionate to the extent of redevelopment, as determined by the Planning Commission.

(C) *Buildings*. Buildings and structures will meet or exceed setback requirements, height and other dimensional requirements, and be placed to preserve environmentally sensitive areas. Redevelopment of existing structures shall meet or exceed all requirements for which a variance has not been obtained.

(D) *Preservation of natural areas*. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, alteration to the natural drainage courses, and the amount of cutting, filling, and grading. Natural features and the site topography shall be incorporated into the proposed site design to the maximum extent practical.

(E) *Emergency vehicle access*. All buildings or groups of buildings shall be arranged so as to permit emergency vehicle access by some practicable means to all vehicles.

(F) *Ingress and egress*. Every structure or dwelling unit shall be provided with adequate means of ingress and egress via public streets and walkways.

(G) *Vehicular and pedestrian circulation layout*. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area.

(H) *Drainage*. Storm water management system and facilities shall preserve the natural drainage characteristics and enhance the aesthetics of the site to the maximum extent possible, and shall not substantially reduce or increase the natural retention or storage capacity of any wetland, water body, or water course, or cause alterations which could increase flooding or water pollution on or off the site.

(I) *Soil erosion*. The proposed development shall include measures to prevent soil erosion and sedimentation during and after construction,

(J) *Exterior lighting*. Exterior lighting shall be designed so that it is deflected away from adjacent properties and so that it does not impede the vision of drivers on public streets, adversely impact abutting properties or adversely impact the natural evening sky.

(K) *Public services*. The scale and design of the proposed development shall facilitate the adequate provision of services currently furnished by or that may be required of the township or other public agency including, but not limited to, fire and police protection, stormwater management, sanitary sewage removal and treatment, traffic control, and administrative services.

(L) *Traffic impact*. The expected volume of traffic to be generated by the proposed use shall not adversely impact existing roads and the circulation thereon. Driveways shall be located to minimize conflict with traffic operations on the adjoining road. The number of driveways shall be the minimum needed to provide reasonable access to the site. The width of streets and drives shall be appropriate for the volume of traffic they will carry.

(M) *Hazardous materials*. Sites which include storage of hazardous materials or waste, fuels, salt, or chemicals shall be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater or nearby surface water bodies. Such sites shall be designed to meet all applicable state and federal regulations.

(Ord. § 16.05, passed 4-5-2004)

### **§ 154.310 VALIDITY OF APPROVED PLANS.**

(A) Development shall be under construction within 1 year after the date of approval of the site plan, except as noted in this section.

(B) The Planning Commission may grant 1 extension of up to an additional 1-year period if the applicant applies for such extension prior to the date of the expiration of the site plan and provided that:

(1) The applicant presents reasonable evidence that said development has encountered unforeseen difficulties beyond the control of the applicant.

(2) The site plan requirements and standards, including those of this chapter, that are reasonably related to the development have not changed.

(3) Should neither of the provisions of division (A) or (B) be fulfilled, or an extension has expired without construction underway, the site plan approval shall be null and void.

(Ord. § 16.06, passed 4-5-2004)

### **§ 154.311 AMENDMENTS TO APPROVED SITE PLANS.**

The holder of an approved site plan shall notify the Zoning Administrator of any proposed change to an approved site plan. Documentation outlying conditions necessitating the changes shall be provided. Changes to the approved site plan shall be permitted only under the following circumstances:

(A) *Minor amendments*. Minor amendments may be approved by the Zoning Administrator upon determining that the proposed revisions(s) will not alter the basic design nor any specific conditions imposed as part of the original approval. Minor amendments shall include the following:

(1) Change in the building size, up to 5% in total floor area.

(2) Movement of buildings or other structures by not more than 10 feet.

(3) Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size.

(4) Changes in building materials to a comparable or higher quality.



(5) Changes in floor plans which do not alter the character of the use.

(6) Changes required by outside agencies such as the county, state, or federal departments.

(B) *Major amendments.* A proposed amendment not determined by the Zoning Administrator to be minor shall be submitted to the Planning Commission as a major site plan amendment and shall be reviewed in the same manner as the original application.

(Ord. § 16.07, passed 4-5-2004)

### **§ 154.312 PROPERTY MAINTENANCE AFTER APPROVAL.**

It shall be the responsibility of the owner of a property for which site plan approval has been granted to maintain the property in accordance with the approved site design on a continuing basis until the property is razed, or until new zoning regulations supersede the regulations upon which site approval was based, or until a new site design approval is sought. This maintenance requirement includes maintaining healthy landscaping, walls, fences, pavement, pavement markings, signs, building exterior, drainage facilities, and all other elements of a site.

(Ord. § 16.08, passed 4-5-2004)

### **§ 154.313 APPEALS OF SITE PLANS.**

(A) Any person aggrieved by the decision of the Planning Commission in granting or denial of a site plan approval shall have the right to appeal the decision to the Zoning Board of Appeals. The appeal shall be filed with the Township Clerk within 5 business days of the final decision by the Planning Commission. The appeal shall state the aggrieved parties' grounds for appeal.

(B) The filing of an appeal of a decision of the Planning Commission concerning a site plan shall act to stay any building permit issued for improvements on the property which is the subject of the appeal.

(C) On hearing such appeal, the Zoning Board of Appeals shall review the record before the Planning Commission and shall determine whether or not there was support on the record for the original decision. The applicant shall not have the right to present new evidence. The Zoning Board of Appeals shall approve the site plan if the requirements of this chapter, other applicable township ordinances and applicable state and federal statutes are met, and prepare written findings on its decision on the appeal. (Ord. § 16.09, passed 4-5-2004)

## ***SPECIAL LAND USES***

### **§ 154.330 STATEMENT OF PURPOSE.**

(A) Special land uses are uses considered to be more intense, or potentially more disruptive, compared to the various uses in a particular zoning district which are permitted by right. The uses classified as special land uses vary by district and must be listed in the regulations of each zoning district. These provisions encourage cooperation and consultation between the township and the applicant to facilitate development in accordance with the township's land use objectives. An approved special land use shall be considered a conforming use permitted in the district at the specific site where it is located.

(B) The review procedures and standards set forth herein are intended to accomplish the following purposes:

(1) Accommodate uses which are needed and beneficial to the township but need to be carefully located due to their potential impacts.

(2) Provide a consistent and uniform method for review.

(3) Provide a mechanism for public input.

(4) Ensure full compliance with the standards contained in this chapter and other applicable federal, state, and local regulations.

(5) Regulate the use of land operations and site design based on the characteristics of a particular use.

(6) Achieve efficient use of the land.

(7) Minimize impacts associated with a specific use within the environmental capacities of the impacted area.

(8) Provide site design and operational standards to minimize any negative impact on adjoining or nearby properties.

(Ord. § 17.01, passed 4-5-2004)

**§ 154.331 APPLICATION AND REVIEW PROCEDURE.**

(A) Application for a special land use permit shall be made to the Zoning Administrator and shall include the following:

(1) A minimum of 3 up to 10 copies of a site plan containing the information that meets the requirements of §§ 154.305 et seq. The amount of copies required is at the discretion of the Zoning Administrator.

(2) An application form supplied by the township, completed by the applicant, or their authorized agent.

(3) Payment of a non-refundable application fee, as established by the Township Board.

(B) The application shall be reviewed by the Zoning Administrator for completeness and compliance with appropriate sections of this chapter.

(C) The request for special land use shall be reviewed as follows:

(1) The special land use request and appropriate documents shall be forwarded to the Planning Commission.

(2) The Planning Commission shall review the special land use application and the site plan in terms of the requirements of the general standards of this subchapter, the specific standards listed in each district, and the standards of §§ 154.305 et seq.

(3) After completing initial review of the application, the Planning Commission shall hold a public hearing on the special land use application in accordance with Michigan Zoning Enabling Act, PA 110 of 2006, as amended. One notice of the hearing shall be published in a newspaper of general circulation in the township and sent by mail or personal delivery to the property owners and the occupants of all structures within 300 feet of the boundary of the property in question. The notice shall be given at least 15 days before the hearing. The notice shall describe the nature of the special land use request, indicate the property in question, state the time and location of the hearing, and shall indicate the time and place where written comments will be received.

(4) The Planning Commission shall approve, approve with conditions, or deny the special land use and site plan. If the application is determined to be incomplete or more information is required, then the Planning Commission may either:

(a) *Table the request.* Table the request and direct the applicant to prepare additional information or revise the plan.

(b) *Return the request.* Return the request for additional review or analysis.

(c) *Deny the request.* If the revised plans are determined to be significant by the Planning Commission, may elect to conduct another public hearing.

(5) Upon approval of an application for a special land use permit the Zoning Administrator shall issue a special land use permit. The Zoning Administrator shall be responsible for insuring that any conditions attached to the approval of the special land use permit are adhered to.

(6) Records of the reasons for the Planning Commission actions, and any conditions attached to the approvals, shall be kept and made a part of the minutes of the Planning Commission. A record of conditions imposed shall be maintained. The conditions shall remain unchanged unless an amendment to the special land use permit is approved by the body which approved the original special land use permit.

(7) No request for special land use approval which has been denied shall be resubmitted for 1 year following such disapproval, except as may be permitted after learning of new and significant facts or conditions which might result in favorable action upon resubmittal.  
(Ord. § 17.02, passed 4-5-2004)

#### **§ 154.332 GENERAL STANDARDS FOR APPROVAL.**

A special land use proposal shall be approved by resolution that the proposed use will comply with all applicable requirements of this chapter including site plan review criteria set forth in §§ 154.305 et seq., standards for specific use is found in §§ 154.060 et seq., §§ 154.080 et seq., §§ 154.100 et seq., §§ 154.120 et seq. and §§ 154.140 et seq., and all of the following standards:

(A) *Compatibility with adjacent uses.* The proposed special land use shall be designed, constructed, operated, and maintained to be compatible with existing or planned uses on surrounding land and will not change the essential character of the area in which it is proposed.

(B) *Compatibility with the master plan.* The proposed special land use shall be consistent with and in accordance with the goals and recommendations of the adopted township master plan and shall promote the intent and purpose of this chapter and the district in which it is located.

(C) *Impact on public health, safety, and welfare.* The proposed land use shall not include any activities, processes, materials, equipment, or conditions of operation that may threaten public health, safety, and welfare. The physical layout of the site shall be designed in a manner that is not detrimental to public health, safety, and welfare. In determining whether this requirement is met, consideration shall be given to the production of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light.

(D) *Impact on public services.* The proposed special land use shall be located where it can be adequately served by and not exceed the capacity of existing essential public facilities and services, including, but not necessarily limited to utilities, public roads, and public safety services, unless the project proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the special land use is available for occupancy.

(E) *Impact on the overall environment.* The proposed special land use shall not have an unacceptable significant adverse effect on the quality of the natural environment in comparison to the impacts associated with typical permitted uses.  
(Ord. § 17.03, passed 4-5-2004)

### **§ 154.333 AMENDMENTS, EXPANSIONS, OR CHANGE IN USE.**

(A) *Major amendments.* Any person or agency shall notify the township of any change in an existing special land use. Any major amendment to an approved special land use shall require submittal of a new application for special land use and follow the review procedures contained in this subchapter. Amendments to the site plan shall bring the site into compliance with all chapter requirements determined to be reasonable by the Planning Commission in proportion with the extent of the change at the site and in consideration with the physical constraints of the site. The Zoning Administrator shall determine whether the proposed amendment constitutes a minor or major amendment, based on the standards below:

(1) *Increase in building.* Change increases the building's usable floor area by more than 25 %.

(2) *Increase in parking.* Parking lots are expanded by more than 25 %.

(B) *Minor amendment.* Minor amendment to an approved special land use does not require submittal of a new application for a special land use.

(C) *Change in use.* Change to another special land use shall require submittal of a new application for special land use and follow the review procedures contained in this subchapter.

(D) *Change in use not previously approved.* The change and/or expansion of a special land use which has not previously received a special land use permit shall require submittal of an application for a special land use.

(E) *Required site plan.* Any changes, whether minor and major, shall require submittal of a site plan in accordance with §§ 154.305 et seq.

(F) *Multiple uses.* For a use or building which involves more than 1 activity classified as a special land use, a separate special land use permit shall be required for each use requiring special land use review on a lot.  
(Ord. § 17.04, passed 4-5-2004)

## ***NON-CONFORMING BUILDINGS, LOTS AND USES***

### **§ 154.350 STATEMENT OF PURPOSE.**

(A) It is recognized that there exists within zoning districts certain lots, buildings and structures, and uses which were lawful before this chapter was passed or amended, which would be prohibited, regulated, or restricted under the terms of this chapter. It is the intent of this chapter to permit legal, non-conforming buildings and structures, lots, and uses to continue until they are removed, but not to encourage their continued use or survival.

(B) Non-conforming buildings and structures, lots, and uses are declared by this chapter to be incompatible with the districts in which they are located. It is the intent of this chapter that these nonconformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other buildings, structures or uses prohibited elsewhere in the district, except as may be provided for in this section.

(C) Nothing in this chapter shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and upon which actual building construction has been diligently conducted.

(D) The township may acquire, through purchase or condemnation, private nonconforming lots, buildings and structures, and uses. The Township Board may take such actions in the manner provided for by law.

(Ord. § 18.01, passed 4-5-2004)

(E) All non-conforming buildings, lots and uses shall be governed under provisions of the Michigan Zoning Enabling Act, as amended (in addition to the purpose of this section).

### **§ 154.351 NON-CONFORMING BUILDINGS OR STRUCTURES.**

Where a lawful building or structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter, that building or structure may be continued provided it remains otherwise lawful, subject to the following provisions. Except as noted below, no building or structure may be enlarged unless a variance is granted by the Zoning Board of Appeals.

(A) *Permitted expansions.* An expansion (footprint or floor area) of a non-conforming building or structure shall be permitted when both of the following conditions exist:

(1) Only 1 side of the building or structure does not conform with setback requirements.

(2) The expansion is on the conforming side of the building and will conform with all setback and height requirements.

(B) *Replacement of a non-conforming single-family dwelling.* A non-conforming building used as a single-family residence, and its accessory structures, may be continued, replaced, repaired or remodeled if damaged by flood, fire, vandalism, accident or other natural disaster if approved by the Zoning Board of Appeals. Such approval requires a finding that the resulting building footprint will be the same size or smaller than that of the building before such change or that the building will become more conforming. Replacement of such a non-conforming single family building shall commence within 1 year of the date of damage and work shall be diligently pursued toward completion. Failure to complete replacement or diligently work toward completion shall result in the loss of non-conforming status unless good cause for the delay is accepted at a hearing before the Zoning Board of Appeals.

(C) *Damaged non-conforming buildings and structures.* A non-conforming building or structure, that is damaged by flood, fire, or vandalism to an extent of more than its market value prior to damage (as described in division (H)), exclusive of the foundation, shall be reconstructed only in conformity with the provisions of this chapter, unless the lot is a non-conforming lot of record, in which case the provisions of § 154.352 also apply. Such non-conforming building may be replaced provided replacement is commenced within 1 year of the date of damage and is being diligently pursued toward completion. Failure to complete replacement shall result in the loss of non-conforming status unless good cause for the delay is accepted at a hearing before the Zoning Board of Appeals.

(D) *Relocation of a non-conforming building or structure.* Should any non-conforming building or structure be relocated or moved for any reason for any distance, it shall thereafter conform to the regulations for the district in which it is located after it is relocated or moved.

(E) *Safety related repairs, improvements, and modernization.* Repairs, improvements, or modernization of non-conforming buildings or structures deemed necessary by the building official to maintain a non-conforming building in a structurally safe and sound condition are permitted provided such repairs or improvements do not exceed the market value (as described in division (H)) of the building or structure during any period of 12 consecutive months. This cost/value calculation shall not include any costs associated with modernization of electrical, plumbing, heating or cooling systems to meet building code requirements. Any such repairs, improvements, and modernization shall not result in an enlargement of the non-conforming structure. However, if a non-conforming building or a structure containing a non-conforming use becomes physically unsafe, dangerous, and/or unlawful due to lack of maintenance and repairs and is formally declared as such by the Zoning Administrator, it shall not thereafter be restored, repaired, or rebuilt except in full conformity with the regulations in the district in which it is located.

(F) *Non safety improvements and modernization.* Repairs, improvements, or modernization of non-conforming structures which are not deemed necessary by the Zoning Administrators to keep a non-conforming building structurally safe and sound shall be permitted provided such repairs or improvements do not exceed 50% of the market value of the structure (as described in division (H)) during any period of consecutive months. Any such repairs, improvements or modernization shall not result in an enlargement of the non-conforming structure or building.

(G) *Elimination of nonconformity.* In the event a non-conforming situation is removed, the corresponding section of the building or structure shall thereafter conform.

(H) *Market value.* For the purpose of this subchapter, market value shall be determined by an acceptable independent appraisal provided by the applicant. The Township Assessor shall review the appraisal. The value of the repairs or improvements shall be based on a written estimate from a licensed contractor provided by the applicant.  
(Ord. § 18.02, passed 4-5-2004)

### **§ 154.352 NON-CONFORMING LOTS.**

Additional information can be found in Section 154.007. (Ord. 2013-01 adopted March 4, 2013)

The following regulations shall apply to any non-conforming lot of record or non-conforming lot described in a deed or land contract executed and delivered prior to the effective date of this chapter or amendment thereto:

(A) *Use of non-conforming lots.* Any non-conforming lot may be used for a use permitted in the zoning district in which it is located. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, a single-family dwelling and customary accessory building(s) may be erected on any single lot of record in existence on the effective date of adoption or amendment thereto. This provision shall apply even though the lot fails to meet the requirements for area or width, or both, that are applicable in the district, provided that the lot is in conformance with all other applicable yard setback, minimum floor area and maximum height requirements for the district in which it is located.

(B) *Variance from area and bulk requirements.* Except for a single-family dwelling, if the use of a non-conforming lot requires a variance from the area or bulk requirements, then the use shall be permitted only pursuant to a variance granted by the Zoning Board of Appeals.

(C) Existing Non-conforming platted lots are exempt from current lot size requirements.



(D) Non-conforming lots that have been combined in existing plats will be allowed to be divided back to original plats.

(E) All non-conforming lots must conform to Section 154.042 District Regulations in regards to setbacks, heights, floor space and percentage of lot coverage.  
(Ord. 2013-02 adopted April 1, 2013)

### **§ 154.353 NON-CONFORMING USES.**

Where, at the effective date of adoption or amendment of this chapter, a lawful use on open land, a lot(s), building(s) or accessory structure(s) exists that is made non-conforming by this chapter or its amendments, such use may be continued, as it remains otherwise lawful, subject to the following provisions:

(A) *Expansions.* Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the effective date of this chapter. Except for single family dwellings permitted below, a non-conforming use shall not be enlarged, expanded, or extended to occupy a greater area of land, constructed, reconstructed or structurally altered except with approval by the Zoning Board of Appeals.

(B) *Accessory uses and structures.* No new accessory use, building or structure shall be established.

(C) *Relocation.* The non-conforming use shall not be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of this chapter.

(D) *Change in use.* If no structural alterations are made, any non-conforming use of a building, or building and land in combination, may be changed to another non-conforming use if the Zoning Board of Appeals finds the proposed use is more appropriate to the district than the existing non-conforming use. In permitting the change, the Zoning Board of Appeals may require conditions and safeguards in accord with the purpose and intent of this chapter. Where a non-conforming use of a structure, land, or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.

(E) *Removal.* Where non-conforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

(F) *Abandonment or discontinuance.* If the non-conforming use of land ceases for any reason for a period exceeding 1 year and the township determines that the owner has established an intent to abandon the non-conforming use, any subsequent use of such land shall conform to the requirements specified by this zoning ordinance for the zoning district in which it is located. A non-conforming use shall be determined to be abandoned if 1 or more of the following conditions exists, and shall be deemed to constitute an intent on the part of the property owner to abandon the non-conforming use:

(1) Utilities, such as water, gas and electricity to the property, have been disconnected.

(2) The property, buildings, and grounds have fallen into disrepair.

(3) Signs or other indications of the existence of the non-conforming use have been removed.

(4) Removal of equipment or fixtures which are necessary for the operation of the non-conforming use.

(5) Other actions, which in the opinion of the township constitute an intention of the part of the property owner or lessee to abandon the non-conforming use.

(G) *Special standards for single-family homes in a non-residential district.*

(1) A single-family residential dwelling in a zoning district which does not permit such a use may be expanded to occupy the floor area necessary for living purposes subject to approval by the Zoning Board of Appeals.

(2) A single-family dwelling and its accessory structures, in a zoning district which does not permit such use may be continued, replaced, repaired or remodeled if damaged by flood, fire, or vandalism, if approved by the Zoning Board of Appeals. Such approval requires a finding that the resulting building footprint and floor area will be the same size or smaller than that of the building before such change. Replacement of such non-conforming single-family building shall commence no sooner than receiving a valid building permit and no later than 6 months of the date of damage. Work shall be diligently pursued toward completion. The applicant may be required to provide the township with evidence, visual or otherwise demonstrate to the satisfaction of the township that work is being diligently pursued. Failure to complete replacement or diligently work toward completion shall result in the loss of legal, non-conforming status unless good cause for the delay is accepted at a hearing before the Zoning Board of Appeals.

(Ord. § 18.04, passed 4-5-2004)

**§ 154.354 CHANGE OF TENANCY OR OWNERSHIP, PURCHASE OR CONDEMNATION.**

(A) In the event there is a change in tenancy, ownership, or management of an existing non-conforming use or structure and/or building shall be allowed to continue provided there is no change in the nature or character of such nonconformity and the use, structure, and/or building is otherwise in compliance with this chapter.

(B) The Township Board may acquire, by purchase, condemnation or otherwise private property or an interest in private property for the removal of non-conforming buildings, structures or uses. The cost and expense, or a portion thereof, of acquiring the private property may be paid from general funds or assessed to a special district in accordance with the applicable statutory provisions relating to the creation and operation of special assessment districts for public improvements in townships.

(C) The elimination of the non-conforming buildings or uses is declared to be for a public purpose and for a public use. The Township Board may institute and prosecute proceedings for condemnation of non-conforming buildings, structures, or uses under the power of eminent domain in accordance with Act 149 of the Public Acts of 1911, as amended, being M.C.L.A. §§ 213.21 to 213.41 or other applicable statute. (Ord. § 18.05, passed 4-5-2004)

***ZONING BOARD OF APPEALS (ZBA)***

**§ 154.370 CREATION AND MEMBERSHIP.**

There is hereby established a Township Zoning Board of Appeals in accordance with Michigan Zoning Enabling Act, PA 110 of 2006 as amended and in such a way that the objectives of the chapter may be achieved; that there shall be provided a means for competent interpretation and controlled flexibility in the application of this chapter; so that the spirit of the chapter is observed, public safety secured, and substantial justice done.

(A) *Membership requirements.* The ZBA shall consist of 5 members as follows:

(1) The first member of the ZBA shall be a member of the Township Planning Commission.

(2) One member of the ZBA may be elected by the Township Board from its members to serve at the pleasure of the Board for as long as this member shall be an elected member of the Township Board.

(3) The remaining 3 members of the ZBA shall be selected from the electors of the township by the Township Board. Members so selected shall be representative of the population distribution and of various interests present in the township.

(4) An elected officer of the township shall not serve as chairperson of the ZBA.

(5) An employee or contractor of the Township Board may not serve as a member or an employee of the ZBA.

(B) *Membership terms.* With the exception of the members of the Planning Commission and Township Board, who shall serve for the term of their appointment to the Planning Commission or election to the Township Board, the term of each member of the ZBA shall be for 3 years. Of the first members appointed to the ZBA, excepting the Planning Commission and Township Board member; 1 members shall be appointed for 1 year, 1 member for 2 years, and 1 member for 3 years.

(C) *Alternate members.* The Township Board may appoint not more than 2 alternate members for the same term as regular members to the ZBA. An alternate member may be called upon by the Chair of the ZBA or, in the absence of the Chair, by a vote of the other members, to serve as a regular member in the absence of a regular member if the regular member is absent from or will be unable to attend 2 or more consecutive meetings of the ZBA or is absent from or will be unable to attend meetings for a period of more than 30 consecutive days. An alternate member may also be called upon by the Chair, or by a vote of the other members, to serve as a regular member for the purpose of reaching a decision in which a regular member has abstained for reasons of conflict of interest. The alternate member so appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the ZBA.

(Ord. § 19.01, passed 4-5-2004)

## **§ 154.371 PROCEDURES.**

The ZBA shall adopt its own rules or procedures as may be necessary to conduct its meeting and carry out its function. The ZBA shall choose its own chairman, and in his or her absence, an acting chairperson.

(A) *Meetings.* Meetings shall be held at the call of the chairman and at such times as the ZBA may determine. All meetings by the ZBA be open to the public. The ZBA may declare any meeting, or part of any meeting a study meeting to pursue matters of business without comment or interruption from the public in attendance.

(B) *Records.* Minutes shall be recorded of all proceedings which shall contain evidence and information relevant to every case considered, the reasons for the final disposition of each case and the recorded vote of each member on each case. Such minutes shall be filed in the office of the Township Clerk and shall be made available to the general public.

(C) *Counsel.* The Township Attorney shall act as legal counsel for the ZBA and shall be present at all meetings upon request by the Board.

(D) *Hearings.* The ZBA shall not conduct business unless three (3) members of the ZBA are present. The ZBA shall fix a reasonable time for the hearing of an appeal and give due notice pursuant to provisions of the Michigan Zoning Enabling Act, PA 110 of 2006 as amended which shall include, in addition to posting of the meeting notice, date, place and time, copies of such posting to news media and formal notification by mail to the parties of interest and adjacent property owners at least ten (10) days in advance of the meeting. At the hearing, a party may appear in person or be represented by an agent or an attorney. The ZBA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer or body from whom the appeal was taken and may issue or direct the issuance of a permit. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this chapter, the ZBA in passing upon appeals may vary or modify any of its rules or provisions of this chapter so that the spirit of the chapter is observed, public safety secured, and substantial justice done.

(E) *Decision.* The ZBA shall return a decision on a case within ninety (90) days after a request or appeal has been filed, unless a further time is agreed upon with the parties concerned. Any decision of the Board shall become final five (5) days from the date of the decision, unless the Board finds the immediate effect of such a decision is necessary for the preservation of property or personal rights and shall make such a decision part of the record.

(F) *Majority vote.* A majority concurring of the total membership of the ZBA shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which they are required to pass, or to effect any variation on the chapter. (Ord. § 19.02, passed 4-5-2004)

### **§ 154.372 DUTIES AND POWERS.**

The ZBA shall not have the power to alter or change the Zoning District classification of any property, nor to make any change in the terms or intent of the chapter but does have the power to act on those matters where this chapter provides for an administrative review, interpretation, or variance.

(A) *Review.* The ZBA shall hear and decide appeals where it is alleged by the person objecting that there is an error in any order, required permit, decision, or refusal made by the Zoning Administrator or by any other official in administering or enforcing any provision of the chapter.

(B) *Interpretation.* The ZBA shall have the power to:

(1) Interpret, upon request the provisions of this chapter in such a way as to carry out the intent and purpose of the chapter.

(2) Determine the precise location of the boundary lines between Zoning Districts.

(3) Classify a use which is not specifically mentioned as part of the use regulations of any Zoning District so that it conforms to the comparable permitted use, in accordance with the purposes and intent of each district.

(4) The ZBA shall not have the power to review the approval or disapproval of special uses or planned unit developments, but may review and act upon those portions of such approvals as may be appealable as in any other appeals case dealing with requirements or conditions of approval which may create practical difficulties or render hardship.

(C) *Area variances.* The ZBA may grant an area variance only upon a finding that practical difficulties exist. An area variance is a variance from any dimensional standard or requirement of the chapter, such as, but not limited to, a deviation from density, height, bulk, setback, or parking, landscaping and sign standards and requirements. A finding of practical difficulties shall require demonstration by the applicant of all of the following:

(1) *Basic conditions.* That any area variance from this chapter:

(a) Will not be contrary to the public interests or to the intent and purpose of this chapter.

(b) Shall not permit the establishment of any use which is or can be interpreted as a permitted use within the zoning district.

(c) Will not cause a substantial adverse effect upon property values in the immediate vicinity, in the district in which the property of the applicant is located or in the same districts throughout the township.

(d) Is one that is required because the specific conditions relating to the property are so unique as to make the formulation of a general regulation for such condition impractical.

(e) Will relate only to property that is under control of the applicant.

(f) Is one where the hardship being appealed is not caused by the property owner, past or present.

(2) *Special conditions.* When all of the foregoing basic conditions can be satisfied, an area variance may be granted when any one (1) of the following special conditions can be clearly demonstrated:

(a) Where there are practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this chapter. These hardships or difficulties in terms of the use of a particular parcel of land are unique only to the parcel for which the appeal is requested and no other parcel in the zoning district in which it is located.

(b) Where there are exceptional or extraordinary circumstances or physical conditions such as the narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not apply to other properties or uses in the same zoning district. Such circumstances or conditions shall not have resulted from any act of the applicant after the adoption of this chapter.

(c) Where such area variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.

(D) *Use variance.* The ZBA may grant a use variance only upon a finding that an unnecessary hardship exists. A use variance is a variance that permits a use that is otherwise prohibited in a zoning district. A finding of an unnecessary hardship shall require demonstration by the applicant of all of the following:

(1) The property cannot be reasonably used for any purpose permitted in the zoning district without the use variance. There must be financial proof of the applicant's inability to realize any return, speculation, or a qualitative assessment is inadequate.

(2) The need for the use variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district. The applicant must prove that there are certain features or conditions of the land that are not generally applicable throughout the zone and that these features make it impossible to earn a reasonable return without some adjustment. In those situations where the difficulty is shared by others, the relief should be accomplished by an amendment to the Zoning chapter, not a variance.

(3) The problem and resulting need for the use variance has not been self created by the applicant and/or the applicant's predecessors.

(4) The variance will not alter the essential character of the area. In determining whether the effect the variance will have on the character of the area, the established type and pattern of land uses in the area and the natural characteristics of the site and surrounding area will be considered.

(E) *Rules.* The following rules shall be applied in the granting of variances.

(1) The ZBA may specify, in writing, such conditions regarding the character, location and other features that will in its judgment, secure the intent and purposes of this chapter. The breach of any such conditions shall automatically invalidate the permit granted.

(2) Each variance granted under the provisions of this chapter shall become null and void unless:

(a) The construction authorized by such variance or permit has been commenced within six (6) months after the granting of the variance.

(b) The occupancy of land, premises, or buildings authorized by the variance has taken place within two (2) years, after the granting of the variance.

(3) No application for a variance which has been denied wholly or in part by the board shall be resubmitted for a period of one (1) year from the date of the last denial except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Board to be valid. (Ord. § 19.03, passed 4-5-2004; Am. Ord. - -, passed 9-4-2007)

### **§ 154.373 APPEALS TO THE ZBA.**

Appeals to the ZBA may be made by any person aggrieved, or by any officer, department, or board of the township. Any appeal from the ruling of the Zoning Administrator's decision shall be filed with the Secretary of the ZBA and with the Zoning Administrator, who shall immediately transmit to the Secretary of the Board all papers constituting the record upon which the action for appeal was taken.

(A) *Stay.* An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the ZBA, after notice, that by reason of facts stated in the certificate, a stay would in his or her opinion, cause imminent peril of life or property, in which case the proceedings shall not be stayed other than by a restraining order.

(B) *Fees.* A fee, as established by the Township Board, shall be paid to the Secretary of the ZBA at the time of filing application with the ZBA. The purpose of such fees is to cover, in part, the necessary advertisements, investigation, and other expenses incurred by the board in connection with the appeal. (Ord. § 19.04, passed 4-5-2004)

### **§ 154.374 APPEALS FROM ZBA DECISIONS.**

(A) The decision of the ZBA rendered pursuant to § 154.372 shall be final. However, a person having an interest affected by the zoning ordinance, may appeal to the Huron County Circuit Court within twenty-one (21) days of the ZBA's decision. The aggrieved party shall be responsible for securing a copy of the transcript of the hearing for said appeal, and shall be responsible for the cost of preparing said transcript. Upon appeal, the Circuit Court shall review the record and decision of the ZBA Appeals to insure that the decision:



- (1) Complies with the constitution and laws of the state.
- (2) Is based upon proper procedure.
- (3) Is supported by competent, material and substantial evidence on the record.
- (4) Represents the reasonable exercise of discretion granted by law to the ZBA.

(B) If the court finds the record of the ZBA inadequate to make the review required by this section, or that there is additional evidence which is material and with good reason was not presented to the ZBA, the court shall order further proceedings before the ZBA on conditions which the court considers proper. The ZBA may modify its findings and decision as a result of the new proceedings, or may affirm its original decision. The supplementary record and decision shall be filed with the court. As a result of the review required by this section, the court may affirm, reverse, or modify the decision of the ZBA. (Ord. § 19.05, passed 4-5-2004)

## ***ADMINISTRATION AND ENFORCEMENT***

### **§ 154.390 ADMINISTRATIVE OFFICER.**

The Caseville Township Board shall establish an office and appoint a person to be the Zoning Administrator. The Zoning Administrator so named is authorized and responsible for the administration and enforcement of this chapter and shall, for the purposes of this chapter's administration and enforcement, have the powers of a police officer.  
(Ord. § 20.01, passed 4-5-2004)

### **§154.391 PERMITS.**

#### ***(A) Land use permit.***

(1) No building or structure shall be erected, moved, enlarged, substantially altered, or razed nor shall any work be started on such structures or buildings after the effective date of the chapter, until a land use permit has been obtained from the Zoning Administrator. A land use permit must be obtained prior to a building permit being granted. Only a land use permit is required for buildings or structures that are not subject to a building permit under the State Building Code. Land use permits shall remain valid for one (1) year from date of issue and, unless construction is started within that year, the permit expires. In the event a land use permit expires, a new permit must be obtained prior to commencing construction.

(2) No land use permit or building permit shall be issued for the erection, alteration or use of any building or structure thereof, or for the use of any land, which is not in accordance with all provisions of this chapter.

(B) *Driveway and septic permits.* The following permits are required, where applicable, prior to the issuance of a land use permit:

(1) Driveway permit including approved culverts, where necessary, approved by the Huron County Road Commission or the Michigan Department of Transportation.

(2) Soil erosion control measures and plan approved.

(3) Sewer or septic system permit from the Huron County District Health Department.  
(Ord. § 20.02, passed 4-5-2004)

### **§ 154.392 LAND USE PERMIT APPLICATION REQUIREMENTS.**

As a portion of the application for a land use permit the following information shall include a drawing of the property or site to scale showing:

(A) Shape, area, dimensions of the lot and location of the street(s).

(B) Location, dimensions and height of existing and/or proposed structures to be erected, altered or moved on the lot.

(C) Use intended and intensity (such as: four (4)-unit multiple-family dwelling).

(D) Yard, open space, setbacks, parking and driveways including dimensions.

(E) Flood elevation and flood area if applicable.

(F) Any other information deemed necessary by the Zoning Administrator to assure that the land use permit request is in compliance with the provisions of this chapter.

(G) A survey shall be required if the existing footprint of a building is to be altered by a building addition or other new development, such as a paved driveway, or a fence is to be erected along a lot line. (Ord. § 20.03, passed 4-5-2004)

**§ 154.393 INSPECTIONS.**

For the construction, enlargement, movement or renovation of buildings or structures, inspections may be required. When required, the first inspection shall be after the location of the building or structure foundation has been staked. A second inspection shall occur prior to covering the structural members and the third inspection upon completion of the building or structure but prior to its use. When the final inspection is completed, and it is found that the structure and its intended use are in compliance with the land use permit, then a certificate of occupancy may be issued. Inspections, when requested, shall be accomplished in a timely and efficient manner.

(Ord. § 20.04, passed 4-5-2004)

**§ 154.394 CERTIFICATE OF OCCUPANCY.**

No land shall be used or changed in use or any building or structure occupied, used or changed in use after the effective date of this chapter, until a certificate of occupancy is issued by the Zoning Administrator certifying that the use of the land, building, or structure is as intended and stated in the land use permit and in conformance with the provisions of this chapter.

(A) *Application for certificate of occupancy.* This is accomplished by notifying the Zoning Administrator to make the final inspection. When the inspection is made and the Zoning Administrator finds the building, structure, or use to be in compliance with the land use permit, the Zoning Administrator shall issue a certificate of occupancy.

(B) *Certificate of occupancy for existing structures.* For the purpose of record, any owner using property, buildings or structures may request a certificate of occupancy from the Zoning Administrator. The Zoning Administrator shall inspect the premises and in the event the property, structure or buildings are in compliance with the provisions of this chapter the certificate shall be issued.

(Ord. § 20.05, passed 4-5-2004)

**§ 154.395 FEES.**

Fees for the issuance of land use and building permits and inspections shall be paid to the Township Treasurer in advance of the issuance of the permits. Such fees are necessary to cover the costs involved and shall be established from time to time by the Caseville Township Board.

(Ord. § 20.06, passed 4-5-2004)

**§ 154.396 ENFORCEMENT.**

The Zoning Administrator shall enforce the provisions of this chapter. Violation of any of the provisions of this chapter shall be a nuisance, per se. Any action which is thought to be in violation shall be reported to the Zoning Administrator.

(A) *Inspection of violation.* The Zoning Administrator shall inspect each alleged violation and shall order a correction in writing of all conditions found to be in violation of this chapter.

(B) *Correction period.* All violations shall be corrected within thirty (30) days following the receipt of an order to correct from the Zoning Administrator. In those instances, however, where in the Zoning Administrator's opinion, a longer time for compliance is required, it may be granted. Any correction period which extends beyond the thirty (30)-day notice shall be clearly stated by the Zoning Administrator on the notice of correction, along with the reason for the extended correction period.

(C) *Penalties.* For each day that a violation continues beyond the correction period, a separate offense shall be declared. Any violator of the provisions of this chapter shall be considered guilty of maintaining a nuisance per se. The penalties for such violations per day will be established by the Caseville Township Board, in a standard fee and penalty schedule.  
(Ord. § 20.07, passed 4-5-2004)

**§ 154.397 AMENDMENTS.**

Amendments to this chapter may be initiated by the Township Board on its own motion and in the manner established hereinafter, by any person, firm, or corporation filing an application for amendment with the Township Board; or by the Township Planning Commission. All amendments shall be made in conformance with the procedures specified in Act 184, of the Michigan Public Act of 1943, as amended, and the following procedures and specifications.

(A) *Amendment procedures.* All petitions for amendments to this chapter shall be in writing, signed, with appropriate fee, and filed in triplicate with the Township Clerk for presentation to the Township Planning Commission. All petitions for amendments to this chapter, without limiting the right to file additional material, shall contain the following:

(1) *General information.* The petitioner's name, address, and interest in the petition, as well as the name, address, and interest of every person, firm, or corporation having a legal or equitable interest in the land; the nature and effect of the proposed amendment;

(2) *Zoning map change.* A fully dimensioned map, showing the land which would be affected by the proposed amendment, (if the proposed amendment would require a change in the zoning map) a legal description of such land; the present zoning classification of such land; the zoning classification of all abutting districts, all public and private rights-of-way and easements bounding and intersecting the land under consideration.

(B) *Property rezoning.* Upon completion of its draft of a zoning ordinance (or any amendment) the Planning Commission holds at least one (1) public hearing, preceded by two (2) notices, published in a newspaper of general circulation in the township, with the first notice published between twenty (20) and thirty (30) days prior to the hearing and the second between one (1) and eight (8) days prior to the hearing (M.C.L.A. § 125.279). The township must also notify by mail not less than twenty (20) days prior to the hearing each electric, gas, pipeline and telephone public utility company and to each railroad operating within the zoning district affected



that registers its name and mailing address with the Planning Commission for the purpose of receiving such notices (M.C.L.A. § 125.279). An affidavit of the publishing and mailing of all notices shall be maintained by the Township Clerk. The notices shall include the places and times at which the zoning ordinance map and text may be examined. The Township Planning Commission shall give written notice of the proposed amendment to the owner(s) of the property being changed and to those owners of property within 300 feet of the subject property(ies) boundaries and also a written notice to occupants of all single and 2-family dwellings within 300 feet. This written notice shall be accomplished at least 8 days prior to the required hearing stating time, place, date and purpose of the hearing. In the event the written notice is delivered by mail, a written affidavit of mailing shall be maintained and filed with the Planning Commission before the hearing is commenced.

(C) *Planning Commission actions.* Following the public hearing, the Planning Commission shall transmit a summary of the public hearing comments, the recommended change and the reasons for the recommendation to the County Planning Commission and the Township Board through its clerk, the date of submission to County and Township may cause a stay of Township Board consideration of the matter for 30 days to provide the required time for county action.

(D) *Review procedure.* After the 30-day review period, the Township Board shall commence consideration of the Planning Commission recommendation. In this regard the Township Board may decide to hold additional hearings on the proposed amendment if in its judgment, it deems further hearings to be necessary. Notice of such additional hearing shall be published in a newspaper of general local circulation not more than 15 days nor less than 5 days before the hearing. In the event the Township Board considers amendment changes, additions or departures advisable to the proposed text of the zoning ordinance the Township Board shall refer these back to the Planning Commission for a report on these matters to be returned upon a specified date to the Township Board. After receiving the report, the Township Board shall grant a hearing on a proposed chapter provision to a property owner who, by certified mail, addressed to the Township Clerk, requests a hearing. For such a requested hearing, the Township Board shall request the Planning Commission to be present. Thereafter, at a regular or special meeting properly called, the Township Board may adopt by a majority vote of its membership the provisions as pending and may give the chapter immediate effect, thus setting aside the requirements of Act 191 of the Public Acts of 1939 as amended.

(E) *Notice of adoption.*

(1) Upon Township Board adoption, the amendments or supplements shall be filed with the Township Clerk and 1 notice of adoption shall be published in a newspaper of general local circulation within 15 days after adoption.

(2) The notice of adoption shall include the following information:

(a) A summary of the regulatory effect of the amendment, including the geographic area(s) affected, or the text of the amendment as adopted.

(b) Effective date of the amendment.

(c) The place and time where a copy of the ordinance may be purchased or inspected.

(3) A record of all amendments shall be maintained by the Township Clerk. The master zoning map identifying all map amendments by consecutive number and date shall be maintained by the Zoning Administrator.

(F) *Resubmittal procedure.* No petition for rezoning, which has been disapproved by the Township Board shall be submitted for a period of 1 year from the date of disapproval, except as may be permitted by the Township Board after learning of new and significant facts or conditions which may result in favorable action upon resubmittal.

(G) *Review considerations.* The Planning Commission and Board of Trustees shall, at minimum, consider the following before taking action on any proposed amendment:

(1) Whether the proposed amendment will be in accordance with the basic intent and purpose of the zoning ordinance.

(2) Whether the proposed amendment will be consistent with the goals, policies and future land use map of the township master plan. If conditions have changed since the master plan was adopted, whether it will be consistent with recent development trends in the area.

(3) Whether conditions have changed since the zoning ordinance was adopted, or an oversight in the zoning ordinance, that justify the amendment.

(4) Whether the amendment will set an inappropriate precedent.

(5) Whether all requirements in the proposed zoning classification can be complied with on the subject parcel.

(6) Whether the proposed zoning is consistent with the trends in land development in the general vicinity of the property in question.

(7) Whether the proposed zoning is compatible with the site's physical, geological, hydrological and other environmental features with the host of uses permitted in the proposed zoning district.

(8) Whether all the potential uses allowed in the proposed zoning district are compatible with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence on property values.

(9) Whether the capacity of township utilities and services is sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, and welfare of the township.



(10) Whether there is sufficient capacity in the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.

(11) If a rezoning is appropriate, whether the requested zoning district is considered to be more appropriate from the township's perspective than another zoning district.  
(Ord. § 20.08, passed 4-5-2004)

**§ 154.398 VIOLATIONS DECLARED NUISANCES.**

Any building or structure erected, altered, enlarged, rebuilt or moved, or any use carried on in violation of any provisions of this chapter is hereby declared to be a nuisance per se. Any court of competent jurisdiction may order such nuisance abated and the owner guilty of maintaining a nuisance per se.  
(Ord. § 20.10, passed 4-5-2004)

**§ 154.399 PROCEDURE.**

The Township Board, the Zoning Board of Appeals, the duly authorized attorney for the township, the Prosecuting Attorney for Huron County, or any owners or occupants of any real estate within the township may institute injunction, mandamus, abatement or any other appropriate action or proceedings to prevent, enjoin, abate or remove any violation of this chapter. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.  
(Ord. § 20.11, passed 4-5-2004)

***SAVINGS, ADMINISTRATIVE LIABILITY, REPEALER,  
SEVERABILITY, EFFECTIVE DATE AND ADOPTION***

**§154.415 SAVINGS.**

Nothing in this chapter shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or chapter hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this chapter.  
(Ord. § 21.01, passed 4-5-2004)

**§ 154.416 ADMINISTRATIVE LIABILITY.**

No officer, agent, employee, or member of the Planning Commission, Township Board, or Zoning Board of Appeals shall render himself or herself personally liable for any damage that may accrue to any person as the result of any act, decision, consequence, or occurrence arising out of the discharge of his or her duties and responsibilities pursuant to this chapter.  
(Ord. § 21.02, passed 4-5-2004)

**§ 154.417 REPEALER.**

The former zoning ordinance of the township, effective May 1, 1995, and all amendments thereto, are hereby repealed; provided, however, that the same shall remain in force for the purpose of instituting or sustaining any proper action or prosecution for the enforcement of any penalty or liability thereunder. All other ordinances and parts of ordinances, or amendments thereto, of the township, in conflict with the provisions of this chapter, except those ordinances and parts of ordinances or amendments thereto which are more restrictive than this ordinance, are hereby repealed.  
(Ord. § 21.03, passed 4-5-2004)

**§ 154.418 SEVERABILITY.**

This chapter and the various parts, sections, subsections, paragraphs, sentences, phrases, and clauses thereof are hereby declared to be severable. If any part, section, subsection, paragraph, sentence, phrase, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this chapter shall not be affected thereby.  
(Ord. § 21.04, passed 4-5-2004)

**§ 154.419 EFFECTIVE DATE.**

(A) The provisions of the zoning ordinance are hereby ordered to take effect 30) days following its publication in a newspaper of general circulation within the township.

(B) The zoning ordinance shall be filed with the Township Clerk, and 1 notice of its adoption shall be published in a newspaper circulating within the township, on or before April 16, 2004. The foregoing provisions were adopted by a majority vote of the Caseville Township Board, Huron County, Michigan at a meeting of said board duly called and held April 5, 2004.

(C) The provisions of this ordinance creating this chapter are hereby ordered to take effect 30 days following its publication in a newspaper of general circulation within the township.  
(Ord. § 21.05, passed 4-5-2004)

**§154.420 ADOPTION.**

Pursuant to Public Act No. 78 of 1989 (M.C.L.A. § 41.186), this chapter entitled Caseville Township Zoning Ordinance is hereby adopted as the zoning regulations for the township as enabled by Public Act No. 184 of 1943, as amended.

(Ord. § 21.06, passed 4-5-2004)

**§ 154.999 PENALTY.**

(A) Whenever a violation of this chapter occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the Zoning Administrator who shall record properly such complaint, immediately investigate, and take action thereon as provided by this chapter. A record of the disposition of complaints shall be filed. Any owner or agent, and any person or corporation who shall violate any of the provisions of this chapter or fail to comply therewith or with any of the requirements thereof or who shall erect, structurally alter, enlarge, rebuild or move any building or buildings or any structure, or who shall put into use any lot or land in violation of any statement or plan submitted hereunder, or shall refuse reasonable opportunity to inspect any premises, shall be liable to a fine of not more than \$100 or to imprisonment for not more than 90 days in the Huron County Jail, or both. Each and every day such violation continues shall be deemed a separate and distinct violation.

(B) The owner of any building or structure, lot or land, or part thereof, where anything in violation of this chapter shall be placed or shall exist, or any architect, builder, contractor, agent, person, or corporation employed in connection therewith and who assists in the commission of such violation shall each be guilty of a separate violation and, upon conviction thereof, shall each be liable to the fine or imprisonment, or both, as specified in this section.

(Ord. § 20.09, passed 4-5-2004)



**TABLE OF SPECIAL ORDINANCES**

Table

**I. FRANCHISES**



**TABLE I: FRANCHISES**

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
91-2	4-17-1991	Granting to Thumb Electric Cooperative of Michigan the right, power, and authority to place, construct, repair, maintain, relocate, and replace electric transmission or distribution lines to conduct a local electric business for the period of 30 years.
95-1	4-3-1995	Granting to Consumers Power Company the right, power, and authority to lay, maintain, and operate gas mains, pipes, and services for a period of 30 years.





## **PARALLEL REFERENCES**

References to Michigan Compiled Laws Annotated

References to Resolutions

References to Ordinances



**REFERENCES TO MICHIGAN COMPILED LAWS ANNOTATED**

<i>M.C.L.A. Cites</i>	<i>Code Section</i>
4.221	150.01
15.243(l)g	154.203
24.201 <i>et seq.</i>	70.02
41.186	154.240
117.5b	10.01
141.101 <i>et seq.</i>	50.028; 50.031
141.121	50.107
125.271-125.310	150.01
125.279	154.397
125.2301-125.2350	154.061
125.2311	154.061
125.3101 <i>et seq.</i>	31.11
125.3801 <i>et seq.</i>	31.01, 31.11
125.3837(1)	31.11
213.21-213.41	154.354
257.1 <i>et seq.</i>	70.03
257.1-257.82	70.03
257.223	70.03
257.225	70.03
257.228	70.03
257.243	70.03
257.244	70.03
257.255	70.03
257.256	70.03
257.310e	70.03
257.311	70.03
257.312	70.03
257.312a	70.03
257.324	70.03
257.325	70.03
257.326	70.03
257.328	70.03
257.601	70.03
257.601b	70.03
257.602-257.606	70.03
257.611-257.616	70.03
257.617a-257.622	70.03

<b><i>M.C.L.A. Cites</i></b>	<b><i>Code Section</i></b>
257.624a-257.624b	70.03
257.625	70.03
257.625a	70.03
257.625m	70.03
257.626-257.626b	70.03
257.627-257.627b	70.03
257.629b	70.03
257.631-257.632	70.03
257.634-257.635	70.03
257.647-257.655	70.03
257.656-257.662	70.03
257.667-257.675d	70.03
257.676-257.682b	70.03
257.683-257.710e	70.03
257.716-257.724	70.03
257.904-257.904a	70.03
257.904e	70.03
257.905	70.03
281.702	154.007
436.1703	70.04
445.373	111.03
500.3102	70.04
559.101 <i>et seq.</i>	154.007
560.100-560.293	154.167
600.8701-600.8735	10.02
750.167 <i>et seq.</i>	130.04
750.243a	130.03
750.243a(b)	130.03
750.243a(c)	130.03
750.243a-750.243d	130.03
764.9c	10.10

## REFERENCES TO RESOLUTIONS

<i>Res. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
2005-13	6-6-2005	90.05
2005-14	6-6-2005	90.08



## REFERENCES TO ORDINANCES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
-	--	151.01-151.10; 151.25; 151.40; 151.45; 151.55; 151.56; 152.10
-	2-20-2001	50.009
-	5-7-2001	Ch. 50, App. B
-	4-1-2003	50.009
-, § 1.01	4-5-2004	154.001
-, §1.02	4-5-2004	154.002
-, §1.03	4-5-2004	154.003
-, §1.04	4-5-2004	154.004
-, §1.05	4-5-2004	154.005
-, §1.06	4-5-2004	154.006
-, §§ 2.01-2.09	4-5-2004	154.007
-, § 3.01	4-5-2004	154.020
-, § 3.02	4-5-2004	154.021
-, § 3.03	4-5-2004	154.022
-, § 3.04	4-5-2004	154.023
-, §3.05	4-5-2004	154.024
-, §3.06	4-5-2004	154.025
-, § 4.01	4-5-2004	154.040
-, § 4.02	4-5-2004	154.041
-, § 4.03	4-5-2004	154.042
-, § 5.01	4-5-2004	154.060
-, § 5.02	4-5-2004	154.061
-, § 5.03	4-5-2004	154.062
-, § 6.01	4-5-2004	154.080
-, § 6.02	4-5-2004	154.081
-, § 6.03	4-5-2004	154.082
-, § 7.01	4-5-2004	154.100
-, § 7.02	4-5-2004	154.101
-, § 7.03	4-5-2004	154.102
-, § 8.01	4-5-2004	154.120
-, § 8.02	4-5-2004	154.121
-, § 8.03	4-5-2004	154.122
-, § 9.01	4-5-2004	154.140

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
-, § 9.02	4-5-2004	154.141
-, § 9.03	4-5-2004	154.142
-, § 9.04	4-5-2004	154.143
-, § 9.05	4-5-2004	154.144
-, § 9.06	4-5-2004	154.145
-, § 10.01	4-5-2004	154.160
-, § 10.02	4-5-2004	154.161
-, § 10.03	4-5-2004	154.162
-, § 10.04	4-5-2004	154.163
-, § 10.05	4-5-2004	154.164
-, § 10.06	4-5-2004	154.165
-, § 10.07	4-5-2004	154.166
-, § 10.08	4-5-2004	154.167
-, § 10.09	4-5-2004	154.168
-, § 10.10	4-5-2004	154.169
-, Art.11	4-5-2004	154.185
-, § 11.01	4-5-2004	154.186
-, § 11.02	4-5-2004	154.187
-, § 11.03	4-5-2004	154.188
-, § 11.04	4-5-2004	154.189
-, § 11.05	4-5-2004	154.190
-, § 11.06	4-5-2004	154.191
-, § 11.07	4-5-2004	154.192
-, § 11.08	4-5-2004	154.193
-, § 11.09	4-5-2004	95.02
-, § 11.10	4-5-2004	154.195
-, § 11.11	4-5-2004	154.196
-, § 11.12	4-5-2004	154.197
-, § 11.13	4-5-2004	154.198
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