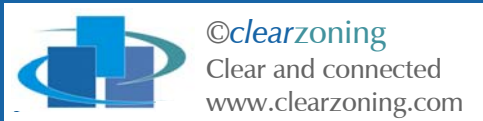


Imlay Township Zoning Ordinance

Adopted November 30, 2009
Effective December 16, 2009

Amended through May 10, 2017



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How to Use This Ordinance

1. CONTENT ORGANIZATION AND PAGE LAYOUT

The Zoning Ordinance is organized into seven Articles, which are further divided using standard outline hierarchy. The content and page layout are designed to promote a clear understanding of requirements, as well as quick retrieval of relevant standards, procedures and other information. The following key assists with navigating through this document.

Article Tabs link to the first page of each Article. Red tab indicates the Article in which the current page is located.

User Notes provide helpful information for digital and hard copy formats. User Notes are always highlighted in blue.

Sections and Subsections contain the Ordinance regulations in a hierarchical manner.

Blue bold font links to standards in other sections of the Ordinance.

Graphics, figures, and tables illustrate concepts or clarify regulations.

Link to How to Use This Ordinance.

Link to Zoning Map.

Notes provide relevant district information recommended for review.

Link to Table of Contents.

Selected References list other sections or Ordinances that may pertain to a development in the district.








Pages are numbered sequentially within each Article.



How to Use This Ordinance

2. SYMBOLS AND USER NOTES

The following symbols are used throughout the Zoning Ordinance:

-  indicates the term is defined in Article 2, Definitions. (Note: Not every defined term is designated with a  symbol. Consult Article 2, Definitions, for a list of all defined terms.)
-  indicates there is a graphic that illustrates the standard or requirement.
-  identifies a property line.
-  identifies the right-of-way centerline.
- R/W* identifies the right-of-way.
-  identifies a **User Note** that provides helpful information for all users.
-  identifies a **Digital User Note** that provides helpful information for users with a digital version of the Zoning Ordinance.
- § identifies the corresponding Section number for uses listed within each zoning district.



How to Use This Ordinance

3. READING THE ORDINANCE

Rules have been established to assist with interpreting the ordinance. Below are some rules to keep in mind when reading this document:


- ☑ Sometimes there may be general and specific regulations that pertain to one particular aspect of site design. In such instances, the specific regulations must be followed.
- ☑ Discrepancies between text and an illustration (including its caption) may occur. In the case of such discrepancies, the text is considered the accurate source of information.
- ☑ The use of the word shall carries significant meaning. Shall regulations must be followed. Requirements that use the word may are discretionary, meaning that the requirement is at the discretion of the Planning Commission, Township Board or Zoning Board of Appeals.
- ☑ Article 2, Definitions, contains over 100 terms. If a term is not listed in this section, it will carry the meaning customarily assigned to it.
- ☑ Conjunctions are often used and must be read accurately:
 - AND indicates that all connected items, conditions, provisions or events shall apply.
 - OR indicates that the connected items, conditions, provisions or events may apply singly or in any combination. (OR may also be read “and/or”)
 - EITHER ... OR indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.

For more rules, see [Section 2.1 Construction of Language](#).

Digital User Note:

What is a link?

A link allows for quick reference to a relevant section. By ‘clicking’ a link, the user is taken directly to a page in the Ordinance or another reference document. The user may return to the original page by clicking the ‘previous view’ button in Adobe Acrobat Reader.




 If you do not see the ‘previous view’ button on your Adobe Acrobat Reader screen, you can add it by turning on your ‘page navigation toolbar’. For assistance, refer to the ‘Help’ menu in your version of Acrobat Reader.

What information is linked?

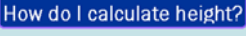
All **blue text** is linked to either another page within the Zoning Ordinance, a separate Township ordinance or document, or an external website.






In addition, several other features of the document are linked to allow users to navigate through the ordinance. Click on any of the following features to quickly locate another section:

  **Article tabs** located on the side of each page are linked to the Contents page of each Article.

   **Icons** located at the bottom of each page are linked to the ‘How to Use This Ordinance’ section, the main Table of Contents, and the Zoning Map

    **Use Matrix district headings** are linked to the corresponding district regulations page in Article 3.

 **‘How do I calculate height’ button** located on each district regulations page is linked to the definition of building height in Article 2.

     **Zoning Map Legend headings** are linked to the corresponding district regulations page in Article 3.



How to Use This Ordinance

4. USE MATRIX

Below is a reference table that summarizes the uses listed in the Ordinance. Uses below are generalized. Consult [Section 3.1](#) as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in Section 3.1, the latter will control.

P = Principal Permitted Use

S = Special Land Use

A = Permitted Use Subject to
Administrative Approval



Digital User Note:

Click on a district heading below to go directly to the corresponding district regulations.

	AG	R-1	RE	RM-1	B-1	B-2	NB-	I-1	I-2	MH	EB
Accessory building to permitted use	P	P	P	P	P	P	P	P	P	P	P
Accessory building to special land use											S
Accessory use to permitted use	P	P	P	P	P	P	P	P	P	P	P
Accessory use to special land use											S
Agribusiness building, large-scale interim use	S										
Agricultural equipment sales and service dealers	S							P			P
Agricultural processing	S										
Agricultural use			P								
Agricultural use, temporary	A										P
Airport and related uses								S	S		S
Amusement park, adult's or children's						S					
Animal raising, educational	P		P								
Animal raising, intensive	S										
Animals, keeping of	A	A									
Aquaculture, hydroponics, and aquaponics	P							P			
Asphalt plant									S		
Assembly hall, enclosed						P					
Assisted living facilities											P
Auto sales showroom, new						P					P
Auto wash, enclosed						P					P
Automobile service station, heavy repairs								P	P		P
Automobile service station, minor repairs					S	S					
Bank w/ drive-through					S	S	S				
Bank w/o drive-through					P	P	P				
Bottling works								P	P		P
Bowling alley						P					P
Brewery								P			P
Business school						P					P
Cabin court, tourist						P					
Campground	S										
Carnival						S					
Cemetery	S	S	S								
Central dry cleaning plant								P	P		

Continued on next page



How to Use This Ordinance

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Digital User Note:

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	AG	R-1	RE	RM-1	B-1	B-2	NB-	I-1	I-2	MH	EB
Child care center	S	S	S	S			S			S	
Children's home	S										
Churches	P	S	S		P	P					P
Club, private					P	P					
College or university, public and private	S	S	S								
Concrete plant									S		
Convalescent or rest home	S										P
Convenience market w/ drive-through						S					
Convent	S										
Driving range, golf						S					
Dry cleaner w/ drive-through						S					
Fairgrounds								S	P		
Family day care home	P	P	P	P							
Farms	P		P								
Farm and agricultural supportive services	A							P			P
Financial institution w/ drive-through					S	S	S				
Financial institution w/o drive-through					P	P	P				
Fireworks storage								P	P		
Food packaging								P	P		P
Food processing, warehousing, and distribution facilities											P
Freight terminal								P	P		
Funeral home					S	S	S				
Gas regulator station								P	P		
Gasoline station, incidental repairs					S	P					
Gift shop, tourist						P					
Golf course	S	S	S								
Government use						P					
Grain elevator and similar uses	S							P			
Green infrastructure services and manufacturing											P

Continued on next page



How to Use This Ordinance

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	AG	R-1	RE	RM-1	B-1	B-2	NB-	I-1	I-2	MH	EB
Group day care facility	S	S	S	S			S			S	
Group day care home	S	S	S	S							
Heat and electric power plant									P		
Home business					S						
Home center or similar w/ outdoor sales, storage, or displays								S	S		P
Home for the aged or handicapped	S										
Home occupation	S	S	S								
Home office					S						
Horticulture, fruit orchards, and vineyards	P		P								
Hospital, general	S				S	S					
Hotel						P					
Incineration of garbage and refuse									S		
Import/export services and facilities, International											P
Junk and salvage yard									S		
Kennel, commercial	S					S		P	P		
Laboratory								P	P		P
Landfill	S							S	S		S
Landscapers, landscape services and similar home-based businesses	A	A	A								
Library, public	P	S	S								
Limited business use	S										
Limited soil removal permit	S	S	S	S	S	S	S	S	S	S	A
Lodge hall					P	P					
Lumber and planing mill								S	P		
Lumber and planing mill, portable	S										
Lumber yard or similar w/ outdoor sales, storage, or displays								S	S		P
Manufacturing, advanced											P
Manufacturing, processing, and assembly								P	P		
Medical clinic					P	P	P				

Continued on next page



How to Use This Ordinance

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	AG	R-1	RE	RM-1	B-1	B-2	NB-O	I-1	I-2	MH	EB
Metal plating, buffing, and polishing								S	P		
Microbrewery	S										
Micro spirits distiller	S										
Miniature golf course						S					
Mining of sand, gravel, and topsoil	S	S						S	S		
Mobile home park										P	
Mobile home	P	P									
Motel						P					
Multiple-family dwelling				P							
Newspaper office						P					P
Non-accessory sign								P	P		
Nursery, retail											P
Nursery school	S	S	S	S			S			S	
Nursing home	S										P
Office, government					P	P	P/S				P
Office, medical and dental					P	P	P/S				
Office, non-profit organizations					P	P	P/S				
Office, professional					P	P	P/S				
Office; plumbers, electricians, etc.						P					P
Orphanage	S										
Outdoor sales, house trailers						P					P
Outdoor sales, secondhand automobiles						P					P
Outdoor storage yard; pallets, containers, materials, or products									S		
Outdoor theatre								S	P		
Park or parkway, publicly owned and operated	P	P	P								
Personal service establishment					P	P					P
Pharmacy w/ drive-through						S					
Places of assembly, enclosed						P					
Pond, agricultural	P	P									
Pond, residential	P	P									
Pool or billard hall or club						P					
Printing office, commercial						P					P

Continued on next page



How to Use This Ordinance

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Digital User Note:

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	AG	R-1	RE	RM-1	B-1	B-2	NB-	I-1	I-2	MH	EB
Product development, pilot or experimental including growing vegetation necessary for basic research											P
Propane tank holder								P	P		
Public or community building	P	S	S								
Public utility office or use						P		P	P		
Pump station and service yard						P		P	P		P
Racetrack, auto									S		
Racetrack, horse and dog								S	P		
Railroad right-of-way								P	P		
Railroad transfer and storage tracks								P	P		
Rebound tumbling facility						S					
Recreation area, private	S	S									
Recreation center or facility, public	P	P	P								
Recreational use, large scale	S										
Recreational vehicle park	S										
Research design facility, enclosed								P	P		P
Restaurant w/ drive-through						S					
Restaurant w/o drive-through					S	P					
Retail business					P	P					P
Retail use of an industrial character								S	P		P
Riding academy	S										
Riding stable, commercial	S										
Roadside market		S									
Roadside stand, temporary	P		P								
Rooming house, tourist						P					
School, private	P	P				P					P
School, public	P	P	P	P							
Sewage disposal plant								P	P		
Showroom for plumbers, electricians, decorators or similar trade											P
Single-family dwelling	P	P	P								
Spirits distiller								P			P
State-licensed residential facility	P	P	P	P							

Continued on next page



How to Use This Ordinance

4. USE MATRIX

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Digital User Note:

Click on a district heading below to go directly to the corresponding district regulations.

	AG	R-1	RE	RM-1	B-1	B-2	NB-	I-1	I-2	MH	EB
Storage facility; building materials, lumber, sand, gravel, equipment, etc.								P	P		P
Studio, artist							P				
Studio, photography							P				
Supper club						P					
Tavern						P					
Technology innovative establishments											P
Theatre, enclosed						P					
Tractor facility, including storage and repair									P		
Transfer station								S	S		S
Transformer station/substation, electric						P		P	P		P
Travel trailer rental						P					P
Trucking facility								P	P		P
Trucking facility, including storage and repair									P		
Two-family dwelling				P							
Use similar to principal permitted use	P	P	P	P	P	P	P	P	P	P	P
Use similar to special land uses	S	S	S	S	S	S	S	S	S	S	S
Utility and public service building	S	S	S	S	S	S	S	P	P	S	P
Utility and public service yard								P	P		P
Utility exchange						P					P
Veterinarian office	S										
Warehousing								P	P		P
Waste lagoon pond								S	S		S
Water supply plant								P	P		
Water tank holder								P	P		
Wholesale establishment								P	P		P
Wind energy conversion system	A/S	A	A			A	A	A	A		A
Wine maker (winery)								P			P
Wine maker, small (micro-winery)	P/S										
Wireless communication facility	P/S				P/S	P/S	P/S	P/S	P/S		
Yard waste composting facility								S	P		



How to Use This Ordinance

5. DISTRICT SUMMARY TABLE

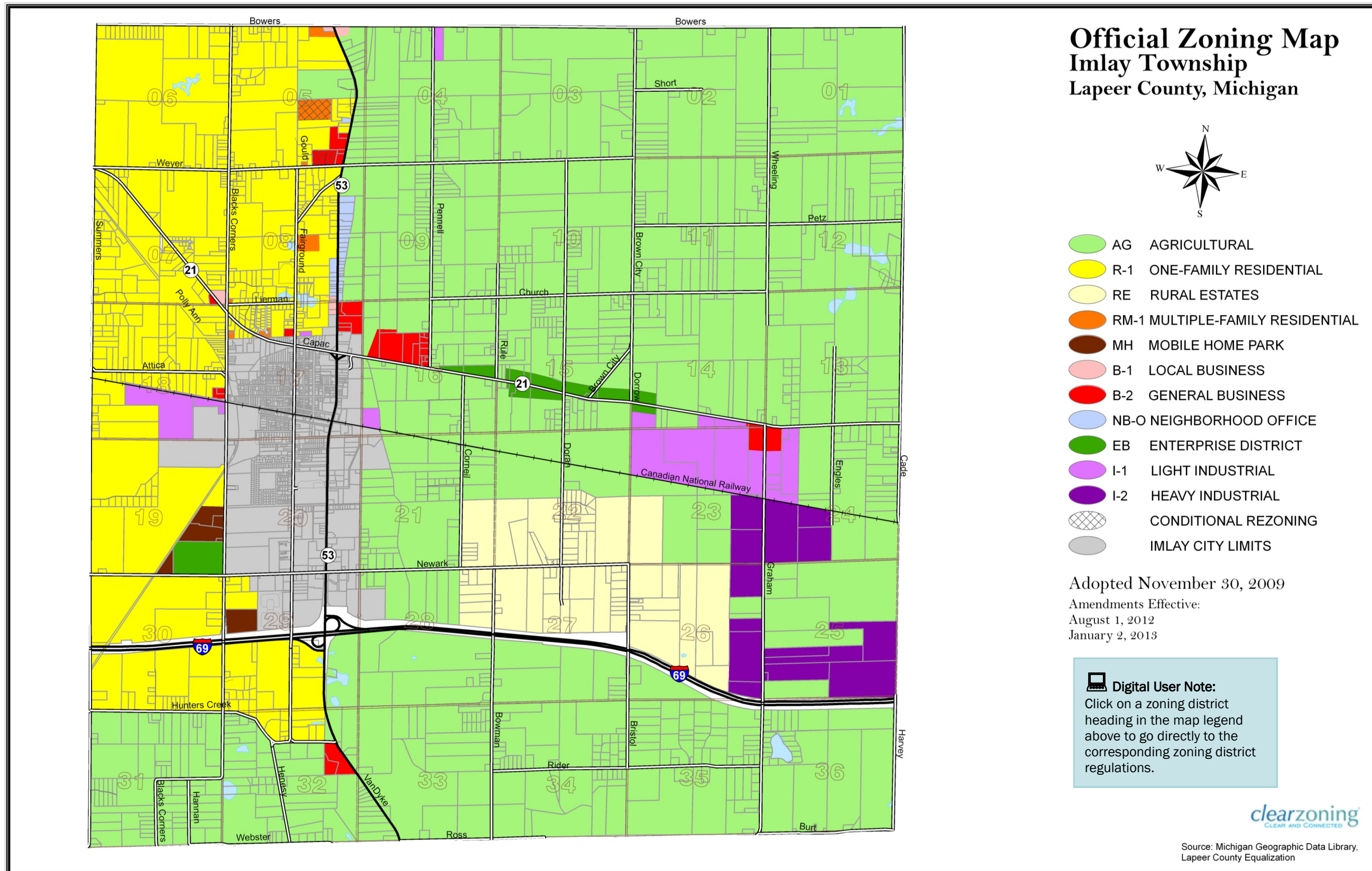
Below is a quick reference table that summarizes district regulations. Consult [Article 3 Zoning Districts](#) for additional requirements and exceptions to the information below.

District Summary Table					
District	Minimum Lot Size	Minimum Lot Width (feet)	Principal Setbacks		
			Front Yard (feet)	Side Yards (feet)	Rear Yard (feet)
AG Agricultural	1.5 ac (without animals) 5.0 ac (with animals)	165 (without animals) 300 (with animals)	50	20	30
R-1 One-Family Residential	1.5 ac (without animals) 5.0 ac (with animals)	165 (without animals) 300 (with animals)	50	15	30
RE Rural Estate Residential	2.5 ac	165	50	15	30
RM-1 Multiple-Family Residential	2.0 ac	165	25	20	35
NB-0 Neighborhood Office	Not specified	Not specified	25	0	20
B-1 Local Business	Not specified	Not specified	25	0	20
B-2 General Business	Not specified	Not specified	25	0	20
I-1 Light Industrial	Not specified	Not specified	25	10	30
I-2 Heavy Industrial	Not specified	Not specified	50	20	50
MH Mobile Home Park	5.0 ac (w/ sewer & water) 10.0 ac (w/o sewer & water) 5,500 sq ft (individual lots)	Not specified	25	10	10
EB Enterprise Business	Not specified	Not specified	25	40 or 10	30



How to Use This Ordinance

6. ZONING MAP



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Article 1.0 *Purpose and Introduction*



Article 1.0	Purpose and Introduction
1.1	Title
1.2	Preamble
1.3	Enacting Clause
1.4	Short Title
1.5	Vested Right
1.6	Severance Clause
1.7	Scope
1.8	Conflicting Regulations



1.0 Purpose and Introduction

1.1 TITLE

An Ordinance enacted under Act 184, Public Acts of 1943, as amended, with the continued administration of this Ordinance, amendments to this Ordinance, and all other matters concerning operation of this Ordinance done pursuant to P.A. 110 of 2006, as amended, known as the Michigan Zoning Enabling Act (M.C.L. 125.3101 *et seq.*), governing the unincorporated portions of the Township of Imlay, Lapeer County, Michigan, to regulate and restrict the locations and use of buildings, structures and land for trade, industry, residence and for public and semi-public or other specified uses; and to regulate and limit the height and bulk of buildings, and other structures; to regulate and to determine the size of yards, courts, and open spaces; to regulate and limit the density of population; and for said purposes to divide the Township into districts and establish the boundaries thereof; to provide for changes in the regulations, restrictions and boundaries of such districts to define certain terms used herein; to provide for enforcement; to establish a Board of Appeals; and to impose penalties for the violation of this Ordinance.

This Ordinance is also enacted pursuant to Act 59, Public Acts of 1978, as amended, to regulate the condominium subdivision of land; to promote the public health, safety and general welfare; to further the orderly layout and use of land; to require that land be suitable for building sites, public and private improvements and that there be adequate drainage thereof; to provide for proper ingress to and egress from buildings; to provide a procedure for condominium subdivision approval and except as otherwise provided in this Section, assure that a condominium subdivision of land meets the standards and requirements of the Imlay Township Zoning Ordinance.

1.2 PREAMBLE

Pursuant to the authority conferred by the Public Acts of the State of Michigan in such case, made and provided and for the purpose of promoting, and protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of the Township by protecting and conserving the character and social and economic stability of the residential, commercial, industrial and other use areas; by securing the most appropriate use of land; preventing overcrowding the land and undue congestion of population; providing adequate light, air and reasonable access; and facilitating adequate and economical provision of transportation, water, sewers, schools,

recreation, and other public requirements, and by other means, all in accordance with a comprehensive plan; now therefore:

1.3 ENACTING CLAUSE

The Township of Imlay Ordains:

1.4 SHORT TITLE

This Ordinance shall be known and may be cited as the "TOWNSHIP OF IMLAY ZONING ORDINANCE."

1.5 VESTED RIGHT

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

1.6 SEVERANCE CLAUSE

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

1.7 SCOPE

No building or structure, or part thereof, shall hereafter be erected, constructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this Ordinance.

1.8 CONFLICTING REGULATIONS

Wherever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this ordinance, then the provisions of such ordinance shall govern.

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Article 2.0 Definitions



Article 2.0 Definitions

2.1 Construction of Language

2.2 Definitions

Agricultural Land	Easement	Manufactured Dwelling
Agriculture	Equivalent Word, Term	Master Deed
Alley	Erected	Master Plan
Alterations	Essential Services	Mezzanine
Apartment	Facade	Microbrewery
Aquaculture (Aquafarming)	Family	Micro Spirits Distiller (Micro-distillery)
Aquaponics	Family Day Care Home (Child Day Care Home)	Misfeasance
Architectural Features	Farm	Mobile Home
Automobile Service Center for Heavy Repairs	Fence	Mobile Home Condominium Project
Automobile Service Center for Minor Repairs	Fence, Obscuring	Mobile Home Park
Automobile Service Station	Floor Area	Motel
Basement	Floor Area, Usable	Nonconforming Building
Berm	Garage, Private	Nonconforming Lot
Billboard	General Common Elements	Nonconforming Use
Brewpub	Grade	Nonfeasance
Buildable Area	Greenbelt	Occupied
Building	Group Day Care Facility (Child or Adult Day Care Facility)	Off-Street Parking Lot
Building or Structure, Accessory	Group Day Care Home	Parking Space
Building Envelope	Home Occupation	Planning Commission
Building Site	Hydroculture (Passive Hydroponics)	Public Service
Building, Principal	Hydroponics	Public Utility
Building Height	Junk Yard	Roadside Stands
Building Inspector	Kennel, Commercial	Setback
Building Line	Limited Common Elements	Setback Equivalent
Club	Loading Space	Sign
Collocation	Lot	Site Condominium
Condominium Act	Lot Area	Small Wine Maker (Micro-winery).
Condominium Subdivision Plan	Lot, Corner	State-Licensed Residential Facility
Condominium Unit	Lot, Double Frontage	Story
Convalescent Home / Nursing Home	Lot, Interior	Street
District	Lot Coverage	Structure
Drive Through	Lot Depth	Subdivision Ordinance
Drive-In Restaurant	Lot Lines	Temporary Building or Use
Dwelling Unit	Lot of Record	Thoroughfares, Major
Dwelling, One-Family	Lot Width	Thoroughfares, Secondary
Dwelling, Two-Family	Malf easance	Tourist Home
Dwelling, Multiple-Family	Manufactured Building	



Travel Trailer
Travel Trailer Park (Overnight
Camping Facility)
Use
Use, Accessory
Wireless Communication
Facilities
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Yard Area
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2.0 Definitions

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2.1 CONSTRUCTION OF LANGUAGE

For the purposes of this ordinance, certain terms or words used herein shall be interpreted as follows:

1. All word used in the present tense shall include the future, all words in the singular number include the plural number, and all words in the plural number include the singular number.
2. The word "building" includes the word "structure".
3. The word "dwelling" includes "residence".
4. The word "person" includes "corporation", "copartnership", "association", as well as an "individual".
5. The word "shall" is mandatory and the word "may" is permissive.
6. The word "lot" includes the words "plot" or "parcel".
7. The words "used" or "occupied" includes the words "intended", "designed" or "arranged to be used or occupied".
8. Terms not herein defined shall have the meaning customarily assigned to them.

2.2 DEFINITIONS

Agricultural Land. Land devoted to the production of plants, animals and related food products useful to humans, including but not limited to: forage and food crops, grains, feed crops, field crops, dairy products, poultry and poultry products, livestock, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, honey, brewed, distilled and vented beverages, Christmas trees, and other similar uses and activities.

Agriculture. Soil dependent cultivation of crops or the raising of farm animals, including bee keeping, in accordance with generally accepted agricultural management practices.

Alley. Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

Alterations. Any change, addition or modification to a structure or type of occupancy, any change in the structural members of a building, such as walls, or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed".

Apartment. A residential structure containing three (3) or more attached one (1) family dwellings.

Aquaculture (Aquafarming). The cultivation of aquatic animals and plants, especially fish, shellfish and seaweed in controlled marine or freshwater environments.

Aquaponics. Food production system that combines conventional aquaculture with hydroponics in a symbiotic environment. In an aquaponic system, water from an aquaculture system is fed to a hydroponic system where the by-products are broken down and utilized by the plants as nutrients.

Architectural Features. Includes cornices, eaves, gutters, belt courses, sills, lintels, bay window, chimneys, and decorative ornamentation.

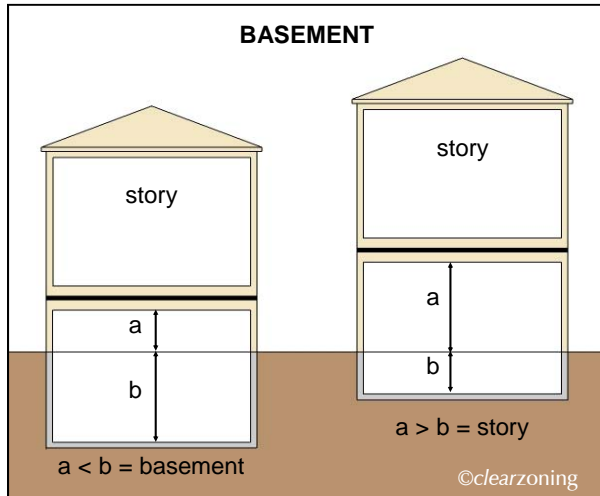
Automobile Service Center for Heavy Repairs. A place where the following activities may be carried out: vehicle body repair, engine rebuilding or repair, undercoating, painting, tire recapping, upholstery work and auto glass work.

Automobile Service Center for Minor Repairs. Is a business providing light repairs, services and materials such as: tires (not recapping), batteries, mufflers, undercoating, auto glass, detailing, reupholstering, quick oil change, lubrication, wheel balancing, brakes and suspension services, and motor tune-up for passenger cars and vans.

Automobile (Gasoline) Service Station. Land or structures used for the purposes of dispensing or sale or of motor fuels directly to users of motor vehicles as the principal use, accessory uses may include the limited sale of convenience and variety goods and facilities for lubricating, washing or the minor service and repair of automobiles.



Basement. That portion of a building which is partly, or wholly below grade but so located that the vertical distance from average grade to the floor is greater than the vertical distance from the average grade to the ceiling. If the vertical distance from the grade to the ceiling is over five (5) feet, such basement shall be rated as a first story. ✍



Berm. A mound of earth planted with shrubs, grass, and trees or suitable ground cover in accordance with the Landscaping and Screening section of the Zoning Ordinance, constructed to sufficient height, length, and width to act as a screening barrier where required by this Ordinance.

Billboard. A billboard shall mean any structure or portion thereof designed or intended to be used for posting, painting, or otherwise affixing any advertising sign, which advertising sign does not pertain to the premises or to the use of premises on which the billboard is located or to goods sold or services rendered or activities conducted on such premises. For the purpose of this Ordinance a billboard shall also mean an off-site or non accessory sign.

Brewpub. An establishment that brews not more than 18,000 barrels of beer annually, for sale or consumption at its own location(s), which must operate as a food service establishment.

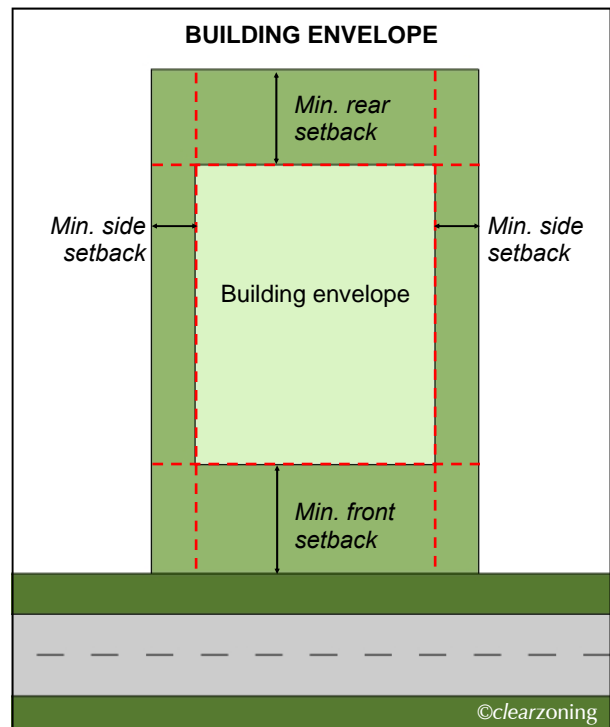
Buildable Area. The space remaining after the minimum open space requirements of this Ordinance have been complied with.

Building. Any structure, either temporary or permanent, having a roof supported by columns, or walls, and intended for the shelter or enclosure of persons, animals, chattels, or property of any kind. (This shall include tents, awnings, or vehicles situated on private property and used for said purposes).

Building or Structure, Accessory. A building or structure which:

1. Is subordinate to and serves a main building or principal use;
2. Is subordinate in area, extent and purpose to the main structure or principal use served;
3. Contributes to the comfort, convenience or necessity of the occupants, business or industry in the main building or principal use served; and
4. Is located on the same lot as the main building or principal use served.

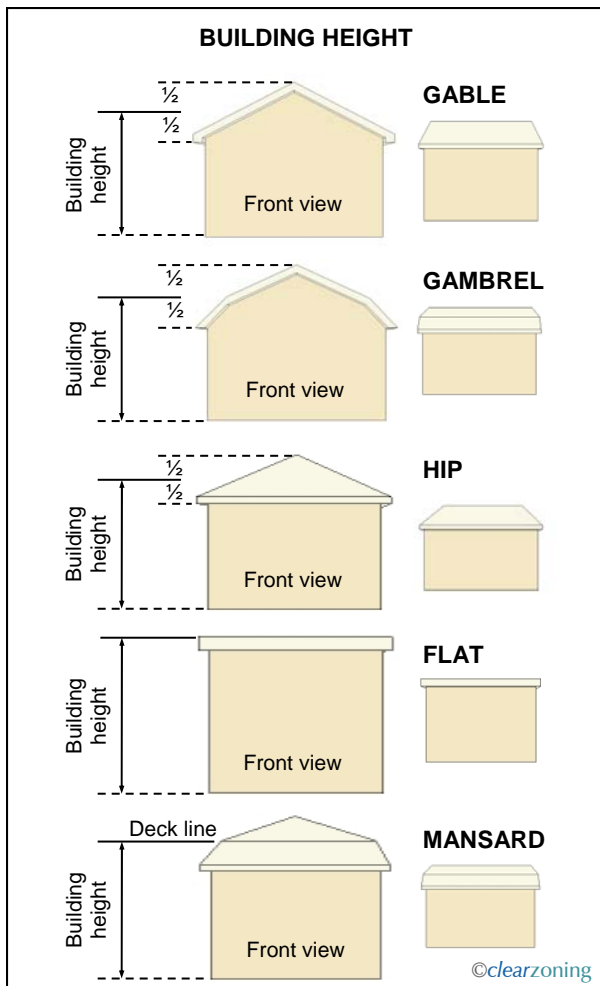
Building Envelope. The ground area of a lot which is defined by the minimum setback requirements within which construction of a principal building and any attached accessory structures is permitted by this ordinance. ✍



Building Site. Shall mean that area containing the limited common elements together with its condominium unit and together shall equate to the requirements of a lot and a lot's required elements as contained in Imlay Township Zoning Ordinance.

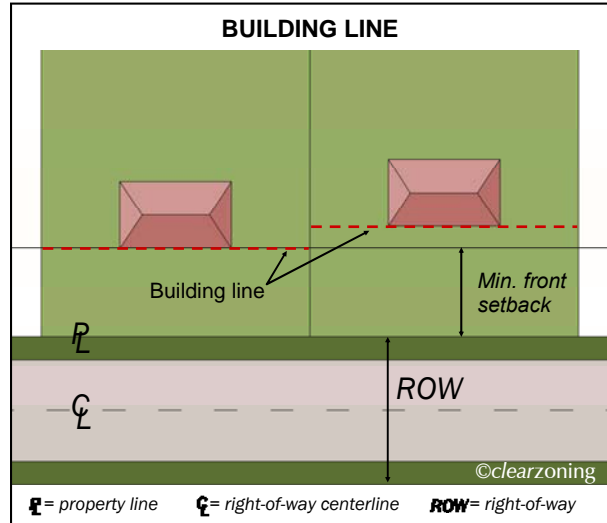
Building, Principal. A building in which is conducted the principal use of the lot on which it is situated.

Building Height. Is the vertical distance measured from the established grade of the center of the front of the building to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs; and the average height between the lowest point and the highest point on a shed roof. 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 or Official designated by the Township Board.

Building Line. A line formed by the face of the building, and for the purpose of this ordinance, a building line is the same as a front setback line.



Club. An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or the like, but not for profit.

Colocation. The location by two or more wireless communication providers of wireless communication antennas on a common support structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the community.

Condominium Act. Means Act 59 of 1978, as amended.



Condominium Subdivision Plan. Means the site, survey, and utility plans; flood plain plans; and sections, as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land. The condominium subdivision plan shall show the size, location, area, and horizontal boundaries of each unit as well as vertical boundaries and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location, and appropriate size of common elements, and limited common elements. The Condominium Subdivision Plan, for the purpose of this Ordinance, shall include the Master Deed and By Laws of the Condominium Subdivision.

Condominium Unit. Means that portion of the condominium project designed and intended for separate ownership and use, as described in the Master Deed and is that area within which the building may be constructed.

Convalescent Home / Nursing Home. A structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing and limited medical care.

District. A portion of the unincorporated part of the Township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Drive Through. A building or portion thereof where products or services are received outside the confines of the building in a motor vehicle on the site.

Drive-In Restaurant. A business establishment, for the serving of food and/or beverages, with driveways and approaches so developed and designed so as to serve patrons while in the motor vehicle, or permit patron self-service so that consumption within motor vehicles may be facilitated.

Dwelling Unit. Is a building, or a portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.

Dwelling, One Family. Is a building designed exclusively for and occupied exclusively by one (1) family.

Dwelling, Two-Family. Is a building designed exclusively for occupancy by two (2) families, living independently of each other.

Dwelling, Multiple-Family. Is a building, or portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other.

Easement. An interest in land owned by another that entitles its holder to a specific limited use or enjoyment.

Equivalent Word, Term. Those words and terms and phrases in the Zoning Ordinance which correspond to that word, term or phrase set forth in this definition section.

Erected. Any physical operations on the premises required for the construction or moving on and includes construction, reconstruction, alteration, building, excavation, fill, drainage, installation of utilities and the like.

Essential Services. The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel, or water distribution systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection therewith, but not including buildings which are necessary for the furnishing of adequate service to the residents of the Township by such utilities or municipal departments for the general health, safety or welfare. This definition does not include Wireless Communication Facilities as defined in this Article 2.

Façade. The external walls of a building that are visible to those persons outside of the building.

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Family. One or more persons occupying a single dwelling unit provided that unless all members are related by blood, marriage or adoption, no such family shall contain over six persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.

Family Day Care Home (Child Day Care Home). A private home in which at least one (1) but less than seven (7) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. A family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

Farm. All of the contiguous, neighboring or associated land operated as a single unit on which bona fide farming is carried on directly by the owner, operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees; provided, however, that land to be considered a farm hereunder shall include a continuous parcel of five (5) acres or more in area; provided further, farms may include, but shall not be limited to, such establishments as greenhouses, nurseries, orchards, chicken hatcheries, poultry farms, dairies, livestock raising, pick-your-own gardens, cider mills, vineyards, wineries, breweries, distilleries and apiaries/bee keeping.

Fence. A structure of definite height and location to serve as an enclosure in carrying out the requirements of this Ordinance.

Fence, Obscuring. A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.

Floor Area. The floor area of a residential dwelling unit is the sum of the horizontal areas of each story of the building as measured from the exterior walls, exclusive of areas of basements, unfinished attics, attached garages, breezeways and enclosed and unenclosed porches.

Floor Area, Usable. (For the purposes of computing parking) is all ground and non-ground floor area used for, or intended to be used for, the sale of merchandise or services or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, or for utilities, shall be excluded from this computation of "Usable Floor Area". For the purposes of computing parking for those uses not enclosed within a building, the area used for the sale of merchandise, display of merchandise, and/or area used to serve patrons or clients shall be measured to determine necessary parking spaces.

Garage, Private. A building used primarily for the storage of self-propelled vehicles for the use of occupants of a premise on which such building is located.

General Common Elements. Means the portion of the condominium project other than the condominium unit and limited common elements.

Grade. The highest elevation of ground contacting any portion of the basement or foundation of a dwelling.

Greenbelt. A strip of land of definite width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen or buffer strip in carrying out the requirements of this Ordinance.

Group Day Care Facility (Child or Adult Day Care Facility). A non-residential building or structure where care, protection, and supervision are provided, on a regular schedule at least twice a week, to either children or adults.

Group Day Care Home. A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. A group day care home includes a home that gives care to at least seven (7) unrelated minor children for more than four (4) weeks during a calendar year.



Home Occupation. An occupation or profession customarily carried on by an occupant of a dwelling unit as a secondary use which is clearly subservient to the use of the dwelling for residential purposes. This may include the use of a single-family residence by an occupant of that residence to give instruction in a craft or fine art within the residence, as provided for by Section 125.3204 of the Michigan Zoning Enabling Act.

Hydroculture (Passive Hydroponics). The growing of plants in a soilless medium, or an aquatic based environment. Plant nutrients are distributed via water. Hydroculture is aquatic horticulture.

Hydroponics. Cultivating plants in water.

Junk Yard. Is an open area where waste, 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 two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

Limited Common Elements. Means a portion of the common elements reserved in the Master Deed for the exclusive use of less than all co-owners.

Kennel, Commercial. Any lot or premises on which five (5) or more dogs or similar domestic pets, are either permanently or temporarily boarded. A commercial kennel shall also include any breeding operation with five (5) or more such animals over one year of age.

Loading Space. An off-street space on the same lot with a building, or group of buildings, for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

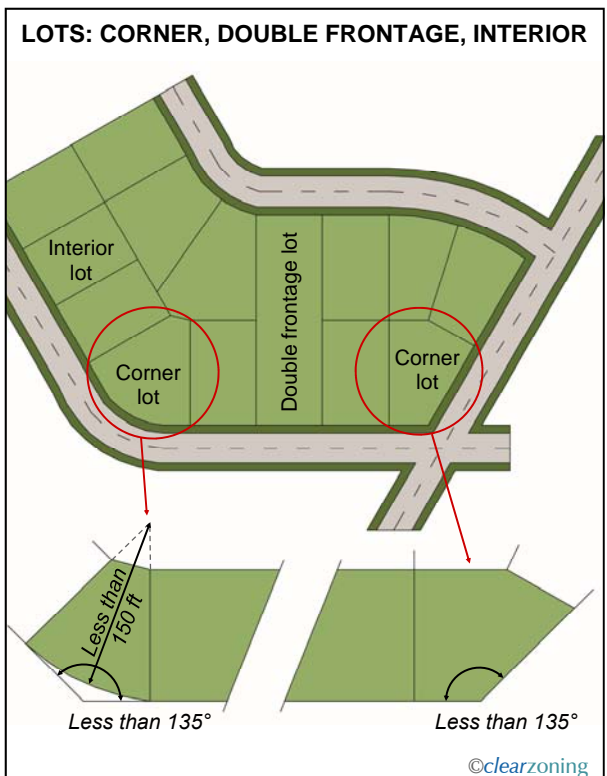
Lot. Is a parcel of land occupied, or which could be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records.

Lot Area. The total horizontal area within the lot lines of the lot, however, the area of any right-of-way or easement for a public or private street or road shall not be used to satisfy minimum lot area requirements of this Ordinance.

Lot, Corner. A lot where the interior angle of two adjacent sides at the intersection of the two streets is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street lines extended, form an interior-angle of less than one hundred thirty-five (135) degrees. A corner lot shall be considered to have two front lines, two rear lines, and no side lot lines unless it is other than a four-sided lot.

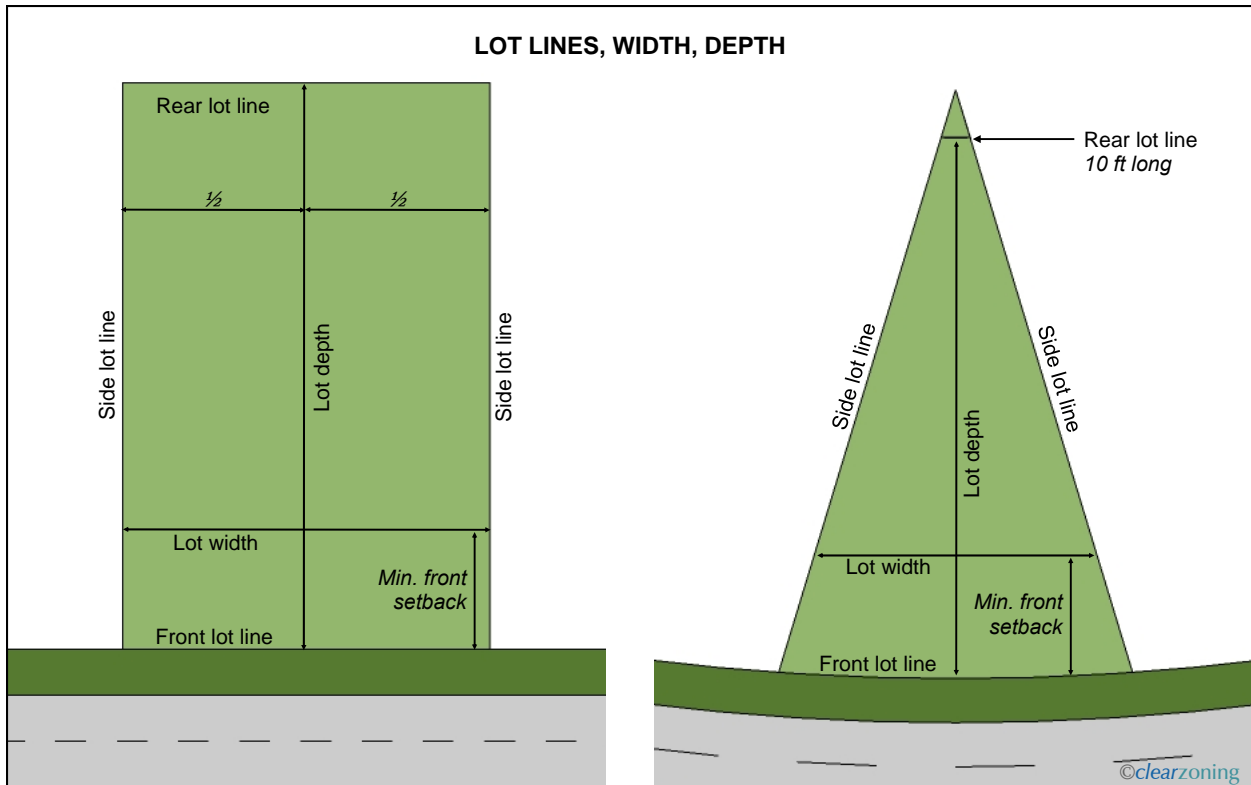
Lot, Double Frontage. Is any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lot adjacent to streets shall be considered frontage, and front yards shall be provided as required.

Lot, Interior. Any lot other than a corner lot.



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Lot Coverage. The part or percent of the lot occupied by buildings, including accessory buildings.

Lot Depth. The horizontal distance between the front and rear lot lines, measured along the median between side lot lines.

Lot Lines. The lines bounding a lot as defined herein.

1. **Front Lot Line.** In the case of an interior lot, the line separating said lot from the street. In the case of a corner lot, the line separating said lot from both streets, such that a corner lot shall have two front lot lines. In the case of a double frontage lot, both lot lines abutting on streets shall be treated as front lot lines.
2. **Rear Lot Line.** The lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot. In the case of a corner lot with two front lot lines, there are two rear lot lines. In the case of a double frontage lot, there are no rear lot lines.

3. **Side Lot line.** Any lot line other than 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 four-sided corner lot has no side lot lines, only two front lot lines and two rear lot lines.

Lot of Record. Is a parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by Township or County Officials, and which actually exists as so shown, or any part of such parcel held in record ownership separate from that of the remainder thereof.

Lot Width. The horizontal distance between the side lot lines measured at the two points where the building line, or front setback intersects the side lot lines. The area of any right-of-way or easement for a public or private street or road shall not be used to satisfy minimum lot width requirements of this Ordinance.



Malfeasance. Official misconduct; the commission of an unlawful act, done in an official capacity; an act for which there is no statutory authority. Malfeasance in office requires an affirmative act or omission, for example: failure of a member to disclose a conflict of interest when voting on a matter before the board or commission.

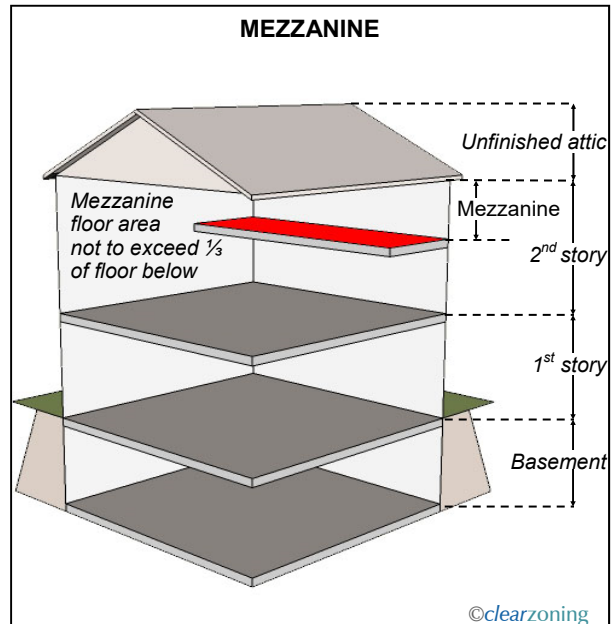
Manufactured Building. A Manufactured Building includes all factory constructed buildings, or three-dimensional modules or units thereof, designed and constructed in a manner facilitating ease of transportation to the site for placement in accordance with local construction codes, connection to required utilities, and subsequent occupancy. The term "manufactured building" includes both a single, three-dimensional module or unit intended to constitute a building and all three-dimensional modules or units intended to be combined on a site to form a building. The term "manufactured building" applies only to those major structural, three-dimensional modules or units requiring relatively minor, incidental combination on site and is not intended to include prefabricated support system components such as panels, trusses, plumbing systems or similar types of prefabricated support system components designed to be incorporated within buildings during the course of construction.

Manufactured Dwelling. A Manufactured Dwelling includes buildings, modules or units, or areas within such buildings, modules or units which have been designed for and are intended to be employed as dwellings for residential occupancy on an extended, rather than transient basis.

Master Deed. The condominium document recording the condominium project as approved by the Planning Commission to which is attached as exhibits and incorporated by reference the approved By Laws for the project and the approved condominium subdivision plans for the project.

Master Plan. Is a comprehensive plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and all physical development of the Township and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

Mezzanine. A Mezzanine shall be deemed a full story when it covers more than one-third (1/3) of the area of the story underneath said mezzanine, or, if the vertical distance from the floor next below it to the floor above it is twenty-four (24) feet or more.



Microbrewery. A brewery that produces not more than 60,000 barrels of beer for distribution annually, and which may or may not have a tasting room and/or food service.

Micro Spirits Distiller (Micro-distillery). A distillery that produces not more than 60,000 gallons of all brands combined annually, and which may or may not have a tasting room and/or food service.

Misfeasance. Negligence in the discharge of one's official duties or statutory obligations; carelessness in the discharge of public duties; for example: approval or disapproval of an application based on standards not evident in the community's ordinance.

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Mobile Home. A factory assembled structure, manufactured in accordance with standards established pursuant to the National Mobile Home Construction and Safety Standards Act of 1974, as amended, transportable in one (1) or more sections, which is built on a chassis and designed to be use as a dwelling with or without permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained in the structure. Mobile Home does not include a recreational vehicle.

Mobile Home Condominium Project. Means a condominium project in which mobile homes are intended to be located upon separate condominium units

Mobile Home Park. Any premise occupied or designed to be occupied by more than one (1) family living in their individually occupied mobile homes.

Motel. A series of attached, semi-detached or detached rental units containing bedroom, bathroom, and closet space. Units shall provide overnight lodging and are offered to the public for compensation and shall cater primarily to the public traveling by motor vehicles as a facility for temporary residence.

Nonconforming Building. A building or portion thereof, existing at the effective date of this Ordinance, or amendments thereto, that does not conform to the use provisions of the Ordinance, nor the use regulations of the district in which it is located.

Nonconforming Lot. Any lot or parcel of land which was conforming prior to enactment of this Ordinance, or amendments thereto, which fails to meet the requirements of the zoning district in which it is located for lot area or lot width.

Nonconforming Use. A use which lawfully occupied a building or land at the time this Ordinance or amendments thereto became effective, that does not conform to the use regulations, of the district in which it is located.

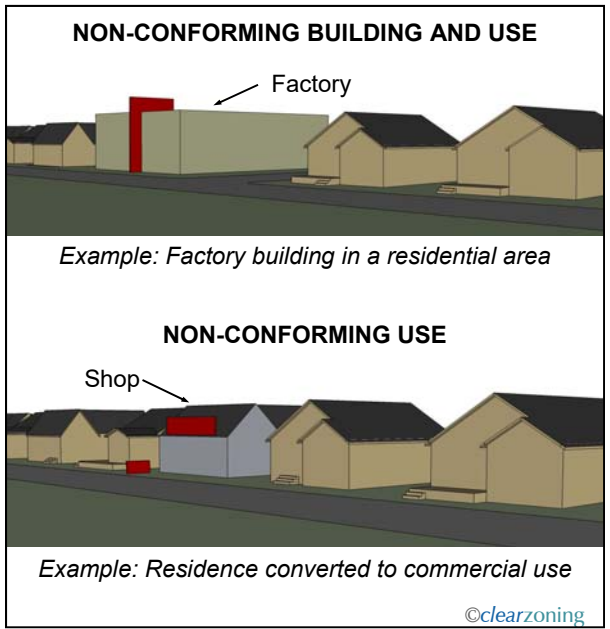
Nonfeasance. Failure to perform one's official duties or statutory obligations; for example: failure to attend the meetings of a board or commission to which one is appointed.

Occupied. Includes intended, designed or arranged for occupancy.

Off-Street Parking Lot. A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering, and designed and arranged for the parking of automobiles.

Parking Space. Is hereby determined to be an area of definite length and width and shall be exclusive of drives, driveways, aisles or entrances giving access thereto and shall be fully accessible for the storage or parking of permitted vehicles.

Planning Commission. The Imlay Township Planning Commission.

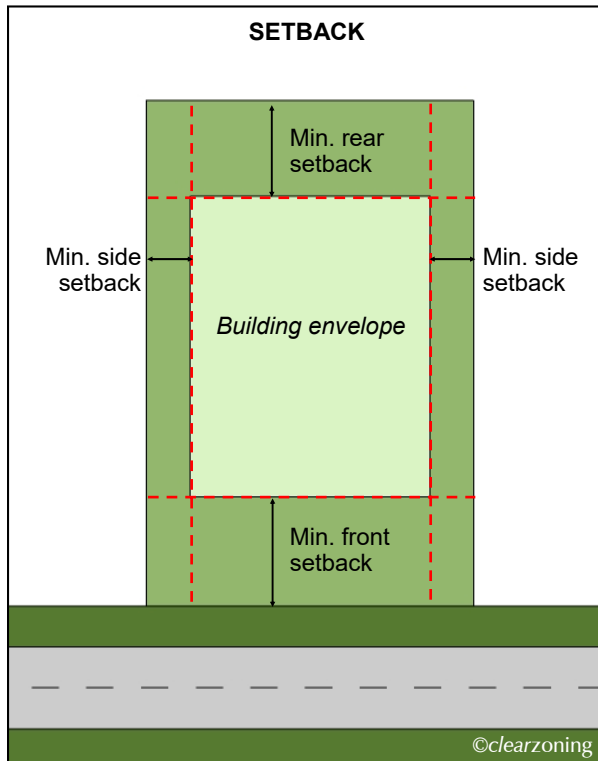


Public Service. Public Service Facilities within the context of this Ordinance shall include such uses and services as voting booths, pumping stations, fire halls, police stations, temporary quarters for welfare agencies, public health activities and similar uses including essential services.

Public Utility. Any person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under Federal, State, or Municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.

Roadside Stands. A temporary or permanent building operated for the purpose of selling agricultural products raised or processed by the proprietor of the stand; its use shall not make into a commercial district land which would otherwise be agricultural or residential and its use shall be deemed an agricultural activity.

Setback. The distance required to obtain front, side or rear yard open space provisions of this Ordinance.



Setback Equivalent. The distance between the boundary of the condominium unit and the outer boundary of the limited common element for that unit" is the equivalent phrase for the word "setback" as contained in the Zoning Ordinance.

Sign. The use of any words, numerals, figures, devices, designs, or trademarks by which anything is made known (other than billboards) such as are used to show an individual, firm, profession or business, and are visible to the general public. Accessory signs pertain to uses or activities conducted on the premises where located.

Site Condominium. The resulting subdivision or development of land created under the Condominium Act.

Small Wine Maker (Micro-winery). A producer of wine or hard cider that manufactures or bottles not more than 50,000 gallons of wine or hard cider annually, and which may or may not have a tasting room and/or food service.

State-Licensed Residential Facility. A structure constructed for residential purposes that is licensed by the State pursuant to Act No. 218 of the Public Acts of 1979, as amended, or Act No. 116 of the Public Acts of 1973, which provides resident services for six (6) or less persons under 24-hour supervision or care for persons in need of that supervision or care. This term shall 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. In accordance with Section 125.3206 of the Michigan Zoning Enabling Act, a state-licensed residential facility shall be considered a residential use of property for the purposes of zoning and a permitted use in all residential zones not subject to a special or conditional use permit.

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Story. Is that part of a building included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above.

Street. Is a public thoroughfare which affords the principal means of access to abutting property.

Structure. Is anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground except driveways and pavement.

Subdivision Ordinance. Means the Imlay Township Subdivision Control Ordinance, as amended.

Temporary Building or Use. Is a structure or use permitted by the Board of Appeals to exist during periods of construction of the main building or use, or for special events.

Thoroughfare, Major. Is an arterial street which is intended to serve as a large volume trafficway for both the immediate Township area and the region beyond, and may be designated as a major thoroughfare, major arterial street, parkway, freeway, expressway, or equivalent term.

Thoroughfare, Secondary. Is an arterial street which is intended to serve as a trafficway serving primarily the immediate Township area and serving to connect with major thoroughfares.

Tourist Home. Any dwelling used or designed in such a manner that certain rooms in excess of those used by the family, and occupied as a dwelling unit are rented to the public for compensation and shall cater primarily to the public traveling by motor vehicle.

Travel Trailer. A vehicle designed as a travel unit for occupancy as a temporary or seasonal vacation living unit.

Travel Trailer Park (Overnight Camping Facility). Is a place utilized for the temporary storage of travel trailers for camping purposes, where there is no permanent storage of mobile homes for year-around occupancy and where commercial activity is limited to service the needs of the temporary occupants of the travel trailer park.

Use. Is the purpose for which land or a building is designed, arranged, or intended to be used, or for which land or a building is or may be occupied.

- Use, Accessory.** A use or structure which:
1. Is subordinate to and serves a main building or principal use;
 2. Is subordinate in area, extent and purpose to the main structure or principal use served;
 3. Contributes to the comfort, convenience or necessity of the occupants, business or industry in the main building or principal use served; and
 4. Is located on the same lot as the main building or principal use served.

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 and exchanges, micro-wave relay towers, telephone transmission equipment building and commercial mobile radio service facilities, monopoles and lattice towers. Not included within this definition are: citizen band radio facilities; short wave facilities; ham, amateur radio facilities; satellite dishes; and, governmental facilities which are subject to state or federal laws which preempt municipal regulatory authority. (amendment effective 3/20/99)



Yards. The open spaces on the same lot with a main building or main use, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein:

1. **Front Yard:** Is 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 line of the main building. In the case of a corner lot there are two front lot lines and two front yards, regardless of the orientation of the principal building.
2. **Rear Yard:** Is 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 with two rear lot lines there are two rear yards, regardless of the orientation of the principal building.
3. **Side Yard:** Is an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building. In the case of a four-sided corner lot, there is no side yard.

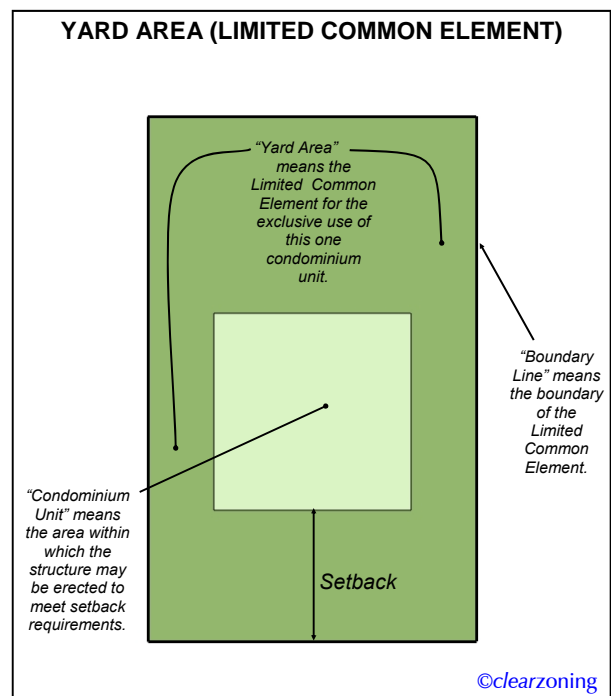
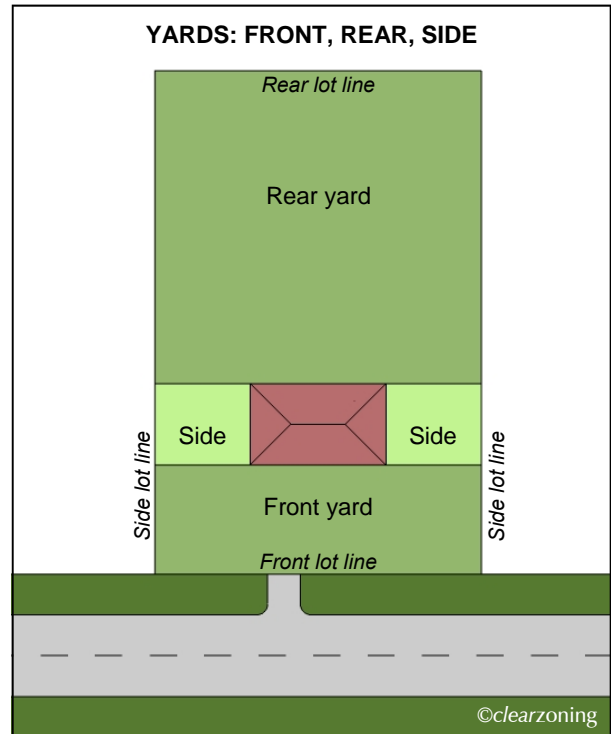
The area of any right-of-way or easement for a public or private street or road shall not be used to satisfy minimum yard, open space, or setback requirements of this ordinance.

Yard Area. Limited common element reserved exclusively for the unit located within the yard area. The following drawing is provided to illustrate, in a general way, the correlation between a lot and elements of a lot as provided for in the Subdivision Control Ordinance and in the Zoning Ordinance and a Site Condominium Building site and its elements. Where there is a conflict between this illustration and the terms and conditions of another ordinance, the terms and conditions of this Section shall control.

Zoning Ordinance. The Imlay Township Zoning Ordinance, as amended.

Zoning Variance. A modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause practical difficulty owing to circumstances unique to the individual property on which the variance is granted.

The crucial points of variance are practical difficulty, and unique circumstances, applied to property. A variance is not justified unless all of these elements are present in the case.



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(Intentionally Blank)



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Article 3.0 Zoning Districts





Article 3.0 Zoning Districts


- 3.1 Districts Established
- 3.2 Boundaries
- 3.3 Zoning of Vacated Areas
- 3.4 Notes to District Standards
- 3.5 Subdivision Open Space Plan
- 3.6 Open Space Preservation Option
- 3.7 District Requirements
- 3.8 Interpretation of Similar Uses
- 3.9 General Exceptions as to Area, Height, and Use
- 3.10 Erection of Not More Than One Principal Structure on a Lot

3.0 Zoning Districts

3.1 DISTRICTS ESTABLISHED

For the purpose of this Ordinance, the Township of Imlay is hereby divided into the following districts:

1. **AG** Agricultural District
2. **R-1** One-Family Residential District
3. **RE** Rural Estates Residential District
4. **RM-1** Multiple-Family Residential District
5. **B-1** Local Business District
6. **B-2** General Business District
7. **NB-O** Neighborhood Office District
8. **I-1** Light Industrial District
9. **I-2** Heavy Industrial District
10. **MH** Mobile Home Park District
11. **EB** Enterprise Business District

 **Digital User Note:**
Click on a district heading to go directly to the corresponding district regulations.

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AG Agricultural District

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A. INTENT

The AG Agricultural District is designed to accommodate primarily agricultural land uses, with necessary support services, and to provide for single-family home sites in areas more rural than agricultural in character.

i **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- i. Farms **§ 4.2** and agriculture
- ii. Horticulture, fruit orchards, and vineyards
- iii. **The raising of small animals for a school project, 4 H project, or similar educational program §4.6**
- iv. **Roadside stands §4.7**
- v. **Aquaculture, hydroponics and aquaponics § 4.64**
- vi. **Small wine maker (micro-winery), if grapes and apples are grown by the winery § 4.65**
- vii. **Single-family dwellings and mobile homes §4.3**
- viii. **Churches, libraries, and public community buildings, and public recreation centers §4.29**
- ix. Publicly owned and operated parks, parkways, and recreational facilities
- x. Public and private elementary, intermediate, and high schools
- xi. Family day care homes
- xii. State-licensed residential facilities
- xiii. **Accessory buildings and uses customarily incidental to any of the above permitted uses §5.1**
- xiv. **Private residential ponds accessory to single-family dwellings and agricultural or farm ponds §4.4**
- xv. Uses which, in the opinion of the Planning Commission are similar to the above principal permitted uses

C. PERMITTED USES SUBJECT TO ADMINISTRATIVE APPROVAL §4.59

- i. **Keeping of large animals and small animals §4.5**
- ii. Farm and agriculture support services
- iii. **Temporary uses of an agricultural nature §4.3**
- iv. **Wind energy conversion systems §4.9**
- v. **Landscapers, landscape services and similar home-based businesses §4.68**

D. SPECIAL LAND USES

- i. **Intensive animal raising and agricultural processing §4.19**
- ii. **Interim use of large-scale agri-business buildings §4.20**
- iii. **Agricultural equipment sales and service dealer §4.66**
- iv. **Grain elevator and similar uses §4.67**
- v. **Small wine maker (micro-winery) microbrewery and micro spirits distiller § 4.65**
- vi. **Riding academies and stables-commercial §4.27**
- vii. **Campgrounds, recreational vehicle parks, and similar large scale recreational uses (excluding off-road motorized vehicles and racetracks) §4.10**
- viii. **Cemeteries §4.11**
- ix. **Colleges, universities, and similar; public and private §4.12**
- x. **Commercial dog kennels, veterinary offices and the like on a minimum of five (5) acres §4.13**
- xi. **Convalescent or rest home, nursing home, convents, home for the aged or handicapped, orphanage or children's home §4.14**
- xii. **General hospitals §4.15**
- xiii. **Golf courses, not including driving ranges or miniature golf courses §4.16**
- xiv. **Group day care home §4.17**
- xv. **Home occupations §4.18**
- xvi. **Landfills, not including transfer stations §4.21**
- xvii. **Limited business uses §4.22**
- xviii. **Mining of sand, gravel, and topsoil §4.23**
- xix. **Nursery schools, child care centers and group day care facilities §4.24**
- xx. **Private recreation areas, not including campgrounds or motorized on or off-road vehicles §4.30**
- xxi. **Portable lumber and planing mills §4.26**
- xxii. **Utility and public service buildings (excluding storage yards) §4.28**
- xxiii. **Wind energy conversion systems of a greater number than that which is permitted by administrative approval §4.9**
- xxiv. **Limited soil removal permit §4.57**
- xxv. **Uses similar to the above special land uses and compatible with the principal permitted uses listed above §4.32**



E. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[☐]:

Without animals or agriculture:	1.5 acres
With animals or agriculture:	5.0 acres

Minimum lot width[☐]:

Without animals or agriculture:	165 ft
With animals or agriculture:	300 ft

Lot Coverage[☐]

Maximum lot coverage: 35%

Principal Building Setbacks[☐]

Minimum front yard setback:	50 ft
Minimum rear yard setback:	30 ft
Minimum side yard setback:	20 ft

Building Height[☐]

Maximum building height: 25 ft or 2 stories, whichever is less

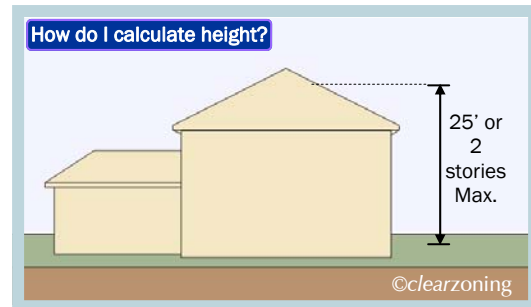
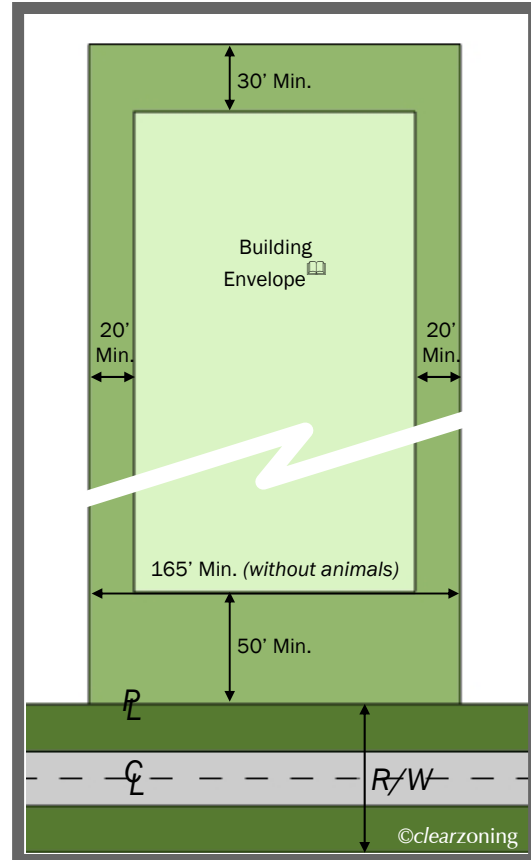
Floor Area[☐]

Minimum floor area per one-family dwelling[☐]:

1 story	1,060 sq ft
1+ stories w/ basement	850 sq ft (first floor) 1,060 sq ft (total)
1+stories w/o basement	950 sq ft (first floor) 1,060 sq ft (total)

NOTES

- For additions to the above requirements, refer to [Section 3.4.2 Notes to District Standards: A, B, C, D, O](#)
- See *Selected References* below for applicability
- A maximum lot width/depth ratio of 1:4 is required for parcels less than 40 acres



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- [Open Space Preservation Option §3.6](#)
- [General Exceptions §3.9](#)

4. Use Standards

- [Wireless Communication Facilities[☐] §4.40](#)
- [Wind Energy Conversion Systems §4.9](#)

5. Site Standards

- [Accessory Buildings §5.1](#)
- [Parking §5.2](#)
- [Loading/Unloading §5.4](#)
- [Landscaping and Screening §5.7](#)
- [Lighting §5.9](#)
- [Performance Standards §5.6](#)
- [Signs §5.8](#)
- [Screen Walls and Fences §5.11](#)
- [Residential Entrancesways §5.13](#)
- [Frontage §5.14](#)

6. Development Procedures

- [Site Plan Review §6.1](#)
- [Special Land Uses §6.2](#)
- [Condominium Subdivision Approval §6.3](#)

Other Ordinances

- [Public and Private Road Ordinance](#)
- [Subdivision Regulations Ordinance](#)
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3.1.2

R-1 One-Family Residential District

A. INTENT

The R-1 One-Family Residential District is designed to provide for one-family dwelling sites and the residentially related uses in keeping with the Master Plan for residential development in the Township. The uses permitted by right and as special land uses are intended to promote a compatible arrangement of land uses for homes, with the intent to keep neighborhoods relatively quiet and free of unrelated traffic influences.

i **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- i. **One-family detached dwellings[Ⓜ] and mobile homes[Ⓜ] §4.3**
- ii. Publicly owned and operated parks, parkways and recreational centers/facilities
- iii. Public and private elementary, intermediate, and senior high schools
- iv. Family day care homes[Ⓜ]
- v. State-licensed residential facilities
- vi. **Accessory buildings[Ⓜ] and uses[Ⓜ] customarily incidental to any of the above permitted uses §5.1**
- vii. **Private residential ponds accessory to single-family dwellings and agricultural or farm ponds §4.4**
- viii. Uses which, in the opinion of the Planning Commission after making findings of fact, are similar to the above principal permitted uses

C. PERMITTED USES SUBJECT TO ADMINISTRATIVE APPROVAL §4.59

- i. **Keeping of large animals and small animals §4.5**
- ii. **Wind energy conversion systems §4.9**
- iii. **Landscapers, landscape services and similar home-based businesses §4.68**

D. SPECIAL LAND USES

- i. **Cemeteries §4.11**
- ii. **Churches, public libraries, public buildings excluding public works garages and storage yards §4.29**
- iii. **Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education §4.12**
- iv. **Golf courses, not including driving ranges or miniature golf courses §4.16**
- v. **Group day care homes[Ⓜ] §4.17**
- vi. **Home occupations[Ⓜ] §4.18**
- vii. **Nursery schools, child care centers, and group day care facilities, when located on a major or secondary thoroughfare §4.24**
- viii. **Private recreation areas, not including campgrounds or motorized on or off-road vehicles §4.30**
- ix. **Roadside markets §4.31**
- x. **Utility and public service buildings §4.28**
- xi. **Uses similar to the above special land uses and compatible with the principal permitted uses listed above §4.32**
- xii. **Mining of sand, gravel, and topsoil §4.23**
- xiii. **Limited soil removal permit §4.57**



R-1 One-Family Residential District

3.1.2

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area [☐] :	
Without animals:	1.5 acres
With animals:	5.0 acres
Minimum lot width [☐] :	
Without animals:	165 ft
With animals:	300 ft

Lot Coverage[☐]

Maximum lot coverage: 35%

Principal Building Setbacks[☐]

Minimum front yard setback:	50 ft
Minimum rear yard setback:	30 ft
Minimum side yard setback:	15 ft

Building Height[☐]

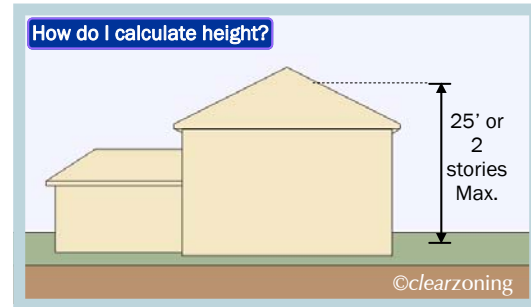
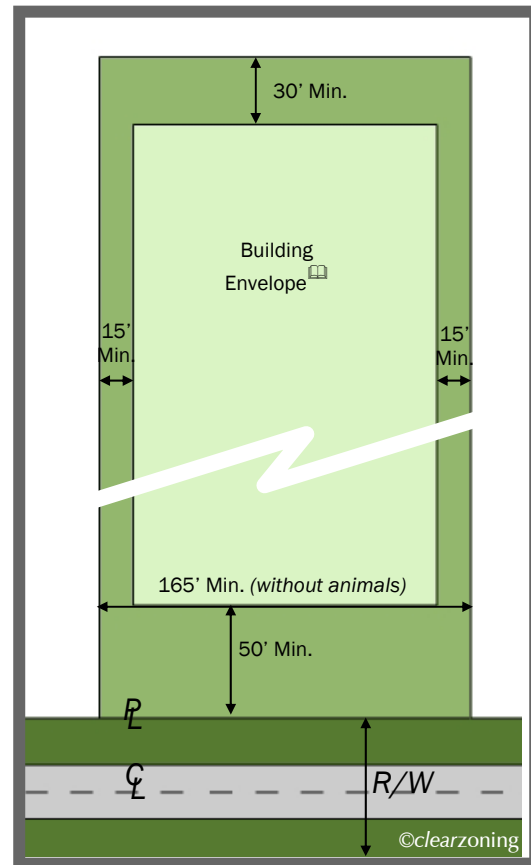
Maximum building height: 25 ft or 2 stories, whichever is less

Floor Area[☐]

Minimum floor area per one-family dwelling [☐] :	
1 story	1,060 sq ft
1+ stories w/ basement	850 sq ft (first floor) 1,060 sq ft (total)
1+stories w/o basement	950 sq ft (first floor) 1,060 sq ft (total)

NOTES

- For additions to the above requirements, refer to [Section 3.4.2 Notes to District Standards: A, B, C, D, O, P](#)
- See *Selected References* below for applicability
- A maximum lot width/depth ratio of 1:4 is required for parcels less than 40 acres



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- [Subdivision Open Space Plan §3.5](#)
- [Open Space Preservation Option §3.6](#)
- [General Exceptions §3.9](#)

4. Use Standards

- [Wind Energy Conversion Systems §4.9](#)

5. Site Standards

- [Accessory Buildings §5.1](#)
- [Parking §5.2](#)
- [Loading/Unloading §5.4](#)
- [Landscaping and Screening §5.7](#)
- [Lighting §5.9](#)
- [Performance Standards §5.6](#)
- [Signs §5.8](#)
- [Screen Walls and Fences §5.11](#)
- [Residential Entranceways §5.13](#)
- [Frontage §5.14](#)

6. Development Procedures

- [Site Plan Review §6.1](#)
- [Special Land Uses §6.2](#)
- [Condominium Subdivision Approval §6.3](#)

Other Ordinances

- Public and Private Road Ordinance
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3.1.3

RE Rural Estate Residential District

A. INTENT

The intent of the Rural Estate (RE) District, is to provide appropriate homesites and a suitable environment for individuals, and families with children but in a more rural environment that may be interspersed with agricultural activities, including keeping of animals. In addition to these, the Rural Estate district is also intended to encourage clustering of homesites and creation of common open spaces to be enjoyed by the residents of these developments. This is made possible by providing lot size alternatives and greater opportunity for open space than is typically possible in R-1.



User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- i. **Single family dwellings §4.3**
- ii. Family day care homes
- iii. State-licensed residential facilities
- iv. Public schools
- v. Publicly owned and operated parks, parkways and recreational facilities
- vi. **Farms § 4.2** and agriculture[ⓘ]
- vii. Horticulture, fruit orchards, and vineyards
- viii. **The raising of small animals for a school project, 4 H project, or similar educational program §4.6**
- ix. **Roadside stands[ⓘ] §4.7**
- x. **Accessory buildings[ⓘ] and uses[ⓘ] customarily incidental to the above permitted uses §5.1**
- xi. **Uses which, in the opinion of the Planning Commission after making findings of fact, are similar to the above principal permitted uses. This section shall not be used to justify a use that would otherwise be regulated by § 4.32.**

D. SPECIAL LAND USES

- i. **Cemeteries §4.11**
- ii. **Churches, public libraries, public buildings excluding public works garages and storage yards §4.29**
- iii. **Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education §4.12**
- iv. **Golf courses, not including driving ranges or miniature golf courses §4.16**
- v. **Group day care homes[ⓘ] §4.17**
- vi. **Nursery schools, child care centers, and group day care facilities §4.24**
- vii. **Utility and public service buildings[ⓘ] §4.28**
- viii. **Uses similar to the above special land uses and compatible with the principal permitted uses listed above §4.32**
- ix. **Limited soil removal permit §4.57**
- x. **Home occupation §4.18**

C. PERMITTED USES SUBJECT TO ADMINISTRATIVE APPROVAL §4.59

- i. **Wind energy conversion systems §4.9**
- ii. **Landscapers, landscape services and similar home-based businesses §4.68**



E. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[Ⓜ]: 2.5 acres
 Minimum lot width[Ⓜ]: 165 ft

Lot Coverage[Ⓜ]

Maximum lot coverage: 35%

Principal Building Setbacks[Ⓜ]

Minimum front yard setback: 50 ft
 Minimum rear yard setback: 30 ft
 Minimum side yard setback: 15 ft

Building Height[Ⓜ]

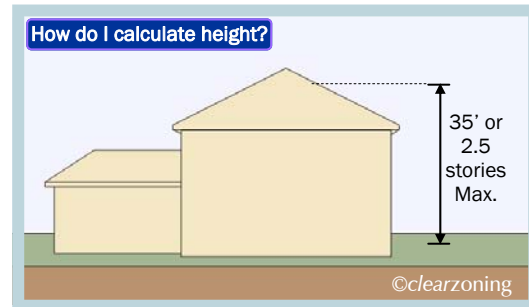
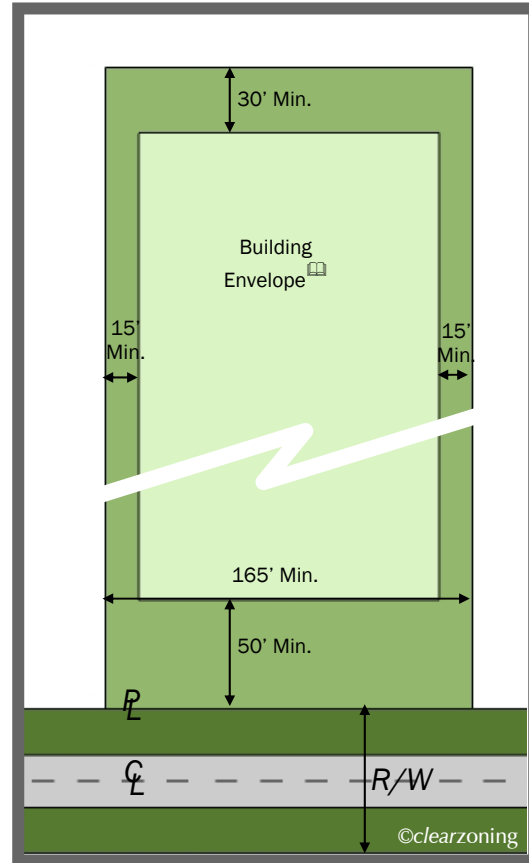
Maximum building height: 35 ft or 2.5 stories, whichever is less

Floor Area[Ⓜ]

Minimum floor area per one-family dwelling: 1,600 sq. ft.

NOTES

- For additions to the above requirements, refer to [Section 3.4.2 Notes to District Standards: A, C, O, P](#)
- See *Selected References* below for applicability
- A maximum lot width/depth ratio of 1:4 is required for parcels less than 40 acres



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- [Subdivision Open Space Plan §3.5](#)
- [Open Space Preservation Option §3.6](#)
- [General Exceptions §3.9](#)

4. Use Standards

- [Wind Energy Conversion Systems §4.9](#)

5. Site Standards

- [Accessory Buildings §5.1](#)
- [Parking §5.2](#)
- [Loading/Unloading §5.4](#)
- [Landscaping and Screening §5.7](#)
- [Lighting §5.9](#)
- [Performance Standards §5.6](#)
- [Signs §5.8](#)
- [Screen Walls and Fences §5.11](#)
- [Residential Entranceways §5.13](#)
- [Frontage §5.14](#)

6. Development Procedures

- [Site Plan Review §6.1](#)
- [Special Land Uses §6.2](#)
- [Condominium Subdivision Approval §6.3](#)

Other Ordinances

- Public and Private Road Ordinance
- Subdivision Regulations Ordinance
- Land Division Ordinance

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3.1.4

RM-1 Multiple-Family Residential District

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A. INTENT

The RM-1 Multiple-Family Residential District is designed to provide sites for multiple dwelling structures with height restrictions compatible with single family residential districts to serve the limited-needs for the apartment type of unit in an otherwise single-family residential community, and to provide zones of transition. The RM-1 District is intended generally for the development of a planned complex of buildings on acreage parcels.



User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- i. Multiple-family dwellings
- ii. Two-family dwellings
- iii. Family day care homes[ⓘ]
- iv. State-licensed residential facilities
- v. Public schools
- vi. **Accessory buildings[ⓘ] and uses[ⓘ] customarily incidental to any of the above permitted uses §5.1**
- vii. Uses which, in the opinion of the Planning Commission after making findings of fact, are similar to the above principal permitted uses

C. SPECIAL LAND USES

- i. **Utility and public service buildings §4.28**
- ii. **Nursery schools, child care centers, and group day care facilities §4.24**
- iii. **Group day care homes §4.17**
- iv. **Uses similar to the above special land uses and compatible with the principal permitted uses listed above §4.32**
- v. **Limited soil removal permit §4.57**



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[☒]: 2 acres
 Minimum lot width[☒]: 165 ft
 Minimum Lot Area per Unit: Varies (refer to [Section 3.4.2. E](#))

Lot Coverage[☒]

Maximum lot coverage: 30%

Setbacks[☒]

Minimum front yard setback: 25 ft
 Minimum rear yard setback: 35 ft
 Minimum side yard setback: 20 ft
 Minimum distance between buildings: Varies (refer to [Section 3.4.2.F](#))

Building Height[☒]

Maximum building height: 30 feet or 2 stories, whichever is less

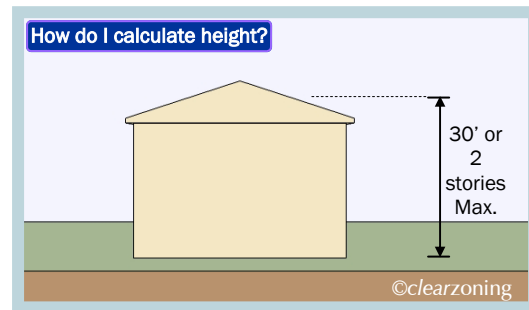
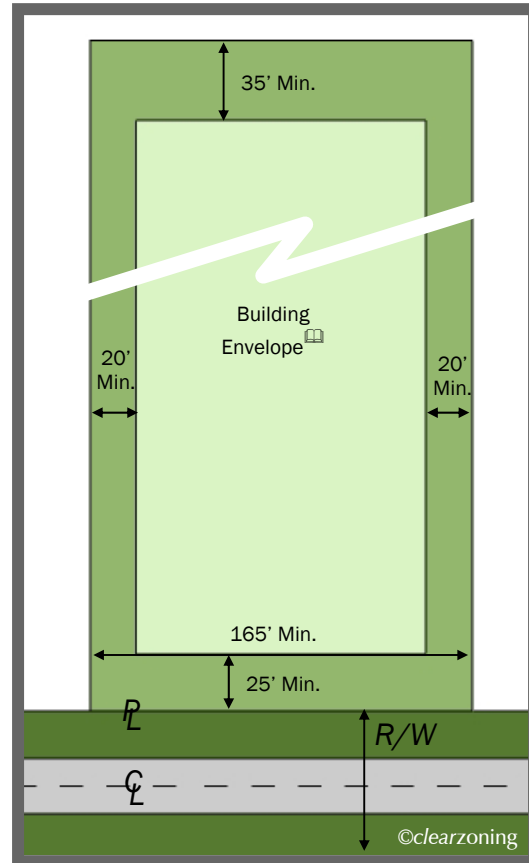
Floor Area[☒]

Minimum floor area per multiple-family dwelling[☒]:

Efficiency unit [☒] :	360 sq ft (maximum)
1 bedroom unit [☒] :	500 sq ft
2 bedroom unit [☒] :	650 sq ft
3+ bedroom unit [☒] :	650 sq ft + 150 sq ft per each additional room over a 2 bedroom unit

NOTES

- For additions to the above requirements, refer to [Section 3.4.2 Notes to District Standards: A, C, E, F, G, I, O](#)
- See *Selected References* below for applicability
- A maximum lot width/depth ratio of 1:4 is required



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- General Exceptions §3.9

4. Use Standards

5. Site Standards

- Accessory Buildings §5.1
- Parking §5.2
- Loading/Unloading §5.4
- Landscaping and Screening §5.7
- Lighting §5.9
- Performance Standards §5.6
- Signs §5.8
- Screen Walls and Fences §5.11
- Residential Entranceways §5.13
- Access Management §5.19
- Private Drive Standards §5.16

6. Development Procedures

- Site Plan Review §6.1
- Special Land Uses §6.2
- Condominium Subdivision Approval §6.3

Other Ordinances

- Public and Private Road Ordinance
- Subdivision Regulations Ordinance
- Land Division Ordinance

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B-1 Local Business District

A. INTENT

The B-1 Local Business Districts are designed to give the Township a business district that is somewhat more selective than a General Business District, and to provide for the establishment of neighborhood shopping areas, personal services and professional office areas that are primarily compatible with, and of service to, Township residential uses.



User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

All uses in the B-1 District shall be subject to the standards of [Section 4.1](#).

- i. Office buildings for any of the following occupations: executive, administrative, professional, governmental and sales offices
- ii. Medical and dental offices, including clinics
- iii. Banks and financial institutions without drive-through service
- iv. Generally recognized retail businesses which supply such commodities as: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods and notions or hardware
- v. Personal service establishments which perform such services as, but not limited to: shoe repair, tailor shops, beauty parlors, barber shops, interior decorators, photographers, dry cleaners and self-service laundries
- vi. Private clubs and lodge halls
- vii. Churches
- viii. [Accessory buildings](#) and [uses](#) customarily incidental to the above permitted uses [§5.1](#)
- ix. Uses which, in the opinion of the Planning Commission after making findings of fact, are similar to the above principal permitted uses

C. SPECIAL LAND USES

- i. [Automobile \(Gasoline\) service stations §4.33](#)
- ii. [Automobile service centers for minor repairs §4.37](#)
- iii. [Drive-thru window service for banks and financial institutions §4.34](#)
- iv. [Funeral home §4.55](#)
- v. [General hospital §4.15](#)
- vi. [Home Business / Office §4.35](#)
- vii. [Restaurants without drive-through service §4.36](#)
- viii. [Utility and public service buildings](#) [§4.28](#)
- ix. [Uses similar to the above special land uses and compatible with the principal permitted uses listed above §4.32](#)
- x. [Limited soil removal permit §4.57](#)



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[Ⓜ]: Not specified
 Minimum lot width[Ⓜ]: Not specified

Lot Coverage[Ⓜ]

Maximum lot coverage: Governed by Setbacks

Setbacks[Ⓜ]

Minimum front yard setback: 25 ft
 Minimum rear yard setback: 20 ft
 Minimum side yard setback:
 Adjacent to residential district: 15 ft
 Adjacent to a non-residential district: 0 ft

Building Height[Ⓜ]

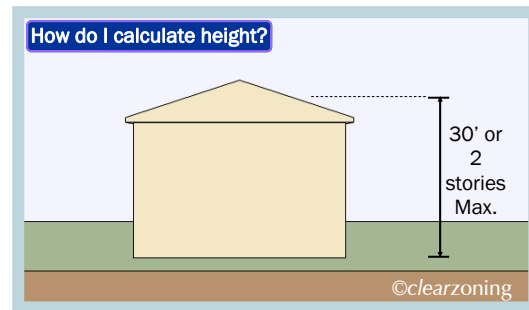
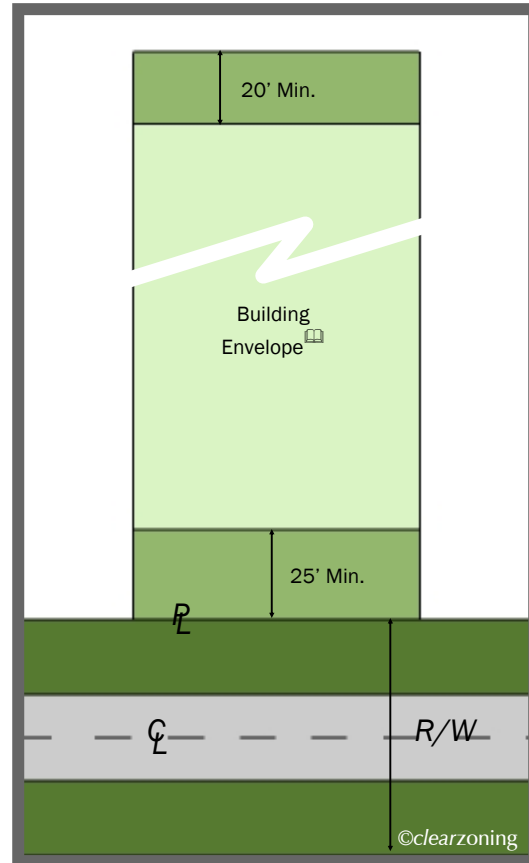
Maximum building height: 30 feet or 2 stories, whichever is less

Parking Setbacks

Minimum front yard setback: 25 ft
 Minimum rear yard setback: 20 ft
 Minimum side yard setback:
 Adjacent to residential district: 15 ft
 Adjacent to a non-residential district: 0 ft

NOTES

- For additions to the above requirements, refer to **Section 3.4.2 Notes to District Standards: A, C, H, I, J, K, N, O**
- See *Selected References* below for applicability
- A maximum lot width/depth ratio of 1:4 is required for parcels less than 40 acres



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- **General Exceptions §3.9**

4. Use Standards

- **Wireless Communication Facilities[Ⓜ] §4.40**

5. Site Standards

- **Accessory Buildings §5.1**
- **Parking §5.2**
- **Loading/Unloading §5.4**
- **Landscaping and Screening §5.7**
- **Lighting §5.9**
- **Performance Standards §5.6**
- **Signs §5.8**
- **Screen Walls and Fences §5.11**
- **Access Management §5.19**
- **Traffic Impact Study §6.4**

6. Development Procedures

- **Site Plan Review §6.1**
- **Special Land Uses §6.2**
- **Condominium Subdivision Approval §6.3**

Other Ordinances

- **Public and Private Road Ordinance**
- **Subdivision Regulations Ordinance**
- **Land Division Ordinance**

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B-2 General Business District

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A. INTENT

The B-2 General Business Districts are designed to provide sites for more diversified business types and are often located so as to serve passerby, highway-oriented traffic.



User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- i. All principal uses permitted in the B-1 Local Business District subject to all requirements of the B-2 General Business District
- ii. **Automotive (Gasoline) Service Stations §4.33**
- iii. Tourist facilities including, but not limited to: rooming houses, motels, hotels, cabin courts, and gift shops
- iv. Theatres, assembly halls and similar places of assembly when conducted completely within enclosed buildings
- v. **Auto washes when completely enclosed in a building §4.53**
- vi. **New automobile sales or showroom §4.38**
- vii. **Outdoor sales space for the exclusive sale of secondhand automobiles, house trailers, travel trailer rental §4.38**
- viii. **Restaurants, supper clubs and taverns §4.36**
- ix. Bowling alleys, pool or billiard parlor or club.
- x. Commercial printing and newspaper offices.
- xi. Business schools or private schools operated for profit.
- xii. **Offices and showrooms of plumbers, electricians, decorators, or similar trades §4.60**
- xiii. Governmental offices or other governmental uses
- xiv. Public utility offices, and uses, utility exchanges, transformer stations, pump stations and service yards; and other public service facilities
- xv. **Accessory buildings[☐] and uses[☐] customarily incidental to the above permitted uses §5.1**
- xvi. Uses which, in the opinion of the Planning Commission after making findings of fact, are similar to the above principal permitted uses

C. PERMITTED USES SUBJECT TO ADMINISTRATIVE APPROVAL §4.59

- i. **Wind energy conversion systems §4.9**

D. SPECIAL LAND USES

- i. **Commercial kennels §4.13**
- ii. **Commercially used outdoor recreational space for children's or adults' amusement parks, carnivals, rebound tumbling facilities, miniature golf courses, and golf driving ranges §4.25**
- iii. **Automobile service station for minor repairs §4.37**
- iv. **Restaurants with a drive thru component §4.39**
- v. **Drive thru window service for financial institutions, convenience markets, pharmacies and dry cleaners §4.34**
- vi. **Utility and public service buildings §4.28**
- vii. **Funeral home §4.55**
- viii. **Uses similar to the above special land uses and compatible with the principal permitted uses listed above §4.32**
- ix. **Limited soil removal permit §4.57**



E. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[☒]: Not specified
 Minimum lot width[☒]: Not specified

Lot Coverage[☒]

Maximum lot coverage: Governed by Setbacks

Setbacks[☒]

Minimum front yard setback: 25 ft
 Minimum rear yard setback: 20 ft
 Minimum side yard setback:
 Adjacent to residential district 15 ft
 Adjacent to a non-residential district 0 ft

Building Height[☒]

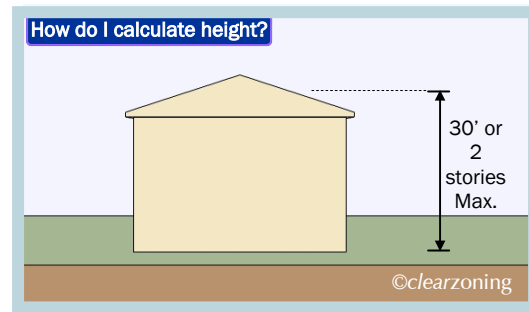
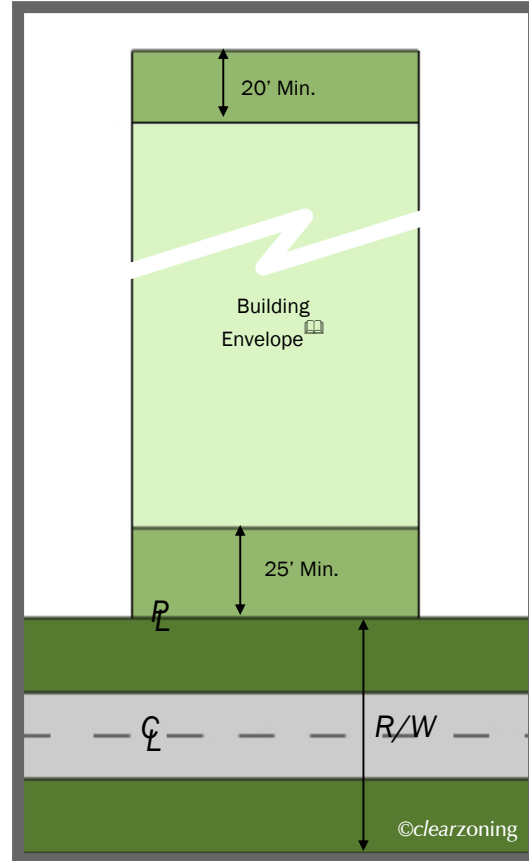
Maximum building height: 30 feet or 2 stories, whichever is less

Parking Setbacks

Minimum front yard setback: 25 ft
 Minimum rear yard setback: 20 ft
 Minimum side yard setback:
 Adjacent to residential district 15 ft
 Adjacent to a non-residential district 0 ft

NOTES

- For additions to the above requirements, refer to [Section 3.4.2 Notes to District Standards: A, C, H, I, J, K, N, O](#)
- See *Selected References* below for applicability
- A maximum lot width/depth ratio of 1:4 is required



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- [General Exceptions §3.9](#)

4. Use Standards

- [Wireless Communication Facilities §4.40](#)
- [Wind Energy Conversion Systems §4.9](#)

5. Site Standards

- [Accessory Buildings §5.1](#)
- [Parking §5.2](#)
- [Loading/Unloading §5.4](#)
- [Landscaping and Screening §5.7](#)
- [Lighting §5.9](#)
- [Performance Standards §5.6](#)
- [Signs §5.8](#)
- [Screen Walls and Fences §5.11](#)
- [Access Management §5.19](#)
- [Traffic Impact Study §6.4](#)

6. Development Procedures

- [Site Plan Review §6.1](#)
- [Special Land Uses §6.2](#)
- [Condominium Subdivision Approval §6.3](#)

Other Ordinances

- Public and Private Road Ordinance
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3.1.7

NB-O Neighborhood Office District

A. INTENT

The Neighborhood Office District permits those office and service uses which are compatible in intensity and character with nearby residential areas. The intent of this article is to encourage well-designed office buildings, employing high quality architecture, in a professionally landscaped setting, as well as uses which will not cause large volumes of traffic, traffic congestion, or parking problems. These uses will be designed and constructed so as to fully complement and enhance the adjoining or nearby residential areas.



User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

The following uses are permitted in the NB-O District, provided no individual building exceeds 20,000 square feet:

- i. Offices, the principal use of which are for administrative or professional occupations including, but not limited to, architects, lawyers, engineers, accountants, financial consultants, realtors, insurance agents, and similar professions, without drive through windows
- ii. Offices, not in conjunction with large meeting halls, of nonprofit organizations and agencies such as labor unions, civic, social and fraternal associations, and political and religious organizations
- iii. Medical or dental offices including clinics (but not including veterinarian establishments or any type of medical facility providing overnight patient care), office of an optometrist, including only minor, accessory sales of eyeglasses, and the like, without drive through windows
- iv. Photography or artists' studios, with only incidental photographic processing, including retail gallery for the resident artist's work
- v. Banks and financial institutions without drive-through service
- vi. Uses which, in the opinion of the Planning Commission after making findings of fact, are similar to the above principal permitted uses

C. **PERMITTED USES SUBJECT TO ADMINISTRATIVE APPROVAL §4.59**

- i. **Wind energy conversion systems §4.9**

D. SPECIAL LAND USES

- i. **Drive-in or drive-thru window service for banks and financial institutions^{§4} §4.34**
- ii. **Funeral home §4.55**
- iii. **Nursery school, child care center or group day care facility §4.24**
- iv. **Utility and public service buildings^{§4} §4.28**
- v. **Office buildings over 20,000 square feet §4.41**
- vi. **Uses similar to the above special land uses and compatible with the principal permitted uses listed above §4.32**
- vii. **Limited soil removal permit §4.57**



E. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[☐]: Not specified
 Minimum lot width[☐]: Not specified

Lot Coverage[☐]

Maximum lot coverage: Governed by setbacks

Setbacks[☐]

Minimum front yard setback: 25 ft
 Minimum rear yard setback: 20 ft
 Minimum side yard setback:
 Adjacent to residential district: 15 ft
 Adjacent to non-residential district: 0 ft

Building Height[☐]

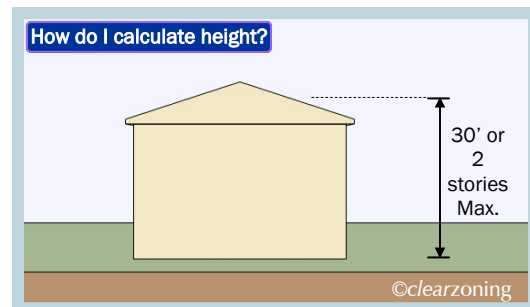
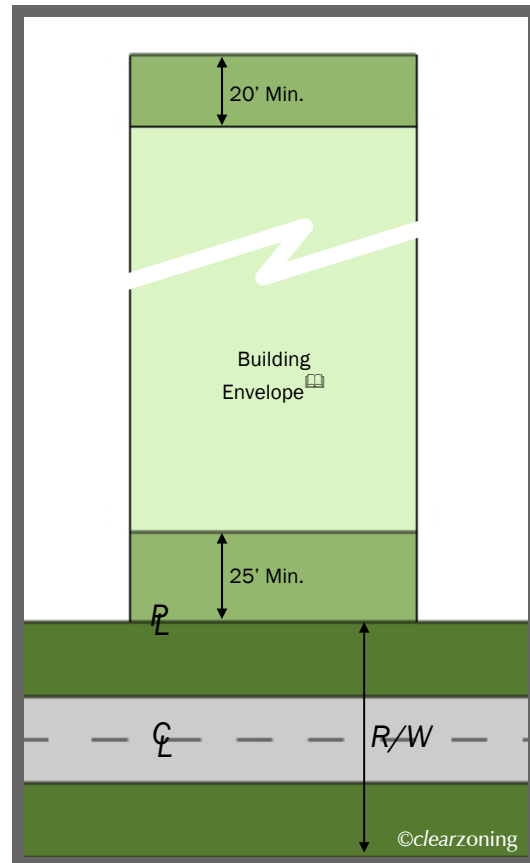
Maximum building height: 30 feet or 2 stories, whichever is less

Parking Setbacks

Minimum front yard setback: 25 ft
 Minimum rear yard setback: 20 ft
 Minimum side yard setback:
 Adjacent to residential district: 15 ft
 Adjacent to non-residential district: 0 ft

NOTES

- For additions to the above requirements, refer to [Section 3.4.2 Notes to District Standards: A, C, H, I, J, K, N, O](#)
- See *Selected References* below for applicability
- A maximum lot width/depth ratio of 1:4 is required
- There shall be no accessory structures in the Neighborhood Office District (NB-O)



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- [General Exceptions §3.9](#)

4. Use Standards

- [Wireless Communication Facilities §4.40](#)
- [Wind Energy Conversion Systems §4.9](#)

5. Site Standards

- [Parking §5.2](#)
- [Loading/Unloading §5.4](#)
- [Landscaping and Screening §5.7](#)
- [Lighting §5.9](#)
- [Performance Standards §5.6](#)
- [Signs §5.8](#)
- [Screen Walls and Fences §5.11](#)
- [Access Management §5.19](#)
- [Traffic Impact Study §6.4](#)

6. Development Procedures

- [Site Plan Review §6.1](#)
- [Special Land Uses §6.2](#)
- [Condominium Subdivision Approval §6.3](#)

Other Ordinances

- Public and Private Road Ordinance
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I-1 Light Industrial District

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A. INTENT

The I-1 Light Industrial Districts are designed so as to primarily accommodate agricultural and food-related industries and support services, wholesale activities, warehousing, and industrial operations whose external, physical effects are restricted to the area of the district, and in no manner affect in a detrimental way any of the surrounding districts, The I-1 District is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semi-finished products from previously prepared material.



User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- i. **Aquaculture[Ⓜ], hydroponics[Ⓜ] and aquaponics[Ⓜ] § 4.64**
- ii. Farm[Ⓜ] and agriculture[Ⓜ] support services
- iii. Agricultural equipment sales and service dealer
- iv. **Grain elevator and similar uses §4.67**
- v. **Wine maker (winery), brewery and spirits distiller §4.65**
- vi. Any use charged with the principal function of basic research, design and pilot or experimental product development when conducted within a completely enclosed building (growing of vegetation requisite to basic research shall be excluded from the enclosure requirement)
- vii. Warehousing and wholesale establishments, and trucking facilities
- viii. 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; tool, die, gauge, and machining shops
- ix. The manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials
- x. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas
- xi. Manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other molded rubber products
- xii. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs
- xiii. Laboratories - experimental, film, or testing

B. PRINCIPAL PERMITTED USES (Continued)

- xiv. Manufacturing and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like
- xv. Storage and transfer and electric and gas service buildings and yards, public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations
- xvi. Water supply and sewage disposal plants. Water and propane tank holders.
- xvii. Railroad transfer and storage tracks, Railroad rights-of-way
- xviii. Freight terminals
- xix. Storage facilities for building materials, sand, gravel, stone, lumber, or storage of contractor's equipment and supplies
- xx. Central dry cleaning plants or laundries
- xxi. **Automotive Service Centers for Heavy Repairs §4.52**
- xxii. Non-accessory signs
- xxiii. **Commercial dog kennels §4.13**
- xxiv. Bottling works and food packaging
- xxv. Utility and public service facilities and uses
- xxvi. Fireworks storage, subject to State and/or Federal permit
- xxvii. **Accessory buildings and uses customarily incidental to the above permitted principal uses §5.1**
- xxviii. Uses which, in the opinion of the Planning Commission after making findings of fact, are similar to the above principal permitted uses



I-1 Light Industrial District

3.1.8

C. PERMITTED USES SUBJECT TO ADMINISTRATIVE APPROVAL §4.59

- i. Wind energy conversion systems §4.9

D. SPECIAL LAND USES

- i. Airports and Related Uses §4.42
- ii. Fairgrounds, horse and dog race tracks §4.43
- iii. Home centers, lumber yards, and similar large-scale retail uses with outdoor sales/storage/display §4.56
- iv. Landfills, Transfer Stations and Similar Uses §4.21
- v. Lumber and planing mills §4.44
- vi. Metal plating, buffing and polishing §4.45
- vii. Mining of sand/gravel/topsoil §4.23
- viii. Outdoor theatres §4.46
- ix. Retail uses which have an industrial character §4.61
- x. Waste lagoon pond §4.51
- xi. Yard waste composting facilities §4.47
- xii. Accessory buildings[Ⓐ] and uses[Ⓐ] customarily incidental to the above special land uses §5.1
- xiii. Uses similar to the above special land uses and compatible with the principal permitted uses listed above §4.32
- xiv. Limited soil removal permit §4.57

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E. DEVELOPMENT STANDARDS

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Lot Size

Minimum lot area: Not specified
 Minimum lot width: Not specified

Lot Coverage

Maximum lot coverage: Governed by setbacks

Setbacks

Minimum front yard setback: 25 ft
 Minimum rear yard setback: 30 ft
 Minimum side yard setback:
 Adjacent to residential district: 40 ft
 Adjacent to non-residential district: 10 ft

Building Height

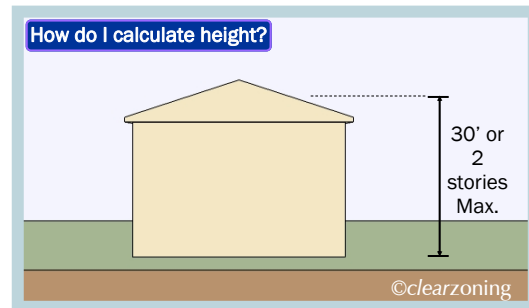
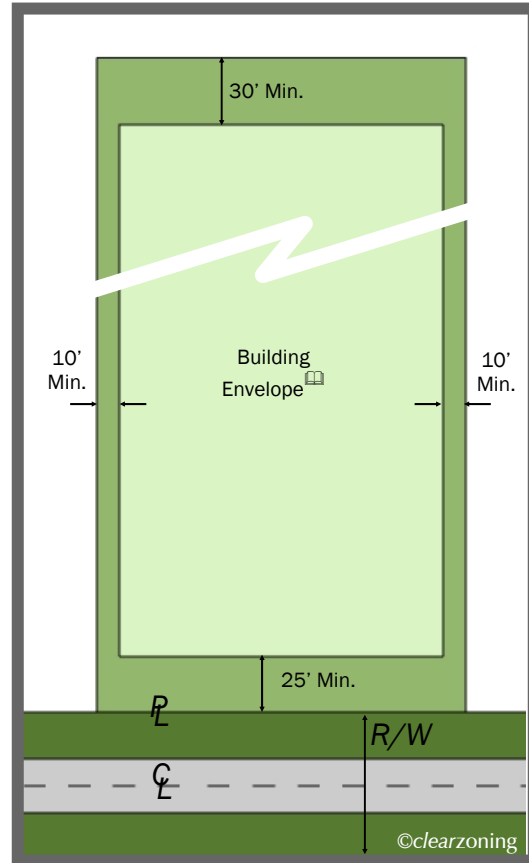
Maximum building height: 30 feet or 2 stories, whichever is less

Parking Setbacks

Minimum front yard setback: 25 ft
 Minimum rear yard setback: 30 ft
 Minimum side yard setback:
 Adjacent to residential district: 40 ft
 Adjacent to non-residential district: 10 ft

NOTES

- For additions to the above requirements, refer to [Section 3.4.2 Notes to District Standards: A, C, I, L, M, N, O](#)
- See *Selected References* below for applicability
- A maximum lot width/depth ratio of 1:4 is required for parcels less than 40 acres



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- General Exceptions §3.9

4. Use Standards

- Wireless Communication Facilities §4.40
- Wind Energy Conversion Systems §4.9

5. Site Standards

- Accessory Buildings §5.1
- Parking §5.2
- Loading/Unloading §5.4
- Landscaping and Screening §5.7
- Lighting §5.9
- Performance Standards §5.6
- Signs §5.8
- Screen Walls and Fences §5.11
- Access Management §5.19
- Traffic Impact Study §6.4

6. Development Procedures

- Site Plan Review §6.1
- Special Land Uses §6.2
- Condominium Subdivision Approval §6.3

Other Ordinances

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I-1 Light Industrial District

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I-2 Heavy Industrial District

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A. INTENT

The I-2 Heavy Industrial Districts are established primarily for manufacturing, assembling, and fabrication activities, including large scale or specialized industrial operations whose external physical effects will be felt to some degree by surrounding districts, The I-2 District is so structured as to permit, in addition to I-1 Light Industrial uses, the manufacturing, processing, and compounding of semi-finished or finished products from raw materials:



User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- i. Any principal use and special land use permitted in an I-1 District unless specified otherwise herein
- ii. Tractor and trucking facilities, including storage and repair
- iii. Heating and electric power generating plants, and all accessory uses
- iv. **Fairgrounds, horse and dog racetracks §4.43**
- v. **Metal plating, buffing, and polishing §4.45**
- vi. **Outdoor theatre §4.46**
- vii. **Any production, processing, cleaning, servicing, testing, repair, or storage of materials, goods, or products §5.6**
- viii. Utility and public service facilities and uses
- ix. **Accessory buildings and uses similar to any of the above permitted uses §5.1**
- x. **Yard waste composting facilities §4.47**
- xi. **Automobile Service Centers for Heavy Repairs §4.52**
- xii. Fireworks storage, subject to State and/or Federal permit
- xiii. Uses which, in the opinion of the Planning Commission after making findings of fact, are similar to the above principal permitted uses

D. SPECIAL LAND USES

- i. **Airports and related uses §4.42**
- ii. **Auto race track §4.48**
- iii. **Concrete or asphalt plant §4.54**
- iv. **Retail uses which have an industrial character §4.61**
- v. **Home centers, lumber yards, and similar large-scale retail uses with outdoor sales/storage/display §4.56**
- vi. **Incineration of garbage or refuse §4.49**
- vii. **Junk and salvage yards §4.50**
- viii. **Landfills, transfer stations, and similar uses §4.21**
- ix. **Mining of sand / gravel / topsoil §4.23**
- x. **Outdoor storage yards (pallets, containers, materials, or products) §4.58**
- xi. **Waste lagoon ponds §4.51**
- xii. **Accessory buildings[☐] and uses[☐] similar to any of the above special land uses §5.1**
- xiii. **Limited soil removal permit §4.57**
- xiv. **Uses similar to the above special land uses and compatible with the principal permitted uses listed above §4.32**

C. PERMITTED USES SUBJECT TO ADMINISTRATIVE APPROVAL §4.59

- i. **Wind energy conversion systems §4.9**



I-2 Heavy Industrial District

3.1.9

E. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[Ⓜ]: Not specified
 Minimum lot width[Ⓜ]: Not specified

Lot Coverage[Ⓜ]

Maximum lot coverage: Governed by setbacks

Setbacks[Ⓜ]

Minimum front yard setback: 50 ft
 Minimum rear yard setback: 50 ft
 Minimum side yard setback:
 Adjacent to residential district: 40 ft
 Adjacent to non-residential district: 20 ft

Building Height[Ⓜ]

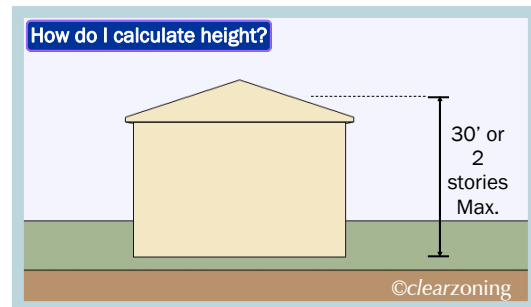
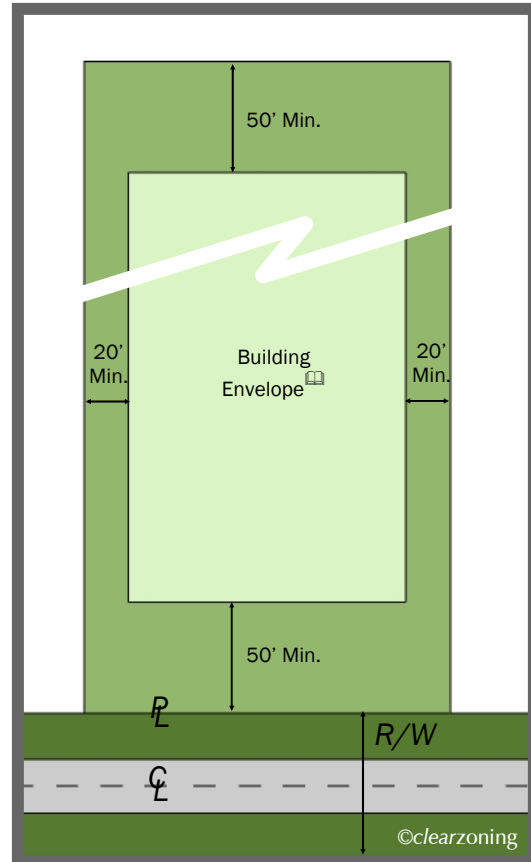
Maximum building height: 30 feet or 2 stories, whichever is less

Parking Setbacks

Minimum front yard setback: 50 ft
 Minimum rear yard setback: 50 ft
 Minimum side yard setback:
 Adjacent to residential district: 40 ft
 Adjacent to non-residential district: 20 ft

NOTES

- For additions to the above requirements, refer to [Section 3.4.2 Notes to District Standards: A, C, I, L, M, N, O](#)
- See *Selected References* below for applicability
- A maximum lot width/depth ratio of 1:4 is required for parcels less than 40 acres



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- [General Exceptions §3.9](#)

4. Use Standards

- [Wireless Communication Facilities[Ⓜ] §4.40](#)
- [Wind Energy Conversion Systems §4.9](#)

5. Site Standards

- [Accessory Buildings §5.1](#)
- [Parking §5.2](#)
- [Loading/Unloading §5.4](#)
- [Landscaping and Screening §5.7](#)
- [Lighting §5.9](#)
- [Performance Standards §5.6](#)
- [Signs §5.8](#)
- [Screen Walls and Fences §5.11](#)
- [Access Management §5.19](#)
- [Traffic Impact Study §6.4](#)

6. Development Procedures

- [Site Plan Review §6.1](#)
- [Special Land Uses §6.2](#)
- [Condominium Subdivision Approval §6.3](#)

Other Ordinances

- [Public and Private Road Ordinance](#)
- [Subdivision Regulations Ordinance](#)
- [Land Division Ordinance](#)

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MH Mobile Home Park District

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i **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

A. PRINCIPAL PERMITTED USES

- i. **Mobile Home Park** [ⓘ] §3.4.2.Q
- ii. **Accessory structures customarily incidental to the above permitted uses** §5.1
- iii. Uses which, in the opinion of the Planning Commission after making findings of fact, are similar to the above principal permitted uses

B. SPECIAL LAND USES

- i. **Utility and public service buildings** [ⓘ] §4.28
- ii. **Nursery schools, child care centers and group day care centers** §4.24
- iii. **Uses similar to the above special land uses and compatible with the principal permitted uses listed above** §4.32
- iv. **Limited soil removal permit** §4.57



E. DEVELOPMENT STANDARDS

Lot Size (Mobile Home Park)

Minimum lot area [Ⓜ] :	
With sewer and water:	5 acres
Without sewer and water:	10 acres
Minimum lot width [Ⓜ] :	Not specified

Lot Size (Mobile Home Lots)

Minimum lot area [Ⓜ] :	5,500 sq ft
Minimum lot width [Ⓜ] :	Not specified

Setbacks (Mobile Home Park)[Ⓜ]

Minimum front yard setback:	25 ft
Minimum rear yard setback:	10 ft
Minimum side yard setback:	10 ft

Setbacks (Mobile Home Lots)[Ⓜ]

Minimum front yard setback:	25 ft
Minimum rear yard setback:	35 ft
Minimum side yard setback:	10 ft

Building Height[Ⓜ]

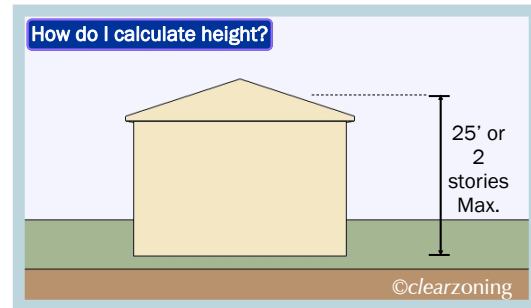
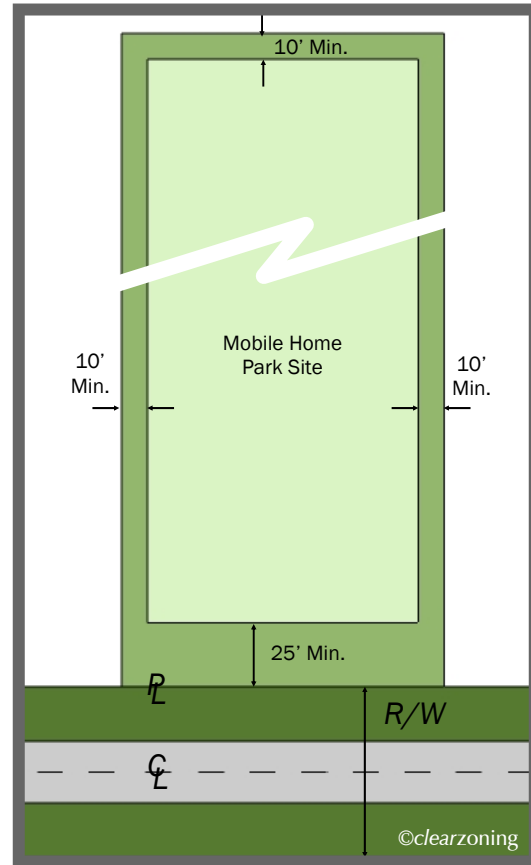
Maximum building height:	25 feet or 2 stories, whichever is less
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Floor Area

Minimum floor area per dwelling:	650 sq ft
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NOTES

- For additions to the above requirements, refer to [Section 3.4.2 Notes to District Standards: A, C, O, Q](#)
- See *Selected References* below for applicability
- A maximum lot width/depth ratio of 1:4 is required



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- [General Exceptions §3.9](#)
- [Recreation Space §3.4.2.Q](#)

4. Use Standards

5. Site Standards

- [Accessory Buildings §5.1](#)
- [Parking §5.2](#)
- [Loading/Unloading §5.4](#)
- [Landscaping and Screening §5.7](#)
- [Lighting §5.9](#)
- [Performance Standards §5.6](#)
- [Signs §5.8](#)
- [Screen Walls and Fences §5.11](#)
- [Residential Entrancesways §5.13](#)
- [Access Management §5.19](#)
- [Traffic Impact study §6.4](#)

6. Development Procedures

- [Site Plan Review §6.1](#)
- [Special Land Uses §6.2](#)
- [Condominium Subdivision Approval §6.3](#)

Other Ordinances

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EB Enterprise Business District

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A. INTENT

The EB Enterprise Business District is designed to encourage a wide range of business activities in order to respond to the demands of new economy companies and mold the character and form of a highly successful business community of the future. The Township intends to promote the development of appropriate utility and communications infrastructure, small business incubation, and a rapid response team approach to new business approvals. The Enterprise Zone would be designed to allow existing and future agricultural, manufacturing and service businesses to coexist side-by-side with high technology and new economy companies in a unique but contemporary rural setting, with all the amenities today's businesses and knowledge workers demand.

i **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- i. Any retail, personal service, business service, or office use intended to support the other permitted and special land uses in the district
- ii. Any use charged with the principal function of basic research, design and pilot or experimental product development including growing of vegetation necessary for basic research
- iii. Experimental, film, or testing laboratories
- iv. Advanced manufacturing, international import/export services and facilities, technological innovation establishments, green infrastructure services and manufacturing
- v. Warehousing and wholesale establishments, and trucking facilities
- vi. **Home centers, lumber yards, wholesale and retail nurseries, and similar large-scale retail uses with outdoor sales/storage/display §4.56**
- vii. **Retail uses which have an industrial character §4.61**
- viii. **Automotive Service Centers for Heavy Repairs §4.52**
- ix. Bottling works
- x. Food processing, packaging, warehousing and distribution facilities
- xi. Utility and public service facilities and uses, public utility offices, and uses, utility exchanges, transformer stations, pump stations and service yards; and other public service facilities
- xii. **Auto washes when completely enclosed in a building §4.53**
- xiii. **New automobile sales or showroom §4.38**
- xiv. **Outdoor sales space for the exclusive sale of secondhand automobiles, house trailers, travel trailer rental §4.38**
- xv. Bowling alleys and similar indoor commercial recreation
- xvi. Commercial printing and newspaper offices
- xvii. Business schools or private schools operated for profit

B. PRINCIPAL PERMITTED USES (Continued)

- xviii. **Offices and showrooms of plumbers, electricians, decorators, or similar trades §4.60**
- xix. Storage facilities for building materials or storage of contractor's equipment and supplies
- xx. Governmental offices or other governmental uses
- xxi. Churches and other places of worship
- xxii. Interim agricultural uses and farms
- xxiii. **Assisted living, convalescent and nursing care facilities §4.14**
- xxiv. **Accessory buildings and uses customarily incidental to the above permitted principal uses §5.1**
- xxv. Farm and agriculture support services
- xxvi. **Agricultural equipment sales and service dealer §4.66**
- xxvii. **Wine maker (winery), brewery and spirits distiller §4.65**
- xxviii. Uses which, in the opinion of the Planning Commission after making findings of fact, are similar to the above principal permitted uses

C. PERMITTED USES SUBJECT TO ADMINISTRATIVE APPROVAL §4.59

- i. **Limited soil removal permit §4.57**
- ii. **Wind energy conversion systems §4.9**

D. SPECIAL LAND USES

- i. **Airports and Related Uses §4.42**
- ii. **Landfills, Transfer Stations and Similar Uses §4.21**
- iii. **Waste lagoon pond §4.51**
- iv. **Accessory buildings^{ca} and uses^{ca} customarily incidental to the above special land uses §5.1**
- v. **Uses similar to the above special land uses and compatible with the principal permitted uses listed above §4.32**



E. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[☐]: Not specified
 Minimum lot width[☐]: Not specified

Lot Coverage[☐]

Maximum lot coverage: Governed by setbacks

Setbacks[☐]

Minimum front yard setback: 25 ft
 Minimum rear yard setback: 30 ft
 Minimum side yard setback:
 Adjacent to residential district: 40 ft
 Adjacent to non-residential district: 10 ft

Building Height[☐]

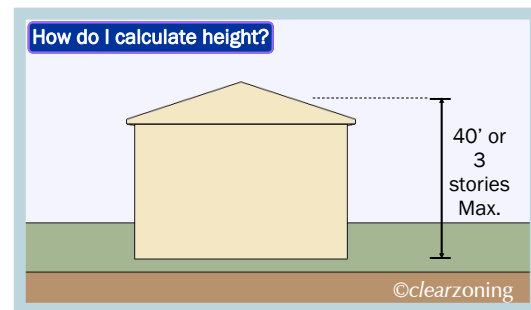
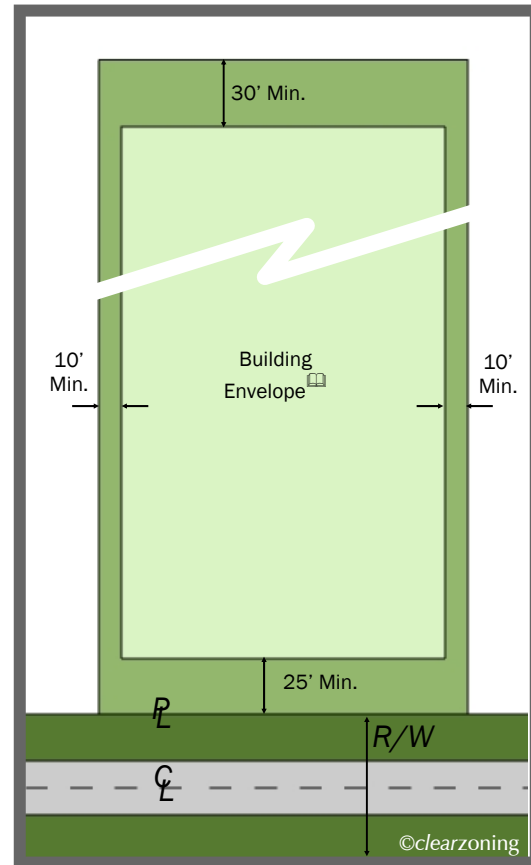
Maximum building height: 40 feet or 3 stories, whichever is less

Parking Setbacks

Minimum front yard setback: 25 ft
 Minimum rear yard setback: 30 ft
 Minimum side yard setback:
 Adjacent to residential district: 40 ft
 Adjacent to non-residential district: 10 ft

NOTES

- For additions to the above requirements, refer to [Section 3.4.2 Notes to District Standards: A, C, I, L, M, N, O](#)
- See *Selected References* below for applicability
- A maximum lot width/depth ratio of 1:4 is required for parcels less than 40 acres



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- General Exceptions §3.9

4. Use Standards

- Wireless Communication Facilities[☐] §4.40
- Wind Energy Conversion Systems §4.9

5. Site Standards

- Accessory Buildings §5.1
- Parking §5.2
- Loading/Unloading §5.4
- Landscaping and Screening §5.7
- Lighting §5.9
- Performance Standards §5.6
- Signs §5.8
- Screen Walls and Fences §5.11
- Access Management §5.19

6. Development Procedures

- Site Plan Review §6.1
- Special Land Uses §6.2
- Condominium Subdivision Approval §6.3
- Traffic Impact Study §6.4

Other Ordinances

- Public and Private Road Ordinance
- Subdivision Regulations Ordinance
- Land Division Ordinance

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3.2 BOUNDARIES

1. The boundaries of these districts are hereby established as shown on the Zoning Map, Imlay Township Zoning Ordinance, which accompanies this Ordinance, and which, with all notations, references, and other information shown thereon shall be as much a part of this Ordinance as if fully described herein.
2. Unless shown otherwise, the boundaries of the districts are lot lines, section lines, the centerlines of streets, alleys, roads, or such lines extended, and the unincorporated limits of the Township.
3. Where, due to the scale, lack of detail, or illegibility of the Zoning Map accompanying this Ordinance, there is any uncertainty, contradiction, or conflict as to the intended location of any district boundaries, shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application, or upon its own motion, by the Board of Appeals.

3.3 ZONING OF VACATED AREAS

Whenever any street, alley or other public way, within the Township of Imlay shall have been vacated by official governmental action, and when the lands within the boundaries thereof attach to and come a part of the land formerly within such vacated street, alley, or public way shall automatically, and without further governmental action, thenceforth acquire and be subject to the same zoning regulations as are applicable to the lands to which same shall attach, and the same shall be used for that same use as is permitted under this Ordinance for such adjoining lands.

3.4 NOTES TO DISTRICT STANDARDS

1. Applicability. The notes contained in Section 3.4.2 are additions, exceptions, and clarifications to the district standards contained in Section 3.1. The applicability of the individual notes to each district is provided in the table below:

Applicability of Notes to District Standards										
Notes to District Standards	Districts									
	AG	R-1	RE	RM-1	B-1	B-2	NB-O	I-1	I-2	MH
A	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
B	✓	✓								
C	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
D	✓	✓								
E				✓						
F				✓						
G				✓						
H					✓	✓	✓			
I				✓	✓	✓	✓	✓	✓	
J					✓	✓	✓			
K					✓	✓	✓			
L								✓	✓	
M								✓	✓	
N					✓	✓	✓	✓	✓	
O	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
P		✓	✓							
Q										✓



2. Notes to district standards.

- A. The minimum lot area and minimum lot width required in all districts shall be measured outside (exclusive of) the planned, future right-of-way or easement for the street, as shown on the Township's adopted Thoroughfare Plan. The ratio of lot width to depth shall not exceed 1 to 4 for parcels less than 40 acres.
- B. The minimum area of lots in the AG, Agricultural and R-1, One-Family Residential districts shall be determined by the use of the property according to the following schedule:
 - i. Minimum area of lots shall be five (5) acres with a minimum lot width of three hundred (300) feet where any raising of animals or agricultural activity is conducted. The keeping of large animals, such as horses, cattle, sheep and goats, shall require one (1) acre for each animal kept.
 - ii. For a single family dwelling only, lot areas may be reduced provided that there is no keeping of animals or commercial kennels, and provided further that no lot area shall be less than one and one-half (1.50) acre, and no lot width shall be less than one hundred sixty-five (165) feet.
 - iii. Special Land Uses shall meet minimum lot area and lot width requirements for each individual use.
- C. In the case of a four-sided corner lot, there is no side yard but only two front yards and two rear yards.
- D. The minimum first floor area of any single family dwelling with more than one (1) story shall be no less than eight hundred and fifty (850) square feet. Where a single family home with more than one (1) story is constructed without a basement, an additional one hundred (100) square feet shall be added to the minimum required first floor area requirement to provide space for utilities, such as, but not limited to, furnace, hot water, laundry tubs, incinerator, and the like.
- E. No multiple or two family dwelling shall be erected on a lot or parcel of land which has an area of less than 2.0 acres or has a width of less than 165 feet. The following minimum lot area per dwelling

unit type shall be met in RM-1 Multiple Family Residential Districts:

Dwelling Unit Type*	RM-1 Minimum Lot Area Per Unit	
	With Public Sanitary Sewer	Without Public Sanitary Sewer
Efficiency	3,200 sq ft	4,200 sq ft
1 Bedroom	3,800 sq ft	5,450 sq ft
2 Bedroom	4,200 sq ft	7,260 sq ft
3 Bedroom	4,600 sq ft	8,700 sq ft
4 Bedroom	5,000 sq ft	10,890 sq ft

* Plans presented which include a den, library, or extra room shall have such extra room counted as a bedroom for purposes of this Ordinance.

- F. Yard abutting major thoroughfares in RM-1 Districts shall have a minimum depth of fifty (50) feet. For the purpose of yard regulations, Multiple Family dwellings shall be considered as one (1) building occupying one (1) lot. Front, side, and rear yards relating to the spacing between buildings within multiple family development shall have the following minimum overall dimensions:

Building Relationships*	Overall Distance Between Buildings (Exclusive of Parking Area)
Front to Side	45 ft
Front to Front	50 ft
Front to Rear	60 ft*
Rear to Rear	60 ft*
Rear to Side	45 ft
Side to Side	20 ft
Corner to Corner	15 ft

* Parking may be permitted in 50% of the required rear yard provided that there shall be at least 15 feet of yard space between said parking area and the multiple family building.

The front and rear of the multiple family building shall be considered to be the faces along the longest dimension of said structure. The front of the multiple family building shall be considered to be the direction faced by the living rooms of the dwelling units in said building; the rear of the multiple family building shall be

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considered to be the direction faced by the service entrance of the dwelling units in said building; and the side of the multiple family building shall be considered to be the face along the narrowest dimension of said building.

Every lot on which a multiple structure is erected shall be provided with a side yard on each side of such lot. Each side yard shall be increased by one (1) foot for each ten (10) feet or part thereof by which length the multiple structure exceeds forty (40) feet in overall dimension along the adjoining plot line provided that no multiple family structure shall exceed one hundred eighty (180) feet in length along any one face of the building. Any court shall have a width equal to not less than fifty (50) feet for the front yard and sixty (60) feet for the rear yard. The depth of any court shall not be greater than three (3) times the width.

Service drives shall have a width of at least twenty-two (22) feet and shall not be located in any required front yard.

- G. Minimum floor areas for apartments shall be as follows:
 - i. Efficiency Apartment: The term "Efficiency Apartment" shall mean a dwelling unit containing not over three hundred sixty (360) square feet of floor area, and consisting of not more than one (1) room in addition to kitchen, dining, and necessary sanitary facilities.
 - ii. One Bedroom Unit: The term "One Bedroom Unit" shall mean a dwelling unit containing a minimum floor area of at least five hundred (500) square feet per unit, consisting of not more than two (2) rooms in addition to kitchen, dining, and necessary sanitary facilities.
 - iii. Two Bedroom Unit: The term "Two Bedroom Unit" shall mean a dwelling unit containing a minimum floor area of at least six hundred fifty (650) square feet per unit, consisting of not more than three (3) rooms in addition to kitchen, dining, and necessary sanitary facilities.
 - iv. Three or More Bedroom Unit: The term "Three or more Bedroom Unit"

shall mean a dwelling unit wherein for each room in addition to the three (3) rooms permitted in a two (2) bedroom unit there shall be provided an additional area of one hundred fifty (150) square feet to the minimum floor area of six hundred and fifty (650) square feet.

- H. Planned developments involving three (3) acres or more under one ownership shall be subject to the approval of the Zoning Board of Appeals after public hearing, regarding modifications with respect to height regulations in B-1, B-2, and NB-O Districts.
- I. Parking may be provided in the front yard after approval of the parking plan layout and points of access by the Township Board, The setback shall be measured from the nearest side of existing and/or proposed right-of-way lines.
- J. No side yards are required along the interior side lot lines in B-1, B-2, and NB-O Districts, except as otherwise specified in an applicable Building Code. On the exterior side yard which borders on a residential district or street, there shall be provided a setback of not less than fifteen (15) feet on the side abutting the residential district or street.
- K. Loading space shall be provided in the rear yard in the ratio of at least ten (10) square feet per front foot of building, and shall be computed separately from the off-street parking requirements. Where an alley exists or is provided at the rear of buildings, the rear building setback and loading requirements may be computed from the center of said alley.
- L. No building shall be closer than forty (40) feet to the outer perimeter (property line) of such I-1 and 1-2 District when said property line abuts any residential district.
- M. The Board of Appeals may, upon review of the proposed site plan, and after public hearing, modify side and rear yard requirements upon a finding that (1) adequate ingress and egress for parking, loading, fire and police protection needs are met, and (2) that any Building Code requirements relative to the relationship between buildings are met.
- N. Except where otherwise provided for in this Ordinance, the minimum lot area and width, and the maximum percentage of lot



coverage shall be determined by the meeting of greenbelt screening and yard setback standards, and by the provision of required off-street parking and loading facilities.

NOTE: Information on any required parking, walls, greenbelts, and loading areas may be found as follows:

- Parking: Sections 5.2 and 5.3
- Walls: Section 5.11
- Greenbelts: Section 5.7
- Loading Areas: Section 5.4

- O. The right-of-way or easement for a public or private street or road shall not be used to satisfy the minimum area, minimum width, open space, yard, or setback requirements in any district.
- P. Refer to Section 3.5 for Subdivision Open Space Plan and Section 3.6 for Open Space Preservation Option.
- Q. An open area shall be provided on each mobile home lot to ensure adequate natural light and ventilation to each mobile home and to provide sufficient area for outdoor uses essential to the occupants of the mobile home. Individual lots shall not be less than five thousand five hundred (5,500) square feet in area, exclusive of drives, open areas, or other space not specifically provided for mobile home occupancy. This individual lot area may be reduced by one thousand one hundred (1,100) square feet, to a minimum of four thousand four hundred (4,400) square feet, where the equivalent of 1,100 square feet per lot is developed as recreation space for park residents. The minimum size of any such recreation area shall be one half acre with a minimum width of one hundred (100) feet. (This requirement takes into consideration that all other single family residential districts in Imlay Township require at least nine thousand six hundred (9,600) square feet of lot area in order to ensure adequate open space for the residents of each dwelling).

3.5 SUBDIVISION OPEN SPACE PLAN

- 1. Lot dimensions in the R-1, One Family and RE, Rural Residential Estate Districts may be reduced in accord with the following schedule provided the number of residential lots shall

be no greater than if the land area to be subdivided were developed in the minimum square foot lot areas as required for each Zoning District under Section 3.1.

- A. All calculations of density for residential development shall be predicated upon the R-1, One-family and RE, Rural Residential Estate Districts having the following gross densities (including roads):

District	Dwelling Units/Acre
R-1	0.8
RE	0.4

- B. Lot widths and overall area shall not be less than the following:

District	Minimum Lot Width	Lot Area
R-1	120'	21,780'
RE	120'	43,560'

- C. Minimum yard setbacks as indicated in Section 3.1 of this Ordinance shall be provided.

- 2. For each square foot of land gained under the provisions of this Section through the reduction of lot size below the minimum requirements, equal amounts of land shall be dedicated to the common use of the lot owners in the subdivision in a manner approved by the Township or may, if approved, be dedicated to the Township.
- 3. The area to be dedicated for the common use of the subdivision shall in no instance be less than three (3) acres and shall be in a location and shape approved by the Township. A parcel divided by a road or stream may be considered one parcel.
- 4. Access shall be provided to areas dedicated for the common use of the subdivision for those lots not bordering on such dedicated areas by means of streets or pedestrian accessways.
- 5. In approving the application of the "Subdivision Open Space Plan", the Township shall consider the following objectives:
 - A. To provide a more desirable living environment by preserving the natural character of open fields, stands of trees, brooks, hills and similar natural assets.
 - B. To encourage developers to use a more creative approach in the development of residential areas.

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- C. To encourage a more efficient, aesthetic, and desirable use of open area while recognizing a reduction in development costs and by allowing the developer to bypass natural obstacles on the site.
- D. To encourage the provision of open space within reasonable distance to all lot development of the subdivision and to further encourage the development of recreational facilities.
- 6. Under this "Subdivision Open Space Plan" approach, the developer or subdivider shall dedicate the total park area at the time of filing of the final plat on all or any portion of the plat, unless otherwise agreed to by the Township.
- 7. Application for approval of a "Subdivision Open Space Plan" shall be submitted at the time of submission of the plat.
- 8. The Subdivision Open Space Plan shall only be available on parcels served by a public sewer and/or water system or a community water system owned and operated by the subdivision homeowners association.

3.6 OPEN SPACE PRESERVATION OPTION

- 1. Intent
 The intent of the Open Space Preservation Option is to encourage the long-term preservation of open space and natural features and the provision of recreation and openspace areas in accordance with P.A. 110 of 2006.
- 2. Eligibility Requirements
 In areas that are served by municipal sewers, eligible properties shall be zoned for three (3) or fewer dwelling units per acre (AG, RE and R-1 districts). In areas which are not served by municipal sewers, eligible properties shall be zoned for two (2) or fewer dwelling units per acre (AG, RE and R-1 districts).
- 3. Density
 - A. Land meeting the above eligibility requirements may be developed with the same number of dwelling units on a portion of the site, but not more than 50%, that could otherwise be developed under existing ordinances, laws, and rules on the entire land area, as determined by the approving body.
 - B. Density shall be calculated as follows:
 A parallel plan shall be submitted to the approving body in order to establish the

- maximum permitted density. A parallel plan shall identify how a parcel could be developed, including all roads and other infrastructure improvements, under the conventional development standards of the Township. All unbuildable areas and areas with limitations to development must be accurately identified on the parallel plan including but not limited to wetlands, watercourses, drains, floodplains, steep slopes, habitat areas, woodlands and similar features. The approving body shall make the determination that a parallel plan is acceptable once it meets all applicable Township ordinance requirements and, based on the plan, determine the number of dwelling units that would be permitted under the Open Space Preservation Option. A separate review fee for the parallel plan shall be submitted with the application.
- 4. Design Requirements
 - A. A minimum of fifty (50%) percent of the gross site area shall be preserved as permanent open space in an undeveloped state.
 - B. Permanent open space shall include important natural, environmental, agricultural, and/or cultural features, such as:
 - i. steep slopes,
 - ii. wetlands, floodplains, natural watercourses,
 - iii. woodlands and wildlife habitat,
 - iv. scenic views,
 - v. agricultural or equestrian components,
 - vi. historical structures, and historical or archeological sites,
 - vii. recreational pathways and facilities,
 - viii. buffers from major thoroughfares and more intensive land uses, and
 - ix. similar features acceptable to the approving body.
 - C. Under the Open Space Preservation Option, minimum lot size and width shall be according to the following table, unless the approving body determines that a smaller minimum lot size shall be necessary to comply with the requirements of P.A. 110 of 2006. In



such cases the approving body may modify lot area and lot width requirements so as to assist in the creation of open space if the Applicant can demonstrate approval of reduced lot area and width from the County Health Department. In those instances where lot sizes are reduced in accordance with the Open Space Preservation Option, yard requirements for a given lot shall be governed by that zoning district which has minimum lot area and width standards that correspond to the dimensions of the typical lot within the development.

District	Minimum Lot Area*	Minimum Lot Width
AG (General)	2.5 acres	165'
RE	1.0 acres	120'
AG (Single Family Only)	0.5 acres	120'
R-1	0.5 acres	120'

* Minimum lot area is subject to approval of on-site sewage disposal by the Lapeer County Health Dept.

- D. Open space areas shall be accessible to all lots in the development, either directly, from a pathway system, or from the internal road network. Where the open space is agricultural land, the open space dedication and maintenance agreement shall include limitations on physical access to the open space for non-agricultural purposes and provisions for adequate, unrestricted agricultural, farming, implement or other access necessary for agricultural uses or activities. Access to agricultural use areas shall be separate from residential access to units and open space areas.
- E. Preserved open space shall be connected with adjacent open space, public land, and existing or planned pedestrian/bicycle paths, where feasible, as determined by the approving body.
- F. Homes shall be visually screened from view along existing roadway corridors, in order to reduce visual impact and the appearance of a compact subdivision in a rural area. A minimum 100-foot buffer area along existing county and State roads shall be maintained for the entire frontage of the development. Only access

to new internal roadways shall be permitted to bisect this buffer area. The buffer shall be landscaped in a manner that generally follows Section 5.7, or maintained in its natural vegetative state if it provides an equivalent level of screening, and will count as part of the required minimum open space.

- 5. Open Space Maintenance
 - A. All open space shall remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land.
 - B. All open space ownership and maintenance agreements shall be reviewed and approved as to form and content by Township legal counsel prior to acceptance by the approving body.
 - C. All open space agreements which involve donations of land to the Township or which name the Township as a party to any agreement shall be approved by the Township Board prior to final approval of the development.
- 6. Review Process
 - A. All proposed Open Space Preservation Option developments shall be reviewed in compliance with the appropriate procedure for the type of development (lot split, subdivision, site condominium etc.) and in accordance with the development standards in this Section and other applicable ordinances.
 - B. All open space preservation option plans shall include a resource inventory that contains the following:
 - i. All floodplains, wetlands, and water bodies;
 - ii. A woodlands analysis identifying all significant woodlands;
 - iii. All wildlife habitat areas.
 - iv. An analysis of on-site soils and topography to identify limitations to development; and
 - v. An analysis of the cultural features of the site, such as scenic views, historic structures, patterns of original farm fields, fences or stone walls, recreational uses, archeological sites, and the like.

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- C. The approving body shall determine that the open space preservation option plan satisfies the intent of Section 3.6.4.B above.

3.7 DISTRICT REQUIREMENTS

All buildings and uses in any district shall be subject to the provisions of Use Standards (Section 4) and Site Standards (Section 5) and General Exceptions (Section 3.9).

3.8 INTERPRETATION OF SIMILAR USES

Because it would not be feasible to list every possible principal or special land use that is appropriate in a given zoning district, there will occasionally be a need for interpretation of the intent of a particular district's provisions. It shall be the duty of the Planning Commission to make a determination whether a particular principal or special land use that is proposed would be similar in character to other principal or special land uses permitted in the same zoning district. In making its determination, the Commission must find affirmatively that the use is similar to other uses permitted in the district, that it is consistent with the intent of the district, and that the use would be no more intensive in nature than other uses permitted in the district.

3.9 GENERAL EXCEPTIONS AS TO AREA, HEIGHT AND USE

The regulations in this ordinance shall be subject to the following interpretations and exceptions:

1. Essential Services. Essential services shall be permitted as authorized and regulated by law and other ordinances of the Township, it being the intention hereof to exempt such essential services from the application of this Ordinance.
2. Voting Place. The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of property as a voting place in connection with a Township or other public election.
3. Height Limit. The height limitations of this ordinance shall not apply to farm buildings, chimneys, church spires, flagpoles, public monuments, wind energy conversion systems, or wireless transmission towers, provided, however, that the Township Board may specify a height limit for any such structure when such structure requires authorization as a special land use.
4. Lot Area. Any lot existing and of record at the time this ordinance became effective may be used for any principal use permitted, other

than special land uses for which special lot area requirements are specified in this Ordinance, in the district in which such lot is located whether or not such lot complies with the lot area requirements of this Ordinance, except as provided in Section 7.18.2 "Nonconforming Lots", such use may be made provided that all requirements other than lot area requirements prescribed in this ordinance are complied with, and provided that not more than one (1) dwelling unit shall occupy any lot except in conformance with the provisions of this Ordinance for required lot area for each dwelling unit.

5. Lot Adjoining Alleys. In calculating the area of a lot that adjoins an alley or land, for the purpose of applying lot area requirements of this Ordinance, one-half (1/2) the width of such alley abutting the lot shall be considered as part of such lot.
6. Yard Regulations. When yard regulations cannot reasonably be complied with, as in the case of a planned development in the multiple-family district, or where their application cannot be determined on lots of peculiar shape, topography or due to architectural or site arrangements, such regulations may be modified or determined by the Board of Appeals.
7. Multiple Dwelling Side Yard. For the purpose of side yard regulations, a row house or a multiple dwelling shall be considered as one (1) building occupying one (1) lot.
8. Porches. An open, unenclosed, and uncovered porch or paved terrace may project into a front yard for a distance not exceeding ten (10) feet, but this shall not be interpreted to include or permit fixed canopies.
9. Projections Into Yards. Architectural features, not including vertical projections, may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard; and may extend or project into a required front yard or rear yard not more than three (3) feet.
10. Residential Yard Fences. Fences or walls of not more than six (6) feet in height may be constructed in residential districts within a required rear or side yard, and not more than thirty-six (36) inches in height within a required front yard, e.g., along the property line.
11. Access Through Yards. For the purpose of this Ordinance, access drives may be placed in the



required front or side yards so as to provide access to rear yards and/or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace, or other pavement servicing the like function, and not in excess of nine (9) inches above the grade upon which placed, shall for the purpose of this Ordinance not be considered to be a structure, and shall be permitted in any required yards.

3.10 ERECTION OF NOT MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT

In all AG, R-1 and RE districts and for two-family dwellings in the RM-1 districts, there shall not be more than one (1) principal residential dwelling on a recorded lot or parcel. This requirement shall be construed to prevent the construction of an additional dwelling on a single parcel of property until after a property division has been approved, which division shall conform to the requirements of this Ordinance and the Township's Property Division Ordinance.

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Article 4.0 Use Standards



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|------|--|------|--|
| 4.1 | Principal Permitted Uses in the B-1 District | 4.38 | Outdoor Sales |
| 4.2 | Farms | 4.39 | Restaurant with a Drive-Through Component |
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| 4.6 | Raising of Small Animals for Educational Purposes | 4.43 | Fairgrounds |
| 4.7 | Temporary Roadside Stands | 4.44 | Lumber and Planing Mills |
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| 4.9 | Wind Energy Conversion Systems | 4.46 | Outdoor Theatres |
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| 4.12 | Colleges, Universities, and Educational Institutions | 4.49 | Incineration of Garbage |
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| 4.14 | Convalescent or Nursing Homes | 4.51 | Waste Lagoon Ponds |
| 4.15 | General Hospitals | 4.52 | Automobile Service Center for Heavy Repairs |
| 4.16 | Golf Courses | 4.53 | Automobile Wash Establishments |
| 4.17 | Group Day Care Homes | 4.54 | Concrete and Asphalt Plants |
| 4.18 | Home Occupations | 4.55 | Funeral Homes |
| 4.19 | Intensive Animal Raising & Agricultural Processing Uses | 4.56 | Home Centers, Lumber Yards, and Similar Large-Scale Retail Uses with Outdoor Sales / Storage / Display |
| 4.20 | Interim Use of Large-Scale Agri-Business Buildings | 4.57 | Limited Soil Removal Permits |
| 4.21 | Landfills, Transfer Stations, and Similar Uses | 4.58 | Outside Storage of Pallets, Containers, Materials, or Products Incidental to the Principal Permitted Use |
| 4.22 | Limited Business Uses | 4.59 | Permitted Uses Subject to Administrative Approval |
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| 4.25 | Commercial Recreation Uses | 4.62 | Filling of Land with Soil, Sand, Gravel, Clay or Similar Materials |
| 4.26 | Portable Lumber and Planing Mills | 4.63 | Reserved |
| 4.27 | Commercial Riding Academies and Stables | 4.64 | Aquaculture, Hydroponics and Aquaponics |
| 4.28 | Utility and Public Service Buildings | 4.65 | Small Wine Maker (micro-winery) Micro-brewery and Micro Spirits Distiller |
| 4.29 | Churches and Public Facilities | 4.66 | Agriculture Equipment Dealer Sales and Service |
| 4.30 | Private Recreation Areas | 4.67 | Grain Elevator and Similar Uses |
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| 4.32 | Uses Similar to Special Land Uses | | |
| 4.33 | Automotive (Gasoline) Service Stations | | |
| 4.34 | Drive-In or Drive-Through Window Service | | |
| 4.35 | Home Business / Office | | |
| 4.36 | Restaurants | | |
| 4.37 | Automobile Service Centers for Minor Repairs | | |



4.0 Use Standards

The site development standards in this Article apply to each use listed whether permitted by right or subject to approval as a special land use. Site development standards in this Article apply in addition to the applicable standards of the zoning district in which the use is located and are intended to assure that such uses will be compatible with surrounding uses and the orderly development of the zoning district.

4.1 PRINCIPAL PERMITTED USES IN THE B-1 DISTRICT

1. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
2. All business, servicing or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building.

4.2 FARMS¹

Farms shall be five (5) acres or more including livestock and poultry raising, dairying, horticulture, farm forestry, sod farming and other similar bona fide agricultural enterprise or use of land and structure.

4.3 ONE-FAMILY DWELLINGS¹

1. All such dwelling units must meet the current construction standards of the State of Michigan and Imlay Township prior to being brought into the Township and prior to issuance of a building permit. The minimum acceptable standard for mobile homes shall be the Department of Housing and Urban Development "Mobile Home Construction and Safety Standards" being 24 CFR 3280, and as from time to time such standards may be amended.
2. All such dwelling units must meet the minimum floor area requirements of this Ordinance. Any addition to a mobile home unit must be designed and constructed by the original manufacturer or an architectural plan for a compatible addition may be submitted to the Planning Commission for approval. All additions shall be constructed with similar quality workmanship as the original structure, shall be permanently attached to the principal structure, and permanently supported by and anchored to an approved foundation.
3. All such dwelling units shall be firmly attached to a permanent foundation constructed on the site in accordance with the building code in effect in the Township and shall have a wall of the same perimeter dimensions as the dwelling, and constructed of such materials

and type as required in the building code for single family dwellings. In the event that the dwelling is a mobile home, as defined herein, such 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 Mobile Home Commission and shall have a perimeter wall as required above.

4. All wheels, axles, and towing apparatus must be removed from a mobile home prior to issuance of a certificate of occupancy.
5. All such dwellings shall be connected to a public sewer and water system or private facilities approved by the local health department.
6. All such dwellings shall be compatible in appearance with other site-built homes in the Township. To this end, a roof with a minimum pitch of 3/12 shall be required with overhangs or eaves of at least six (6') inches. There shall not be less than two (2) exterior doors, on different sides of the dwelling, with access to both doors by means of exterior steps or porches, where a difference in elevation requires the same. All such dwelling units shall have a minimum width on all sides of at least twenty-four (24) feet for at least 75 percent of the length of the dwelling unit.
7. All such dwellings shall contain a storage capability area in a basement under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever shall be less.
8. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by State Law or Federal Law or otherwise specifically required in Article XI of this ordinance.

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4.4 ACCESSORY PRIVATE RESIDENTIAL PONDS AND AGRICULTURAL PONDS

In the AG and R-1 Districts, private residential ponds accessory to single-family dwellings, and agricultural or farm ponds may be permitted subject to meeting the following standards:

1. A minimum lot size of 5.0 acres shall be required in order to establish a private residential pond accessory to a single-family dwelling.
2. A site plan shall be submitted to the Building Inspector for review and approval and a zoning compliance permit obtained from the Building Inspector prior to the construction of a new pond, enlargement of an existing pond, or the cleaning of a pond, that will result in the removal of over 100 yards of material.
 - A. The property owner and/or contractor shall submit an application to the Building Inspector on forms provided by the Township, accompanied by a site plan that demonstrates compliance with this Section. The site plan shall be drawn to scale and shall include the following information:
 - i. Property lines and dimensions
 - ii. All existing and proposed structures on the site and on adjacent parcels within 100' of the site.
 - iii. Location of the proposed pond.
 - iv. Location of all wells, septic tanks, drainage fields, and tile drains (including agricultural drains) on the site and within 100' of the site.
 - v. Setbacks (distance) in feet from the proposed pond to all property lines, rights of way, existing and proposed structures, wells, septic tanks, drainage fields and tile drains on the site.
 - vi. Location of all existing and proposed fencing, berming and land balancing, including the location, height and slope of all areas where excavated materials (spoils) will be placed on site.
 - vii. Spot elevations sufficient to determine the location, grading and drainage patterns created by the pond and all associated land balancing, berming and excavation.

- viii. Location of all wetlands, streams, rivers, lakes, drains or other waterbodies.
 - B. The Building Inspector may require a detailed drainage plan, prepared by a registered civil engineer, where the Building Inspector determines such a plan is necessary to insure that the proposed pond and associated placement of spoils on-site will not negatively impact drainage patterns both on and off the site.
 - C. The Building Inspector shall review the application and plans and either approve or disapprove the issuance of a zoning compliance permit within ten (10) working days of filing.
 - D. Prior to the issuance of a zoning compliance permit for the pond, the owner of the subject property shall deposit with the Township Clerk a non-refundable \$100 zoning compliance permit fee and a \$1,500.00 performance guarantee in full compliance with Section 6.5 of this Ordinance.
3. Ponds created by damming of rivers or streams must have the approval of the Michigan Department of Natural Resources and a Soil Erosion and Sedimentation Control Permit approved by Lapeer County if they are to be located within five hundred (500) feet of a lake or stream or if the pond will disturb over one (1) acre of land.
4. All ponds shall be planned, and constructed according to the standards of the U.S. Soil Conservation Service Agricultural Handbook 590, Ponds - Planning, Design and Construction and shall also comply with the following:
 - A. Where a pond will be used for swimming, there shall be no slope on the beach side of the pond that is in excess of 5:1 (five feet horizontal to one foot vertical) until the water reaches a depth of five (5) feet. In no case shall any slope exceed 3:1 for a residential pond or 1:1 for irrigation ponds or similar agricultural ponds that will not be used for swimming.
 - B. Excavated materials, in excess of 1,000 cubic yards, may not be hauled off the site unless a mining permit is obtained pursuant to Section 4.23 of this Ordinance.
 - C. Agricultural tile drainage lines encountered during construction of a pond shall not be cut, plugged, or altered in any way that



would cause them to no longer function for the purpose for which they were installed. This shall include a prohibition against actually or effectively raising the elevation of the outlet, as in the case of an embankment pond. If necessary, existing agricultural tile drains or similar facilities shall be rerouted around the pond by the owner and the contractor constructing the pond.

- D. Natural drainage courses encountered during the construction, enlargement, or cleaning of a pond shall not be altered in any way that would cause them to no longer function. If necessary, natural drainage courses shall be rerouted around the pond by the owner and the contractor constructing the pond.
- E. No pond shall be constructed, enlarged, cleaned or otherwise altered in a manner than causes pond overflow water to runoff onto adjacent lots or parcels. This provision shall also apply to the placement of excavated material or overburden from pond construction. Where appropriate, methods to provide proper drainage (e.g. swales, tiles, culverts, etc.) shall be shown on the site plan.
- F. Ponds shall be designed as open water bodies that remain continuously wet under normal conditions.
- G. There shall be a minimum setback of fifty (50) feet from the edge of the pond excavation, defined as the point where the proposed grade is less than the pre-existing grade, to all adjacent property lines and one hundred (100) feet from every street right-of-way or adjacent residential dwelling.
- H. There shall be a minimum setback of one hundred (100) feet from the edge of the pond excavation, defined as the point where the proposed grade is less than the pre-existing grade, to the nearest point of a septic tank and/or tile disposal field.
- I. Plans shall show the location and approximate depth of any domestic water supply well on the property.
- J. There shall be a minimum setback of twenty-five (25) feet from the edge of the pond excavation, defined as the point where the proposed grade is less than the pre-existing grade, to the nearest point of

the dwelling and all accessory buildings on the site.

- K. Excavated material or overburden from private residential pond construction shall be placed in a manner so that its weight will not endanger the stability of the pond's side slopes, and in a manner that is aesthetically pleasing. There shall no be less than twelve (12) feet between the toe of the fill and the edge of the pond. The overburden shall be properly sloped, graded, planted, and landscaped with vegetation to blend into the surrounding landscape. Placement of the fill on the prevailing windward side of the pond can help to reduce evaporation losses.

4.5 KEEPING OF LARGE ANIMALS AND SMALL ANIMALS

In the AG and R-1 Districts, large animals and small animals may be kept by the occupant of property as a permitted residential accessory use only, subject to the following:

1. Large animals shall be defined as including horses, ponies, cattle and similar animals.
2. Small animals shall be defined as miniature ponies, sheep, goats, pigs, poultry, rabbits and similar animals.
3. The minimum required parcel size for keeping one (1) large animal or four (4) small animals shall be five (5) acres with one (1) additional acre required for each additional large animal or each four (4) additional small animals. The minimum lot width shall be three hundred (300) feet.
4. In order to satisfy the minimum required parcel size the occupant of property in the AG district may lease a contiguous parcel of property. In order for the leased property to qualify, the applicant shall demonstrate that the property will be used for the pasture and or keeping of the animals.
5. Animals shall be housed and cared for in accordance with generally accepted good farming practices.
6. All buildings used to house large and small animals shall comply with the following requirements:
 - A. Only animals belonging to the property occupant may be kept.
 - B. All buildings must be setback at least one hundred (100) feet from a property line.



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C. All accessory buildings shall conform with the provisions of Section 5.1 Accessory Buildings.

- All areas for stockpiling manure or similar wastes shall be screened from view, and shall not be located closer than one hundred (100) feet to any property line. No such wastes shall be allowed to become a nuisance to neighboring properties nor be stockpiled for periods in excess of 120 days. Stockpiling of manure shall not be permitted from the first of May to the end of October. Proper management of animal manure shall include removal from the site or spreading and incorporating into the soil.
- A suitable fence or other enclosure shall be erected (not including electric fencing) and maintained around the entire premises for outside use and containment of all livestock. This shall include areas of leased land used by the animals.

4.6 RAISING OF SMALL ANIMALS FOR EDUCATIONAL PURPOSES

In the AG District, the raising of small animals for a school project, 4 H project, or similar educational program, shall be exempt from the minimum parcel size and minimum lot width requirements only for small animals that will be sold at the agricultural fair. If a horse or other large animal is being raised, they shall be limited to one (1) horse per (5) acres with one (1) additional acre required for each additional horse or other large animal. Such uses shall otherwise conform to all other requirements of this Ordinance.

4.7 TEMPORARY ROADSIDE STANDS

- Only uses of a temporary, seasonal nature shall be permitted. Only produce may be offered for sale.
- All structures utilized for a roadside market shall be temporary and shall be removed upon discontinuance of the use. All such structures shall be located on private property and shall not occupy any part of a public right-of-way.
- Adequate space shall be provided for off-street parking so that customers' vehicles are not left standing on a public street or right-of-way.

4.8 TEMPORARY USES OF AN AGRICULTURAL NATURE

Uses such as hayrides, corn mazes, and similar uses are permitted subject to the following:

- Maximum duration of such uses shall be from September 1- November 1.
- Permitted hours of operation shall be from 12 PM – 10 PM daily.
- Adequate space shall be provided for off-street parking so that customers' vehicles are not left standing on a public street or right-of-way.

4.9 WIND ENERGY CONVERSION SYSTEMS

Private wind energy conversion systems (WECS) for the purpose of providing electricity to a residence, farm, and/or business may be permitted as an accessory structure. Administrative approval shall not require annual renewal so long as the dimensions and operation of the system remain unchanged. Administrative approval is subject to the following requirements subject to the following requirements:

- Private wind energy conversion systems are only permissible as an accessory structure to the primary building and/or permitted use in the respective zoning district. The systems must be designed to primarily serve the needs of a home, farm, or business.
- Minimum lot size for a wind energy conversion system in any permitted zoning district shall be 1.5 acres. Systems proposed on properties of 1.5 acres or greater but less than 5 acres must meet the notification requirements of Section 4.9.16 below. Those proposed on properties of 5 acres or greater are exempt from this requirement.
- Only one tower and generator shall be permissible on any individual property, and only as an accessory to the principal permitted structure. For operational farms over 10 acres in any zoning district, two towers and generators may be permitted so long as one is devoted to the principal residence and the other is devoted to an agricultural building or use.
- The setback of the support structure and all ancillary components from all property lines shall be at least equal to 110% of the height of the entire system at its highest point, or the minimum building setback for the respective zoning district, whichever is greater.
- All structures shall be freestanding. No structure shall be constructed in any zoning



district which requires guy-wires or any similar form of secondary support.

6. System height (from the ground to the tip of the blade at its highest point) shall not exceed 2.5 times the maximum building height for the respective zoning district.
7. Turbine blades shall maintain a minimum of 20 feet of clearance between grade and the tip of the blade at its lowest point.
8. The setback of the support structure from any existing or planned overhead utility lines shall be at least equal to 110% of the height of the entire system at its highest point. It shall be the applicant's responsibility to note the location of utility poles and/or overhead lines on a dimensioned drawing as required in Section 4.9.12 below.
9. With the exception of severe wind storms, systems shall not produce sound pressure in excess of 55 dB(A), measured at the property line closest to the system. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
10. Systems shall be constructed of a material, painted, or otherwise treated so as to be non-reflective and matte white in color.
11. Wind energy conversion systems must be approved/certified by the American Wind Energy Association (AWEA) and/or the U.S. Department of Energy.
12. Systems shall comply with all applicable state construction and electrical codes and Township building permit requirements. Building permit applications for wind energy conversion systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base and footings. An engineering analysis of the tower showing compliance with the Michigan Building Code and certified by a licensed professional engineer shall also be submitted. This analysis is typically supplied by the manufacturer.
13. Wind energy systems must comply with applicable Federal Aviation Administration regulations, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), and the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.)
14. Building and electrical permit applications for residential wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of the installation conforms to the National Electrical

Code. This information is frequently supplied by the manufacturer.

15. A wind energy system connected to the electric utility grid must obtain an Interconnection and Operation Agreement or its equivalent from the utility company, demonstrating the utility company's approval of an interconnected, customer-owned generator. Interconnected systems shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems shall be exempt from this requirement.
16. A system proposed on a property greater than 1.5 acres but less than 5 acres shall require notification of the applicant's intent to all adjacent properties, including diagonally opposed ("kitty-corner") properties. The notification shall include a standard form letter provided by the Township, as well as a dimensioned rendering of the applicant's property with the proposed location and proposed height identified. Applicant is free to include any supplemental materials he or she deems appropriate, and is encouraged to speak to his or her neighbors about the proposal. It shall be the applicant's responsibility to provide the Township with the appropriate quantity of materials to be distributed. The Township shall allow 14 days for the adjacent property-owners to respond prior to issuance of administrative approval. Any concerns expressed by neighboring property-owners shall be considered as part of the administrative approval process. Properties in excess of 5 acres shall be exempt from the notification requirement.

4.10 CAMPGROUNDS

Campgrounds, recreational vehicle parks, riding academies and stables, and similar large scale recreational uses, excluding off-road motorized vehicles and racetracks, may be permitted subject to the following:

1. All such uses shall be developed on sites of at least twenty (20) acres and five hundred (500) feet in width.
2. No individual campsites shall be located closer than thirty (30) feet to all property lines.
3. All buildings housing animals shall be set back at least one hundred (100) feet from all property lines. All other buildings shall be set back at least fifty (50) feet from all property lines.
4. All access shall be directly onto a paved County Local Road with a future right of way of 120', a

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paved County Primary Road or a paved State Highway. The number and placement of entrances and exits shall be in accordance with the access management standards of Section 5.19.

5. There shall be provided, on those sides abutting or adjacent to a residential district or use, a screen wall, fence or greenbelt buffer in accordance with the provisions of Section 5.11.
6. Adequate off-street parking shall be provided to accommodate the maximum number of users of the facility. All parking areas shall be kept dust-free at all times.
7. There shall be no public address or other amplified sound system, except by written permission of the Township Board.

4.11 CEMETERIES

1. The minimum site size shall be ten (10) acres.
2. An engineering plan of the proposed site drainage shall be submitted for review by the Township Engineer.
3. There shall be no burial plots within twenty-five (25) feet of the perimeter of the site and all service and storage yards shall be screened from view by a screen wall at least 6 feet high.
4. There shall be provided, on those sides abutting or adjacent to a residential district or use, a screen wall, fence or greenbelt buffer in accordance with the provisions of Section 5.11.
5. Perimeter fencing may be required to delineate the limits of the cemetery site to discourage trespassing and prevent vandalism.
6. All buildings shall be set back at least fifty (50) feet from all property lines.
7. Adequate off-street parking shall be provided so that visitors' automobiles are not left standing on a public street or right-of-way.

4.12 COLLEGES, UNIVERSITIES AND EDUCATIONAL INSTITUTIONS

Colleges, universities and other such institutions of higher learning, public and private may be permitted, subject to the following:

1. Any use permitted herein shall be developed only on sites of at least twenty (20) acres in area and five hundred (500) feet in width.
2. All access shall be directly onto a paved County Local Road with a future right of way of

120', a paved County Primary Road or a paved State Highway. The number and placement of entrances and exits shall be in accordance with the access management standards of Section 5.19.

3. There shall be provided, on those sides abutting or adjacent to a residential district or use, a screen wall, fence or greenbelt buffer in accordance with the provisions of Section 5.11.
4. No building other than a structure for residential purposes shall be closer than fifty (50) feet to any property line and/or existing or proposed public right-of-way.
5. An outdoor lighting plan shall specify the type of fixtures to be used, light intensity, and method of shielding the fixtures so that light does not project onto adjoining properties or on any public or private street or right-of-way. Only flat lens, fully shielded fixtures are permitted. Prismatic lens fixtures shall not be allowed. The site plan shall include a photometric plan and catalog details for all proposed fixtures. Outdoor lights must meet the performance standards of Section 5.9.
6. The Planning Commission may require additional screening requirements to those specified in Section 5.7, where the Planning Commission determines such screening is necessary to reduce the impact of the proposed facility on adjacent properties or rights of way.

4.13 COMMERCIAL KENNELS

Commercial kennel is defined as any lot or premises on which five (5) or more dogs or similar domestic pets, are either permanently or temporarily boarded. A commercial kennel shall also include any breeding operation with five (5) or more such animals over one year of age. Commercial kennels are permitted as principal permitted uses in the I-1 and I-2 Districts, and as special land uses in the in the AG and B-2 Districts subject to the following requirements:

1. General Requirements
 - A. The site shall abut either a public road shown as a major or secondary thoroughfare on the Township's adopted Master Plan or an internal industrial park street.
 - B. All animals shall be adequately housed, fenced, and maintained so as not to be or become a public or private nuisance. The premises shall be maintained in such a manner so as not to be harmful to



surrounding properties, or create any hazard or detriment to public health, safety or general welfare.

- C. Kennels housing more than ten (10) dogs shall provide one (1) off-street parking space for each five (5) animals that can be boarded. Other uses shall provide parking to accommodate the maximum number of patrons using the facility at any one time.
 - D. Between the hours of 10:00 p.m. and 6:00 a.m. all animals shall be confined in a sound and odor-proof kennel building that is completely enclosed and climate-controlled. During all other hours, the animals may be exercised as provided for in Section 4.13.1.G.
 - E. All objectionable noise shall be controlled as required by Section 5.6.6.
 - F. Any use permitted by the Township shall terminate immediately when the lot area requirements herein set forth are decreased in any manner or the provisions of this Section and Ordinance violated.
 - G. Outdoor animal exercise shall be conducted within the confines of a fenced exercise yard on the property, and limited to:
 - i. Leashed animals under the direct supervision of their owners or commercial kennel staff;
 - ii. Small “play groups” of animals pre-selected for compatibility, supervised by kennel staff.
2. Exterior Standards
- A. In the AG district, dog kennel buildings shall be considered accessory buildings to a single family residence and shall be subject to all regulations of Section 5.1, including maximum allowable floor area.
 - B. Exercise yards and kennel buildings shall be located no closer than one hundred fifty (150) feet to any abutting residential property line.
 - C. A dog kennel shall have at least the following two levels of outdoor exercise:
 - i. Individual outdoor pens separated by privacy panels to prevent the dogs from seeing one another;
 - ii. A yard completely enclosed by an obscuring fence.
 - iii. A second yard enclosed by a 5’ chain link fence is optional.

iv. Unsupervised outdoor dog runs and pens are not permitted.

- 3. Interior Standards
 - A. The number of dogs housed, boarded, or kept in a kennel building shall not exceed one (1) dog for every fifty (50) square feet of floor area.
 - B. All kennel buildings shall be fitted with sound-proofing on walls, windows, and doors.
 - C. The interior of the kennel building shall be capable of being hosed down and sanitized. Water supply shall be available and floor drains shall be connected to the septic system.
 - D. All kennels shall have an isolation pen for dogs that bark uncontrollably, in order to reduce their influence on other dogs.
 - E. Privacy panels are required between pens
 - F. A variety of pen sizes shall be provided to accommodate both individuals and “families” or groups of compatible dogs.

4.14 CONVALESCENT OR NURSING HOMES

Convalescent or nursing home, convents, home for the aged or handicapped, orphanage or children's home, subject to the following:

- 1. All access shall be directly onto a paved County Local Road with a future right of way of 120’, a paved County Primary Road or a paved State Highway. The number and placement of entrances and exits shall be in accordance with the access management standards of Section 5.19.
- 2. The maximum extent of development shall not exceed twenty (20) persons or patients per acre.
- 3. No building shall be located closer than fifty (50) feet to any property line.
- 4. There shall be one (1) parking space provided for each two (2) beds plus one (1) for every two (2) staff members.
- 5. The Planning Commission may require additional screening requirements to those specified in Section 5.7, where the Planning Commission determines such screening is necessary to reduce the impact of the proposed facility on adjacent properties or rights of way.
- 6. A screen wall, obscuring fence or greenbelt shall be provided on those sides abutting a residential district in accordance with Section 5.11.

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4.15 GENERAL HOSPITALS

General hospitals may be permitted when the following conditions are met:

1. All access shall be directly onto a paved County Local Road with a future right of way of 120', a paved County Primary Road or a paved State Highway. The number and placement of entrances and exits shall be in accordance with the access management standards of Section 5.19.
2. The site plan shall show that a proper relationship exists between the abutting thoroughfare and any proposed service roads, driveways, and parking areas to encourage pedestrian and vehicular traffic safety.
3. All such hospitals shall be developed on sites consisting of at least five (5) acres in area for the first one hundred (100) beds or less plus one (1) acre for each additional twenty five (25) beds.
4. All the development features including the principal building and any accessory buildings, open spaces, and all service roads, driveways and parking areas are so located and related to minimize the possibility of any adverse effects upon adjacent property.
5. An outdoor lighting plan shall specify the type of fixtures to be used, light intensity, and method of shielding the fixtures so that light does not project onto adjoining properties or on any public or private street or right-of-way. Dropped and prismatic lens fixtures shall not be allowed. The site plan shall include a photometric plan and catalog details for all proposed fixtures. Outdoor lights must meet the performance standards of Section 5.9.
6. A screen wall, obscuring fence or greenbelt, shall be provided on those sides abutting a residential district in accordance with Section 5.11.

4.16 GOLF COURSES

Golf courses, not including driving ranges or miniature golf courses may be permitted in the AG, R-1 and RE Districts, subject to the following:

1. Major accessory uses such as a restaurant and bar shall be housed in a single building with the club house. Minor accessory uses strictly related to the operation of the golf course itself, such as maintenance garage and pro shop or golf shop may be located in separate structures. No structure shall be located closer than seventy-five (75) feet from the lot line of any adjacent residential land

and from any existing or proposed public right-of-way.

2. All parking areas shall be surfaced or so treated as to prevent any dust nuisance.
3. All access shall be directly onto a paved County Local Road with a future right of way of 120', a paved County Primary Road or a paved State Highway. The number and placement of entrances and exits shall be in accordance with the access management standards of Section 5.19.
4. An outdoor lighting plan shall specify the type of fixtures to be used, light intensity, and method of shielding the fixtures so that light does not project onto adjoining properties or on any public or private street or right-of-way. Dropped and prismatic lens fixtures shall not be allowed. The site plan shall include a photometric plan and catalog details for all proposed fixtures. Outdoor lights must meet the performance standards of Section 5.9.
5. Whenever included, swimming pools shall be provided with a protective fence not less than six (6) feet in height, and entry shall be provided by means of a controlled gate or turnstile.

4.17 GROUP DAY CARE HOMES.

Group Day Care Homes shall be issued a special land use permit in the AG (Agricultural), R-1 (One-Family), RE (Rural Estates), and RM-1 (Multiple-Family) districts, if the group day care home meets all of the following standards:

1. The home is not located closer than 1,500 feet as measured along a road, street, or place maintained by the State, County, or a local unit of government and generally open to the public as a matter of right for the purposes of traffic, not including an alley, to another licensed group day care home, adult foster care small or large group home, licensed facility offering substance abuse treatment and rehabilitation service to seven (7) or more people, community correction center, resident home, halfway house, or other similar facility which houses an inmate population.
2. All outdoor play areas are adequately fenced by a minimum 4 foot 6 inch (4'-6") high cyclone or equivalent non-climbable type fence.
3. The property is maintained consistent with the characteristics of the neighborhood.
4. Adequate off-street parking is provided for all employees, and adequate off-street waiting space is provided for parents.



5. The home does not exceed sixteen (16) hours of operation during a 24-hour period. Hours of operation may be subject to limitations, provided that such limitations do not prohibit the operation of a group day care home between the hours of 10 p.m. and 6 a.m.
6. There shall be an initial walk-through inspection by the Township Fire Chief and a report submitted to the Planning Commission regarding locations of exits, fire extinguishers, smoke alarms, and the like.
7. Section 5.8 Sign Regulations shall be met.
8. All group day care homes must provide evidence of meeting all standards in the "Licensing Rules for Family and Group Child Care Homes," as may be amended from time to time, by the Michigan Department of Human Services.

4.18 HOME OCCUPATIONS

Home occupations, as defined in Article II, may be permitted in the AG, R-1, and RE Districts subject to the following:

1. Not more than one paid assistant shall be employed.
2. There shall be no exterior display other than a home occupation sign as described in Section 5.8.
3. No commodity other than that produced or processed on the premises shall be sold thereon, and in no case shall the primary function of the premises be other than for residential purposes.
4. Off-street parking as required under General Provisions Section 5.2 and 5.3 shall be provided.
5. The home occupation shall not require the construction of any accessory building.

4.19 INTENSIVE ANIMAL RAISING & AGRICULTURAL PROCESSING USES

Because of the nature of hog farms, egg factories and poultry raising operations, cattle feedlots, mushroom processing plants and farms, and agricultural businesses such as produce and milk transportation services, they may be allowed in the AG District only if they comply with the following:

1. All pens, cages, fenced areas and buildings used to house any animal shall be set back one hundred fifty (150) feet from all property lines abutting AG Districts and two hundred (200) feet from all property lines abutting residential districts.

2. Buildings and/or processing plants, other than those for keeping of animals, shall be set back at least one hundred (100) feet from all property lines.
3. Intensive Agricultural Operations shall conform to the applicable Generally Accepted Agricultural and Management Practices (GAAMP's) adopted under the Michigan Right to Farm Act 93 of 1981. Applicable GAAMP's include but are not limited to accepted practices for site selection, manure management and utilization and care of farm animals.

4.20 INTERIM USE OF LARGE-SCALE AGRICULTURAL BUSINESS BUILDINGS.

Interim Use of Large-scale Agri-business buildings subject to the following:

1. Interim Uses may be permitted only in transitional areas as identified in the M-53 Corridor Plan.
2. All business activities and storage of materials and products must occur inside of the building.
3. All trash and waste storage areas must be completely screened from view.
4. Must demonstrate adequate space on-site for customer parking, loading and unloading if required, proper landscaping and screening.
5. Intended as an interim use of property prior to market absorption for ultimate use .
6. Use limited to retail, office, indoor storage, prototype assembly, engineering and design only. Not intended for industrial production.

4.21 LANDFILLS, TRANSFER STATIONS AND SIMILAR USES

The Imlay Township Board recognizes the authority of the Michigan Department of Natural Resources with regard to the issuance of construction and operating permits for sanitary landfills and similar uses. The Township considers the requirements of Act 641 of 1978, as amended, and all rules and regulations promulgated pursuant to authority of said Act, as the minimum standards for approval of any landfill, transfer station, or similar use. As such, it shall also be necessary for all proposed landfills and similar uses to obtain special land use approval from the Township Board subject to the following specific requirements:

1. Landfills shall be permitted only in the AG, I-1 and I-2 districts. Transfer stations shall be permitted only in the I-1 and I-2 districts.

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2. All such uses shall be located on a paved public road capable of carrying Class A loadings, as defined by the Lapeer County Weighmaster, on a year-round basis.
3. All such uses shall keep internal roads and operations areas dust-free at all times. No dust or other particulate emissions shall be permitted beyond the property lines.
4. All such uses shall conform to the Performance Standards of Section 5.6.
5. All landfill uses shall submit a Reuse Plan and drawing (minimum scale of 1"=100'), describing the rehabilitation of the subject parcel, after operations are complete. The Plan shall demonstrate that the property will be suitable for future development with one of the permitted uses in that particular zoning classification. No landfill use shall be permitted to remove all value from an individual parcel of property nor render it useless after operations are complete.

4.22 LIMITED BUSINESS USES

Limited business uses that are primarily engaged in producing a product or providing a service, where the external physical effects will not extend beyond the property lines, may be permitted in the AG Districts subject to the following:

1. Only owner-operator types of businesses shall be allowed.
2. All such uses shall be completely enclosed within a building and shall be designed and operated by the owner-operator as a use accessory to his or her permitted residential use.
3. There shall be no open storage of equipment, vehicles, materials, or wastes.
4. The product manufactured on-site shall not be sold primarily at retail on-site, rather, the product should be distributed elsewhere by the owner-operator.
5. The building used for production or servicing shall not exceed three thousand (3,000) square feet in floor area and shall be no more than one (1) story or 20 feet in height.
6. All areas for employee and visitor parking shall be designed and arranged so as to be screened from public view in accordance with Section 5.11.
7. There shall be no employees who are not immediate family members of the owner-operator.
8. One non-illuminated sign, no larger than 12 square feet and stating only the name of the

- business or profession of the owner-operator shall be displayed flat against the wall of the building.
9. The minimum size parcel required for all limited business uses in AG Districts shall be five (5) acres with a minimum width of 300 feet.
10. No limited business use shall be permitted that uses or stores hazardous materials as defined by the State of Michigan, Department of Natural Resources or State Police Fire Marshall Division.
11. The permit for all limited business uses shall be renewed annually. The owner-operator shall consent to one annual inspection by the Township Zoning Administrator to determine whether the business remains in compliance with the approval special land use.

4.23 MINING OF SAND/GRAVEL/TOPSOIL

1. The mining, excavating, extraction or quarrying of sand, gravel, and/or topsoil may be permitted as a special land use in AG, R-1, I-1, and I-2 Districts only after proper notice has been given as provided in Section 6.2, and after review of the use and location by the Planning Commission and approval of the use by the Township Board, subject to the requirements and standards of this section and the submission of a site plan conforming to the requirements of Section 6.1. Sand, gravel, and topsoil removal operations shall also be required to obtain an annual operating permit from the Township Board.

In reviewing the application for special land use approval the Planning Commission and Township Board shall be certain that the following characteristics of the use are present and complied with:

- A. Processing and stockpiling of materials will be accomplished in a manner that minimizes the affect on adjacent properties.
- B. Uses permitted herein shall be screened from view and set back from the property lines at least one hundred (100) feet on all sides, provided the Township Board may increase this requirement where additional protection is required for adjacent properties and/or uses.
- C. Uses permitted shall comply with all applicable pollution control requirements of the State of Michigan, Lapeer County and Township of Imlay.



- D. Mining of deposits in AG, R-1, I-1 and I-2 Districts shall not constitute a hazard to public health, safety, and welfare, and shall be conducive to and result in the reclamation of the land for another use or uses permitted in the district.
2. Uses Permitted. The following uses shall be permitted, each of which shall meet applicable performance standards and be subject to all limitations described herein.
 - A. Mining, excavating, extracting, or quarrying of sand, gravel, stone and/or similar material (hereinafter referred to as mining or mined).
 - B. Construction and maintenance of plants, be they temporary or permanent, for the processing of such mined material, and to include necessary accessory uses, buildings, and equipment.
 - C. Storage and stockpiling of the mined material.
 3. Application Procedures for Mining Permit. The following application procedure shall be complied with prior to the commencement of any new mining and/or the horizontal expansion of any mined area which exists as of the effective date of this Ordinance. The application form shall be obtained from the Township Clerk.
 - A. Application Contents:
 - i. Name of the owner, or owners, of land from which removal is to be made.
 - ii. Name and address of applicant making a request for such permit.
 - iii. Name and address of the person, firm, or corporation that will be conducting the actual removal operation.
 - iv. Location, size, and description of the area from which the removal is to be made.
 - v. Location of the processing plant.
 - vi. Type of materials or resources to be removed.
 - vii. Proposed-method of removal, general haul route, and whether blasting or other use of explosives will be required.
 - viii. General description of equipment to be used.
 - ix. The estimated number of years to complete operations.
 - x. A statement that a performance guarantee satisfactory to the Township Board, in the amount of \$1,000 per acre to be mined with a minimum amount of \$10,000 for sites under 10 acres will be furnished. Upon submission of a topographical survey by a registered civil engineer showing completion of the reclaimed areas, the bond or security shall be released, in accordance with the amount of security required per acre.
 - B. The application shall be accompanied by a processing fee, to be paid by the applicant in an amount to be established by the Township Board.
 - C. The initial and/or subsequent application for a mining permit shall be referred by the Township Clerk to the Planning Commission. The Planning Commission shall review the site plan for the proposed use and the rehabilitation plan for the mined areas and recommend that the Township Board approve or deny the special land use according to the requirements and standards of Section 6.2.
 - D. After hearing, the Township Board may approve the request for a mining permit once it determines all standards and requirements are complied with.
 - E. As part of the application, the applicant shall submit a topographic survey of the existing parcel drawn to scale and prepared by a Registered Civil Engineer or Registered Land Surveyor with ten-foot contour intervals based upon U.S.G.S datum. The drawing shall also clearly show the area to be mined, areas for stockpiling, processing plant locations, maintenance areas, and similar use areas. The applicant shall also prepare a plan of reclamation which depicts the final elevations referenced to U.S.G.S. datum and prepared by a Registered Civil Engineer and/or Registered Land Surveyor. The applicant will propose a certain plan of operation and will be expected to comply with such a plan during the year a mining permit is issued for.
 - F. In order to provide the Township with periodic review for compliance with all operational and special land use requirements, the mining permit shall be annual in nature and the applicant shall



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reapply each July 1 to renew the mining permit for the parcel being mined. Prior to granting continued approval, the Planning Commission shall review the mining operation as to compliance with the original site and rehabilitation plans. Upon finding the applicant has complied with the plan, another mining permit may be issued by the Township Board.

- G. In order to defray the expenses incurred by the Township for surveillance of the mining operation and engineering inspections to insure compliance with the approved mining plan and rehabilitation plan, there shall be an annual surveillance and inspection fee for each mining operation. The amount of the fee shall be based on the surface area, in acres, of the proposed operation times the depth, in yards, of the pit. The amount of the surveillance/inspection fee per acre shall be set by resolution of the Township Board. In setting the amount of the fee, the Board may consult with a Registered Civil Engineer or Registered Landscape Architect with expertise in reclamation of mining sites and the costs associated with reclamation.
4. Standards For Mining Operations
- A. All equipment shall be located no closer than one hundred fifty (150) feet to the nearest abutting property line.
 - B. No excavation or mining shall take place within one hundred fifty (150) feet of the nearest abutting property line.
 - C. During operations and at all times prior to final reclamation, the pit areas shall be fenced with a six (6) foot high, cyclone-type fence along the property line protected by lockable gates.
 - D. To permit site reclamation following mining activities, topsoil sufficient to cover the site to a depth of at least four (4) inches shall be retained. If the site is to be reclaimed for non-residential uses, retention of additional topsoil may be required. Said earthen materials may be used to construct a berm, as required in subsection 4.23.4.E below, as a means for storage on-site. Organic soils such as peat or muck shall not be used as topsoil for reclamation. (Amended 2006)

- E. All active excavations shall be screened from view by one of the following:
 - i. Construction of a raised earth berm, along the boundaries of the property, at least six (6) feet in height at its center above the actual elevation of the property along the property lines. The berm shall have slopes not in excess of one foot vertical to four feet horizontal and shall be planted with grass, trees, and similar vegetation.
 - ii. Plantings of coniferous trees having a minimum diameter of 3 inches along the boundaries of the property with sufficient staggered rows and of a depth, that will guarantee effective screening.
- F. Hours of operation of the mining machinery and the processing plant shall be 7 a.m. to 7 p.m.. No hours of operation shall be permitted Sundays and legal holidays. This time period may only be modified by the Board of Appeals.
- G. All sand and gravel sites operable under the provisions of this Ordinance shall have direct access onto a paved State Highway, a paved County Primary Road or a paved County Local Road with a future right of way of 120' and shall be improved to the specifications of the Lapeer County Road Commission.
- H. All equipment and facilities used in the production, processing or transportation of sand, gravel, or stone shall be constructed, maintained, and operated, in such manner as to eliminate, insofar as practicable, noises, vibrations, or dust which are injurious or unduly annoying.
- I. All trucks leaving the site shall have their loads, covered to prevent blowing of material onto Township roads and/or private property.
- J. Any paved public road providing access to the mining site shall be swept, as needed, to prevent any accumulation of sand and/or gravel on the public roads. All gravel public or private roads providing access to the mining site shall be kept dust-free at all times during mining operations.
- K. The applicant shall acquire approval as to haul routes, bonding requirements, weight limits, speed limits, and other matters within the jurisdiction of the agencies responsible for the public roads.



- L. The haul route shall be chosen so as to cause the least amount of disturbance to uses outside the Agricultural districts.
 - M. No cut shall be made in the original excavation that exceeds a slope of three feet horizontal to one foot vertical, and such cut shall not begin closer than one hundred fifty (150) feet from any property line.
 - N. A cash performance guarantee shall be deposited with the Township Board in the amount of one thousand dollars (\$1,000.00) per acre to be disturbed. The excavation shall proceed in cells of ten (10) acres maximum, and each such working cell shall be fully restored and rehabilitated prior to proceeding into the next cell, unless the operator chooses to submit the required cash performance guarantee for the additional cell or cells.
 - O. Other limitations may be established by the Township Board to insure protection of the adjoining neighborhood, such as, truck trips per day, total amount of material removed from an individual site on a daily basis, special measures to reduce noise levels, rumble strips on-site, and similar limitations determined to be necessary to protect the health, safety and general welfare of nearby residents and land uses, and the community as a whole.
 - P. Upon termination of any excavation and/or mining operation either by the operator, owner, the Township through the Ordinance, and/or through judicial means, the land shall be backfilled and graded to the developer's site plan which was reviewed by the Planning Commission and approved by the Township Board.
5. Standards for Rehabilitation of Mined Areas
- A. All excavations shall be made either to a water-producing depth of at least 8 feet below the low-water mark for at least 80 percent of the water area, or shall be graded or backfilled with earthen materials, to insure:
 - i. That the excavated area shall not collect and permit to remain therein, stagnant water; or,
 - ii. That the surface of such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions thereof, and so as to produce a gently rolling surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area.
 - B. The banks of all sand and gravel excavations shall be sloped to the water line in a water-producing excavation, and to the pit floor in a dry operation, at a slope which shall not be less than three (3) feet horizontal to one (1) foot vertical, and said banks shall be restored with vegetation in a manner set forth hereunder.
 - C. Where a permanent body of water will result from the mining operations, the slopes on all sides of the pit beginning at the high water mark, shall not exceed 5 feet horizontal to 1 foot vertical until the water reaches a depth of 5 feet at the low water mark. (See the accompanying illustration).
 - D. Vegetation shall be restored by the use of sufficient soil and overburden and by appropriate seeding of grasses or planting of shrubs or trees in all parts of the mining area where such area is not be submerged under water, as provided above.
 - E. Upon cessation of mining operations by abandonment or otherwise, the operator, within a reasonable period of time not exceeding twelve (12) months thereafter, shall remove all plant structures, buildings, stockpiles, and equipment unless such building or structures can be lawfully used in the district in which they are located.
 - F. A final inspection shall be performed by an Engineer employed by the Township to verify conformance with the plan of reclamation submitted in accordance with Section 4.23.3.E. A final inspection form, signed by the Township Engineer, shall be required prior to release of the performance bond by the Township. (Amended 2006)

4.24 NURSERY SCHOOLS OR GROUP DAY CARE CENTERS

Nursery schools, child care centers or group day care facilities may be permitted in the AG, R-1, RE RM-1, NB-O, and MH Districts, when located on a paved County Local Road with a future right of way of 120', a paved County Primary Road or a paved State Highway subject to the following:

1. The number and placement of entrances and exits shall be in accordance with the access management standards of Section 5.19.



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2. For each child cared for, there shall be a minimum of fifty (50) square feet of outdoor play space. All such play space shall be a minimum of at least two thousand (2,000) square feet with a width of at least forty (40) feet.
3. All outdoor play areas shall be completely enclosed by a chain link type fence at least four (4) feet high.
4. There shall be off-street parking equal to one (1) space for every ten (10) children cared for plus one (1) space for each employee. In addition, there shall be provided sufficient off-street waiting space for parents picking up their children so that no automobiles are allowed to stand on a public street or right-of-way.

4.25 COMMERCIAL RECREATION USES

Commercially used outdoor recreational space for children's or adults' amusement parks, carnivals, rebound tumbling facilities, miniature golf courses, and golf driving ranges, may be permitted subject to the following:

1. The Planning Commission may require additional screening requirements to those specified in Section 5.7, where the Planning Commission determines such screening is necessary to reduce the impact of the proposed facility on adjacent properties or rights of way.
2. An outdoor lighting plan shall specify the type of fixtures to be used, light intensity, and method of shielding the fixtures so that light does not project onto adjoining properties or on any public or private street or right-of-way. Only flat lens, fully shielded fixtures are permitted. Prismatic lens fixtures shall not be allowed. The site plan shall include a photometric plan and catalog details for all proposed fixtures. Outdoor lights must meet the performance standards of Section 5.9.
3. Rebound tumbling facilities must be fenced on all sides used for trampoline activity. Said fence shall be no less than six (6) feet high. Pits shall not exceed four (4) feet in depth, shall be drained at all times and filled with earth to grade when the use is discontinued. All manufacturer's specifications for spacing, safety and construction shall be complied with.
4. No loud speaker or public address system shall be used except by the written consent of the Township Board wherein it is deemed that no public nuisance or disturbance will be established.

4.26 PORTABLE LUMBER AND PLANING MILLS

Portable lumber and planing mills may be permitted in the AG District subject to the following:

1. The principal and accessory buildings structures and equipment shall not be located within two-hundred (200) feet of any residential use or within one-hundred (100) feet of any property line.
2. All parking areas, loading/unloading zones, and driveways shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to properly drain all surface water to a detention pond or receiving waterway.
3. Any products displayed outside of an enclosed building shall not be located within any required yard or occupy any required parking or maneuvering areas for vehicles.
4. Lighting for parking and outdoor storage areas shall be shielded to prevent glare and spill-over onto any residential use or property in a residential district.
5. The applicant shall submit a written statement and shall clearly illustrate on a site plan the manner in which the following potential adverse impacts will be mitigated:
 - A. Equipment noise levels at the property line, consistent with the Performance Standards of Section 5.6.
 - B. Dust shall not be emitted from the facility nor allowed to become a hazard or nuisance to surrounding properties.
 - C. Stockpiling of sawdust, slab wood, and similar waste products shall not be permitted and a plan for regular removal and proper disposal or recycling shall be submitted.
 - D. The property shall not be allowed to become a fire hazard and site plan shall be submitted to the Fire Chief for his review and recommendation.
6. All outdoor storage of materials, wastes, and finished products not typically of a use permitted in agricultural-residential districts shall be screened from public view by a completely obscuring fence or a greenbelt, as approved by the Planning Commission.



4.27 COMMERCIAL RIDING ACADEMIES AND STABLES

Commercial riding academies, boarding stables and breeding farms as licensed by the Michigan Department of Agriculture may be permitted in the AG district subject to the following:

1. All buildings, corrals, or other enclosures for animals shall be set back at least 250 feet from any property line abutting a residential use.
2. The entire area of the site used for riding trails shall be fenced to prevent horses and riders from entering adjoining properties.
3. Adequate off-street parking shall be provided for customers in the ratio of one space for every horse-boarding stall. All parking areas shall be screened from view of an abutting residential use in accordance with Section 5.11.
4. All areas for stockpiling manure shall be screened from view, shall not be located closer than 200 feet to any property line, and shall not be allowed to become a nuisance.
5. Such facilities must comply with the applicable Generally Accepted Agricultural and Management Practices (GAAMP's) for manure management and utilization and care of farm animals adopted under the Michigan Right to Farm Act, Act 93 of 1981.

4.28 UTILITY AND PUBLIC SERVICE BUILDINGS

Utility and public service buildings, including telephone exchange buildings, electric transformer substations, gas regulator stations, and the like (excluding storage yards) when operating requirements necessitate the location under consideration in order to serve the immediate vicinity, may be permitted as a special land use in the AG, R-1, RE, RM-1, B-1 and B-2 Districts subject to the following:

1. All such uses shall be within completely enclosed buildings.
2. All buildings shall be set back at least fifty (50) feet from all property lines.
3. Off-street parking shall be provided for all service personnel and developed in accordance with Section 5.3.
4. The site shall be properly landscaped and maintained so as to be in harmony with the surrounding area.

4.29 CHURCHES AND PUBLIC FACILITIES

Churches, public libraries, public buildings (excluding public works garages and storage yards) and any uses normally incidental thereto may be permitted as a principal permitted use in the AG district, and as a special land use in the R-

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and RE Districts subject to the following:

1. All access shall be directly onto a paved County Local Road with a future right of way of 120', a paved County Primary Road or a paved State Highway. The number and placement of entrances and exits shall be in accordance with the access management standards of Section 5.19.
2. Minimum lot width of one hundred fifty (150) feet.
3. Minimum site size of two (2) acres.
4. There shall be provided, on those sides abutting or adjacent to a residential district or use, a screen wall, fence or greenbelt buffer in accordance with the provisions of Section 5.11.
5. An outdoor lighting plan shall specify the type of fixtures to be used, light intensity, and method of shielding the fixtures so that light does not project onto adjoining properties or on any public or private street or right-of-way. Only flat lens, fully shielded fixtures are permitted. Prismatic lens fixtures shall not be allowed. The site plan shall include a photometric plan and catalog details for all proposed fixtures. Outdoor lights must meet the performance standards of Section 5.9.
6. The Planning Commission may require additional screening requirements to those specified in Section 5.7, where the Planning Commission determines such screening is necessary to reduce the impact of the proposed facility on adjacent properties or rights of way.
7. All buildings shall be set back at least fifty (50) feet from all property lines.

4.30 PRIVATE RECREATION AREAS.

Private recreation areas such as, but not limited to, picnic grounds, playgrounds, ball fields, swimming facilities, bicycle motorcross and the like, but not including campgrounds or motorized on or off-road vehicles, may be permitted in the AG and R-1 Districts subject to the following:

1. The minimum site size shall be ten (10) acres with a minimum width of three hundred (300) feet.

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2. All access shall be directly onto a paved County Local Road with a future right of way of 120', a paved County Primary Road or a paved State Highway. The number and placement of entrances and exits shall be in accordance with the access management standards of Section 5.19.
3. No building shall be located closer than one hundred (100) feet to all property lines.
4. An outdoor lighting plan shall specify the type of fixtures to be used, light intensity, and method of shielding the fixtures so that light does not project onto adjoining properties or on any public or private street or right-of-way. Only flat lens, fully shielded fixtures are permitted. Prismatic lens fixtures shall not be allowed. The site plan shall include a photometric plan and catalog details for all proposed fixtures. Outdoor lights must meet the performance standards of Section 5.9.
5. Off-street parking shall be provided in a ratio of one (1) space per member family or one (1) space for every three (3) users at maximum occupancy. All parking areas shall be kept dust-free at all times and separated from an adjoining residential district or use by a greenbelt of at least twenty (20) feet in width, in accordance with Section 5.7.
6. Whenever a swimming pool is proposed, it shall be provided with a protective fence not less than six (6) feet in height, and entry shall be provided by means of a controlled gate or turnstile.
7. There shall be no public address or other amplified sound system, except by written permission of the Township Board.

4.31 ROADSIDE MARKETS

Roadside markets may be permitted as a special land use in the R-1 District subject to the following:

1. Only uses of a temporary, seasonal nature shall be permitted. Only produce raised on the premises or other premises owned or leased by the roadside market may be offered for sale.
2. All structures utilized for a roadside market shall be temporary and shall be removed upon discontinuance of the use. All such structures shall be located on private property and shall not occupy any part of a public right-of-way.
3. Adequate space shall be provided for off-street parking so that customer's vehicles are

not left standing on a public street or right-of-way.

4.32 USES SIMILAR TO SPECIAL LAND USES

In all zoning districts, the Planning Commission may permit uses which are similar to the listed special land uses, subject to findings of fact based upon the general standards of Section 6.2 and the following special standards:

1. The use shall be consistent with the intent of the district and shall not change the basic uses allowed in the district.
2. The use shall be found to be compatible with the principal permitted uses allowed in the district at the specific location requested.
3. The use shall cause no more traffic than other permitted uses in the district.
4. The use shall not require buildings, structures, or equipment that would be incompatible with the principal permitted uses allowed in the district.
5. The Planning Commission may place such reasonable conditions on the use as it finds necessary to ensure compatibility with the principal permitted uses allowed in the district, subject to the Special Land Use approval standards of Section 6.2.

4.33 AUTOMOTIVE (GASOLINE) SERVICE STATIONS

Automotive service stations for the sale of gasoline, oil, limited accessories and incidental, repair work may be permitted in the B-1 and B-2 Districts provided that:

1. All access shall be directly onto a paved County Local Road with a future right of way of 120', a paved County Primary Road or a paved State Highway. The number and placement of entrances and exits shall be in accordance with the access management standards of Section 5.19.
2. Entrances and exits shall be no less than fifty (100) feet from a street intersection and at least two hundred (200) feet from any residential district.
3. The minimum lot size shall be 2 acres and the minimum for all street frontages to which the service station will have access shall not be less than two hundred (200) feet.
4. Outside display of parts and/or products for sale shall be maintained in a neat and orderly fashion and shall not interfere with vehicular access or obstruct driver visibility.



5. An outdoor lighting plan shall specify the type of fixtures to be used, light intensity, and method of shielding the fixtures so that light does not project onto adjoining properties or on any public or private street or right-of-way. Only flat lens, fully shielded fixtures are permitted. Prismatic lens fixtures shall not be allowed. The site plan shall include a photometric plan and catalog details for all proposed fixtures. Outdoor lights must meet the performance standards of Section 5.9.
6. The Planning Commission may require additional landscape requirements to those specified in Section 5.7, where the Planning Commission determines such screening is necessary to reduce the impact of the proposed facility on adjacent properties or rights of way.
7. There shall be provided, on those sides abutting or adjacent to a residential district or use, a screen wall or fence in accordance with the provisions of Section 5.11.
8. Gasoline pumps, air and water hose stands and other appurtenances shall be set back not less than thirty (30) feet from all existing or proposed street right-of-way lines.
9. The location of the gasoline service station shall be architecturally treated and designed to be compatible with the adjacent land uses.
10. Steam cleaning, undercoating and major repair work is prohibited.
11. Adequate space shall be made available for vehicles that are required to wait.

4.34 DRIVE-IN OR DRIVE-THRU WINDOW SERVICE

Drive-in or drive-thru window service for banks, savings and loan offices, credit unions (B-1, B-2, and NB-O districts), convenience market and pharmacies, dry cleaners and fast food restaurants (B-2 District only) may be permitted as specified in the particular zoning district, subject to the following:

1. All access shall be directly onto a paved County Local Road with a future right of way of 120', a paved County Primary Road or a paved State Highway. The number and placement of entrances and exits shall be in accordance with the access management standards of Section 5.19.
2. A front yard setback of at least sixty (60) feet shall be required.
3. Entrance and exit drives shall be at least one hundred (100) feet from any street

intersection and two hundred (200) feet from any residential district.

4. An outdoor lighting plan shall specify the type of fixtures to be used, light intensity, and method of shielding the fixtures so that light does not project onto adjoining properties or on any public or private street or right-of-way. Dropped and prismatic lens fixtures shall not be allowed. The site plan shall include a photometric plan and catalog details for all proposed fixtures. Outdoor lights must meet the performance standards of Section 5.9.
5. The Planning Commission may require additional screening requirements to those specified in Section 5.7, where the Planning Commission determines such screening is necessary to reduce the impact of the proposed facility on adjacent properties or rights of way.
6. Adequate off-street waiting space shall be provided to prevent drive-through customers from waiting on a public or private street. A minimum of four (4) spaces per drive-up window, including order windows or per ATM machine, shall be required. The Township Board, upon recommendation from the Planning Commission may increase this requirement up to seven (7) spaces per window based on the circumstances of individual uses and sites.
7. A screen wall, obscuring fence or greenbelt shall be provided on those sides abutting a residential district in accordance with Section 5.11.

4.35 HOME BUSINESS/ OFFICE

Home Business / Offices may be permitted in the B-1 District provided that the following standards are complied with:

1. The residential component of the home business/office must be owner occupied.
2. The home business/office category is intended to permit business "incubation" with eventual phasing out of the residential component.
3. Must demonstrate adequate space on-site for customer and employee parking, loading and unloading if required, proper landscaping and screening.
4. The Home Business/Office sign shall be limited according to the provisions of Section 5.8.

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4.36 RESTAURANTS

Restaurants may be permitted in the B-1 and B-2 districts provided that:

1. An outdoor lighting plan shall specify the type of fixtures to be used, light intensity, and method of shielding the fixtures so that light does not project onto adjoining properties or on any public or private street or right-of-way. Only flat lens, fully shielded fixtures are permitted. Prismatic lens fixtures shall not be allowed. The site plan shall include a photometric plan and catalog details for all proposed fixtures. Outdoor lights must meet the performance standards of Section 5.9.
2. A greenbelt, land form buffer, or screen wall of face brick shall be located on all property lines which abut any district which permits residential uses in accordance with Section 5.11.
3. All patrons are served while seated within the building occupied by such establishment, and where said establishment does not extend as an integral part of or accessory thereto, any service of a drive-in or open front store.

4.37 AUTOMOBILE SERVICE CENTERS FOR MINOR REPAIRS

Automobile service centers providing light repairs, services and materials such as: tires (not recapping), batteries, mufflers, undercoating, auto glass, detailing, reupholstering, quick oil change, lubrication, wheel balancing, brakes and suspension services, and motor tune-up for passenger cars and vans may be approved in the B-1 and B-2, Business Districts subject to the following:

1. All access shall be directly onto a paved County Local Road with a future right of way of 120', a paved County Primary Road or a paved State Highway. The number and placement of entrances and exits shall be in accordance with the access management standards of Section 5.19.
2. The use shall be conveniently and safely accessible by the general public and shall not conflict with traffic movement or the reasonable and proper development of the district and area in which it is located.
3. All repair and/or servicing activities shall be conducted within a completely enclosed building.
4. The outside overnight parking of vehicles shall be limited to no more than one and one half

(1 1/2) per service bay and shall be limited to only those vehicles which are to be repaired.

5. There shall be no outside storage of partially dismantled, inoperable or unlicensed vehicles, or discarded parts.
6. Outside display of parts and/or products for sale shall be maintained in a neat and orderly fashion and shall not interfere with vehicular access or obstruct driver visibility.
7. A minimum parcel size of three (3) acres shall be required to establish this use, unless the service center is incorporated and designed as part of a discount or department store complex, or similar structure.
8. The location of the automotive service center shall be architecturally treated and designed to be compatible with the adjacent land uses. Entrances to individual service bays shall not face abutting residential parcels.
9. The Planning Commission may require additional landscape requirements to those specified in Section 5.7, where the Planning Commission determines such screening is necessary to reduce the impact of the proposed facility on adjacent properties or rights of way.
10. There shall be provided, on those sides abutting or adjacent to a residential district or use, a screen wall or fence in accordance with the provisions of Section 5.11.

4.38 OUTDOOR SALES

Outdoor sales space for the exclusive sale of new or secondhand automobiles, house trailers, travel trailer rental may be permitted in the B-2 District subject to the following:

1. No driveways are permitted within 100 feet of the lot line, or an adjoining residential district.
2. All access shall be directly onto a paved County Local Road with a future right of way of 120', a paved County Primary Road or a paved State Highway. The number and placement of entrances and exits shall be in accordance with the access management standards of Section 5.19.
3. An outdoor lighting plan shall specify the type of fixtures to be used, light intensity, and method of shielding the fixtures so that light does not project onto adjoining properties or on any public or private street or right-of-way. Dropped prismatic lens fixtures shall not be allowed. The site plan shall include a photometric plan and catalog details for all



- proposed fixtures. Outdoor lights must meet the performance standards of Section 5.9.
4. There shall be no streamers, strings of flags, pennants, or bare light bulbs permitted.
 5. There shall be no portable signs and no flashing illumination of any kind on any feature of the use.
 6. No vehicles or merchandise for sale shall be displayed within any required greenbelt, landscaped berm, or other landscape or open space area.
 7. Loudspeakers or public address systems are prohibited.
 8. A greenbelt, land form buffer, or screen wall of face brick shall be located on all property lines which abut any district which permits residential uses in accordance with Section 5.11.
 9. The Township Board may require additional screening, buffering or landscaping along any property line where the Planning Commission determines such additional improvements would be necessary to reduce the impact of the proposed outdoor sales lot on adjoining properties. Said screening, buffering or landscaping shall be in accordance with Section 5.7.

4.39 RESTAURANTS WITH A DRIVE THROUGH COMPONENT

Restaurants including those with a drive thru or outdoor patio component may be permitted in the B-2 District provided that:

The Township Board shall determine that the use is designed and will be operated so as not to create a nuisance to property owners adjacent to or nearby the eating establishment. As such, the proposed use shall meet the following minimum criteria:

1. The establishment may operate only during the following hours:

Monday through Thursday	8am–12 midnight
Friday	8am–2 am
Saturday	10am–2am
Sunday	10am–10pm

2. The use of exterior loudspeakers is prohibited where the site abuts a residential district or use. The noise level at the lot line shall not exceed 70 dB.

3. An outdoor lighting plan shall specify the type of fixtures to be used, light intensity, and method of shielding the fixtures so that light does not project onto adjoining properties or on any public or private street or right-of-way. Only flat lens, fully shielded fixtures are permitted. Prismatic lens fixtures shall not be allowed. The site plan shall include a photometric plan and catalog details for all proposed fixtures. Outdoor lights must meet the performance standards of Section 5.9.
4. A greenbelt, land form buffer, or screen wall of face brick shall be located on all property lines which abut any district which permits residential uses in accordance with Section 5.11.

4.40 WIRELESS COMMUNICATION FACILITIES

Applications for Wireless Communication facilities shall be reviewed subject to the following requirements:

1. Standards and Conditions Applicable to All Wireless Communication Facilities
 - A. Facilities shall not be demonstrably injurious or otherwise detrimental to the public safety and welfare.
 - B. Facilities shall be located and designed to be harmonious with the surrounding areas. The use of monopole towers shall be required unless the applicant demonstrates that monopole towers are not feasible for the proposed use.
 - C. Wireless communication facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
 - D. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower height. The maximum height of the support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to colocate on the structure). Accessory buildings shall be limited to the maximum height for accessory structures within the respective district.
 - E. The setback of the support structure from any property line and existing or proposed road right of way line shall be at least the height of the highest point of the support

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structure. Multiple towers on the same parcel or adjoining parcels shall each meet the above criteria and be separated from any other tower for a distance at least equal to the height of the tallest tower. This provision is not applicable to Wireless Communication Facilities which meet the criteria under Section 4.40.2 below.

- F. There shall be unobstructed access to the facility for operation, maintenance, repair and inspection (may be provided by an easement).
- G. The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.
- H. Rooftop wireless communication facilities shall be architecturally compatible with the principal building.
- I. The Planning Commission and Township Board may regulate the color of the support structure and all accessory buildings to minimize distraction, maximize aesthetic appearance, and ensure compatibility with surroundings, subject to regulations of the Federal Aviation Administration.
- J. Support structures shall be constructed in accordance with applicable building codes. A soils report from a geotechnical engineer, licensed in the State of Michigan shall be submitted. This report shall include soil borings and confirmation of the suitability of soils for the proposed use. Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission requirements shall be noted, including applicable standards and design requirements related to aerial crop dusting and the like.
- K. A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility.
- L. The Planning Commission, after considering the type, size and height of all equipment being proposed, may require landscaping or screening where the Planning Commission determines it is necessary to minimize the impact on adjacent properties. Said landscaping or screening shall be in conformance with Section 5.7.

- M. Where employees will be stationed at the facility on a permanent or intermittent basis, adequate off-street parking shall be constructed with an asphalt or concrete surface in conformance with Section 5.3.
- N. There shall be no outdoor storage of equipment and/or materials which are not necessary for daily operations, except those which are necessary for safety or emergency repairs at that particular site.
- O. The application shall include a certification by a State of Michigan licensed Professional Engineer specifying how the proposed structure will fall.
- P. A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:
 - i. 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 nonuse.
 - ii. 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.
 - iii. The situations in which removal of a facility is required, as set forth above, may be applied and limited to portions of a facility.
 - iv. Upon the occurrence of one or more of the events requiring removal the property owner or persons who had used the facility shall immediately apply for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal.
 - v. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility or required



portions thereof, with its actual cost and reasonable administrative charge to be drawn, collected and/or enforced from or under the security posted at the time of application.

- vi. The application shall include a description of security to be posted at the time of receiving a building permit to ensure removal of the facility when it has been abandoned or is no longer needed. The security shall be in the form of cash, surety bond, letter of credit, or an agreement in a form approved by the Township attorney and recordable at the Register of Deeds, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this section of the ordinance. The applicant and owner shall be responsible for the payment of any costs and attorneys fees incurred by the Township in securing removal.
 - vii. The application shall include a map showing existing and known proposed wireless communication facilities within the Township and areas surrounding the Township. If the information is on file with the Township, the applicant shall update as needed. Any such information which is trade secret and/or other confidential commercial information may be submitted with a request for confidentiality in connection with the development of governmental policy. This ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be made in writing.
- Q. The applicant shall provide the name, address and phone number of the person to contact for all engineering, maintenance and other notice purposes. This information shall be continuously updated while the facility is on the premises.
2. Wireless communication facilities shall be principal uses permitted in the following circumstances, subject to the provisions of Section 4.40.1 and following site plan approval by the Planning Commission and Township Board in conformance with Section 6.1:
- A. An existing structure will serve as a support structure for a Wireless Communication

Facility within an AG, B-1, B-2, NB-O, I-1 or I-2 district or upon any publicly-owned land within the boundaries of the Township, where the existing structure is not, in the discretion of the Planning Commission, proposed to be either materially altered or materially changed in appearance.

- B. A proposed colocation upon an existing Wireless Communication Facility which had been previously-approved by the Township.
 - C. An existing utility pole located within a right-of-way or utility easement which will serve as a support structure for a Wireless Communication Facility, where the existing pole is not proposed to be modified in a manner which, in the discretion of the Planning Commission, would materially alter the structure and/or result in an impairment of sight lines or other safety interests. This shall include DTE Energy extra high voltage towers and similar facilities.
3. Requirements for Colocation:
- A. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate colocation.
 - B. A special land use permit for the construction and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that colocation is not feasible.
 - C. The policy of the Township is for colocation. Thus, if a party who owns or otherwise controls a wireless communication facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible colocation, such facility shall be deemed to be a nonconforming structure and use.
 - D. If a party who owns or otherwise controls a wireless communication facility shall fail or refuse to permit a feasible colocation, and this requires the construction and/or use of a new wireless communication facility, the party failing or refusing to permit a feasible colocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the Township and consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new wireless communication support

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structure within the Township for a period of five years from the date of the failure or refusal to permit the colocation. Applicants to the Zoning Board of Appeals regarding this provision must demonstrate that enforcement of the five year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or would have the effect of prohibiting the provision of personal wireless communication services.

4. Wireless communication facilities which do not meet the criteria in Section 4.40.2 above, may be authorized as special land uses within the AG, B-1, B-2, NB-O, I-1, and I-2 districts and upon any publicly-owned land within in the boundaries of the Township subject to Section 6.2 and the following standards and conditions:
 - A. The applicant shall demonstrate the need for the facility to be located as proposed based upon the presence of one or more of the following factors:
 - i. Proximity to major thoroughfares
 - ii. Population concentrations
 - iii. Business centers
 - iv. Signal interference
 - v. Topography
 - vi. Other specifically identified reason(s) creating facility need
 - B. The proposal shall demonstrate conformance with the colocation requirements of Section 4.40.3 above.
5. Applications for facilities which are not principal uses permitted under Section 4.40.2 above, and which are proposed to be located outside of a district or publicly-owned area where they are permitted as a special land use, shall conform with the following standards, along with those in Sections 4.40.1, 4.40.2, and 4.40.3 above:
 - A. The applicant shall demonstrate that a location within a district where the facility is permitted as a Principal Use Permitted or Special Land Use cannot reasonably meet the coverage and/or capacity needs of the applicant.
 - B. Wireless communication facilities shall be of a design such as (without limitation) a steeple, bell tower, or other form, which is compatible with the existing character of

the proposed site, neighborhood and general area, as approved by the Township.

- C. The applicant shall locate the facility at a religious or institutional site, park or other large permanent open space, or any other nonresidential use, subject to application of all other standards

4.41 OFFICES BUILDINGS IN EXCESS OF 20,000 SQUARE FEET IN NB-O DISTRICT

Office buildings over 20,000 square feet may be permitted as a special land use in the NB-O Neighborhood Office district, subject to the following:

1. The access drive shall be a minimum of seventy-five (75) feet from all intersections, and two hundred (200) feet from a residential district.
2. The side and rear setbacks shall not be less than 60 feet.
3. At a minimum, the parking lot shall be screened from adjacent uses according to the standards of Section 5.11.
4. An outdoor lighting plan shall specify the type of fixtures to be used, light intensity, and method of shielding the fixtures so that light does not project onto adjoining properties or on any public or private street or right-of-way. Dropped prismatic lens fixtures shall not be allowed. The site plan shall include a photometric plan and catalog details for all proposed fixtures. Outdoor lights must meet the performance standards of Section 5.9.
5. All access shall be directly onto a paved County Local Road with a future right of way of 120', a paved County Primary Road or a paved State Highway. The number and placement of entrances and exits shall be in accordance with the access management standards of Section 5.19.
6. The architectural character of the structures shall be compatible with other uses in the district.

4.42 AIRPORTS AND RELATED USES

Airports, landing fields, and platforms, hangars, masts and other facilities for the operation of aircraft, may be permitted in the I-1 and I-2 Districts, and shall be subject to the following requirements:

1. The applicant shall design the proposed facility in accordance with the rules and regulations of the Michigan Aeronautics



Commission (MAC). MAC approval shall be obtained prior to a request for special land use approval from Imlay Township.

2. The approach to all runways, landing strips, landing fields, and the like shall not be located over properties zoned R-1, RM or MH for at least one quarter mile (1,320 feet) beyond the airport boundary.
3. All buildings and all areas for the storage of aircraft shall be set back at least one hundred (100) feet from all property lines.
4. Off-street parking requirements for public use airports shall be determined by the Planning Commission based on a general standard of one (1) space for each private aircraft stored at the facility plus one (1) space for each employee. Additional parking may be required for a facility, which provides regular air passenger service.
5. Storage of damaged or wrecked aircraft shall be limited to thirty (30) days unless such aircraft is part of any State or Federal investigation into the cause of an aircraft crash.

4.43 FAIRGROUNDS, HORSE, AND DOG RACE TRACKS

Fairgrounds, horse and dog race tracks and similar uses may be permitted in the I-1 and I-2 Districts subject to the following:

1. All access shall be directly onto a paved County Local Road with a future right of way of 120', a paved County Primary Road or a paved State Highway. The number and placement of entrances and exits shall be in accordance with the access management standards of Section 5.19.
2. All required off-street parking shall be provided within the boundaries of the development.
3. The site shall be surrounded on all sides by property zoned Industrial.
4. An outdoor lighting plan shall specify the type of fixtures to be used, light intensity, and method of shielding the fixtures so that light does not project onto adjoining properties or on any public or private street or right-of-way. Dropped and prismatic lens fixtures shall not be allowed. The site plan shall include a photometric plan and catalog details for all proposed fixtures. Outdoor lights must meet the performance standards of Section 5.9.
5. The Planning Commission may require additional screening requirements to those specified in Section 5.7, where the Planning Commission determines such screening is

necessary to reduce the impact of the proposed facility on adjacent properties or rights of way.

6. A screen wall, obscuring fence or greenbelt shall be provided on those sides abutting a residential district in accordance with Section 5.11.

4.44 LUMBER AND PLANING MILLS

Lumber and planing mills may be permitted in the I-1, Light Industrial District, when completely enclosed and when located in the interior of the district so that no property line shall form the exterior boundary of the I-1 District.

4.45 METAL PLATING, BUFFING AND POLISHING

Metal plating, buffing, polishing, and similar uses may be permitted by the Planning Commission in I-1 and I-2 districts only, subject to the following:

1. Appropriate measures shall be taken to control the type of process in order to prevent noxious results and/or nuisances.
2. The use shall be completely enclosed with no activities occurring outdoors except ancillary loading and unloading of raw materials and finished products.
3. The use shall be located in the interior of the industrial district so that no property line shall form the exterior boundary of the I-1 or I-2 Districts.
4. All such uses shall conform to the Performance Standards of Section 5.6.

4.46 OUTDOOR THEATRES

Outdoor theatres subject to the following:

1. All access shall be directly onto a paved County Local Road with a future right of way of 120', a paved County Primary Road or a paved State Highway. The number and placement of entrances and exits shall be in accordance with the access management standards of Section 5.19.
2. Off-street waiting space shall be provided in the ratio of one (1) for each ten (10) viewing spaces. No automobile shall be permitted to stand or wait within the public right-of-way.
3. The site shall be completely enclosed by an obscuring wall or fence of at least ten (10) feet in height. Such wall may be reduced to not less than seven (7) feet in height, based on topography and adjacent uses.

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4.47 YARD WASTE COMPOSTING FACILITIES

Yard Waste Composting Facilities, those that manage the biological decomposition of organic matter under controlled, aerobic conditions, are permitted in I-1 and I-2 districts, subject to the following standards:

1. Site Location and Design
 - A. Because of the level of truck traffic associated with this use, direct access to a paved State Highway a paved County Primary Road or a paved County Local Road with a future right of way of 120'.
 - B. Dust shall be controlled on all internal roads and operation areas at all times.
 - C. The site shall be level and well-drained.
 - D. If the site abuts property shown as residential on the Zoning Map or Master Plan, a buffer zone shall be maintained where no composting, storage, transfer or loading activities will take place equal to 500 feet from existing residences and 50 feet from adjoining property lines. All buffer areas shall be maintained as vegetative strips to facilitate the filtration of pollutants from stormwater runoff.
 - E. All site access roads or drives and all areas for employee parking shall be paved with asphalt or concrete. Internal haul roads may be unpaved.
 - F. The portion of the compost site visible from a public street shall be screened from public view by a combination berm/landscaped buffer or other method acceptable to the Planning Commission and approved by the Township Board.
 - G. Adequate parking shall be provided for all employees and visitors. A minimum of four (4) paved, off-street parking spaces shall be provided on-site.
2. Operation
 - A. Access to the site shall be controlled to prevent unauthorized dumping during non-business hours. The operator shall establish a procedure and mechanism for proper disposal of non-yard wastes at an approved sanitary landfill.
 - B. Only yard wastes shall be composted at such facilities, typically including leaves, grass clippings, brush, and tree or shrub trimmings. All yard wastes must be brought to the site loose or in biodegradable paper bags with a cornstarch or similar base designed to degrade rapidly under aerobic conditions. All bags brought to the site shall be broken up and turned into compost windrows within 5 days of delivery to the site. In no instance shall non-degradable plastic bags be placed into the windrows.
 - C. The decomposition process shall be properly managed and maintained in an aerobic condition to prevent all unnecessary odors. Towards this end, the temperature of compost piles shall be monitored regularly, and all compost piles shall be turned when the internal temperature drops below 120' F.
 - D. Ponded water shall not be permitted to collect on a yard waste composting site. An engineering plan for collection, retention and drainage of storm water shall be provided for review and approval. Vegetation filtration of runoff prior to discharge off-site shall be accomplished by use of a 50 foot wide (minimum) perimeter strip/swale of grass, or similar measure. Any direct discharge to a water body may require a Michigan Department of Natural Resources permit.
 - E. The operator shall provide sufficient equipment to properly manage the composting process. As a minimum this shall include a front end loader or similar machinery for loading and unloading; a windrow machine for turning and aeration operations; a shredder for reducing new material to a smaller particle size for faster decomposition; a source of water or watering trucks for dust control & proper moisture content in windrows; and a screen to improve the quality and marketability of the final product.
 - F. The volume of yard wastes handled by the facility shall not exceed 7,000 cubic yards of incoming yard wastes per acre of active composting area on-site, exclusive of access roads, service areas, parking areas, required buffer zones, and similar areas.
 - G. The operator shall provide a name, address, and phone number of the person responsible for operation of the site and who is also responsible for correcting all operational problems that may result in complaints being made to Imlay Township.
 - H. Treated yard wastes shall be actively rotated in an aerobic condition. Wastes shall not be allowed to accumulate for longer than 3 years before being finished and removed from the site.



- I. The operator shall provide plans showing all equipment maintenance and storage areas. Plans shall show the location of all fuel storage facilities and shall detail primary and secondary containment for all hazardous materials, including product-tight containers for primary containment. Secondary containment facilities shall be adequate to accept the full volume of the hazardous materials stored in the primary container, in the event of a leak or spill.
- J. The applicant shall provide a plan for the removal of unmarketable compost.
- K. An annual inspection/permit fee for all yard waste composting facilities shall be established by resolution of the Imlay Township Board.
- L. Copies of all Michigan Department Natural Resources applications/permits, if required, shall be provided to the Planning Commission as part of the application package.
- M. The use must conform with the Performance Standards in Section 5.6 of the Imlay Township Zoning Ordinance.
- N. The operator shall provide surety in the form of cash, irrevocable letter of credit or other surety acceptable to the Township Board to guarantee performance as required by the Zoning Ordinance and provide for restoration of the site upon default of the operator. The amount of the bond shall be set from time to time by resolution of the Township Board on a per acre basis.
- O. The operator understands and agrees that failure to maintain and operate the site in a responsible manner that minimizes the potential for adverse impacts on neighboring properties shall constitute grounds for enforcement action by the Imlay Township Board.

4.48 AUTO RACE TRACK.

Auto race tracks may be permitted in the I-2 Industrial District subject to the following:

1. All access shall be directly onto a paved County Local Road with a future right of way of 120', a paved County Primary Road or a paved State Highway.
2. All off-street parking shall be provided within the boundaries of the development.
3. The site shall be surrounded on all sides by property zoned Industrial.

4. An outdoor lighting plan shall specify the type of fixtures to be used, light intensity, and method of shielding the fixtures so that light does not project onto adjoining properties or on any public or private street or right-of-way. Only flat lens, fully shielded fixtures are permitted. Prismatic lens fixtures shall not be allowed. The site plan shall include a photometric plan and catalog details for all proposed fixtures. Outdoor lights must meet the performance standards of Section 5.9.
5. The Planning Commission may require additional landscape requirements to those specified in Section 5.7, where the Planning Commission determines such screening is necessary to reduce the impact of the proposed facility on adjacent properties or rights of way.
6. A twenty (20) foot landscaped greenbelt shall be provided around the entire perimeter of the development in accordance with Section 5.11.

4.49 INCINERATION OF GARBAGE & REFUSE

Incineration of garbage or refuse when conducted within an enclosed incinerator plant, Such uses shall be located in the interior of the I-2 District and shall not emit smoke, airborne particulates or odors in excess of the limits established by State and Federal Law.

4.50 JUNK & SALVAGE YARDS

Junk yards and Salvage yards may be permitted by the Township Board in the I-2 district only, subject to the following:

1. The premises shall be entirely enclosed within a minimum eight (8) foot high obscuring wall as recommended by the Planning Commission and approved by the Township Board.
2. Materials for processing or storage shall not be piled higher than the wall and there shall be a free walkway around the fence area.
3. All junk or salvage yards shall be located within the interior of the I-2 Heavy Industrial District.
4. Junk or salvage yards shall be subject to the performance standards of Section 5.6.
5. Junk or salvage yards shall have either direct access or access via an internal industrial service roadway onto a paved County Local Road with a future right of way of 120', a paved County Primary Road or a paved State Highway and shall be at least 1,000 feet from any Residential District including the MH, Mobile Home District.



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6. The permit renewal process shall be as specified in the approved special land use permit.

4.51 WASTE LAGOON PONDS

Waste lagoon ponds may be permitted in the I-1 and I-2 Districts subject to the following:

1. In no instance shall a waste lagoon pond be closer than one hundred and fifty (150) feet to an existing or proposed street right-of-way or abutting residential district.
2. An eight (8) foot completely obscuring wall or fence shall be erected around the entire site, and control gates for ingress and egress shall be installed. In lieu of a wall or fence an earth embankment in the form of a berm with a minimum height of eight (8) feet may be utilized at the discretion of the Township Board upon recommendation by the Planning Commission.
3. The site of a waste lagoon pond shall be surrounded on all sides by property zoned Industrial.

4.52 AUTOMOBILE SERVICE CENTER FOR HEAVY REPAIRS

Automobile facilities for heavy repairs, including collision shops, engine or transmission repair, restoration shops, and similar facilities, may be permitted in the I-1 and I-2 Industrial districts, subject to the following:

1. All repair activities shall be conducted within a completely enclosed building.
2. All activities shall be conducted in such a manner as to minimize adverse effects on adjacent and neighboring properties. Entrances to individual service bays shall not face abutting residential parcels.
3. The facility shall be equipped with all necessary venting, filtration, storage and containment equipment to avoid any adverse effects on adjacent and neighboring areas. All painting shall occur within a fully enclosed booth.
4. An outdoor lighting plan shall specify the type of fixtures to be used, light intensity, and method of shielding the fixtures so that light does not project onto adjoining properties or on any public or private street or right-of-way. Only flat lens, fully shielded fixtures are permitted. Prismatic lens fixtures shall not be allowed. The site plan shall include a photometric plan and catalog details for all proposed fixtures. Outdoor lights must meet the performance standards of Section 5.9.

5. Outside storage is permitted provided the outdoor storage area does not exceed twenty five percent (25%) of the gross floor area of the building, can be provided in the rear yard and that it would not adversely affect the reasonable and proper development of the industrial district in which it is located. No vehicle stored in such area should exceed the height of enclosure and no vehicles shall be serviced in this area nor shall the area be used for the storage of parts or supplies. Vehicles shall not be stored within this area for more than sixty (60) days while awaiting repair and no vehicle shall discharge any fluids onto the ground within the storage area.
6. The Planning Commission may require additional screening requirements to those specified in Section 5.7, where the Planning Commission determines such screening is necessary to reduce the impact of the proposed facility on adjacent properties or rights of way.
7. There shall be provided, on those sides abutting or adjacent to a residential district or use, a screen wall or fence in accordance with the provisions of Section 5.11.
8. Shall be located at least five hundred (500) feet from an entrance or exit to the property on which is located a public or private school, playground, playfield, or park.
9. A sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building.
10. Yards shall be graded in such a manner as to prevent the accumulation of surface water on the lot and shall not increase the natural runoff of surface water onto adjacent properties.

4.53 AUTOMOBILE WASH ESTABLISHMENTS

Automobile wash establishments, when completely enclosed within a building, may be permitted in the B-2 District, subject to the following:

1. Buildings shall be set back sixty (60) feet from the existing or proposed right-of-way line.
2. All access shall be directly onto a paved County Local Road with a future right of way of 120', a paved County Primary Road or a paved State Highway. The number and placement of entrances and exits shall be in accordance with the access management standards of Section 5.19.



3. Entrance and exit drives shall be no less than one hundred (100) feet from any street intersection and at least two hundred (200) feet from any residential district.
4. Waiting spaces shall be provided for full-service washes in an amount equal to seven (7) times the maximum automobile capacity within the building. Four (4) waiting spaces shall be provided for each stall in a do-it-yourself car wash. No vehicle shall be permitted to wait or stand within a dedicated right-of-way.
5. The site shall be drained so as to dispose of all surface water in such a way as to preclude drainage of water onto adjacent property or heavy tracking onto a public street. A combination of alternatives may be used, including, but not limited to, blowers, hand-drying, length of exit drive and general site drainage and design.
6. The site plan shall detail the location of all proposed vacuum stations. These areas shall be located so as not to conflict with any required parking, drive, or automobile standing areas. Self-contained, covered waste receptacles shall be provided at each proposed vacuum station to provide convenient disposal of customer refuse. Vacuum stations shall not be located within fifty (50) feet of the boundary of an adjoining residential district.
7. An outdoor lighting plan shall specify the type of fixtures to be used, light intensity, and method of shielding the fixtures so that light does not project onto adjoining properties or on any public or private street or right-of-way. Only flat lens, fully shielded fixtures are permitted. Prismatic lens fixtures shall not be allowed. The site plan shall include a photometric plan and catalog details for all proposed fixtures. Outdoor lights must meet the performance standards of Section 5.9.
8. The Planning Commission may require additional screening requirements to those specified in Section 5.7, where the Planning Commission determines such screening is necessary to reduce the impact of the proposed facility on adjacent properties or rights of way.
9. A screen wall or obscuring fence shall be provided on those sides abutting a residential district in accordance with Section 5.11.

4.54 CONCRETE AND ASPHALT PLANTS

Concrete and asphalt plants may be permitted in the I-2 Heavy Industrial District subject to issuance of a special land use permit. The Township Board may issue the permit only upon a finding that the following standards have been met:

1. The application shall demonstrate that the plant location is the closest possible to the source of sand and aggregate materials for the plant.
2. The application shall clearly demonstrate strict compliance with all requirements for air, ground water, and surface water quality. In particular, the Performance Standards of Section 5.6 of this Ordinance shall be strictly adhered to.
3. A Community Impact Study shall accompany the application, according to a format provided by the Township.
4. A Market Study, which demonstrates the need for the specific facilities proposed to serve the surrounding area, shall accompany the application.
5. The stated life of the plant, in years, shall be specific and tied to the operator's anticipated local reserves of the sand and aggregate materials for the plant.
6. All access shall be directly onto a paved County Local Road with a future right of way of 120', a paved County Primary Road or a paved State Highway. The number and placement of entrances and exits shall be in accordance with the access management standards of Section 5.19.
7. The plant equipment shall maintain a minimum separation of 1,300 feet from a residential zoning district.
8. The plant itself shall be screened from view from any adjoining residential zoning district or public street by a 20-foot wide greenbelt planted with vegetation at a sufficient height and opacity to screen at least 90 percent of the facility during the summer months and 70 percent during the winter months. At the discretion of the Township Board, an obscuring wall of poured concrete with a brick-like texture, brick, or decorative, pressure-treated wood may be constructed in place of a greenbelt.
9. The permit for a concrete or asphalt plant shall be renewed annually. At least thirty (30) days prior to transferring a permit for a

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concrete or asphalt plant, the operator shall notify the purchaser of all conditions of the permit and shall notify the Township of the name, address and phone number of the new owner/operator.

- Hours of operation of machinery and the processing plant shall be 7 a.m. to 7 p.m. No hours of operation shall be permitted Sundays and legal holidays. This time period may only be modified by the Board of Appeals.

4.55 FUNERAL HOMES

Funeral Homes may be permitted as a special land use in the NB-O, B-1 and B-2 Districts provided that the following standards are met:

- The vehicular entrance shall not be closer than seventy-five (75) feet to any street intersection nor two hundred (200) feet residential district boundary.
- The vehicular entrance shall not be closer than two hundred seventy-five (275) feet to the intersection of any two (2) major arterials.
- An outdoor lighting plan shall specify the type of fixtures to be used, light intensity, and method of shielding the fixtures so that light does not project onto adjoining properties or on any public or private street or right-of-way. Dropped and prismatic lens fixtures shall not be allowed. The site plan shall include a photometric plan and catalog details for all proposed fixtures. Outdoor lights must meet the performance standards of Section 5.9.
- The Planning Commission may require additional screening requirements to those specified in Section 5.7, where the Planning Commission determines such screening is necessary to reduce the impact of the proposed facility on adjacent properties or rights of way.
- The parking, circulation, and management plan shall be designed to prevent automobiles from waiting on a public street.
- A screen wall, obscuring fence or greenbelt shall be provided on those sides abutting a residential district in accordance with Section 5.11.

4.56 HOME CENTERS, LUMBER YARDS, AND SIMILAR LARGE-SCALE RETAIL USES WITH OUTDOOR SALES / STORAGE / DISPLAY

Home centers, lumber yards, and similar large-scale retail uses involving the outdoor storage and

display of materials for sale may be permitted in the I-1 and I-2 Industrial Districts, provided the following standards are complied with:

- Outdoor storage shall be completely obscured from view of adjoining properties and public roads.
- The Township Board may supplement the required landscaping standards of Section 5.7 by requiring a screen wall or more extensive greenbelt or with decorative architectural features for such accessory uses as garden centers. In no instance shall the storage of materials exceed the height of the required screen wall.
- An outdoor lighting plan shall specify the type of fixtures to be used, light intensity, and method of shielding the fixtures so that light does not project onto adjoining properties or on any public or private street or right-of-way. Dropped and prismatic lens fixtures shall not be allowed. The site plan shall include a photometric plan and catalog details for all proposed fixtures. Outdoor lights must meet the performance standards of Section 5.9.
- Loudspeakers or public address systems shall not be used when the site abuts a residential district or use and may be used only under such conditions that sound amplified therefrom does not constitute a nuisance to owners or users of adjacent lands or exceed 70 decibels at the lot line.

4.57 LIMITED SOIL REMOVAL PERMITS

Limited Soil Removal Permits may be granted as a Special Land Use in any district subject to the following special standards:

- Limited Soil Removal Permits may be issued only for an activity that is accessory to the actual and approved development of property in Imlay Township. As a prerequisite for the issuance of a Limited Soil Removal Permit, One of the following shall occur:
 - If the proposed development is a platted subdivision, the developer shall obtain Final Preliminary Plat Approval, or
 - If the proposed development is going to be a condominium, final approval of a condominium site plan shall be required, or
 - Land divisions on existing public roads that seek approval under the Land Division Act shall require the land divisions be approved and at least 25% of the divided lots be sold before issuance of a Limited Soil Removal



- Permit and commencement of the excavation, or
- D. Any other use that requires Site Plan Approval shall submit a site plan for final approval prior to obtaining a Limited Soil Removal Permit.
2. The actual removal of soil materials under a Limited Soil Removal Permit shall only proceed in conformance with the approved site plan and an engineering plan that complies with all design, information, permit, fees, inspection, operation and reuse requirements of the Imlay Township Zoning Ordinance for Soil Removal Operations, Section 4.23 and the following:
 - A. The purpose of the Limited Soil Removal Permit shall be to facilitate the removal and sale of excess topsoil that is necessary in order to complete a development approved by the Planning Commission or the creation of a body of water meeting the requirements of this Section.
 - B. The maximum site size for a development that includes a request for a Limited Soil Removal Permit shall be twenty (20) acres.
 - C. Not more than thirty percent (30%) of the total area of the site shall be involved in the soil removal activities allowed under the Limited Soil Removal Permit.
 - D. Actual construction of a proposed lake shall occur within one year.
 - E. Notwithstanding the timetable referenced above for the completion of the lake, the applicant and his assigns shall, with the exception of November 15 through April 15, unless the frost laws dictate a longer period of time, diligently and continuously excavate the lake until completion.
 - F. The maximum size of a lake under this provision shall be five (5) acres. The creation of a lake larger than five (5) acres shall require MDEQ Lake permit approval and shall not be permitted by means of a Limited Soil Removal Permit but shall require approval and permit under Section 4.23.
 - G. In order to prevent all unnecessary dust and blowing of sand, there shall be no stockpiling of sand in piles in excess of one thousand (1000) cubic yards each and all stockpiles shall be restricted to a maximum height of fifteen (15) feet.

- H. All such uses, including stripping operations, shall conform to the Performance Standards of Section 5.6.
3. A performance guarantee, acceptable to the Imlay Township Board, shall be required as a condition for the issuance of a Limited Soil Removal Permit.
4. A Limited Soil Removal Permit shall be issued only after findings of fact made by the Planning Commission and approved by the Township Board, demonstrating no adverse impacts on adjoining properties beyond the phase of the approved, permanent use to which the Limited Soil Removal Permit is accessory.
5. Any deviation from the approved plat, site plan and/or Limited Soil Removal Permit shall be grounds for immediate revocation of the Limited Soil Removal Permit and forfeiture of the performance guarantee.

4.58 OUTSIDE STORAGE OF PALLETS, CONTAINERS, MATERIALS, OR PRODUCTS INCIDENTAL TO THE PRINCIPAL PERMITTED USE

Outside storage of pallets, containers, materials, or products which are incidental to the principal permitted use may be permitted in the I-2 District subject to the following:

1. Open storage shall be screened by a screen wall not less than six feet (6') or more than eight feet (8') high. The required height of the wall shall be determined by the Planning Commission so as to properly screen all materials. The Planning Commission may require an extensive landform buffer to be installed in place of the wall if it is deemed necessary to properly screen all materials.
2. Materials over eight feet (8') high must be properly screened but need not be completely screened above eight feet.
3. Materials must be completely screened if they are stored within twenty feet (20') of the screen wall or fence.
4. All wastes must be completely obscured from view.

4.59 PERMITTED USES SUBJECT TO ADMINISTRATIVE APPROVAL

Certain uses may be permitted in certain zoning districts subject to administrative approval from the Township. Such uses will be required to submit an application demonstrating compliance with the specific standards for that use. Unless



stated otherwise, permits for such uses must be renewed annually and demonstrate that none of the conditions have changed since the original issuance of the administrative permit. The administrative approval requirements shall not apply to farms or agricultural operations to the extent exempted by State law.

4.60 OFFICES AND SHOWROOMS OF PLUMBERS, ELECTRICIANS, DECORATORS, OR SIMILAR TRADES

Offices and showrooms of plumbers, electricians, decorators, or similar trades shall be a principal permitted use in the B-2 District subject to the following:

1. The ground floor premises facing upon, and visible from any abutting street, shall be used only for entrances, offices or display.
2. All storage of material or any incidental repair shall be within the confines of enclosed buildings.

4.61 RETAIL USE OF AN INDUSTRIAL CHARACTER

Retail uses which have an industrial character in terms of either their outdoor storage requirements or activities (such as, but not limited to: lumber yards, building materials outlets, flea markets, upholsterer, cabinet maker, outdoor boat or house trailer, automobile, or agricultural implement sales) or serve convenience needs of the industrial district (such as, but not limited to: eating and drinking establishments, banks, savings and loan associations, credit unions, automobile service stations, motel or bowling alley, trade or industrial schools, or medical or other offices serving the district, including an industrial clinic) shall be permitted as a special land use in the I-1 and I-2 Districts.

4.62 FILLING OF LAND WITH SOIL, SAND, GRAVEL, CLAY OR SIMILAR MATERIALS

The filling of land with soil, sand, gravel, clay or similar natural materials may be permitted as a principal activity to improve property or as an activity accessory to other development when the following standards are met:

1. Only naturally occurring soil, sand, stone and like materials shall be permitted. Properly processed materials, such as crushed concrete, may be permitted. Garbage, refuse, construction wastes, fill that has been contaminated by hazardous substances, and similar materials are hereby prohibited. Used concrete, asphalt, or similar paving materials are hereby prohibited unless they have been

properly processed and approved for use by the Township Board.

2. A site plan shall be submitted, conforming to the requirements of Section 6.1, for any filling of land that exceeds two hundred (200) cubic yards of material. For filling activities that involve less than two hundred (200) cubic yards of material, a sketch plan shall be submitted for approval by the Building Inspector. No separate permit shall be required for any filling activity that is authorized by a valid building permit issued by Imlay Township.
3. No fill shall be placed or deposited in or upon a flood plain, wetland, watercourse, natural drainageway, river, stream, county drain, or similar feature, or in a manner that adversely affects drainage from, to, or through adjacent properties.
4. Plans shall include detailed statements of:
 - A. The type of natural materials to be deposited.
 - B. The number and types of equipment to be used.
 - C. The estimated length of time to complete the filling activities.
 - D. The proposed days and hours of operation during which filling activities will occur.
5. At the direction of the Township Board, filling operations in excess of (200) cubic yards may be required to submit a performance guarantee to ensure completion of the proposed work and compliance with requirements of this Ordinance during filling operations.
6. The filling of land with anything other than soil, sand, gravel, clay or similar natural materials shall require approval by the Township Board based upon a finding that the material is similar in quality and characteristics to those permitted by this Section 4.62.
7. No filling shall commence until a permit has been issued by the Township.

4.63 RESERVED



4.64 AQUACULTURE, HYDROPONICS AND AQUAPONICS

1. All such uses shall demonstrate compliance with best management practices of the particular industry, as published by Auburn University Department of Agriculture, USAID, Purdue University and others.
2. All such uses shall demonstrate, to the satisfaction of the Township Board by the submission of a community impact statement, that they will have no adverse impacts on:
 - A. The value of adjoining and nearby residential property.
 - B. Surface water supplies in the watershed and groundwater supplies in the aquifer.
 - C. Traffic in the immediate neighborhood.
 - D. The health, safety and welfare of neighboring residences and businesses.
 - E. Public services in the Township.

4.65 SMALL WINE MAKER (MICRO-WINERY) MICRO-BREWERY AND MICRO SPIRITS DISTILLER

Small wine makers, micro-wineries, micro-breweries and micro spirits distillers, as defined herein, may be permitted in the AG, Agricultural district, subject to the following standards:

1. The minimum site size shall be five (5) acres and the minimum lot width shall be three hundred (300) feet.
2. There shall be a minimum side setback of forty (40) feet for all structures and a minimum separation between all production and storage buildings/yards and any neighboring residence of not less than one hundred (100) feet.
3. The storage of any equipment, wastes, supplies, recyclables, pallets, product and the like shall occur within a completely enclosed building or screened from view by a minimum six (6) foot high and maximum eight (8) foot high, decorative obscuring fence. Nothing shall be stacked or stored higher than the obscuring fence.

4. There shall be adequate parking on site for all employees, visitors and vendors, as determined by the Planning Commission. All such parking shall have, as a minimum, appropriate gravel or limestone surface that shall be maintained dust-free at all times. All parking areas shall be screened from view of neighboring properties and public streets by a minimum five (5) foot wide greenbelt planted with appropriate evergreen shrubs or deciduous hedge-type shrubs at least three (3) feet high.
5. All outdoor lighting shall be fully shielded and directed away from adjoining properties, utilizing dark sky-compliant fixtures, and shall not be mounted above a height of sixteen (16) feet.
6. Food and production wastes associated with the small wine maker, micro-winery, micro-brewery or micro spirits distiller shall be properly stored and disposed of so as not to be or become a nuisance for nearby neighbors.
7. All loading and unloading activities shall occur, insofar as possible, within an area screened by a decorative obscuring fence, unless otherwise approved by the Planning Commission.
8. A small wine maker, micro-winery, micro-brewery or micro spirits distillery may include a bed and breakfast inn, subject to approval by the Township Board.
9. If the small wine maker, micro-winery, micro-brewery or micro spirits distillery will include a restaurant or similar food service, it shall comply with the following:
 - A. Customer parking shall be provided in compliance with Section 5.2.13.C.
 - B. Outdoor patio areas shall not include amplified music of any kind that can be heard on adjoining properties.
 - C. Hours of operation shall be approved by the Township Board based upon a finding of no adverse impact on adjoining or nearby residences.

4.66 AGRICULTURE EQUIPMENT DEALER SALES AND SERVICE

1. Shall be located on a paved major thoroughfare (Lapeer County Primary Road or Michigan State Highway).
2. All service and repair shall occur within a completely enclosed building.
3. No vehicle or equipment testing shall occur within two hundred (200) feet of an occupied residence.

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- 4. Storage of new and used vehicles and equipment shall be set back at least one hundred (100) feet from an occupied residence.
- 5. All outdoor lighting shall be fully shielded and directed away from adjoining properties, utilizing dark sky-compliant fixtures, and shall not be mounted above a height of twenty-five (25) feet.
- 6. All trash receptacle and scrap storage areas shall be screened from view in conformance with Section 5.7.14.
- 7. All service and storage areas shall be screened from view of an adjoining residence.

4.67 GRAIN ELEVATOR AND SIMILAR USES

- 1. Shall be located on a paved major thoroughfare (Lapeer County Primary Road or Michigan State Highway).
- 2. Shall have a minimum site size of five (5) acres with minimum lot width and frontage of three hundred thirty (330) feet.
- 3. All buildings and structures shall be set back at least two hundred (200) feet from an occupied residence.
- 4. All outdoor lighting shall be fully shielded and directed away from adjoining properties, utilizing dark sky-compliant fixtures, and shall not be mounted above a height of twenty-five (25) feet.
- 5. All trash receptacle and waste storage areas shall be screened from view in conformance with Section 5.7.14.

4.68 LANDSCAPERS, LANDSCAPE SERVICES AND SIMILAR HOME-BASED BUSINESSES

Landscapers, landscape services and similar home-based businesses may be permitted as an accessory use in AG Agricultural, R-1 One-Family-Residential and RE Rural Estate Residential, subject to administrative approval by the Planning Commission and the following standards:

- 1. AG Agricultural district standards:
 - A. Minimum lot size shall be 5 acres.
 - B. The maximum number of business vehicles, trailers, and equipment not stored on trailers shall be limited to 6 in any combination.
 - C. All vehicles, trailers, and equipment not stored on trailers shall be kept within a fully enclosed building or screened from view of neighboring properties and public

- or private streets by a decorative screen fence, in conformance with Section 5.11, or landscape greenbelt, in conformance with Section 5.7. No storage shall be located in a front yard or side yard.
 - D. The maximum number of employee vehicles parked on-site shall be limited to 4 and all employee vehicles shall be parked either within the residence's driveway or the fenced or landscaped area.
 - E. Outdoor storage of materials used by the business may be permitted on a parcel 5 acres or larger within the screened storage area. There shall be no outdoor storage of wastes generated by the business except within a closed dumpster located within the screened storage area.
 - F. No maintenance or repair of equipment or vehicles shall occur outside a building or the screened storage area.
2. R-1 One-Family- Residential and RE Rural Estate Residential districts standards:

- A. Minimum lot size shall be 5 acres in R-1 and 5 acres in RE.
- B. The maximum number of business vehicles, trailers, and equipment not stored on trailers shall be limited to 4 in any combination.
- C. All vehicles, trailers, and equipment not stored on trailers shall be kept within a fully enclosed building or screened from view of neighboring properties and public or private streets by a decorative screen fence, in conformance with Section 5.11, or landscape greenbelt, in conformance with Section 5.7. No screened storage area shall be located in a front yard or a required side yard.
- D. The maximum number of employee vehicles parked on-site shall be limited to 2 and all employee vehicles shall be parked either within the residence's driveway or the fenced or landscaped area.
- E. There shall be no outdoor storage of materials used by or wastes generated by the business.
- F. No maintenance or repair of equipment or vehicles shall occur outside a building or the screened storage area.



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Article 5.0 Site Standards



Article 5.0 Site Standards

- 5.1 Accessory Uses, Buildings, and Structures
- 5.2 Off-Street Parking Requirements
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5.0 Site Standards

5.1 ACCESSORY USES, BUILDINGS AND STRUCTURES

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

1. Accessory buildings and structures which are structurally attached to a main building shall conform with all regulations of this Ordinance applicable to the main building.
2. Detached accessory buildings and structures which are accessory to single-family residences in all districts shall comply with the following:

Parcel Size in Acres	Total Allowable Area of All Detached Accessory Buildings	Maximum Number of Detached Accessory Buildings	Maximum Height of Detached Accessory Buildings
1.25 or less	1,200 sq. ft.	1	Same Height as Principal Building in Applicable Zoning District
Each additional 0.25 acres up to 10 acres	75 sq. ft. to a maximum of 3,825 sq. ft. for 10 acres	2	
Over 10 acres	No Limit	No Limit	

- A. One (1) attached or detached garage not to exceed 600 square feet in area shall be permitted on an individual lot or parcel in addition to the accessory building(s) permitted in 2 above. Excess floor area for garages that exceed six hundred (600) square feet shall be included in the calculations used to determine maximum allowable size of accessory buildings.
 - B. Detached accessory buildings and structures shall be located only in a side or rear yard, and shall be located a minimum ten (10) feet from any other building, structure or lot line. Accessory buildings shall be permitted within the front yard of a double frontage lot, so long as the structure meets the front setback requirement relative to both streets. In no instance shall an accessory building or structure be located within a dedicated easement or right-of-way. When a building or structure accessory to a residential building is located on a corner lot or double frontage lot, the accessory building or structure shall maintain the front yard setback from both streets.
 - C. Detached accessory buildings and structures on lots 5 acres or less shall not occupy more than thirty (30) percent of a rear yard.
 - D. Existing accessory buildings may limit future lot splits if the accessory building exceeds the maximum allowable area for accessory buildings on the proposed lot. The Zoning Board of Appeals shall not grant variances for existing accessory buildings, which exceed the maximum allowable area in order to facilitate a proposed lot split.
 - E. Accessory buildings and structures used solely in an agricultural or farm operation shall be regulated by the criteria in Subsection 5.1.6.
3. Accessory buildings or structures in any district shall only be used for permitted uses or activities customarily incidental to the permitted principal use(s) in the district.
 4. No accessory building or structure shall be constructed prior to construction of the main building on the same lot or parcel, except in accordance with one of the following:
 - A. For principal permitted uses that do not require structures, an accessory building or structure may be constructed following Township approval of the principal use and issuance of required building permits.
 - B. For single-family residences, a permanent accessory building or structure may be erected in order to secure tools or

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materials for the residence under construction after issuance of a building permit for the residence and after installation, inspection and approval of the foundation for the residence by the appropriate permitting authority. Said accessory building or structure shall be designed and constructed in accordance with all requirements of this Section 5.1.

5. All accessory buildings or structures shall be suitably anchored to a foundation in accordance with the building code.
6. Buildings or structures which are accessory to an agricultural or farm operation in the AG, RE, or R-1 Districts shall comply with the following:
 - A. No number, size or height restrictions apply where an accessory building or structure is utilized solely for activities directly related to agriculture or farm operations on the same parcel.
 - B. No accessory agricultural building or structure, regardless of use, shall be located within fifty (50) feet of a front property line and twenty five (25) feet of any other property line. In no instance shall an accessory building or structure be located within a dedicated easement or right-of-way.
 - C. Where the accessory building or structure is partially or wholly accessory to a single-family residence, the accessory building shall meet all criteria specified in Section 5.1.2 above.
7. Accessory Buildings or structures in all RM-1, B-1, B-2, NB-O, I-1, I-2, and MH Districts shall comply with the following:
 - A. Site plan review shall be required for all accessory buildings or structures in accordance with Section 6.1.
 - B. Bulk, area, height and setback restrictions for all accessory buildings shall be in accordance with Development Standards for each Zoning District within Section 3.

5.2 OFF-STREET PARKING REQUIREMENTS

In all districts, a property or building which undergoes a change of use, an addition, or an increase in square footage, which requires increased parking capacity, shall provide off-street parking according to the standards of this Ordinance as herein prescribed. The number of off-street parking spaces, in conjunction with all land or building uses, shall be provided prior to the issuance of a certificate of occupancy.

1. Off-street parking may be located within any nonrequired yard and within the rear yard setback unless otherwise provided in this Ordinance. Off-street parking shall not be permitted in a required front or side yard setback unless otherwise provided in this Ordinance.
2. Off-street parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.
3. In the R-1 District, residential off-street parking spaces shall consist of an improved asphalt, concrete, gravel or crushed limestone parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve. No parking shall be permitted on a regular basis on lawns or other unimproved areas. A landscape strip or lawn area a minimum of five (5) feet in width shall be required between the edge of improved parking areas / driveways and all property lines to provide adequate room for drainage, snow storage and privacy.
4. Residential off-street parking in the R-1 District shall be limited to licensed passenger vehicles owned by occupants and their guests and not more than one commercial vehicle. The parking of any other type of commercial vehicle, or bus, except for those parked on school or church property, is prohibited in residential zone. Any operational vehicles used in an income producing farm operation and / or licensed as farming vehicles are exempt from this requirement.
5. Any area once designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere.
6. Off-street parking existing at the effective date of this Ordinance, in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
7. Two or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.



8. In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the Board of Appeals may grant an exception.
9. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited in any required parking area.
10. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Planning Commission considers is similar in type.
11. When units or measurements determining the number of required parking spaces result in the requirements of a fractional space, any fraction shall require one parking space.
12. For the purpose of computing the number of parking spaces required, the definition of USABLE FLOOR AREA shall govern.
13. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

Use		Minimum Number of Parking Spaces per Unit of Measure
A. Residential		
i.	Residential, one-family, two-family	Two (2) for each dwelling and unit
ii.	Residential, multiple-family	
a.	Efficiency unit	One (1) space for each dwelling unit
b.	1 and 2 Bedroom Units	Two and one half (2.5) for each dwelling unit
c.	3 or more Bedroom Unit	Three (3) for each dwelling unit
iii.	Housing for the elderly	One (1) for each two (2) units plus one (1) for each employee (Should units revert to general occupancy, then one and one-half (1½) per unit and shall be provided)
iv.	Mobile home park	Two (2) for each mobile home plus one (1) for each employee of the mobile home park
B. Institutional		
i.	Churches or temples	One (1) for each three (3) seats or six (6) feet of pews in the main unit of worship
ii.	Hospitals	One (1) for each two (2) person allowed within the maximum occupancy load as established by local county, or state fire, building, or health codes
iii.	Nursing homes for the aged and convalescent homes	One (1) for each four (4) beds and one (1) per employee
iv.	Elementary and junior high schools	One (1) for each one (1) teacher, employee, or administrator, in addition to the requirements of the auditorium
v.	Senior high schools	One (1) for each one (1) teacher, employee, or administrator and one (1) for each ten (10) students, in addition to the requirements of the auditorium

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Use	Minimum Number of Parking Spaces per Unit of Measure
B. Institutional (continued)	
vi. Private clubs or lodge halls	One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes
vii. Private golf clubs, tennis courts, or other similar uses	One (1) for each two (2) member families or individuals
viii. Golf courses open to the general public, except miniature or "par 3" courses	Six (6) for each one (1) golf hole plus one (1) for each one (1) employee. Plus spaces for each accessory use such as a restaurant or bar.
ix. Fraternity or sorority	One (1) for each five (5) permitted active members, or one (1) for each two (2) beds, whichever is greater
x. Stadium, sports arena, or similar place of outdoor assembly	One (1) for each three (3) seats or six (6) feet of benches
xi. Theaters and auditoriums	One (1) for each three (3) seats plus one (1) for each two (2) employees
C. Business and Commercial	
i. Planned commercial or shopping center in a B-1 or B-2 districts	One (1) for each two hundred (200) square feet of usable floor area
ii. Auto wash	One (1) for each one (1) employee. See Section 5.5 for additional stacking and off-street waiting requirements
iii. Beauty parlor or barber shop	Three (3) for each of the first two (2) beauty or barber chairs plus one and one-half (1½) for each additional chair
iv. Bowling alley	Five (5) for each one (1) bowling lane
v. Dance halls, pool or billiard parlors, roller or skating rinks, exhibition halls, and assembly halls without fixed seats	One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes
vi. Establishments for sale and consumption on the premises of food, beverage, or refreshments	One (1) for each one hundred (100) square feet of usable floor space
vii. Furniture and appliance, household equipment repair shops, showroom of a plumber, decorator, electrician, or similar trade, shoe repair or other similar uses	One (1) for each eight hundred (800) square feet of usable floor area (For floor area used in processing, one (1) additional space shall be provided for each two (2) persons employed therein)



Use	Minimum Number of Parking Spaces per Unit of Measure
C. Business and Commercial (continued)	
viii.	Automobile service stations Two (2) for each lubrication stall, rack, or pit; plus one (1) for each fueling nozzle. See Section 5.5 for additional stacking and off-street waiting requirements
ix.	Self-service gas station and convenience store One (1) for each fueling nozzle; plus one (1) space per two hundred (200) square feet of gross floor area
x.	Coin operated laundromats and dry cleaning establishments One (1) for each two (2) washing, drying or dry cleaning machines
xi.	Miniature or “par 3” golf courses Three (3) for each one (1) hole plus one (1) for each one (1) employee
xii.	Mortuary establishments One (1) for each fifty (50) square feet of usable floor area in assembly rooms, parlors, and slumber rooms
xiii.	Motel, hotel, or other commercial lodging establishments One (1) for each one (1) occupancy unit plus one (1) for each one (1) employee
xiv.	Motor vehicle sales and service establishments customer spaces One (1) for each two hundred (200) square feet of usable floor space of sales room and one (1) for each one (1) auto service stall in the service room in addition to spaces for new car display
xv.	Retail stores, except as otherwise specified herein One (1) for each two hundred (200) square feet of useable floor space
xvi.	Fast food restaurant <u>with</u> indoor seating One (1) space for each twenty-five (25) square feet of floor area. See Section 5.5 for additional stacking and off-street waiting requirements
xvii.	Fast food restaurants <u>without</u> indoor seating Eight (8) for each walk-up service window. See Section 5.5 for additional stacking and off-street waiting requirements
xviii.	Roadside stands Four (4) per one hundred (100) square feet of sales area but not less than four (4) spaces. See Section 5.5 for off-street waiting requirements
xix.	Child and adult care nursery centers and nursery schools One (1) per employee plus one (1) space per each five (5) children or adults enrolled

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Use		Minimum Number of Parking Spaces per Unit of Measure
D. Offices		
i.	Banks	One (1) for each one hundred (100) square feet of usable floor space. See Section 5.5 for additional stacking and off-street waiting requirements
ii.	Business service offices such as insurance and real estate offices	One (1) for each one hundred (200) square feet of usable floor space
iii.	Professional offices except as indicated in the following item	One (1) for each one hundred (300) square feet of usable floor space
iv.	Professional offices of doctors, dentists, and similar professions	One (1) for each one hundred (100) square feet of usable floor area in waiting rooms, and one (1) for each examining room, dental chair, or similar use area
E. Industrial		
i.	Industrial or research establishments	Five (5) plus one (1) for every one and one-half (1½) employees in the largest working shift, or one (1) for every five hundred fifty (550) square feet of usable floor space, whichever is greater (Spaces shall also be provided on site for all construction workers during periods of plant construction)
ii.	Self storage facilities	One (1) per one thousand (1,000) square feet of office plus one (1) for each employee in the largest shift
iii.	Warehouses and wholesale establishments	Five (5) plus one (1) for every one (1) employee in the largest working shift, or one (1) for every one thousand seven hundred (1,700) square feet of usable floor space, whichever is greater

5.3 OFF STREET PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION, AND MAINTENANCE

Wherever the off-street parking requirements in Section 5.2 requires the building of an off-street parking facility, such off-street parking lot shall be laid out, constructed and maintained in accordance with the following standards and regulations:

1. No parking lot shall be constructed unless and until a permit therefore is issued by the Building Inspector. Applications for a permit shall be submitted in such form as may be determined by the Building Inspector, and shall be accompanied with two (2) sets of plans for the development and construction of the parking lot showing that the provisions of this Section will be fully complied with. (Parking lots require prior Site Plan Approval in conformance with Section 6.1).
2. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements (next page):



Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of 1 Tier of Spaces Plus Maneuvering Lane	Total Width of 2 Tiers of Spaces Plus Maneuvering Lane
0° Parallel parking	12 ft	8 ft	23 ft	20 ft	28 ft
30° to 53°	12 ft	8.5 ft	20 ft	32 ft	52 ft
54° to 74°	15 ft	8.5 ft	20 ft	36.5 ft	58 ft
75° to 90°	20 ft	9 ft	20 ft	40 ft	60 ft

3. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
4. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area zoned for other than single family residential use shall not be across land zoned for single family residential use.
5. All maneuvering lane widths shall permit one-way traffic movement, except that the 90-degree pattern may permit two-way movement.
6. Each entrance to and exit from any off-street parking lot located in an area zoned for other than single family residential use shall be at least twenty-five (25) feet distant from any adjacent property located in any single family residential district.
7. The off-street parking area shall be provided with a continuous and obscuring wall and/or greenbelt planting not less than four feet six inches (4 '6") in height measured from the surface of the parking area. This wall shall be provided on all sides where the next zoning district is designated as a residential district and shall be subject further to the screen wall and fencing requirements of Section 5.11.

When a front yard setback is required, all land between said wall or greenbelt and the front property line or street right-of-way line shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material or ornamental trees. The ground area shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance, unless artificial shrubs are used. Such artificial planting material shall meet the approval of the Township Board.

8. The entire parking area, including parking spaces and maneuvering lanes, required under

this section shall be provided with asphaltic or concrete surfacing in accordance with specifications approved by the Township Board. The parking area shall be surfaced within one year (1) of the date the permit is issued, off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings, and plans shall meet the approval of the Township Board.

9. All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only. (See Section 5.9).
10. Parking for the Physically Handicapped
 - A. Each parking lot that services a building entrance, except single or two-family residential or temporary structures, shall have a number of level parking spaces for the physically handicapped as set forth in the following table, and identified by MMUCD-standard signs as reserved for physically handicapped persons.

(See table on next page)

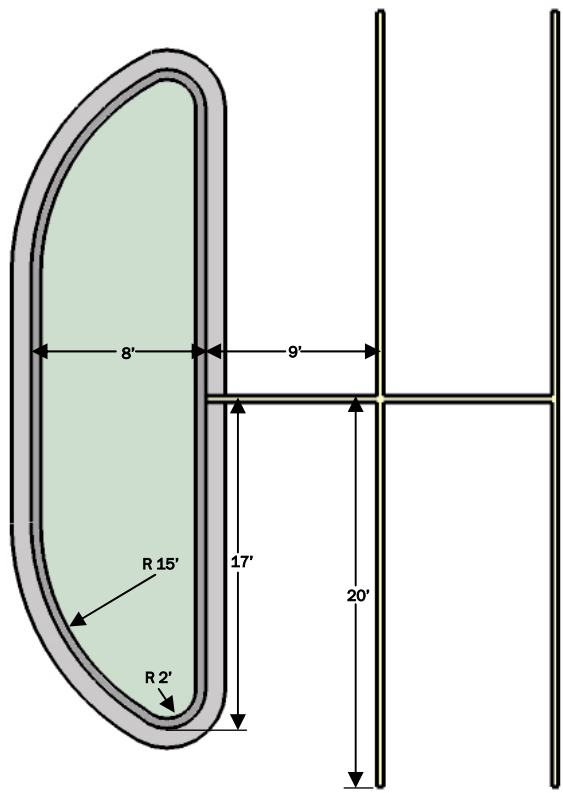


Total Spaces in Parking Lot	Required Number of Accessible Spaces
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
Over 1,000	20 plus 1 for each 100 over 1,000

- B. Parking spaces for the physically handicapped shall be a minimum of eight (8) feet wide with an adjacent access aisle of five (5) feet on the passenger's side. Handicapped parking spaces must meet all other applicable requirements as to size as set forth in this section.
 - C. One out of every eight reserved stalls shall be designated as "Van Accessible", with no less than one "Van Accessible" stall provided for each lot. Each "Van Accessible" stall shall have an adjacent access aisle with a minimum width of 8 feet. The 8 foot wide access stall may be located between two adjacent stalls to provide for two "Van Accessible" spaces.
 - D. As an alternative to 5.3.10.B and 5.3.10.C above, all barrier-free spaces may be "universal" spaces that are 11 feet wide with shared 5-foot wide access aisles. Universal spaces are both auto and van accessible.
11. In all cases where a wall extends to an alley which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than ten (10) feet from such alley line in order to permit a wider means of access to the parking area.
 12. The Zoning Board of Appeals, after recommendation of the Planning Commission, upon application by the property owner of the off-street parking area, may modify the yard or wall requirements where, in unusual

circumstances, no good purpose would be served by compliance with the requirements of this section.

13. In order to delineate on-site circulation, improve sight distance at the intersection of parking aisles, ring roads, and private roads, protect the vehicle at the end of a parking bay, and define the geometry of internal intersections, end islands (landscaped with raised concrete curb) shall be required at the end of all parking bays that abut traffic circulation aisles in off-street parking lots. In areas where internal traffic circulation is forecast to be low or where the raised islands would not be appropriate, the Planning Commission may waive the requirement for an end island or may require painted islands only. The end islands shall generally be at least eight (8) feet wide, have an outside radius of 15 feet, and be constructed three (3) feet shorter than the adjacent parking stall as follows:



5.4 OFF STREET LOADING AND UNLOADING

On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading and unloading in order to avoid undue interference with public use of dedicated rights-of-way. Such space shall be provided as follows:

1. All loading and unloading spaces in the B-1, B-2, and NB-O Districts shall be provided in the rear yard as required in Notes to District Standards, Section 3.4.2.K.
2. NB-O, B-1 and B-2 uses should satisfy the Planning Commission that there is adequate loading/unloading space on site. Major uses in B-1 and B-2, such as supermarkets, department stores, discount stores, home centers, auto dealerships, and similar uses should provide loading spaces or loading docks meeting the dimensions of Section 5.4.3 below as determined necessary by the Planning Commission during Site Plan review and approval.
3. All spaces shall be laid out in the dimension of at least ten by fifty (10 x 50) feet, or five hundred (500) square feet in area, with clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with a pavement having an asphaltic or Portland cement binder so as to provide a permanent, durable and dustless surface.
4. All spaces in I-1 and I-2 Zoning Districts shall be provided in the following ratio of spaces to floor area:

Gross Floor Area (sq. ft.)	Loading or Unloading Space Required in Terms of Square Feet of Usable Floor Area
0-1,400	None
1,401-20,000	One (1) space
20,001-100,000	One (1) space plus one (1) space for each 20,000 sq. ft. in excess of 20,001 sq. ft.
100,001 and over	Five (5) spaces

5. The location of the loading dock shall be subject to review and approved by the Township Board upon a recommendation from the Planning Commission. The Township in making its review shall find that any such use shall:

A. Not have a disruptive effect on the safe and efficient flow of pedestrian and vehicular traffic within the site.

B. Be aesthetically and effectively screened from view from adjoining properties and from a street, in a manner acceptable to the Township.

6. The Township, to aid in its review, may require submittal of building elevations and cross-section plans showing grade elevations with respect to the location of loading, unloading, and trash receptacles, the corresponding elevations of adjoining properties and streets and the means by which these facilities will be effectively screened from view.

5.5 OFF-STREET WAITING

Any lane, route, or path in which vehicles are directed expressly for the purposes of receiving or dispensing persons, goods, or services without the driver leaving the vehicle (hereinafter referred to as a drive-through lane) shall comply with the following requirements:

1. Drive-through lanes shall be separate from the circulation routes and lanes necessary for ingress to and egress from internal maneuvering lanes.
2. Drive-through lanes shall not utilize any space that is necessary for adequate access to parking spaces from internal maneuvering lanes.
3. Drive-through lanes shall have a minimum centerline radius of twenty-five (25) feet.
4. Drive-through lanes shall be striped, marked, or otherwise distinctly delineated.
5. Each stacking space in the drive-through lane shall be nine (9) feet wide by twenty (20) feet long.
6. Drive-through lanes shall have a minimum stacking space in accordance with the following standards:

(See table on next page)



Use Served by Drive-Through Lane	Minimum Stacking Requirements (per Lane)
Fast food restaurant <u>with</u> indoor seating	Eight (8) vehicles inclusive of the vehicle at the window
Fast food restaurant <u>without</u> indoor seating	Ten (10) vehicles inclusive of the vehicle at the window
Financial institution	Six (6) vehicles inclusive of the vehicle at the window
Car wash (fixed location / automatic when accessory to a gas station)	Five (5) times the maximum capacity of the auto wash. Maximum capacity of the auto wash shall mean the greatest number of automobiles possible undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by twenty (20)
Self-service automobile car wash establishments	Four (4) spaces in advance of each washing stall
Dry cleaners	Four (4) vehicles inclusive of the vehicle at the window
Convenience market and pharmacy	Three (3) vehicles inclusive of the vehicle at the window
Oil change facility	Four (4) vehicles inclusive of the vehicle in the bay
Other uses	For use not listed above, the Planning Commission shall make a determination of minimum required vehicle stacking at the time of site plan review, based upon analysis by the Township Planner or Township Traffic Engineering consultant

5.6 PERFORMANCE STANDARDS

Except for agricultural operations using generally recognized, good farming techniques, and residential uses and purposes no use otherwise allowed shall be permitted within any district which does not conform to the following minimum requirements and standards of use, occupancy and operation:

1. Smoke.
 It shall be unlawful for any person, firm or corporation to permit the emission of any smoke from any source whatever to an opacity greater than twenty (20) percent, such measurement being taken as the average over a period of six minutes, as measured by the U.S. EPA method #9.
2. Dust, Dirt and Fly Ash.
 No person, firm or corporation shall operate or cause to be operated, maintained or cause to be maintained, any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, without maintaining and operating, while using said process or furnace or combustion device, recognized and approved equipment, means, method, device or contrivance to reduce the quantity of gasborne or airborne solids or

fumes emitted into the open air, which is operated in conjunction with said process, furnace, or combustion device so that the quantity of gasborne or airborne solids shall not exceed 0.20 grains per cubic foot of the carrying medium at a temperature of 500 degrees Fahrenheit.

Method of Measurement: For the purpose of determining the adequacy of such devices these conditions are to be conformed to when the percentage of excess air in the stack does not exceed fifty (50) percent at full load. The foregoing requirement shall be measured by the A.S.M.E. Test Code for dust separating apparatus. All other forms of dust, dirt, and fly ash shall be completely eliminated insofar as escape or emission into the open air is concerned. The Building Inspector or Official may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt and fly ash have been made.

3. Open Storage.
 The open storage of any industrial or commercial equipment, vehicles, and all materials, including wastes, except new vehicles for sale and/or display, shall be screened from public view, from a public street



and from adjoining properties by an obscuring wall or fence not less than the height of the equipment, vehicles, or materials to be stored. Whenever such open storage is adjacent to any residential zone, the required obscuring wall or fence shall be at least six (6) feet in height. In no instance shall any open storage of equipment, vehicles and/or materials be permitted within a required front yard in any zoning district.

4. Glare and Radioactive Materials.

Glare from any process (such as or similar to arc welding, or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines. Radioactive materials and wastes, and including electro-magnetic radiation such as x-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.

5. Fire and Explosive Hazards.

The storage and handling of flammable liquids, liquefied petroleum, gases, and explosives shall comply with the State Rules and Regulations as established by Public Act No. 207 of 1941, as amended.

6. Noise.

No operation or activity shall cause or create noise that becomes a nuisance to adjacent uses and/or that exceeds the sound levels prescribed below, using an A weighted decibel scale, db(A), when measured at the lot line of any adjoining use, based upon the following maximum allowable levels for each use district:

Zoning of Adjacent Land Use	Maximum Allowable Noise Level (measured in dbA)	
	6 a.m.—9 p.m.	9 p.m.—6 a.m.
AG, RE, R-1, RM-1, MH	70	55
NB-O, B-1, B-2	70	65
I-1, I-2	80	70

7. Odors.

Odorous matter released from any commercial or industrial use or district shall not exceed the odor threshold concentration beyond the

property lines when measured either at ground level or habitable elevation.

8. Wastes.

No wastes shall be discharged in the public sewer system which is dangerous to the public health and safety. The following standards shall apply at the point, wastes are discharged into the public sewer.

A. Acidity or alkalinity shall be neutralized within an average PH range of between 5-1/2 to 7-1/2 as a daily average on the volumetric basis, with a temporary variation of PH 4,50 to 10.0.

B. Wastes shall contain no cyanides. Wastes shall contain no chlorinate solvents in excess of 1 p.p.m.; no fluorides shall be in excess of 10 p.p.m.; and shall contain no more than 5 p.p.m. of hydrogen sulphide and shall contain not more than 10 of sulphur dioxide and nitrates; and shall contain not more than 25 p.p.m. of chromates.

C. Wastes shall not contain any insoluble substance in excess of 10,000 p.p.m. or exceed a daily average of 500 p.p.m, or fail to pass a number eight standard sieve or have a dimension greater than inch.

D. Wastes shall not have chlorine demand greater than 15 p.p.m.

E. Wastes shall not contain phenols in excess of .05 p.p.m.

F. Wastes shall not contain any grease or oil or any oily substance in excess of 100 p.p.m. or exceed a daily average of 25 p.p.m.

9. Waste and Rubbish Dumping.

No garbage, sewage, filth, refuse, waste, trash, debris, or rubbish, including cans, bottles, waste paper, cartons, boxes, and crates, or other offensive or obnoxious matter shall be piled, placed, stored, or dumped on any land within the Township until the operator has obtained a landfill permit from the Michigan Department of Natural Resources and Township Board approval pursuant to Section 4.50, of this Ordinance. All uses in every zoning district shall place waste materials in an appropriate covered container and properly dispose of same at least once each month in accordance with State Law and Township ordinance. Nothing contained herein shall prevent the use of fertilizers, manures, and similar materials for the improvement of land



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utilized for agricultural purposes in accordance with the Generally Accepted Agricultural and Management Practices for manure management published as part of the Michigan Right to Farm Act P.A. 93 of 1981.

5.7 LANDSCAPE AND SCREENING REQUIREMENTS

Screening and landscaping in all zoning districts, where required, shall adhere to the following minimum standards.

1. Basic Landscape Design Requirements and Considerations

Whenever a landscape plan is required under the provisions of this Ordinance a detailed planting plan of said improvements shall be submitted and approved with the site plan prior to the issuance of a building permit. Unless waived by the Planning Commission, the plan shall be prepared by a landscape architect, registered in the State of Michigan, and shall indicate, to scale, the location, spacing, starting size and description of each type of plant material utilized in the plan together with all other landscape design improvements and a maintenance plan for the landscape improvements. The plan shall also include existing and proposed topographic conditions [contour intervals not to exceed one (1) foot] typical cross-sections of walls, berms, or other vertical improvements, drainage plans and structures, typical planting and staking details, and a summary schedule of the respective quantities of each improvement.

The Township shall consider design plans and materials in relation to their fulfillment of the basic landscape and/or screening functions required herein. Conformance with design requirements will also be considered in terms of innovative designs which accomplish the spirit and intent of landscape requirements with some deviation from more precise design requirements established by this Section.

2. General Provisions

In all zoning districts the following minimum standards apply:

- A. All required landscaping shall be continuously maintained in a healthy, growing condition for the life of the development.
- B. All required landscaped areas shall be covered with grass or other living, natural ground cover. The Planning Commission may permit wood chips, cypress mulch,

stone or equivalent materials in partial substitution for the natural ground cover requirement. Plastic or other non-organic materials are prohibited.

- C. All required landscape areas in excess of 200 square feet shall be irrigated to assist in maintaining a healthy condition for all landscape plantings and lawn areas. All site plans shall note installation of required irrigation. This requirement may be waived by the Planning Commission only when the landscape plan incorporates native, drought tolerant plant materials designed to thrive without artificial irrigation.
- D. All required landscape plantings shall be guaranteed for a period of two (2) years and those which are diseased or dead must be replaced in conformance with the approved landscape plan. The diseased or dead plantings must be replaced with plantings of the same size as those which were removed. A cash bond must be posted for the two years during which the guarantee is in effect.
- E. All required landscape areas and screen walls which abut vehicular drives, parking or other use areas shall be separated from the vehicular use area with a 6" minimum curb of concrete construction.
- F. The Planning Commission may permit the reduction of required landscaping when, based on review of a landscape plan and other relevant information, the proposed development includes the preservation of existing trees and vegetation sufficient to provide the required screening. The Planning Commission may also permit the reduction of required landscaping in order to maintain views of lakes, wetlands, and other natural features which the Planning Commission seeks to preserve. The Planning Commission may require an increase in required landscaping where such an increase is deemed necessary by the Commission to accomplish the spirit and intent of the ordinance.
- G. Trees shall not be planted closer than four (4) feet to any property line.
- H. Staggering plantings into two or more rows and grouping the plantings together in order to create visual appeal and variety in the landscaping is encouraged.



- I. Large shade or evergreen trees shall not be located within public water, sewer, or storm drainage easements. Shrubs and small ornamental trees may be allowed.

3. Screening and Landscaping Standards

	Height	Width	Planting Requirements
Extensive Land Form Buffer (A-1)	6 foot berm with a 2 foot crown and maximum 4:1 slope	50 feet	1 large deciduous, 1 evergreen tree and 4 shrubs for every 15 linear feet, planted in two offset rows
Land Form Buffer (A-2)	3 foot berm with a 2 foot crown and maximum 4:1 slope	26 feet	1 large deciduous, 1 evergreen tree and 8 shrubs for every 30 linear feet
Buffer Strip (B)	5 foot visual barrier	20 feet	1 large deciduous or evergreen tree and 4 shrubs for every 15 linear feet
Screen Wall ¹ (C)	6 feet (8 feet for I-2 district)	8 inches of brick, or decorative concrete	5 foot greenbelt adjacent to screen wall for its entire length
Obscuring Fence (D)	6 feet to 8 feet depending on district. Refer to Section 5.11 Screen Wall and Fence Requirements	N/A	N/A
Greenbelt ² (E)	N/A	20 feet	1 large deciduous or evergreen tree and 8 shrubs for every 30 linear feet

¹ Screen walls shall comply with Section 5.10 that relates to visibility, and Section 5.11 Screen Wall and Fence Requirements.

² Greenbelts required adjacent to road rights-of-way may be substituted in part with a masonry screen wall, 30 inches in height, at the discretion of the Planning Commission. A 5-foot greenbelt adjacent to the screen wall must be provided.



4. Required Minimum Screening and Landscaping

A. The following Table specifies the minimum required screening and landscaping between a subject parcel and adjacent properties:

Zoning or Use of Subject Parcel Seeking Site Plan Approval	Zoning of Adjacent Parcel				
	AG, SF, R-1, RE	RM-1, MH	B-1, B-2, NB-0	I-1, I-2	Adjacent Road ROW
RM-1, MH	A-2 or C or D	A-1 or B or E	E	E	E
B-1, B-2, NB-0	A-1 or A-2 or C or D	A-1 or A-2 or C or D	None	None	E
I-1, I-2	A-1	A-1	B or C	None	E
Public and Quasi-Public Buildings; Schools	A-2 or B & D or C	A-2 or B & D or C	A-2 or B & D or C	A-2 or B & D or C	E
Outdoor Storage	A-1	A-1	A-1	A-1	A-1
Circulation Drives, Parking Lots, Delivery/Service Door Areas	A-1 or B & D or C	A-1 or B & D or C	E	E	E

KEY: A-1) Extensive Land Form Buffer
 A-2) Land Form Buffer
 B) Buffer Strip
 C) Screen Wall
 D) Obscuring Fence
 E) Greenbelt

B. Where the table in Section 5.7.3 provides for alternative methods for screening and/or landscaping, the Planning Commission shall have the authority to approve the particular method selected.

C. The Planning Commission may permit a combination of a required land form buffer, buffer strip, screen wall, or greenbelt upon finding, based on review of a landscape plan, that the combined landscaping and/or screening will achieve the same effect as otherwise required.

D. The Planning Commission may permit a reduction of screening between single-family residential and non-residential or multiple-family districts or uses when separated by a road right-of-way.

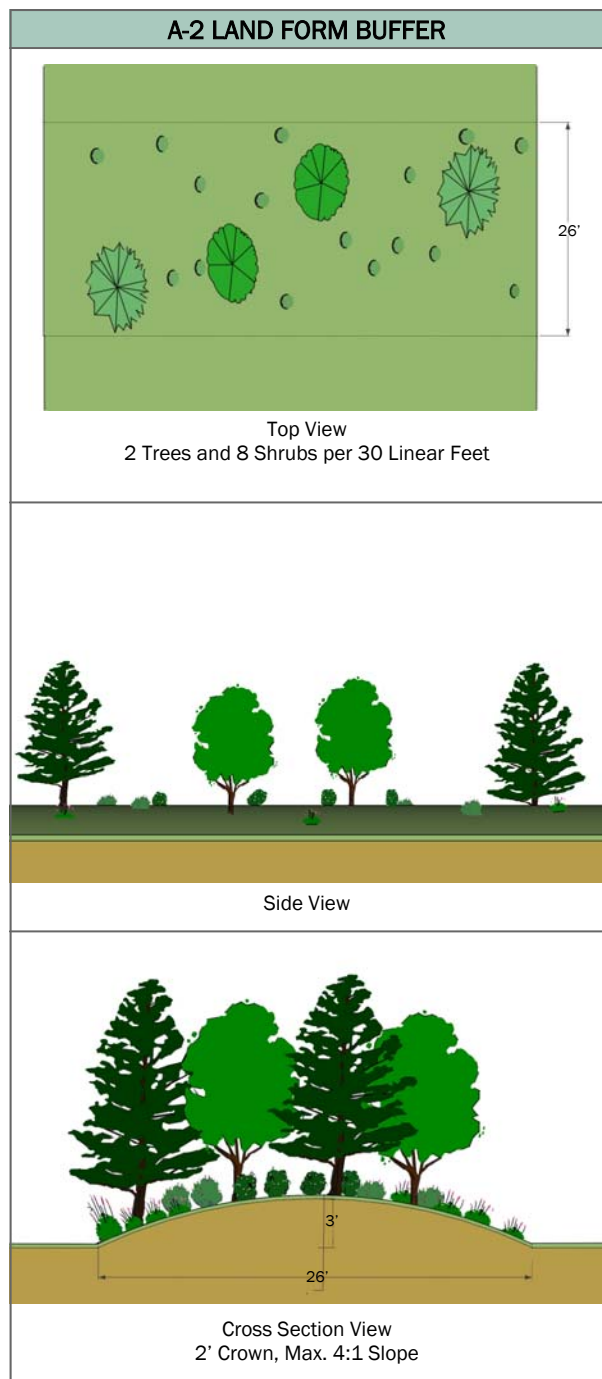
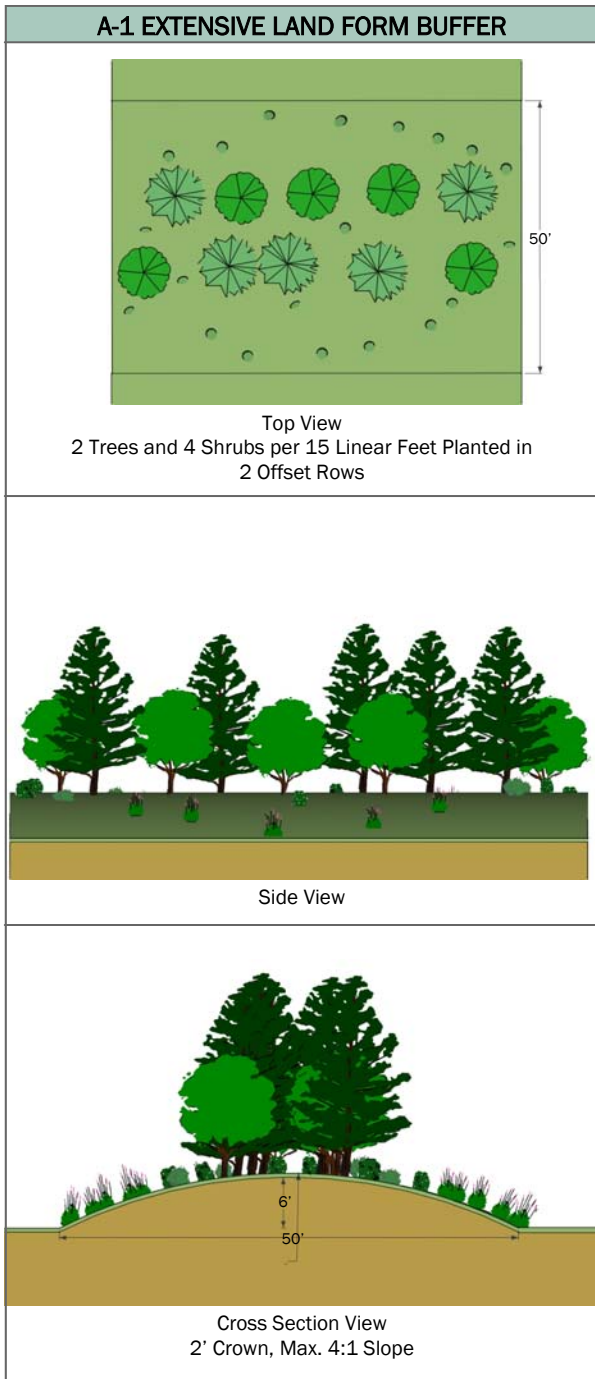
E. The Planning Commission may modify the screening requirements where, in unusual circumstances, no good purpose would be

served by compliance with the requirements.

5. Interior Landscaping Requirements

For every new development that requires site plan review, except site condominiums as regulated in Section 6.3, interior landscaping areas shall be provided, equal to at least ten (10) percent of the total lot area. These landscaped areas shall be grouped near all building entrances, building foundations, pedestrian walkways, and service areas, and may also be placed adjacent to fences, walls, or rights of way. These planting areas shall be so located as to breakup an otherwise continuous abutment of building facade with sidewalks and/or parking areas. All interior landscaping shall provide one (1) large deciduous, small ornamental deciduous, or evergreen tree and four (4) shrubs for every four hundred (400) square feet of required interior landscaping area.





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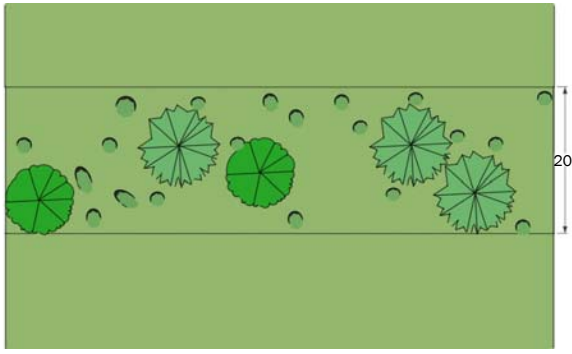
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B - BUFFER STRIP

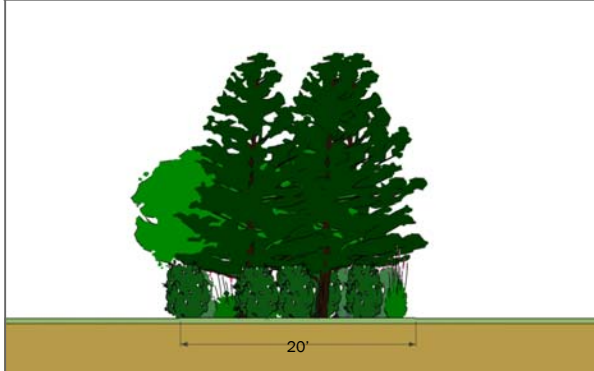


Top View

5 Foot High Visual Barrier of 1 Tree (Deciduous or Evergreen) & 4 Shrubs per 15 Linear Feet

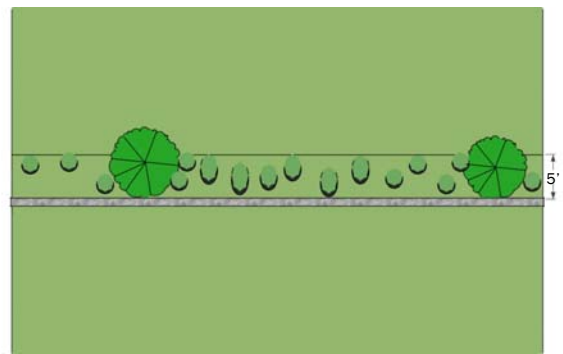


Side View



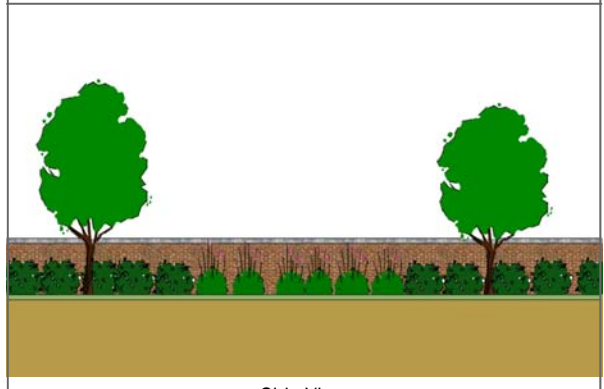
Cross Section View

C - SCREEN WALL



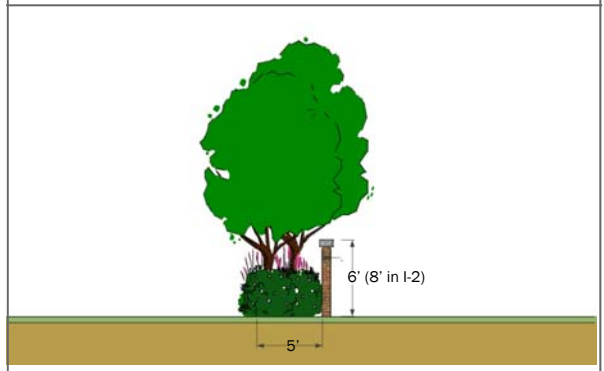
Top View

Greenbelt Adjacent to Wall
1 Tree & 8 Shrubs per 30 Linear Feet



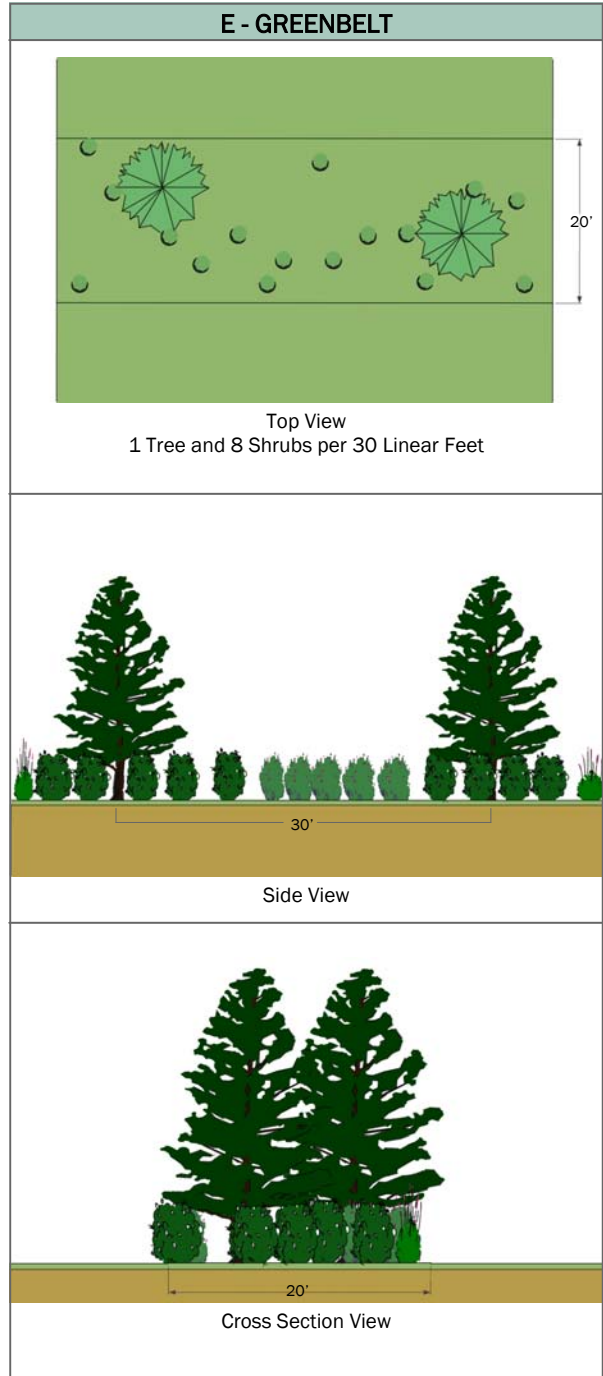
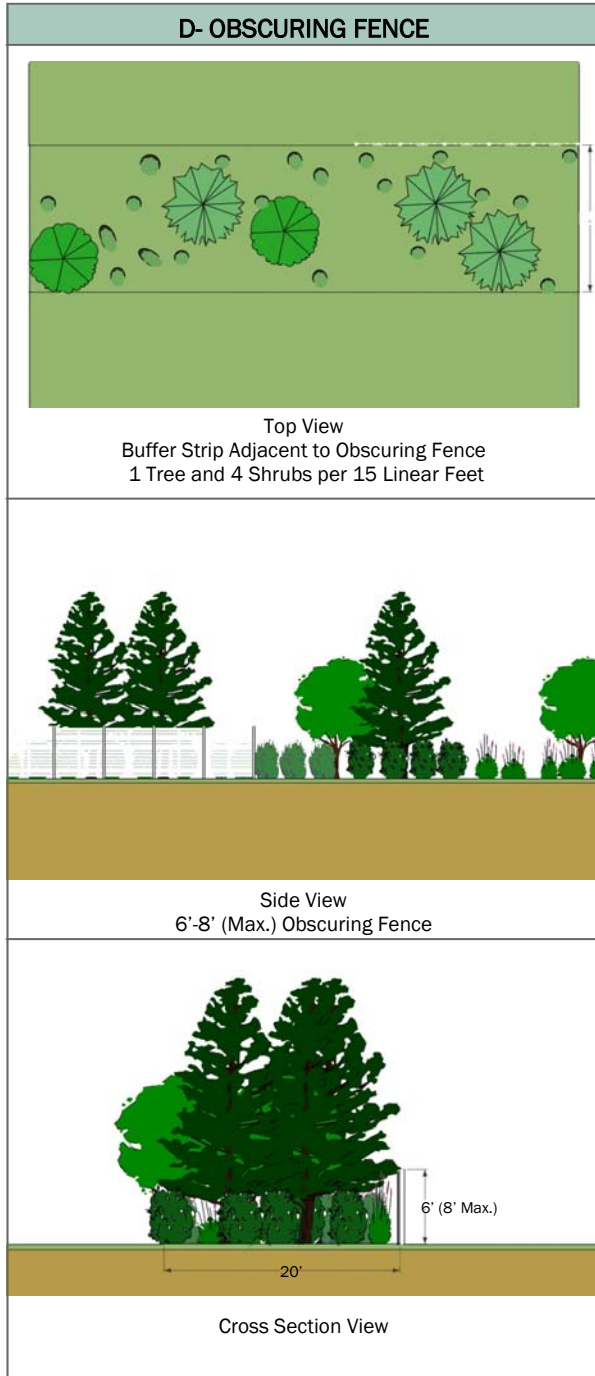
Side View

6' High Wall (8' in I-2 District)



Cross Section View





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6. Residential Entranceway Landscaping Requirements (Amended 2006)

Reasonable landscaping shall be provided at the entranceway to new residential developments, including simple parcel divisions with a proposed public or private road. The Planning Commission shall have the discretion to approve the type and amount of landscaping required based upon consideration of the unique characteristics of each site. It shall be the responsibility of the applicant to provide a proposed landscaping plan consistent with the following guidelines:

- A. Every entrance to a residential development, whether a private drive, private road, or public street, shall be landscaped according to one of the following options:
 - i. Landscaping consisting of materials such as ornamental grasses, wildflowers, or other native plant materials, provided that they are deemed appropriate for the local environment.
 - ii. Landscaping consisting of well-designed combinations of materials including boulders, shrubs, trees, annual and perennial flowers, and the like.
 - iii. Maintenance and enhancement of the existing natural features, including mature trees, may be substituted for additional landscaping, provided existing natural features are of a quality that meets the intent of this Section.
- B. Entranceway landscaping shall comply with the general provisions of Section 5.7.2.
- C. Not more than 50% of the landscaped area may be covered by wood chips, mulch, or similar natural landscape materials, or by pavers or paving bricks.
- D. All trees and shrubs shall maintain required corner clearances and sight distances at intersections and pedestrian crosswalks.
- E. Proposed boulevard islands shall be at least 10 feet wide and shall be landscaped in the same manner described in Section 5.7.6.A above, and shall be irrigated if a community well or public water supply is available.

- F. Entranceway structures, including but not limited to walls, columns, and gates, marking entrances to single-family subdivisions, multiple family housing projects, or mobile home parks, may be permitted and may be located in a required yard, except as provided by Section 5.10, Corner Clearance, and provided that such entranceway structures shall comply with all codes and ordinances of the Township and be approved by the Building Inspector or Official and a permit issued.

7. Parking Lot Landscaping

In addition to interior landscaping required in Section 5.7.4 above, within every parking area containing ten (10) or more spaces there shall be parking lot landscaping in accordance with this Subsection. These landscaping areas shall be located so as to better define parking spaces and drives. Landscaping on the perimeter of the parking lot does not satisfy the parking lot landscaping requirement. Island locations shall also be considered in a manner that will assist in controlling traffic movements. The requirements for trees and islands may be modified when it is found that through careful coordination of parking lot landscaping with peripheral and building plantings, an unnecessary duplication of plantings would be created. In addition, consideration shall be given to situations when an excess number of small islands would be created that would only serve to disrupt reasonable traffic patterns and maintenance activities. All required parking lot landscaping shall conform with the following:

- A. Any off-street parking areas containing ten (10) or more parking spaces shall have parking lot landscaping according to the following schedule:

Use	Square Feet of Required Parking Lot Landscaping per Parking Space
Commercial / Office	20 sq. ft. per space
Residential (incl. Multiple)	15 sq. ft. per space
Industrial	10 sq. ft. per space

- B. All required parking lot landscaping shall be designed to conform with the following requirements, subject to Planning Commission Approval:



- i. One (1) large deciduous or small deciduous ornamental tree and 2 shrubs shall be required for every one hundred (100) square feet of required parking lot landscaping area.
- ii. Parking lot landscaping areas shall be curbed with 6" concrete curbing. Planting islands containing trees shall not be less than fifty (50) square feet in area and not have any dimension across the island of less than five (5) feet. See detail in Section 5.3.13.

8. Minimum Plant Size

All required plant materials shall have the following minimum sizes at the time of installation:

- A. Large deciduous canopy tree: 2½" caliper
- B. Small deciduous ornamental tree: 1½" caliper
- C. Evergreen tree: 7 feet
- D. Shrubs: 24" height or spread

9. Suggested Deciduous Trees

Suggested Deciduous Trees		
Maples (Amur, Sugar, Red)	Sweetgum	European Hornbeam
White Ash (seedless)	Border Privet	Lindens
Marshall Green Ash	Serviceberry	Hawthorns
Honey Locust	Junipers	Buckhorn
Beauty Bush	Euonymus	Ginkgo (male only)
Snowdrift Crabapple	Smoke Tree	Eastern Ninebark
Dwarf Gallery Pear	Hedge Maple	Cottoneaster
London Plane Tree	Bayberry	

10. Suggested Evergreen Trees

Suggested Evergreen Trees		
Scotch Pine	Serbian Spruce	Douglas Fir
Austrian Pine	Colorado Green Spruce	Green Spruce
Eastern White Pine		

11. Suggested Shrubs

Suggested Shrubs		
Beauty Bush	Sweetgum	Dense Yew
Eastern Arborvitae	Border Privet	Boxwood
Cranberry Bush	Hicks Yew	Viburnum
Spirea	Rhododendron	Burning Bush
Mugo Pine	Compact Junipers	Alpine Current
Red Twig Dogwood		

12. Plant Materials Not Permitted

Plant Materials Not Permitted		
Box Elder	Elm (American)	Poplar
Soft Maples	Tree of Heaven	Willow
Cottonwood	Mulberry	Horse Chestnut
Ginko (female)	Black Locust	Honey Locust (with thorns)

13. Installation and Maintenance of Plant Materials

- A. Required landscaping and screening shall be installed within six (6) months from the date of completion of the building or improvement. A final Certificate of Occupancy shall be withheld until all required landscaping and screening has been installed and approved. A temporary certificate of Occupancy may be issued in the interim.
- B. All landscaped areas, except as otherwise provided, shall be provided with a readily available and acceptable water supply.
- C. Tree stakes, guy wires and tree wrap are to be removed after one year.
- D. Landscaped areas and plant materials shall be kept free from refuse and debris. Plant materials, including lawns, shall be maintained in a healthy growing condition, neat and orderly in appearance. If any plant materials required by this Ordinance dies or becomes diseased, they shall be replaced within thirty (30) days of written notice from the Township or within an extended time period as specified in said notice.

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14. Trash Receptacle, Transformer, and Mechanical Equipment Screening

A. Dumpsters and Trash Storage Enclosures

All areas used for the storage of trash and other waste products shall be completely screened from view. The following standards shall apply to all such trash enclosures:

- i. Enclosure shall be constructed of the same decorative masonry materials as the buildings to which they are accessory. Brickform concrete or stained, decorative CMU block may be permitted where the principal building is not masonry, however, plain CMU block shall not be allowed.
- ii. Dumpster enclosures shall be at least six (6) feet but not more than eight (8) feet high and shall obscure all wastes and/or containers within. An obscuring wood gate on a steel frame shall be installed which forms a complete visual barrier the same height as that of the other three sides.
- iii. No enclosures shall be permitted within a required front yard or street-side side yard setback, nor closer to the front lot line than the principal building.
- iv. All dumpsters shall be located on a six (6) inch concrete pad, extend ten (10) feet in front of the gate, with six (6) inch concrete-filled steel bollards to protect the rear wall and gates from damage by collection vehicles.

B. Transformer and Mechanical Equipment Screening

- i. All ground mounted transformers, climate control, and similar equipment shall be screened from view from any street or adjacent property by a wall constructed of the same decorative exterior materials as the building and not less than the height of the equipment to be screened. As an alternative, the equipment may be screened by landscaping approved by the Planning Commission.
- ii. All rooftop climate control equipment, transformer units, and similar equipment shall be screened. The materials used to screen the equipment shall be compatible in color and type with exterior finish materials

of the building. All rooftop equipment shall conform to the maximum height regulations of this Ordinance.

15. Requirements for Berms

All berms in all zoning districts, whether required or non-required, shall comply with the following:

- A. The minimum crown width shall be two feet and the maximum slope shall be 4:1.
- B. Berms shall be covered with grass or other living, natural ground cover. The grass or other ground cover shall be continuously maintained in a healthy, growing condition at a height of twelve (12) inches or less.
- C. Berms shall not interfere with natural drainage patterns or cause a drainage nuisance.
- D. Berms shall meet the requirements of Section 5.10 Visibility and Corner Clearance.
- E. A berm shall not be located closer than ten (10) feet to any property line or road right-of-way line, as measured from the base of the slope.
- F. Berms shall not exceed six (6) feet in height. A berm greater than six (6) feet in height shall only be permitted upon site plan approval in accordance with the requirements of Section 6.1. As a condition of approval of the proposed berm, the Township Board may require the Applicant to deposit a performance guarantee in accordance with Section 6.5.
- G. The Applicant shall pay for all inspections necessary to verify satisfactory completion of improvements and compliance with this ordinance.

5.8 SIGN REGULATIONS

1. General Requirements that Apply to All Signs

- A. A permit shall be required for the erection, construction, or alteration of any sign and all new signs shall require approval by the Building Inspector. Sign applications shall meet the minimum submittal requirements specified in Section 6.1.
- B. There shall be no flashing, oscillating, or intermittent type of illuminated sign or display; nor shall there be any streamers, windblown devices, spinners, temporary or portable signs, pennants or flags other than those permitted by specific action of the Township Board. Nothing in this



subsection is intended to prohibit an approved, permanent electronic display sign or permanent electronic message board sign that is compliant with Section 5.8, subsection 13.

- C. Portable and vehicle advertising signs are hereby prohibited regardless of form, size, character, or placement, except as provided in Section 5.8.9 below. A portable sign is a freestanding sign not permanently anchored to either a building or the ground. A vehicle sign is a vehicle advertising sign when the vehicle upon which the sign is painted or attached is parked or placed upon the premises for advertising purposes.
- D. No sign except those established and maintained by the Township, County, State or Federal government, shall be located in, project into, or overhang a public right-of-way or dedicated public easement.
- E. All directional traffic signs required for the purpose of orientation, when established by Imlay Township, the Lapeer County Road Commission, the Michigan Department of Transportation, or the Federal government, shall be permitted in all use districts.
- F. No sign, unless otherwise permitted, shall project above twenty (20) feet in height or be greater in sign area than one hundred (100) square feet. All calculation of total sign area shall be measured on one side of the face of the sign. The area of a sign that is irregular in shape shall be calculated by multiplying its tallest dimension times its longest dimension.
- G. No sign above a height of three (3) feet shall be located within, project into, or overhang the triangular area formed at the intersection of street right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.
- H. Non-accessory and/or off-site signs (such as billboards) shall be permitted in I-1 and I-2 zoning districts only.
- I. Except for freestanding signs, all signs shall be displayed flat against the wall of the building or parallel to the wall of the building and shall not project out from or be perpendicular to the wall, except in the case of a sign that is part of an approved canvas, vinyl, or similar awning.
- J. All signs shall be lighted by internal illumination only unless the lighting

equipment is designed as an integral part of the display. This means that the lights themselves are part of the sign structure and will in no way interfere with driver visibility or project onto adjoining property.

- K. Signs used for advertising land or buildings for rent, lease, and/or sale shall be permitted when located on the land or building intended to be rented, leased, and/or sold. Such sign(s) area shall be no greater than ten (10) square feet in residential districts and thirty-two (32) square feet in all other districts.
 - L. Wall signs shall not project beyond or overhang the wall, or any permanent architectural feature, by more than one (1) foot, and shall not project above or beyond the highest point of the roof or parapet.
 - M. Freestanding signs shall not be located closer than one hundred (100) feet to any property line of an adjacent residential district. In no instance shall a freestanding sign be located closer than ten (10) feet to any property line. In addition, no freestanding sign shall be constructed in a manner as to impair the vision of pedestrians and/or vehicles.
 - N. Parking lot directional signs that are not illuminated and do not exceed two (2) square feet in area are exempt from the calculation of total allowable sign area.
2. Signs Permitted In AG Districts
- A. One (1) accessory sign is permitted on premises which advertises the name of the establishment or the produce, animals, or products for sale, or the services available.
 - B. All signs shall be non-illuminated, unless the lighting equipment is designed as an integral part of the sign display that eliminates glare onto adjoining properties and does not interfere with driver visibility. No such sign shall exceed thirty-two (32) square feet, nor shall it exceed six (6) feet in height above the ground.
 - C. One (1), permanent subdivision identification sign may be placed at each entrance to a residential subdivision. None of the signs may be illuminated. The one (1) largest sign shall not exceed thirty-two (32) square feet and the remaining signs shall not exceed sixteen (16) square feet each. No permanent subdivision sign shall exceed a height of five (5) feet. Permanent

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- subdivision signs shall not be approved until the time of Final Subdivision Approval.
- D. Public and institutional uses, including but not limited to: libraries, churches, colleges, universities and hospitals, may have a single, permanent electronic display sign or electronic message board sign, subject to the standards of Section 5.8, subsection 13 .
3. Signs Permitted In R-1 and RE districts.
 - A. One (1), permanent subdivision identification sign may be placed at each entrance to a residential subdivision. None of the signs may be illuminated. The one (1) largest sign shall not exceed thirty-two (32) square feet and the remaining signs shall not exceed sixteen (16) square feet each. No permanent subdivision sign shall exceed a height of five (5) feet. Permanent subdivision signs shall not be approved until the time of Final Subdivision Approval.
 - B. Approved Special Land Uses may have a single, non-illuminated sign that does not exceed sixteen (16) square feet in area, nor six (6) feet in height above the ground, nor shall it be located closer than twenty (20) feet to the future right-of-way line.
 - C. Public and institutional uses, including but not limited to: libraries, churches, colleges and universities, may have a single, permanent electronic display sign or electronic message board sign, subject to the standards of Section 5.8, subsection 13.
 4. Signs Permitted In RM-1 and MH Districts.
 - A. One (1) non-illuminated, accessory sign not to exceed thirty-two (32) square feet or six (6) feet in height above the ground may be permitted for each residential development project, permitted recreational use, or approved Special Land Use.
 - B. One (1) accessory real estate advertising sign not to exceed sixteen (16) square feet may be permitted on each lot or parcel.
 - C. No sign shall be located closer than twenty (20) feet to the future right-of-way line and shall not exceed six (6) feet in height above the ground.
 5. Signs Permitted In NB-0, B-1, B-2, I-1, and I-2 Districts
 - A. Individual freestanding buildings with one or two establishments located on a separate parcel of property, may have one

(1) freestanding sign not to exceed one hundred (100) square feet, as measured on one side of the sign, displaying only the name of the tenants or tenants. In addition, each separate tenant may have one wall sign. The total sign area of all wall signs shall not exceed twenty percent (20%) of the wall area facing the front lot line up to a maximum of two hundred (200) square feet.

- B. Planned developments of more than two office, business, or industrial tenants may have one freestanding sign not to exceed two hundred (200) square feet, as measured on one side of the sign, which may display only the name of the complex and any tenant with 10,000 or more square feet of gross leasable area. In addition, each separate tenant may have one wall sign, not to exceed twenty percent (20%) of its front wall area facing the lot line considered as the front on the approved site plan, up to a maximum of two hundred (200) square feet per establishment.
- C. Sign area allowed for a particular sign may be increased beyond the limitations set forth in Sections 5.8.5.A and 5.8.5.B above if the sign is set back from the proposed right-of-way (as shown on the Township's adopted Thoroughfare Plan) at least fifty feet or more, provided that the actual physical size of any individual sign shall not exceed 125 square feet and the total of all signs in 5.8.5.A above shall not exceed 250 square feet. Individual signs may be increased from the maximum area permitted in Sections 5.8.5.A and 5.8.5.B above based on the factors in the following schedule:

Location of Sign Setback from the Proposed Right-Of-Way Factor	
Distance from ROW	Factor
50-99 feet	110%
100-149 feet	125%
150-199 feet	145%
200-249 feet	170%
250 feet or more	200%

- D. No sign shall be located closer than twenty (20) feet to the future right-of-way line and shall not exceed twelve (12) feet in height above the ground.



- E. Non-accessory and/or off-site signs (such as billboards) may be permitted in the I-1 and I-2 districts only, subject to the following standards:
- i. Shall be located only on property that directly abuts an interstate highway, limited access state highway, or similar thoroughfare commonly referred to as a "freeway".
 - ii. Maximum allowable sign area shall be two hundred fifty (250) square feet.
 - iii. Maximum height above grade shall be fifteen (15) feet.
 - iv. No such sign shall require the removal of existing trees larger than four (4) inches in caliper either for construction or for visibility.
 - v. The minimum spacing between adjacent non-accessory signs shall be one thousand (1,000) feet.
 - vi. If the sign will be illuminated, the lighting equipment shall be shielded so that the light projects onto the sign only and does not interfere with driver visibility on adjacent thoroughfares.
- F. An electrical permit from Imlay Township shall be required for all illuminated signs.
- G. All electronic display and electronic message board signs and sign elements shall comply with the standards of Section 5.8.13.
6. Obsolete Signs.
- It shall be unlawful to maintain for more than thirty (30) days any sign which has become obsolete, because of discontinuance of the business, service or activity which it advertises; removal of the business, service, or activity from the location to which it directs; or for any other reason. The fact that an obsolete sign is non-conforming shall not be construed as modifying any of the requirements of this Section. The Township Board may establish an added fee, as a part of the sign permit fee, to be placed in an "Obsolete Signs Removal Fund". The purpose of the fund is to provide the Township with sufficient revenues to remove obsolete signs upon default of the owner.
7. Window Signs.
- Window signs located inside the building that are visible from the front lot line shall be included in the calculation of total allowable

- sign area if they are displayed longer than fourteen (14) days.
8. Message Board Signs In B-1, B-2, I-1, And I-2 Districts.
- One (1) message board sign may be approved for each individual, freestanding business building located on its own lot, and one (1) message board sign may be approved for each complex of two or more individual offices, stores, businesses, or industries. All message board signs shall comply with the following:
- A. No portable message board signs shall be permitted. All such signs shall be permanently anchored to the ground or incorporated as a part of the business' permanent, freestanding sign.
 - B. All electrical service to message board signs shall be permanently installed, and inspected and approved by the Township. No message board sign shall obtain its electrical service from an extension cord or similar means.
 - C. There shall be no flashing lights, arrows, or similar devices designed to attract attention as a part of any message board sign.
 - D. Message board signs for individual businesses shall not exceed thirty-two (32) square feet, as measured on one side of a two-sided sign.
 - E. Message board signs for a complex of individual offices, stores, or businesses, shall be incorporated as a part of the complex's permanent, freestanding sign and shall not exceed fifty (50) square feet, as measured on one side of a two-sided sign.
9. Temporary Message Board Signs In All Districts
- One (1) temporary message board sign may be permitted for a special event of a church or a non-profit, charitable, or community-service organization, subject to the following:
- A. A permit shall be required and a cash performance guarantee shall be posted, in and amount established by resolution of the Township Board, to insure timely removal of the sign at the end of the permit period. The entire amount shall be returned to the applicant upon compliance.
 - B. Temporary message board signs shall not exceed thirty-two (32) square feet.
 - C. The total display period shall not exceed fourteen (14) days.



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D. Temporary message board signs shall not be illuminated unless the electrical service and connection has been inspected and approved by the Township.

10. Political Signs

Temporary, non-illuminated political signs advocating or opposing a candidate for public office or a position on an issue to be decided at an election may be posted only within four (4) weeks before a primary election, up to the general election for successful primary candidates only, if the owner of the premises consents, there is at least one occupied building on the premises, and signs are not more than six (6) square feet in area. There shall be not more than one (1) sign per candidate or ballot issue on any premises. On election day, political signs may also be located at least one hundred (100) feet and not more than two hundred (200) feet from any entrance to a building in which a polling place is located. All political signs shall be removed no later than forty-eight (48) hours after the general election.

11. Certain Signs Exempt From Permit Requirement

The following signs shall be exempt from the permit requirements of this section and shall conform to the following regulations:

- A. Temporary window signs in business and industrial districts which are displayed no longer than fourteen (14) days shall not occupy more than thirty percent (30%) of the total window area.
- B. One nameplate located on a dwelling for a permitted home occupation or stating the profession of the occupant, provided that the nameplate shall not be illuminated and shall not exceed four (4) square feet.
- C. Memorial signs or tablets, historical markers, or names of buildings and date of erection, when cut into any masonry surface or when constructed of bronze or similar materials.
- D. Permanent bulletin boards not over sixteen (16) square feet in area for public, charitable, educational, religious or similar institutions when the bulletin board is located on the premises of the institution at least twenty (20) feet from all property lines and is not illuminated.
- E. A temporary construction sign denoting the name of the building, the architect, engineer, contractor, and the anticipated completion, alteration, or removal date, not

to exceed sixteen (16) square feet in residential districts and forty-eight (48) square feet in all other districts. All such signs shall be set back at least twenty (20) feet from all property lines and removed within seven (7) days after issuance of an occupancy certificate.

- F. One (1) gasoline price sign no larger than twelve (12) square feet for each establishment selling gasoline or other motor vehicle fuels as a part of its principal permitted use. If the business has frontage on more than one street, a second sign of the same size may be placed so as to be visible from the other street.

12. Maintenance Of Property And Responsible Parties Identified

- A. Property surrounding any sign shall be kept clean, sanitary, and free from obnoxious and offensive substances, weeds, rubbish and flammable materials.
- B. The owner of any property on which any sign is placed, and the person maintaining said sign are declared to be equally responsible for the condition of the sign and the area in the vicinity thereof. Both parties shall be clearly identified on the sign by name, address, and telephone number.

13. Permanent Electronic Display and Electronic Message Board Sign Standards in All Districts

- A. Shall be calculated as part of total allowable sign area, based upon the use and zoning district in question.
- B. Shall not use colors, post messages, or employ similar features designed to mimic or that may be confused with traffic control devices.
- C. Shall feature only static text and graphics. This shall be construed to prohibit streaming video, full-motion video, text and/or graphics that move, scroll, rotate, fade, flash, or similar features.
- D. The sign message shall change not more frequently than once every fifteen (15) seconds during daylight hours (8:00 am until sunset). The message change shall be completed in not more than two (2) seconds and shall not include moving images in conflict with 13, C above. The sign message shall be static (shall not change) during evening and nighttime hours (sunset until 8:00 am). Electronic display and message signs shall be



programmed with a static image during evening and nighttime hours.

- E. The maximum brightness of any sign shall not exceed 5,000 candelas per square meter (cd/m², a.k.a. "nit") during daylight hours, and 500 cd/m² during evening and nighttime hours, as measured from within 6 (six) inches of the face of the sign. An application for approval of an electronic display sign shall include certification by an independent illumination engineer or testing laboratory that the proposed sign will comply with the brightness limits of this section. Electronic display and message signs shall include an automatic dimmer to control sign brightness consistent with this standard.
- F. No electronic display or electronic message sign shall be installed in place of a standard identification sign. This shall require that the electronic component serve as one element of the use's identification sign or that the electronic sign include a static, identification banner or similar feature that is not less than forty percent (40%) of the total sign area proposed.
- G. The maximum installed height of an electronic message board sign shall be six (6) feet.
- H. All electronic message signs shall include an electrical shut-off switch accessible only to Imlay Township ordinance enforcement personnel, that may be used to terminate electric service to any sign that does not comply with these requirements 13 A through 13 G above.

5.9 EXTERIOR LIGHTING STANDARDS

Exterior lighting shall be designed to minimize glare, reduce spill-over onto adjacent properties, and provide appropriate levels of illumination, but shall not result in excessive nighttime illumination. The following conditions shall apply to outdoor lighting for all non-residential uses:

- 1. Light levels shall meet the minimum need for safety, security and illumination of a specific use, as determined by the Planning Commission or the building inspector/zoning administrator.
- 2. To control glare, all light fixtures shall have a cut-off angle of less than ninety (90) degrees, except decorative pedestrian fixtures of 100 watts or less.

- 3. Light fixtures shall be located at least five (5) feet from any property line and shall be directed and shielded to cast light away from adjacent properties and streets. No direct light source shall be visible at the property line five (5) feet above grade, and the maximum illumination levels at any property line shall not exceed one-half (1/2) foot-candle.
- 4. Glare control shall be accomplished primarily through the proper selection and application of lighting equipment. Only after those means have been exhausted shall landscaping, fencing and similar screening methods be considered acceptable means for reducing glare.
- 5. Lamps with true color rendition are preferred, such as incandescent and metal halide lamps. The use of mercury vapor and low and high pressure sodium lamps are prohibited. However, the Planning Commission may permit the use of high pressure sodium lighting at the intersections of driveways with public streets when the average illumination level on the ground does not exceed six (6) foot-candles.
- 6. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use. There shall be no flashing, oscillating, moving or intermittent type of lighting or illumination. In addition, there shall be no bare bulb illumination of any kind exposed to public view.
- 7. Maximum permitted fixture height:
 - A. Parking lot luminaires shall not exceed twenty (20) feet when located in the interior and sixteen (16) feet when located around the perimeter of the parking area.
 - B. Unshielded pedestrian fixtures shall not exceed ten (10) feet.
 - C. All other light fixtures shall not be mounted in excess of the maximum height limitation of the district in which they are located.
- 8. The intensity of outdoor lighting in all use districts shall be limited to the following maximum amounts:

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Illumination of:	Land Uses ¹ (Zoning District)			
	Residential / Agricultural Uses (AG, R-1, RE, RM-1, MH)	Public Buildings, Local Businesses & Office Uses (B-1, NB-O)	Commercial Uses (B-2)	Warehouse, Industrial Uses (I-1, I-2)
General	0.5 ft. candles	0.5 ft. candles	0.5 ft. candles	0.5 ft. candles
Driveway	1.0 ft. candles	1.0 ft. candles	1.0 ft. candles	1.0 ft. candles
Parking	1.0 ft. candles	1.0 ft. candles	1.0 ft. candles	1.0 ft. candles
Walks	0.5 ft. candles	0.5 ft. candles	1.0 ft. candles	1.0 ft. candles
Protective	0.5 ft. candles	1.0 ft. candles	1.0 ft. candles	1.0 ft. candles
Building	0.5 ft. candles	3.0 ft. candles	5.0 ft. candles	5.0 ft. candles
Loading Areas	N/A	1.0 ft. candles	1.0 ft. candles	1.0 ft. candles
Gas Station Apron ²	N/A	1.0 ft. candles	1.0 ft. candles	N/A
Gas Station Canopy ³	N/A	5.5 ft. candles	5.5 ft. candles	N/A

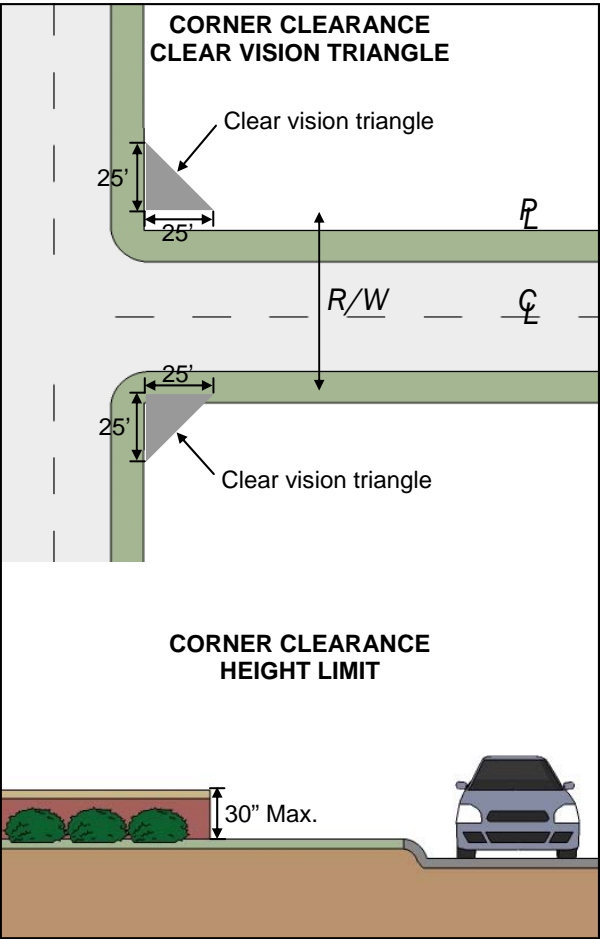
Notes:
¹ The Planning Commission may modify these requirements or require special conditions where it determines it necessary to protect nearby residences or driver visibility on adjacent roads.
² Apron areas are away from the gasoline pump island, used for parking and vehicle storage.
³ Light fixtures mounted on canopies shall be installed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy and/or shielded by the fixture or the edge of the canopy.

5.10 VISIBILITY AND CORNER CLEARANCE

In all districts no fence, wall, shrubbery, sign or other obstruction to vision above a height of thirty (30) inches from the established street grades shall be permitted within the triangular area formed by the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection

5.11 SCREEN WALL AND FENCE REQUIREMENTS

- All fences of any nature, type or description located in the Township shall conform to the following regulations:
 - The erection, construction or alteration of any fence, wall or other type of protective barrier shall conform to applicable building codes, the requirements of the zoning district wherein they are located, and to the requirements of this Section. Fences and enclosures for uses protected by the Michigan Right to Farm Act (P.A. 93 of 1981) shall be exempt from the standards of this Ordinance.
 - No fence in any zoning district shall encroach on a neighboring property line or road right-of-way line. Any reference within this Ordinance to a fence “along” or “on” a



property line or road right-of-way line shall be interpreted to mean a fence which does not encroach on that line. Prior to installation of any fence or wall, it shall be the responsibility of the property owner to locate all property lines and road right-of-way lines for the purpose of fence placement, and to ensure that the fence will be constructed within the required boundaries and will meet all applicable building codes and the standards of this Section.

- C. For purposes of enclosure, fences in the AG District and fences for permitted agricultural uses in all other zoning districts may be located on any property line or road right-of-way line, provided such fences are maintained in a good condition and will not result in an unreasonable hazard to persons who might come near them.
- D. Fences in residential districts (AG, RE, R-1, RM-1, and MH), which are not specifically required under the regulations of the individual zoning districts, shall conform to the following requirements:
 - i. All fences erected along property lines or road right-of-way lines, or within any required side or rear yard, shall be a minimum of three (3) feet and a maximum of eight (8) feet in height above the grade of the surrounding land.
 - ii. No solid or other completely obscuring fence more than three (3) feet in height shall hereafter be located in the required front yard of the lots or parcels in question.
 - iii. All fences hereafter erected shall be for purposes of enclosure or of an ornamental nature only. 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 shall be prohibited. Barbed wire cradles may be placed on top of fences enclosing public utility buildings as deemed necessary in the interest of public safety.
 - iv. Fences for the purpose of enclosure may include chain-link (cyclone) fences. Support poles, rails, and/or cross-members shall be located on the side of the fenced-in property and not the side of the neighboring or abutting

property. Such non-ornamental enclosure fences shall not be permitted within the required front yard.

- v. Obscuring and/or ornamental fences may include masonry walls, wrought-iron, split-rail, picket, privacy, and other high quality fences composed of metal, vinyl, wood, or plastic and shall have the finished or decorative side facing toward all abutting or neighboring properties.
 - vi. Only non-obscuring ornamental fences (split-rail, wrought-iron, picket, etc.) shall be permitted in the required front yard, so long as they are three (3) or more feet but not more than eight (8) feet in height, measured from the grade of the surrounding land. Completely obscuring fences (privacy, masonry wall, etc.) shall only be permitted in the required front yard if they are three (3) feet in height.
- E. Consistent with the standards of Section 5.10, no fence or wall shall be erected, established, or maintained on any corner lot which will obstruct the view of a driver of a vehicle approaching the intersection, within a triangular area formed by the street right-of-way lines and a line connecting them at points twenty five (25) feet from the intersection of the street lines or in the case of a rounded property corner from the intersection of the street right-of-way lines extended.
 - F. Whenever a fence is proposed in other than a residential or agricultural district, it shall require the issuance of a building permit and shall comply with the following:
 - i. The maximum height for all fences, including security fences and obscuring fences, shall be ten (10) feet, unless otherwise provided for in this Ordinance.
 - ii. Plastic, vinyl, aluminum, or wood slats, or similar devices placed through the wire of chain-link (cyclone) fences, shall not be used to satisfy the requirements of this Ordinance for a screening or an obscuring fence.
 - iii. When an obscuring wood fence is proposed, it shall be constructed entirely of pressure treated wood or metal posts and pressure treated

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wood panels, to assure durability and relative freedom from the need for regular maintenance.

2. Those Use Districts and uses listed below; shall provide an obscuring screen wall as required in Section 5.7 meeting the height and design requirements below:

A. Obscuring Screen Wall Requirements

Use	Requirements
Off-Street Parking Area	4'6" high wall
B-1, B-2, and NB-O Districts	4'6" high wall
I-1 and I-2 Districts (Open storage areas, loading, unloading, and service areas)	5' to 8' high wall

- B. Required walls shall be located on the lot line except where underground utilities interfere and except in instance where this Ordinance requires conformance with front yard setback lines in abutting Residential Districts.

- C. Such walls and screening barriers shall have no openings for vehicular traffic or other purposes, except as otherwise provided in the Ordinance and except such openings as may be approved by the Building Inspector. All walls herein required shall be constructed of masonry or other suitable material approved by the Planning Commission to be durable, weather resistant, rustproof and easily maintained.

- i. Masonry walls shall be erected on a concrete foundation which shall have a minimum depth of forty-two (42) inches below a grade approved by the Building Inspector and shall not be less than four (4) inches wider than the wall to be erected.
- ii. Masonry walls may be constructed with openings higher than thirty-two (32) inches above grade provided such openings are not larger than sixty-four (64) square inches, provided that the openings shall be so spaced as to maintain the obscuring character required, and shall not reduce the minimum wall height requirement.

3. The Planning Commission may substitute an obscuring fence and/or a greenbelt for the required masonry screen wall where they determine that a wall would serve no good purpose and the obscuring fence and/or a greenbelt would uphold the intent of this Ordinance. Obscuring fences and greenbelts shall meet all requirements of this Section and shall comply with Section 5.7.

5.12 USE RESTRICTION

No portion of a lot or parcel once used in complying with the provisions of this Ordinance for yards, lot area per family, density as for a development in the multiple family district or percentage of lot occupancy, in connection with an existing or proposed building or structure, shall again be used as part of the lot or parcel required in connection with any other building or structure existing or intended to exist at the same time.

5.13 RESIDENTIAL ENTRANCE WAY

In residential districts, so called entrance way structures, including but not limited to walls, columns, and gates, marking entrances to single-family subdivisions, multiple housing projects, or mobile home parks, may be permitted and may be located in a required yard, except as provided by Section 5.10, Corner Clearance, and provided that such entrance way structures shall comply to all codes and ordinances of the Township and be approved by the Building Inspector or Official and a permit issued.

5.14 FRONTAGE

Every dwelling or principal building shall be located on a lot or parcel which fronts upon a public road for the full width of the lot or upon an approved private road developed in accordance with the Imlay Township Private Road Ordinance. Lot width shall be measured at the front setback line. Cul de sac lots shall have not less than 65' of frontage on the cul de sac provided they also meet the minimum lot width requirement at the front setback line. Modification of this requirement may be permitted by the Zoning Board of Appeals, after review and recommendation by the Planning Commission, for parcels with unusual topography or lot configuration and similar circumstances.

5.15 SWIMMING POOLS

All swimming pools erected in the Township shall comply with the following requirements:

1. A building permit shall be required to erect a swimming pool consistent with the Michigan Residential Code and shall include the name of the owner, the manner of supervision of the



- pool, a plot plan and location of adjacent buildings, fencing, gates, public utilities, specifications and plans to scale of pool walls, slope, bottom, walkway and diving boards, type and rating of auxiliary equipment, piping and valve layout, and any other detailed information affecting construction and safety features deemed necessary by the Building Inspector.
- The pool and required fence must maintain the required front setback. Rear yard setback shall not be less than four (4) feet between the pool outside wall and the rear property line, or less than the established easement width at the rear property line, or less than ten (10) feet between pool wall and any building on the lot.
 - For the protection of the general public, all swimming pools shall be completely enclosed by a fence or other means of access control. Above ground pools may have gates, removable or swing steps or other means to limit entry in lieu of a fence.

5.16 PRIVATE DRIVES

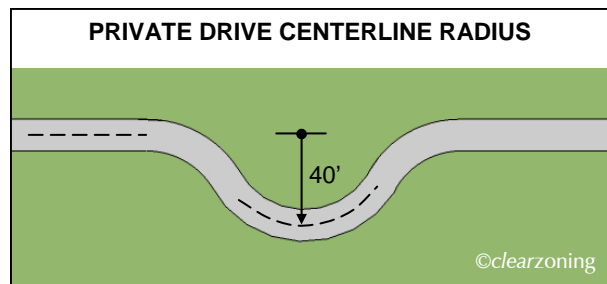
Private drives, other than private roads, which serve parcels of land without frontage as described in Section 5.14, may be permitted in the Agricultural District subject to the following requirements:

- All parcels served by private drives shall be a minimum of two (2) acres in area.
- The private drive shall not exceed six hundred (600) feet in length.
- A copy of the property deed shall be submitted and shall clearly indicate that the maintenance of the private drive is the responsibility of the owners of said parcel.
- Only one (1) residence shall have access to and from such a private drive.
- The easement or driveway width shall be a minimum of thirty (30) feet. The driveway shall be properly landscaped and maintained and dust shall be controlled at all times by hard surfacing or chemical treatment.

5.17 PRIVATE DRIVE STANDARDS FOR EMERGENCY ACCESS

In order to improve response time and insure adequate access by emergency services vehicles, all principal uses shall install a driveway meeting the standards of this Section prior to issuance of any certificate of occupancy. The following standards shall apply to all private driveways for all principal uses, in all zoning districts in Imlay Township.

- All trees and brush shall be kept cleared for a minimum width of fourteen (14) feet for the full length of all private drives
- All topsoil, stumps, and unstable soil shall be removed and backfilled with appropriate granular material and surfaced with gravel, crushed limestone, finely crushed concrete or similar material for a minimum width of twelve (12) feet for the full length of the driveway.
- The surface of the driveway shall be properly drained so that water damage and frost heave will not impede access by emergency vehicles
- The above standards shall not apply if the rear of the principal building is one hundred fifty (150) feet or less from the public road right-of-way or easement.
- Driveways shall provide a minimum centerline radius of forty (40) feet for all curves to insure access by fire fighting equipment. (Refer to sketch below for an illustration of this standard). In addition, the driveway shall provide minimum clearance from trees and brush of eighteen (18) feet through all curved sections.



- No bridges shall be permitted as part of driveway construction unless they are certified by a registered Civil Engineer as capable of supporting a 30 ton fire truck.
- No structures shall be over or across any driveway unless they maintain not less than fourteen (14) feet vertical and horizontal clearance.
- A landscape strip or lawn area a minimum of five (5) feet in width shall be required between the edge of driveways and all property lines to provide adequate room for drainage, snow storage, and privacy. Driveways providing access to agricultural uses shall be exempt from this requirement, and improvement of driveways located less than five (5) feet from a property line that existed on or before the effective date of this ordinance shall be permitted.

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5.18 PRIVATE SATELLITE DISH, RADIO, AND TELEVISION ANTENNAS

In an Agricultural or Residential district, no antenna for receiving or broadcasting radio and/or television signals shall be located between the principal building and the front lot line. Ground-mounted antennae shall be set back the height of the antenna from all other lot lines. The maximum diameter of round antennas and the maximum length and width of all other antenna shapes shall be twelve (12) feet. Only perforated, mesh-type, or open lattice work antennas shall be permitted when mounted on or above a building roof. No antenna shall exceed the height limit of the zoning district in which it is located.

5.19 ACCESS MANAGEMENT

1. Intent

The intent of this Section is to establish minimum regulations to promote safe and efficient access to property. Standards for shared access, driveway spacing, parking lot cross access and service roads are established for evaluation during the site plan review process. The provisions of this Section are intended to promote safe and efficient travel within the township to achieve the following objectives:

 - A. Minimize disruptive and potentially hazardous traffic conflicts;
 - B. Separate traffic conflict areas by reducing the number of driveways;
 - C. Provide efficient spacing standards between driveways, and between driveways and intersections;
 - D. Provide for shared access between abutting properties;
 - E. Implement recommendations of the Master Plan;
 - F. Protect the substantial public investment in the street system;
 - G. Ensure reasonable access to properties, though not always the most direct access;
 - H. Provide for coordinated access decisions with the Michigan Department of Transportation (MDOT) and the Lapeer County Road Commission (LCRC), as applicable.
2. Applicability

The standards of this Section apply to site plans and plat applications along road rights-of-way which are under the jurisdiction of the Lapeer

County Road Commission (LCRC), or the Michigan Department of Transportation (MDOT). The standards herein shall be applied in addition to, and may be more restrictive than the standards of, the LCRC and MDOT, which have jurisdiction within the right-of-way. Construction within the public right-of-way under the jurisdiction of Lapeer County must also meet the permit requirements of the County. Where any conflicts arise, the more stringent standard shall apply.

3. Definitions
 - A. Access: A way or means of approach to provide vehicular or pedestrian entrance or exit to a property from the public road system or between abutting sites.
 - B. Acceleration Lane: A speed changing lane, including taper, for the purpose of enabling a vehicle entering the roadway to increase its speed to a rate a which it can safely merge with through traffic.
 - C. Commercial Driveway: For the purposes of this Section, a commercial driveway is defined as any vehicular access except those serving one (1) or two (2) dwelling units, or serving just an essential public service structure.
 - D. Connected Parking Lot: Two or more parking lots that are connected by cross access.
 - E. Deceleration Lane: A speed-change lane, including taper, for the purpose of enabling a vehicle to leave the through traffic lane at a speed equal to or slightly less than the speed of traffic in the through lane and to decelerate to a stop or to execute a slow speed turn.
 - F. Driveway Spacing: The distance between driveways as measured from the centerline of one driveway to the centerline of the second driveway along the same side of the street or road.
 - G. Limited Access Driveway: For the purposes of this Section, a limited access driveway is defined as any vehicular access where turning movements are restricted to right turn in and out only. Left turns are prohibited.
 - H. Offset: The distance between the centerline of the subject driveway and the centerline of driveways on the opposite side of the street.



- I. Service Drive: A local street or service roadway located in the front, rear, or perpendicular to principal buildings and parallel to an arterial for service to abutting properties for the purpose of controlling access to the arterial.
 - J. Shared commercial driveway: A driveway connecting two or more contiguous properties to the public road system.
 - K. Shared residential driveway (private): A residential driveway that provides vehicular access to two (2) single family dwelling units (See also Sections 5.14, 5.17, and 5.20). (Amended 2006)
 - L. Temporary Access: Provision of direct access to a road until that time when adjacent properties develop in accordance with a joint access agreement, service road, or other shared access arrangement.
4. Application Review, Approval and Coordination Process
- A. Applications for driveway or access approval shall be submitted as an element of an application for site plan or plat approval. The application form as well as the proposed plans shall be forwarded to the applicable road authority prior to the Planning Commission meeting. The Planning Commission shall not take action on a request for a new road, driveway, shared access or a service drive that connects to a public road without first consulting the applicable road agency.
 - B. The following techniques are strongly encouraged when designing access:
 - i. Not more than one driveway access per abutting road.
 - ii. Shared driveways.
 - iii. Service Drives, front, rear and perpendicular.
 - iv. Parking lot connections with adjacent property.
 - v. Other appropriate designs to limit access points on an arterial or collector.
 - C. The Planning Commission shall review and recommend approval or denial to the Township Board or request additional information in accordance with the provisions of Section 6.1 of the Imlay Township Zoning Ordinance. The Township Board's recommendation shall be

forwarded to the applicable road agency responsible for issuing permits.

- 5. General Requirements for Driveway Location and Spacing
 - A. Driveways shall be located so as to minimize interference with the free movement of traffic, to provide adequate sight distance, and to provide the most favorable driveway grade.
 - B. Driveways, including the radii but not including right turn lanes, passing lanes and tapers, shall be located entirely within the right-of-way frontage, unless otherwise approved by the Lapeer County Road Commission or the Michigan Department of Transportation and upon written certification from the adjacent property owner agreeing to such encroachment.
- 6. Standards For the Number of Commercial Driveways

The number of commercial driveways shall be the minimum necessary to provide reasonable access for regular traffic and emergency vehicles while preserving traffic operations and safety along the public roadway. Additional driveways may be permitted for a property only under one of the following:

 - A. One (1) additional driveway may be allowed for properties with a continuous frontage of over three-hundred (300) feet, and one (1) additional driveway for each additional three-hundred (300) feet of frontage, if the Township Board determines there are no other reasonable access opportunities.
 - B. The Township Board may determine additional access is justified without compromising traffic operations along the public street, based upon a traffic impact study as described in Section 6.4.
 - C. Two one-way driveways may be permitted where the frontage is at least one-hundred-twenty-five (125) feet.
- 7. Driveway Spacing Standards
 - A. Minimum spacing between two commercial driveways shall be determined based upon posted speed limits along the parcel frontage. The minimum spacing standards in the table below are measured from centerline to centerline.

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Posted Speed Limit (MPH)	Minimum Driveway Spacing (Feet)
25	125
30	155
35	185
40	225
45	300
50+	330

For sites with insufficient street frontage to meet the above requirements the Township Board may require a shared driveway with an adjacent property, construction of a driveway along the property line farthest from the intersection or require a service road as described in Section 5.19.9.

- B. 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 two- hundred-fifty (250) feet along arterial streets and one-hundred-fifty (150) feet along collector and local streets from those on the opposite side of the roadway. These standards may be reduced by the Township Board if

approved by the applicable road agency. Longer offsets may be required depending on the expected inbound left-turn volumes of the driveways.

- C. Minimum spacing requirements between a proposed commercial driveway and an intersection either adjacent or on the opposite side of the street may be recommended on a case-by-case basis by the Planning Commission to the Township Board during site plan review. In no instance shall the spacing be less than the distances listed in the following table. The following measurements are from the near (5.19.7.C continued) 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.

Minimum Commercial Driveway Spacing from Street Intersections		
Location Of Driveway	Minimum Spacing for a Full Movement Driveway (feet)	Minimum Spacing for a Channelized Driveway Restricting Left Turns (feet)
Along County Primary Road or from expressway ramps	300	300
Along County Primary Road intersecting another County Primary Road	250	125
Along County Primary Road intersecting a County Local Road	200	125
Along a County Local Road	125	75
Along a County Local Road or Existing Private Road	75	50

County Primary Roads and County Local Roads are classified by the Lapeer County Road Commission. For sites with insufficient street frontage to meet the above requirements the Township Board may require a shared driveway with an adjacent property, construction of a driveway along the property line farthest from the intersection or require a service road as described in Section 5.19.9.



8. Commercial Driveway Design

- A. All commercial driveways shall be designed according to the standards of the Lapeer County Road Commission or Michigan Department of Transportation, as appropriate.
- B. For high traffic generators, or for commercial driveways along roadways experiencing or expected to experience congestion, the Township Board may require two egress lanes.
- C. Where a boulevard entrance is desired by the applicant or recommended by the Planning Commission to the Township Board, a fully curbed island shall separate the ingress and egress lanes. The radii forming the edges on this island shall be designed to accommodate the largest vehicle that will normally use the driveway. The minimum area of the island shall be one-hundred-eight (180) square feet. The Township Board may require landscaping on the section outside the public right-of-way. Such landscaping shall be tolerant of roadway conditions. Direct alignment of boulevard entrances is discouraged, and may require the installation of left-turn pockets, unless indirect left turns are provided.

9. Shared Driveways And Service Drives

A shared commercial driveway, frontage road or rear service drive connecting two or more properties or uses may be required where the Planning Commission makes a recommendation to the Township Board that reducing the number of access points may have a beneficial impact on traffic operations and safety while preserving the property owner's right to reasonable access. In particular, shared driveways, service drives or other connection between uses may be required in the following cases:

- A. Where the driveway spacing standards of this section cannot be met.
- B. Where recommended in the Master Plan.
- C. Where the driveway could potentially interfere with traffic operations at an existing or potential traffic signal location.
- D. Along major arterial roadways with high traffic volumes or along segments experiencing a relatively high number of accidents.

- E. Where the property frontage has limited sight distance.

10. Service Road Design Standards

- A. Location: Service roads shall generally be parallel or perpendicular to the front property line and may be located either in front of, adjacent to, or behind, principal buildings. In considering the most appropriate alignment for a service road, the Planning Commission shall consider the setbacks of existing buildings and anticipated traffic flow for the site.
- B. Access Easement: The service road shall be within an access easement permitting traffic circulation between properties. This easement shall be sixty-six (66) feet wide, except an access easement parallel to a public street right-of-way may be forty (40) feet wide, if recommended by the Planning Commission and approved by the Township Board. The required width shall remain free and clear of obstructions, unless otherwise approved by the Planning Commission.
- C. Construction and Materials: Service roads shall have a base, pavement and curb with gutter in accordance with the Lapeer County Road Commission standards for public streets, except the width of the service road shall have a minimum pavement width of twenty-six (26) feet measured from curb face-to-face.
- D. Parking: The service road is intended to be used exclusively for circulation, not as a parking maneuvering aisle. The Planning Commission may recommend that the Township Board require the posting of "no parking" signs along the service road. In reviewing the site plan, the Planning Commission may recommend that the Township Board permit temporary parking in the easement area where a continuous service road is not yet available, provided that the layout allows removal of the parking in the future to allow extension of the service road. Temporary parking spaces permitted within the service drive shall be in excess of the minimum required under Section 5.2. (The Planning Commission may recommend that the Township Board permit the addition of eight (8) foot-wide parallel parking lanes on one or both sides of a service road where the Planning Commission determines the parallel parking an integral component of the development design).

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- E. Access to Service Road: The Planning Commission shall recommend approval of the location of all accesses to the service road, based on the driveway spacing standards of this Section. The Planning Commission may recommend approval of additional driveways to the Township Board if approved by the Lapeer County Road Commission or the Michigan Department of Transportation, and consistent with purpose of this Section.
- F. Temporary Access: The Planning Commission may recommend Township Board approval of temporary accesses where a continuous service road is not yet available and a performance bond or escrow is created to assure elimination of temporary access when the service road is continued. Occupancy permits shall not be issued until performance guarantees have been deposited with Imlay Township.
- G. Elevation: The site plan shall indicate the proposed elevation of the service/frontage road at the property line and the Building Department shall maintain a record of all service road elevations so that their grades can be coordinated.
- H. Landscaping: The area between a service road and the public street right-of-way shall include a landscaped greenbelt as specified in Section 5.7.
- I. Maintenance: Each property owner shall be responsible for maintenance of the easement and service drive. Shared commercial driveways and service roads shall be within an access easement recorded with the Lapeer County Register of Deeds.

- C. Where the driveway could potentially interfere with traffic operations at an existing or potential traffic signal location.
- D. Along major arterial roadways with high traffic volumes or along segments experiencing a relatively high number of accidents.
- E. Where the property frontage has limited sight distance.

12. Waivers and Modifications

During site plan review the Township Board shall have the authority to modify the standards of this Section upon consideration of the following:

- A. The standards of this section would prevent access to the site.
- B. Access via a shared driveway or service road is not possible due to the presence of existing buildings or topographic conditions.
- C. Roadway improvements (such as the addition of a traffic signal, a center turn lane or bypass lane) will be made to improve overall traffic operations prior to completion or occupancy of the building.
- D. The use involves the redesign of an existing development or a new use which will generate less traffic than the previous use.
- E. The proposed location and design is supported by the applicable road agency as an acceptable design under the conditions. The Planning Commission may also request the applicant to provide a traffic impact study and review fee in accordance with Section 6.4 to support the requested access design.
- F. The modification shall be of the minimum amount necessary, but in no case shall spacing of a full-access driveway be less than sixty (60) feet, measured from centerline to centerline.

11. Shared Residential Driveway Standards

A shared residential driveway may be required to serve two (2) residences where the Planning Commission finds that a reduction in the number of access points may have a beneficial impact on traffic operations and safety, while preserving the residential property owners' right to reasonable access. The Planning Commission may recommend Township Board approval of shared residential driveways in the following cases: (Amended 2006)

- A. Where the driveway spacing standards of this section cannot be met.
- B. Where recommended in the Master Plan.

5.20 SHARED DRIVES

Shared drives, other than private roads, which serve a maximum of two (2) parcels of land with frontage as described in Section 5.14, may be permitted subject to the following requirements:

- 1. A shared drive maintenance agreement shall be submitted to the Township and recorded as a part of the deed for every parcel to which the drive provides access. The agreement shall specify the responsibilities of property owners



with regard to driveway maintenance, and shall detail the manner in which ongoing maintenance costs will be apportioned.

2. The shared drive shall be constructed in accordance with Imlay Township's Private Drive Standards for Emergency Access (Section 5.17).

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Article 6.0

Development Procedures



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6.0 Development Procedures

6.1 SITE PLAN REVIEW

A site plan shall be submitted for approval by the Township Board after review by the Planning Commission for any new construction, structural alteration, addition to, or substantial change in use of any structure, land, or combination of structure and land in MH, RM-1, NB-O, B-1, B-2, I-1, and I-2 Districts. Whenever any such development requires site plan approval prior to the issuance of a building or occupancy permit, the procedures outlined below will be followed and the use shall comply with the following requirements and standards:

1. Requirements

The required number of copies of the Site Plan Review and/or Special Land Use application (obtainable from the Township Clerk) together with the same number of copies of all required drawings and illustrations shall be presented to the Township Clerk 14 days prior to the next regular meeting of the Planning Commission, to be forwarded to the Planning Commission, Community Planner, Township Engineer and/or Township Attorney where necessary. All of the following detailed information must be submitted:

A. Application Form

- i. Applicant's name and address
- ii. Name of the proposed development.
- iii. Common description of the property and complete legal description.
- iv. Dimensions of land, width, length, acreage and frontage.
- v. Existing zoning and zoning of adjacent properties.
- vi. Proposed use of land.
- vii. Name, address, city and phone number of:
 - a. Firm or individual who prepared site plan.
 - b. Legal owner of property.
 - c. Applicant (including basis of representation).
- viii. Signature of legal owner if not the applicant.

B. Site Plan Drawings and Illustrations (fully dimensioned)

- i. Location map drawn at scale of 4" = 1 mile (showing site in relation to nearest major intersection)
- ii. A scale of, not less than 1" = 50' if the subject property is five (5) acres or less, and 1" = 100' if over five (5) acres.
- iii. Date and north point.
- iv. Location of all existing and proposed structures and uses.
- v. All aisles, drives and parking areas (include the number of spaces in each).
- vi. Screening and/or protective walls.
- vii. Principal and accessory buildings.
- viii. Location of existing and proposed rights-of-way, widths of all abutting streets, alleys and easements.
- ix. Types of facing materials to be used on structures.
- x. Elevations (front, sides and rear views) of all sides of the building(s).
- xi. Typical floor plan(s).
- xii. Seal of Registered Architect, Landscape Architect, Professional Planner, Engineer or Surveyor, who prepared the plan. In cases of minor structural alterations where professional services are not required, the Township Board may waive this requirement.
- xiii. Density calculations (for multiple family and mobile home park developments).
- xiv. Existing buildings or improvements on the site and on all land adjacent to the site within 100 feet
- xv. Designation of units by type of buildings.
- xvi. Interior sidewalks and sidewalks within right of way.
- xvii. Exterior lighting locations and method of shielding.
- xviii. Trash receptacle location and method of screening.
- xix. Landscape plan.
- xx. Drive or street approaches including acceleration, deceleration and passing lanes, if appropriate.

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xxi. All utilities located on or serving the site.

xxii. Loading and unloading area.

xxiii. Total floor area.

xxiv. Designation of fire lanes.

xxv. Where large equipment or machinery is to be installed as part of the development, the location, type, horsepower, fuel, dimension, noise, vibration and emission levels and other data of all such equipment or machinery.

xxvi. Location and extent of development of recreation areas, where necessary.

xxvii. Indication of system proposed for water supply by a method approved by the Township and County Health Department.

xxviii. Indication of system proposed for sewer supply by a method approved by the Township.

xxix. Indication of proposed storm drainage system, and a point of outlet, by a method approved by the Township and Drain Commissioner.

xxx. Wherever there is reason to believe that any part of the site has a high water table or unstable subsoil conditions that would jeopardize the development, as proposed, the site plan submittal shall include a tabulated record and a keyed map of soil borings made by and certified by a registered civil engineer, or registered land surveyor.

xxxi. A plan shall be submitted of any proposed water areas indicating depths, normal water levels, slopes and type of bank retention; method of controlling insects, water growths and vegetation.

xxxii. See Section 6.3 for additional site plan requirements for condominium developments:

C. Sign Information

Separate drawings of the proposed sign(s) to be erected on the site may be submitted at the time of site plan review or at a later date, The location of all signs shall be shown on the site plan but the following detailed information may be deferred until later:

i. Height of the sign above the ground.

ii. Surface of the sign (material and dimensions).

iii. Area of sign surface.

iv. Lettering of sign drawn as it will appear on the erected sign need not be in the style of the finished sign but must be neatly printed in the size and of a weight approximating that of the final constructed sign.

v. Method of illumination, if any.

2. Procedures.

The petition will be placed on the agenda of a meeting of the Planning Commission and a recommendation for acceptance, revision or disapproval will be made to the Township Board, The plan will then be forwarded to the Board for final action at a meeting of the Township Board.

A. Upon determination of the Township Board that a site plan is in compliance with the Zoning Ordinance as amended, and other plans or regulations, it will be so indicated on the site plan.

B. Upon determination of the Township Board that a site plan is in compliance except with minor revisions, said changes shall be so indicated, When these changes have been adequately provided, the petitioner may resubmit the site plan to the Planning Commission for review prior to final approval by the Township Board, or

C. If extensive revisions to the site plan are necessary to meet the ordinance, plan and regulation requirements, the site plan shall be disapproved and the applicant requested to prepare an alternate site plan. In this case "DISAPPROVAL" shall be written on the plan and reasons for disapproval indicated, If the applicant desires to prepare an alternate plan, the same procedure as outlined under subsection a, "Requirements" above must be met.

D. In the process of reviewing the site plan, the Planning Commission shall consider:

i. The location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site, and in relation to pedestrian traffic.



- ii. The traffic circulation features, within the site and location of automobile parking areas; and may make such requirements with respect to any matter as will assure:
 - a. Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets.
 - b. Satisfactory and harmonious relationship between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
 - c. Upon approval of a site plan by the Township Board, a building permit shall be requested by the petitioner within twelve (12) months or the site plan shall be declared to be invalid. Upon receipt of a building permit, reasonable construction shall be commenced within six (6) months, and reasonably continued, or the site plan and building permit shall be declared to be invalid, unless the petitioner requests an extension and obtains a renewed building permit from the Building Inspector.
- E. In the case of multiple dwelling developments, all site plans shall be submitted to the Planning Commission for its review and recommendation and shall require approval by the Township Board prior to issuance of a building permit.

Approval by the Township shall be contingent upon a finding that: (1) The site plan shows that a proper relationship exists between local streets and any proposed service roads, driveways, and parking areas to encourage pedestrian and vehicular traffic safety, and (2) All the development features including the principal building or buildings and any accessory buildings, or uses, open spaces, and any service roads, driveways and parking areas are so located and related to minimize the possibility of any adverse effects upon adjacent property, such as, but not limited to, channeling excessive traffic onto local residential streets, lack of adequate screening or buffering of parking or service areas, or building groupings and

circulation routes located as to interfere with police or fire equipment access. Public streets adjacent or through the proposed development shall be required upon a finding that it is essential to promoting and protecting public health, safety and general welfare.

- F. Administrative Review and Approval. Minor additions to existing buildings may be eligible for administrative site plan review and approval, provided they do not involve: a use proposing to add a drive-through window or lane; a special land use; a use selling alcohol or medical marijuana; the handling or storage of hazardous materials, hazardous wastes, industrial or agricultural chemicals; a site adjoining a school.

The Zoning Administrator shall have the authority to send any minor addition to the Planning Commission where he determines it is similar in character to the excluded uses described above.

Administrative approval requires that the following conditions are met:

- i. The use has previously received site plan approval by the Township Board and a site plan is on file that is substantially consistent with the requirements of this Section 6.1
- ii. The applicant submits a revised site plan, for review by the Township Zoning Administrator and Supervisor who may send it to the Planning Consultant for review, that demonstrates compliance with all relevant provision of the Zoning Ordinance, such as but not limited to: off-street parking, landscaping and screening, exterior lighting, screen wall and fence requirements, performance standards, and the like.
- iii. The addition requires five (5) or fewer parking spaces or is smaller than five hundred (500) square feet, whichever results in the greater floor area, and the site plan demonstrates compliance with the parking requirements of Section 5.2.



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6.2 SPECIAL LAND USE APPROVAL REQUIREMENTS

1. General Requirements

For all special land uses, a site plan shall be submitted for review and recommendation by the Imlay Township Planning Commission and approval by the Township Board and shall conform to the Requirements and Procedures for Site Plan Review set forth in Section 6.1. If the plans meet the required standards of this ordinance, article and applicable section and indicate no adverse effects which, in the opinion of the Township Board, cause injury to the residents, users or adjoining property, or the Township as a whole, the Board shall approve the use. The Township Board shall review each application for special land use approval individually and must find affirmatively to each of the following standards if the proposed use is to be approved. Such uses shall be subject to conditions, restrictions and safeguards deemed necessary within the scope of the law as set forth below.

- A. The proposed special land use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and/or vicinity and applicable regulations of the zoning district in which it is to be located.
- B. The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relation to intersections, adequacy of sight distances, location of and access to off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle interfacing.
- C. The proposed use shall be designed as to its location, size, intensity, site layout and periods of operation so as to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke, lights or similar adverse impacts.
- D. The proposed use shall be such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the

appropriate development and use of adjacent land and buildings or unreasonably affect their value.

- E. The proposed use shall relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Township.
 - F. The proposed use is necessary for the public convenience at the proposed location.
 - G. The proposed use is so designed, located, planned and to be operated that the public health, safety and welfare will be protected.
 - H. The proposed use shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the zoning district.
- 2. Approval.**

If the Township Board determines that the particular special land use(s) should be allowed, it shall endorse its approval thereof on the written application and issue a special land use permit. The special land use permit shall specify the particular use(s) which have been allowed and shall clearly set forth in writing a statement of findings and conclusions relative to the special land use, indicating the basis for the decision and any conditions imposed. Thereafter, the building inspector may issue a building permit in conformity with the particular special land use so approved. In all cases where a particular special land use has been approved as provided herein, application for a building permit in pursuance thereof must be made and received by the Township not later than one hundred twenty (120) days thereafter, or such approval shall automatically be revoked, provided, however, the Township Board may grant an extension thereof for good cause shown under such terms and conditions and for such period of time not exceeding six (6) months as it shall determine to be necessary and appropriate.

3. Denial.

If the Township Board shall determine that the particular special land use(s) requested does not meet the standards of this Ordinance or



otherwise will tend to be injurious to the public health, safety, welfare or orderly development of the Township, it shall deny the application by a written endorsement thereon which clearly sets forth the reason for such denial. The decision to deny the special land use may be appealed before the Imlay Township zoning Board of Appeals. The Board of Appeals shall prepare a transcript of the proceeding of any such appeal which shall constitute the official record of the appeal.

4. Record.

The decision on a special land use shall be incorporated in a statement of conclusions relative to the special land use under consideration. The record shall specify the basis for the decision, and any conditions imposed.

5. Hearings.

The Township Planning Commission shall investigate the circumstances of each such case and give notice of the time and place of any hearing, meeting or review which may be held relative thereto as required by State Law and/or its rules of procedure. Based on its findings, the Planning Commission shall make a recommendation for approval, with or without conditions or denial of the special land use to the Township Board. The Township Board shall hold an additional public hearing at its discretion or if requested by any property owner or the occupant of any structure located within 300 feet of the boundary of the property being considered for a special land use. The Township Board shall give notice of any such hearing and/or notice of the specific request; the time, date and place where it will be considered; and the right of any property owner or occupant within 300 feet to request a public hearing. All such notices shall be published and sent as required by State Law.

6. Conditions.

The Township Board may impose such conditions or limitations in granting approval as may have been recommended by the Township Planning Commission and as may be permitted by State Law and this ordinance which it deems necessary to fulfill the spirit and purpose of this ordinance. The conditions may include, conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve

natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall do all the following:

- A. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being of those who will use the land or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- B. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- C. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this ordinance; and be necessary to ensure compliance with those standards.

The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. The special land use permit shall list the conditions associated with the approved use. The Township Board shall maintain a record of changes granted in conditions.

7. Annual Renewal.

Approved special land use permits shall be subject to annual renewal. The Township shall send permit holders an inquiry form each December requesting permit holders to specify whether the use is still occurring and whether there have been any changes in the approved operation. Permits for those operations, which have not changed, may be renewed without Township Board review by returning the completed inquiry form to the Township along with an annual renewal fee to be determined by the Township Board. Annual review of a special land use by the Planning Commission and Township Board may be required as a condition of approval as deemed necessary and specified in the special land use permit.

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6.3 CONDOMINIUM SUBDIVISION APPROVAL

The following standards are adopted to insure compliance of Condominium Subdivisions with the Michigan Condominium Act, the Michigan Zoning Enabling Act, and the requirements of the Township.

1. Review And Meeting Minimum Requirements

All site condominium developments shall be submitted to the Imlay Township Planning Commission for review and approval pursuant to the terms of this Ordinance and all building sites and condominium units created from the subdivision or development of land under Condominium Act shall, at a minimum, contain the required square footage, dimensions, ratios, setbacks and other requirements of a lot as provided in the Zoning Ordinance.
2. Variance

A variance from the terms and conditions herein may be obtained, as provided for in the Zoning Ordinance, from the Zoning Board of Appeals.
3. Condominium Subdivision Plan And Document Requirement
 - A. All condominium subdivisions submitted for review by the Planning Commission shall contain all required information for site plan review as set forth in Section 6.1 of this Ordinance and shall, by applying the equivalent words or terms, conform to the plan preparation requirements; review and approval procedures; and design, layout and improvement standards of the Subdivision Control Ordinance, as amended. The requirement of final plat approval in the Subdivision Control Ordinance shall not apply to condominium subdivision plans except that a Letter of Credit shall be submitted to the Imlay Township Clerk to guarantee the installation and completion of any required public sanitary sewer, water supply, and drainage facility, within a length of time agreed upon from the date of final approval of the Condominium Subdivision Plan by the Planning Commission. Nothing in this section shall be construed as requiring a condominium subdivision to obtain plat approval under the Subdivision Control Act.
 - B. Layout of streets indicating proposed street names, right-of-way widths and connections with adjoining platted streets

- and also the width and location of alleys, existing easements and public walkways.
- C. Indication of parcels of land intended to be dedicated or set aside for public use and/or for the use of property owners in the development and any lands to be preserved in their natural state.
 - D. The Township shall require of the proprietor as a condition of approval, a deposit in the form of cash, certified check, or irrevocable bank letter of credit running to the Township for the full cost, as estimated by the Township Engineer, of the public improvements under Township jurisdiction to insure the completion of said improvements and facilities within a length of time agreed upon from the date of approval of the plan by the Township Board. The Township shall rebate to the proprietor as work progresses, amounts of any cash deposits equal to the ratio of the work completed to the entire project provided, however, that no amount shall be reimbursed until the Township Engineer approved the same and at least ten percent (10%) shall be retained pro-rata from the entire project for each payment until one (1) year after completion of the improvements to insure against any repairs that may be necessary.
 - E. One complete set of "as built" dimensioned drawings shall be provided by the proprietor to the Township Board at the time of final acceptance of the public improvements.
 - F. The design standards set forth herein are development guides and all developments of more than one lot or building site must be reviewed and meet the approval of the Township.
 - G. Streets shall conform to all minimum requirements, general specifications, typical cross-sections and other conditions set forth in this Ordinance and any other requirements of the Lapeer County Road Commission.
 - i. Location and Arrangement:
 - a. The proposed plan shall conform to the various elements of the Master Plan and shall be considered in relation to existing and planned major thoroughfare and collector streets, and streets shall be developed in the location



- and the width indicated on the Master Plan.
- b. The street layout shall provide for continuation of collector streets in the adjoining developments or subdivisions or of the proper projections of streets when adjoining property is not subdivided or otherwise developed.
 - c. For residential developments, the street layout shall include local streets so laid out that their use by through traffic will be discouraged.
 - d. Should a proposed development border on or contain an existing or proposed major thoroughfare, the Planning Commission may require a side lot relationship to the Major thoroughfare with an approved screen planting contained in a dedicated nonaccess reservation along the side property lines having a minimum width of 12 feet, or such other treatment as may be necessary for adequate separation of the residential properties from the major thoroughfare.
- ii. Street Layouts: The following design standards shall be used:
- a. Major and secondary thoroughfare minimum right-of-way width = 120 feet.
 - b. Residential collector streets minimum right-of-way = 86 feet.
 - c. Non-residential collector streets minimum right-of-way = 70 feet.
 - d. Local street minimum right-of-way width = 66 feet.
 - e. Cul-de-Sac streets minimum right-of-way = 66 feet, with a vehicular turn-around with a minimum diameter of 150 feet and with a paved roadway of not less than 112 feet in diameter.
 - f. Cul-de-Sac street maximum length = 660 feet measured to the center of the turn-around.
 - g. Half streets and alleys are prohibited.
- iii. Grade Standards and Horizontal Alignment shall be to County Road Commission specifications.
- H. If blocks are proposed, they shall conform to the following standards:
- i. Sizes:
 - a. Maximum length for blocks shall not exceed 1,500 feet in length, except where in the opinion of the Planning Commission, with the advice of the Township Planner and the Township Engineer, conditions may justify a greater distance.
 - b. Widths of blocks shall be determined by the conditions of the layout and shall be suited to the intended design of the development.
 - ii. Public Walkways:
 - a. Public walkways or crosswalks or easements for same shall be required by the Planning Commission to obtain satisfactory pedestrian circulation within the development and the periphery to public or private facilities.
 - b. Right-of-way widths of public walkways when not adjacent to or a part of street rights-of-way shall be at least 15 feet and shall be dedicated to the use of the public.
 - iii. Easements:
 - a. Location of utility line easements shall be provided in a uniform location approved by the Planning Commission. Every lot/building site, park or public grounds shall have access of not less than 15 feet wide.
 - b. Recommendations on the proposed layout for telephone, electric, and gas utility easements shall be obtained from the utility companies serving the Township.
 - c. Where a development is traversed by a water course, drainage way, channel or stream, there shall be provided a storm easement or drainage right-of-way conforming substantially with the lines of such water course and such further width or construction or both as



will be adequate for the purpose. Such easements shall meet the approval of the Township and the County.

i. Lots/building sites within developments shall conform to the following standards:

- i. Sizes and Shapes:
 - a. The lot/building site size, width, depth and shape in any development proposed for shall be appropriate for the location and the type of development contemplated.
 - b. Lot/building site areas, widths, and setbacks shall conform to at least the minimum requirements of the Zoning Ordinance for the district in which the development is proposed.
 - c. Excessive lot depth in relation to width shall be avoided. A depth-to-width ratio of not more than 4 to 1 may be required.
 - d. Corner lots/building sites shall be designed at least twenty (20) feet wider than the minimum width permitted by the Zoning Ordinance.
 - e. Lots/building sites intended for purposes other than residential use shall be specifically designed for such purposes, and shall have adequate provisions for off-street parking setbacks, and other requirements in accordance with the Zoning Ordinance.

ii. Arrangement - The Planning Commission may alter requirements of Sections 6.3.I.ii.b, c, and d upon a finding that topographic or other practical difficulties result from the strict application of these standards:

- a. Every lot/building site shall front or abut upon an approved street.
- b. Side lot/building site lines shall be at right angles or radial to the street lines.
- c. Residential lots/building sites abutting major thoroughfares or collector streets shall be designed with side lot lines parallel to the major traffic streets, or shall be designed with extra depth to

permit generous distance between buildings and such trafficway.

- d. Lots/building sites shall have a front-to-front relationship across all streets where possible.
- e. Wetlands, lands subject to flooding or lands otherwise deemed by the Planning Commission to be uninhabitable shall not be shown as available for development purposes, or for uses that may in the judgement of the Planning Commission diminish a natural resource or tend to endanger health, life, or property or increase the flood hazard. Such land within a development shall be set aside for other uses, such as open space or parks.

J. Credits for Public Dedications:

In supplying sites for schools and parks acceptable to the Township, the proprietor may reduce the minimum lot/building site frontage and lot/building site area requirements of the Township's Zoning Ordinance in direct proportion to the land dedicated for public purpose according to the following formula:

$$\text{Total Park and School Area Dedication} \div \text{Gross Area of Development} = \text{Percentage of Minimum Lot Frontage and Area Reduction (Not to Exceed 10\%)}$$

When multiplying the percentage reduction allowable to the minimum lot/building site frontage, the product may be rounded to the nearest lower whole number. When multiplying the percentage reduction allowable to the minimum lot area, the product may be rounded to the nearest lower even 100 square feet.

K. Trees and Natural Features; Maintenance of Grass:

- i. The natural features and character of lands must be preserved wherever practical:
 - a. Due regard must be shown for all natural features such as large trees, natural groves, and similar community assets that will add attractiveness and value to the property if preserved. Existing trees shall be preserved wherever possible, and removal must be



justified to the Planning Commission.

b. Areas identified as wetlands on the National Wetlands Inventory Maps shall not be filled, drained, developed, or otherwise altered in any way. This Ordinance intends to protect and preserve all wetlands. Protection of such areas shall not be used for density credits or bonuses.

ii. The Condominium By-Laws shall include the following statement, "It shall be the responsibility of the owner of each lot/building site to maintain grass at a height no greater than twelve (12) inches." (Amended 2006)

L. Greenbelts:

Greenbelts acceptable to the Planning Commission may be required to be placed next to incompatible features such as highways, commercial or industrial uses to screen the view from residential properties. Such screens or greenbelts shall be a minimum of fifteen (15) feet wide and shall not be a part of the normal roadway right-of-way or utility easement.

M. Flood Hazard Areas:

Any areas of land within the proposed development which lie either wholly or in part within the floodway of a stream, creek or drain, or any other areas which are subject to flooding or inundation by storm water shall require specific compliance with the applicable State Law.

N. Topsoil:

Removal of topsoil from areas to be developed shall be prohibited except in those areas to be occupied by buildings, roads, or parking areas. A plan for storage or stockpiling of topsoil shall be submitted by the proprietor and shall be approved by the Township.

O. Required Conditions:

The improvements set forth under the provisions of this Ordinance shall be obtained prior to the installation of any development or project improvements within Imlay Township in public streets, public rights-of-way, and public easements, and/or under the ultimate jurisdiction of Lapeer County.

P. Utility Improvements:

A set of engineering plans shall be prepared by a Professional Engineer showing all utility improvements. The plan shall show and conform to all standards and ordinance requirements and the following:

i. Surface Drainage - Building Permit:

No building permit shall be issued in any multi-lot or multi-building site development in Imlay Township unless the application for such permit is accompanied by evidence, in the form of diagrams, showing topography of such building site and the proposed surface drainage thereof approved by the Township. It shall be unlawful for any person to impede, block, change or alter the flow of surface drainage in any manner, or maintain any such impediment or blockage in any manner in any development, without the prior express written approval of the Township.

ii. Surface Drainage - Occupancy Permit:

No final occupancy permit shall be issued for a new building until satisfactory evidence is furnished that the yard grading is complete for the lot or parcel of land on which the building is located. "Satisfactory evidence" may at the discretion of the Township Clerk be in the form of a certificate prepared by and certified by a registered land surveyor or registered professional engineer, showing the required grading to be done, a temporary certificate of occupancy may be issued by the Building Inspector upon the filing with the Township Clerk of a cash bond, in an amount to be determined by the Township, to guarantee that said grading will be completed as soon as weather permits. Upon the filing of satisfactory evidence that the grading has been completed as herein provided, said bond shall be refunded.

Q. Other Improvements:

i. Street Signs:

An appropriate street sign shall be erected at each street intersection within the development. The type of sign and location thereof, shall be subject to the approval and direction of the County Road Commission. If any



proposed streets are private, signs shall conform to County standards and the Michigan Manual of Uniform Traffic Control Devices. Temporary signs shall be installed by the developer before construction in the subdivision is begun to facilitate the location of given lots by emergency vehicles.

- i. Pedestrian Walkways, Open Spaces and Trees:
Pedestrian walkways, open spaces and trees shall be installed and preserved in accordance with this Ordinance.

R. A copy of the proposed Master Deed and By-Laws shall be submitted to the Planning Commission for review.

S. All condominium subdivision plans, submitted for review by the Planning Commission, shall include the information required by Section 66 of the Michigan Condominium Act and the following:

- i. A survey Plan of the Condominium Subdivision.
- ii. A flood plain plan when appropriate.
- iii. A site plan showing the location, size, shape, area and width of all condominium units and building sites, including building setback lines showing the width of each lot/building site at the front setback line.
- iv. The boundaries of all wetlands as determined by an individual recognized by the Michigan Department of Natural Resources as a Wetlands Consultant.
- v. A utility plan showing all sanitary sewer, water and storm sewer lines and easements granted to the Township for installation, repair and maintenance of all utilities.
- vi. A street construction, paving, and maintenance plan for all private streets within the proposed condominium subdivision. For public streets, a plan showing conformance with the requirements of the County Road Commission.
- vii. A storm drainage and storm water management plan, including all lines, swales, drains, basins and other facilities.
- viii. Easements for utilities. The Condominium Subdivision Plan shall include all necessary easements

granted to the Imlay Township for the purpose of constructing, operating, inspecting, maintaining, repairing, altering, replacing and/or moving pipelines, mains, conduits, and other installations of a similar character (hereinafter collectively call "Public Structures") for the purpose of providing public utilities, including conveyances of sewage, water and stormwater runoff across, through and under the property subject to said easement, and excavating and refilling ditches and trenches necessary for the location of such structures.

4. Interpretation By The Planning Commission

Where there is no equivalent term or phrase defined in this Ordinance, the Planning Commission shall interpret the appropriate equivalent term in the Zoning Ordinance and/or Subdivision Ordinance for the purpose of applying the standards and requirements of those Ordinances to the proposed site condominium so as to carry out the purpose of the Ordinance as set forth in the introductory paragraph in this Ordinance.

5. Minimum Building Separation Requirements

Where there is any ambiguity in the application of minimum setback requirements of the Zoning Ordinance to a condominium subdivision plan, the individual condominium units shall maintain the following separation requirements between individual units and from individual units to the center of all internal streets:



Zoning District	Minimum Building Separation From:					
	Front to Center of Street	Side to Side	Side to Rear	Rear to Rear	Side to Center of Street*	Rear to Center of Street*
AG	83'	40'	80'	120'	83'	93'
R-1, RE	83'	30'	55'	80'	83'	73'
RM-1	58'	53'	55'	70'	58'	68'
B-1, B-2, NBO	58'	10'	25'	40'	58'	53'
I-1	63'	20'	40'	60'	63'	63'
I-2	83'	40'	70'	100'	83'	83'
MH**	58'	20'	45'	70'	58'	68'

* Increase by 10 feet if street is classified in the Thoroughfare Plan as a collector street and increase by 27 feet if street is classified as a secondary or major thoroughfare. For regional highways, increase in separation to be determined by Planning Commission based on right-of-way width.
 ** Minimum setback from an individual mobile home to the park boundary shall be 20 feet along any side or rear lot line.

6. Encroachment Prohibited

Encroachment of one condominium unit upon another as described in Section 40 of the Michigan Condominium Act shall be prohibited by the Condominium By Laws and shall be recorded as part of the Master Deed. In addition, no common elements shall be permitted within the limited common elements utilized as part of the building site.

7. Mobile Home Condominium Project

Mobile Home Condominium Project shall conform to all requirements of this Ordinance and shall be located only in mobile home park districts.

8. Private Streets

If a condominium subdivision is proposed to have private streets, they shall be developed to the minimum design and construction standards, and maintenance requirements of the Private Road Ordinance.

9. Master Deed Required Provisions

The Master Deed for condominium subdivisions shall be approved by the Planning Commission and shall contain a provision that the Master Deed shall not be amended without the prior approval of the Imlay Township Planning Commission.

10. Approval/Amendment

Approval by the Planning Commission of a condominium subdivision plan shall confer upon the applicant the right to a building permit for a period of twelve months from and after approval. Upon receipt of a building permit, reasonable construction shall be commenced

within six months and reasonably continued or the site plan and the building permit shall be declared invalid, unless the applicant requests and obtains a new approval from the Planning Commission.

11. Amendments And Renewals

Any amendments or renewals to a condominium site plan, including its Master Deed, shall require the approval of the Planning Commission. The Planning Commission shall apply, as its standards in determining whether to grant a renewal or amendment, the Township's then existing Condominium Subdivision Ordinance.

12. Conflicting Regulations

Where other sections of the Zoning Ordinance are in conflict with this Section, the provisions of this Section shall control for condominium subdivisions.

6.4 TRAFFIC IMPACT STUDY REQUIREMENTS

1. Intent

Imlay Township recognizes the direct correlation between land use decisions and traffic operations. The intent of this section is to permit accurate evaluation of expected traffic impacts of proposed projects to assist in decision-making. The requirements of this Section outline the information needed and evaluation procedures to be used for reviewing traffic impact studies in order to meet the following objectives:

- A. To assess the effects that a proposed project may have on the community to



determine whether the transportation system can accommodate the expected traffic safely and efficiently.

- B. To help ensure safe and reasonable traffic operating conditions on streets and intersections after development of the proposed use.
- C. Rezoning traffic impact studies are intended to evaluate if the rezoning is timely and, if inconsistent with the Master Plan, whether the rezoning would be a logical alternative to the Master Plan, from a traffic perspective.
- D. To enable the Township to realize a comprehensive approach to the overall impacts of various developments along a corridor or within part of the community. This comprehensive approach will allow community decision makers, road agencies and developers to address the expected impacts of a project.
- E. To alert the community, transportation agencies, and developers of improvements of modifications needed to the roadway, access or site design.
- F. To protect the substantial public investment in the existing street system.

2. Definitions Pertaining to Traffic Impact Studies

- A. Development: A site plan, subdivision tentative preliminary plat, condominium project, mobile home park, redevelopment, reuse or expansion of a use or building.
- B. Average Day: A Tuesday, Wednesday, or Thursday for most uses. The average day may be a Saturday for uses that have higher or similar peak-hour traffic volumes on a Saturday rather than mid-week.
- C. Level of Service: A qualitative measure describing operational conditions within a traffic stream; generally described in terms of such factors as speed and travel time, delay, freedom to maneuver, traffic interruptions, comfort and convenience, and safety.
- D. Master Plan: The Master Plan for Land Use adopted by the Imlay Township Planning Commission which illustrates the intended future land use pattern and may also describe roadway functional classifications and intended improvements to the transportation system (i.e., Comprehensive Plan, Future Land Use Plan, Thoroughfare Plan, etc.).
- E. Peak Hour: A one-hour period representing the highest hourly volume of traffic flow on

the adjacent street system during the morning (a.m. peak hour), during the afternoon or evening (p.m. peak hour); or representing the hour of highest volume of traffic entering or exiting a site (peak hour of generator).

- F. Study Area: The geographic area containing those critical arterial intersections (and connecting roadway segments) which are expected to be affected by the site-traffic generated by a development.
 - G. Traffic Impact Study: The analysis of the potential traffic impacts generated by a proposed project. This type of study and level of analysis will vary depending upon the type and size of the project - Abbreviated Traffic Impact Assessment, Rezoning Traffic Impact Study, and Traffic Impact Statement.
 - H. Trip (i.e., directional trip): A single or one-direction vehicle movement with either the origin or the destination (exiting or entering) inside a study site.
3. Applicability

A traffic impact study shall be required and shall be submitted by a petitioner for a rezoning, site plan, area plan, concept plan or subdivision plan (tentative preliminary plat or site condominium) under any of the situations listed below.

- A. Traffic Impact Statements - these full-scale traffic impact studies are required for all projects expected to generate over 100 or more directional trips during the peak hour of the traffic generator or the peak hour of adjacent streets - or over 750 trips in an average day (see table on following page).
- B. Traffic Impact Assessments are abbreviated studies required for all projects expected to generate 75-100 directional trips during the peak hour.
- C. Rezoning Traffic Impact Study required for a) any proposed zoning change from residential to non-residential, b) any proposed zoning change from residential to a residential category two or more higher than the current level (e.g. RL to RM), c) any other rezoning that would likely increase trips generated per day by 1,000 or more over one or more principal permitted uses in the existing zoning district.
- D. Traffic Impact Statements and Assessments are required for new phases



to existing projects meeting above thresholds and for substantial changes to projects with a traffic study greater than 2 years old and where roadway conditions have changed more than 2 percent annually.

4. Traffic Impact Statement (TIS) contents:

- A. Project Description with illustrations and a narrative including:
 - i. Location and characteristics of the subject site including special site features.
 - ii. Adjacent roadway system (functional classification, lanes, speed limits, etc.).

- iii. Surrounding land uses.
- iv. Proposed development in the vicinity, which could influence future traffic conditions.
- v. Description of any committed roadway improvements.
- vi. Explanation and justification of the study area selected for analysis.

- B. Detailed description of the requested use including:
 - i. The number and types of dwelling units.

Examples of Land Use Size Thresholds / Based on Trip Generation Characteristics		
Land Use	100 Peak Hour Peak Direction	750 Trips Daily
Residential:		
Single Family	150 units	100 units
Apartments	235 units	110 units
Condominiums / Townhouses	295 units	120 units
Mobile Home Park	305 units	150 units
Commercial and Industrial:		
Shopping Center / Retail (GLA)	16,650 sq ft	3,230 sq ft
Fast Food w/ Drive-In (GFA)	5,750 sq ft	1,520 sq ft
Convenience Store w/ Gas (GFA)	2,075 sq ft or 15 pumps/nozzles	5 pumps of nozzles
Bank w/ Drive-In (GFA)	3,650 sq ft	2,800 sq ft
Hotel/Motel	260/285 rooms	85 rooms
General Office (GLA)	36,750 sq ft	47,560 sq ft
Medical/Dental Office (GLA)	42,100 sq ft	23,600 sq ft
Research & Development (GLA)	86,150 sq ft or 7.1 acres	68,720 sq ft or 9.4 acres
Light Industrial (GFA)	171,500 sq ft or 17.7 acres	115,000 sq ft or 11.5 acres
Manufacturing (GFA)	177,900 sq ft	198,600 sq ft
Church (GFA)	20,700 sq ft	20,500 sq ft
Day Care Centers	220 students	170 students
Notes: 1. Rates/equations used to calculate the above thresholds are the Trip generation, 6th Edition, 1997, by the Institute of Transportation Engineers. This table will likely need updating as future additions provide additional information. 2. For example, a full traffic impact study should be completed if thresholds are met or exceeded. 3. Although 70 units will typically generate approximately 750 trips per day, this threshold remains at 100 units based on past practical experience. 4. GLA = Gross Leasable Area; GFA = Gross Floor Area 5. Using a.m. peak-hour rates/equations would produce a lower threshold (3,940 sq ft). However, adjacent roadway volumes are usually higher during the p.m. peak hour. 6. Uses both "Service Station with Market" and "Convenience Store with Pumps" data. 7. Based on Sunday data.		
For further trip generation characteristics for the above land uses, or for other uses not illustrated above, refer to the latest version of Trip Generation.		

- 1 Purpose and Introduction
- 2 Definitions
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- 4 Use Standards
- 5 Site Standards
- 6 Development Procedures
- 7 Admin and Enforcement



- ii. Gross and leasable floor area.
 - iii. Number of employees and shift change factors.
 - iv. Intended phasing or future expansion of proposed use.
- C. Description of Roadway characteristics including:
- i. Lane configurations and geometrics.
 - ii. Signal timing and traffic control devices.
 - iii. Posted speed limits and any sight distance limitations.
 - iv. Existing levels of service for intersections included within the study area.
 - v. Illustration of existing driveways and description of potential turning movement conflicts in the vicinity of the site.
 - vi. Identification of existing and proposed right-of-way.
- D. Traffic Counts including:
- i. Existing peak-hour traffic volumes (and daily volumes) on street(s) adjacent to the site.
 - ii. Existing counts and levels of service for intersections in the vicinity which are expected to be impacted, as identified by the Planning Consultant at a pre-application conference or discussion.
 - iii. Traffic count data shall not be over (2) years old, except the Township may permit counts up to three (3) years old to be increased by a factor supported by documentation or a finding that traffic has increased at a rate less than two percent (2%) annually in the past three to five years.
 - iv. Traffic counts shall be taken on a Tuesday, Wednesday, or Thursday of non-holiday weeks. Additional counts (e.g., on a Saturday for a proposed commercial development) may also be required in some cases. The individual or firm performing the impact study shall obtain the traffic counts during average or higher than average volume conditions (i.e. regarding weather or seasonal variations and in consideration of any

construction or special events) for the area under study.

E. Background Traffic Growth

For any project requiring a TIS with a completion date beyond one (1) year at the time of the traffic study, the analysis shall also include a scenario analyzing forecast traffic and levels of service at date of completion along the adjacent street network using historic annual percentage increases and/or future development in the area which has been approved.

F. Trip Generation

i. Forecasted trip generation of the proposed use for the a.m. (if applicable) and p.m. peak hour and average day. A table should be provided showing the use, ITE code #, trip rate, and trips(in/out). The forecasts shall be based on the data and procedures outlined in the most recent edition of Trip Generation published by the Institute of Transportation Engineers (ITE). The applicant may use other commonly accepted sources of data or supplement the standard data with data from at least two (2) similar projects in Michigan.

ii. Any trip reduction for pass-by trips, transit, ride-sharing, other modes, internal capture rates, etc. shall be based both on ITE findings and documented survey results acceptable to the Township. The community may elect to reduce the trip reduction rates used.

iii. For projects intended to be developed in phases, trip generation by phase shall be described.

G. Trip Distribution

The projected traffic generated shall be distributed (inbound v. outbound, left turn v. right turn) onto the existing street network to project turning movements at site access points and at nearby intersections. Projected turning movements shall be illustrated in the report. A description of the application of standard engineering procedures for determining the distribution should also be attached (trip distribution model,



market studies, counts at existing driveways, etc.).

H. Impact Analysis

Level of service or "capacity" analysis at the proposed access points using the procedures outlined in the most recent edition of the Highway Capacity Manual published by the Transportation Research Board. Before and after capacity analyses shall also be performed at the closest signalized intersection and for all street intersections where the expected traffic generated at the site will comprise at least five percent (5%) of the existing intersection volume, and/or for roadway sections and intersections experiencing congestion, as determined by the Planning Commission.

I. Access management plan map (or reduced copy of proposed plan at 11" X 17") including:

- i. The location and design of proposed access (driveway or new street intersections).
- ii. Any sight distance limitations.
- iii. Dimensions from adjacent driveways and intersections within 200 feet on either side of the main roadway.
- iv. Data to demonstrate the number of driveways proposed is the fewest necessary.
- v. Data to support that the access points will provide safe and efficient traffic operation in accordance with the standards of Imlay Township and the applicable road agency.

J. Other Study Items-The traffic impact study (Assessment or Statement) shall include:

- i. Need for, or provision of, any additional right-of-way where planned or desired by the Township or applicable road agency.
- ii. Changes which should be considered to the plat or site plan layout.
- iii. Description of any needed non-motorized facilities.
- iv. If the use involves a drive-through facility, the adequacy of the (queuing stacking) area should be evaluated.
- v. If a median crossover is desired, separate analysis should be provided.

vi. If a traffic signal is being requested, the relationship of anticipated traffic to traffic signal warrants in the Michigan Manual of Uniform Traffic Control Devices. Analysis should also be provided on the impacts to traffic progression along the roadway through coordinated timing, etc.

vii. Description of site circulation and available sight distances at site driveways.

K. Mitigation/Alternatives

The study shall outline mitigation measures and demonstrate any changes to the level of service achieved by these measures. Any alternatives or suggested phasing of improvements should be described. The mitigation measures may include items such as roadway widening, need for bypass lanes or deceleration tapers/lanes, changes to signalization, use of access management techniques or a reduction in the proposed intensity of use. Proposed mitigation measures should be discussed with the applicable road agency. The responsibility and timing of roadway improvements shall be described. If road widenings or additional turn lanes are recommended at project access points, a traffic signing and striping plan must accompany the final site plan.

5. Traffic Impact Assessment (TIA) contents:

Abbreviated traffic impact assessments (TIA) shall include all of the information in Traffic Impact Statement (TIS), Section 6.4.4.A through 6.4.4.F, and 6.4.4.H through 6.4.4.I above. Mitigation measures can be limited to improvements necessary at project access locations.

6. Rezoning Traffic Impact Study (RTIS) Contents:

Rezoning traffic impact studies shall include all of the information in Traffic Impact Statement (TIS) 6.4.4.A, 6.4.4.B, and 6.4.4.E above. In addition, the study shall include available traffic counts (peak hour and daily) within one mile of the subject property. Also, the trip generation section shall compare trip generation of typical uses permitted under the requested zoning district with those in the existing zoning district.

7. Preparer Qualifications

The preparation of a thorough traffic impact study requires extensive background and



1	Purpose and Introduction
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4	Use Standards
5	Site Standards
6	Development Procedures
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experience in traffic-related analyses. Therefore, the experience of the preparer best defines his or her ability to provide a technically sound analysis. The person responsible for the preparation of the study shall meet the following requirements:

- A. Three or more years of recent experience in the preparation of traffic impact studies.
 - B. The development of impact studies (and similar intersection and/or corridor analyses) comprise a major component of the preparer's recent professional experience.
 - C. Specific education, training, and/or professional course work in traffic impact analysis
 - D. The study preparer shall be an associate (or higher) member of one or more professional transportation-related organizations, i.e., the Institute of Transportation Engineers (ITE) or the Transportation Research Board (TRB).
 - E. In addition, the preparer should have one of the following professional qualifications:
 - i. A registered professional engineer (PE)
 - ii. A community planner with AICP or PCP certification
 - iii. A trained professional transportation planner
 - F. Any study involving roadway or traffic signal design work shall be prepared by or under the supervision of a registered professional engineer (PE) with specific training in traffic engineering.
 - G. The study should include a resume of the preparer responsible for the report. The study should also be signed by the preparer with full recognition of potential liability for the results and recommendations outlined in the report.
8. Reviewer Qualifications
- Review of the study is important to ensure that the analysis and recommendations are based on accepted practices. The traffic impact study shall be reviewed by a trained traffic engineer or transportation planner. The qualifications of the reviewer should parallel those of the preparers as outlined above.
9. Waiver Of Study Requirements

The requirement for a traffic impact study, or the study elements listed "Traffic Impact Study Contents" may be waived/modified by the Planning Commission. Reasons for the waiver or modifications shall be documented. Factors to be considered include:

- A. The existing level of service along the roadway is not expected to drop below LOS "C" as a result of the proposed project.
- B. The existing level of service is not expected to be significantly impacted by the proposed project due to specific conditions at this location.
- C. A similar traffic study was previously prepared for the site and is still considered applicable.

6.5 PERFORMANCE GUARANTEES

In the interest of ensuring compliance with the Zoning Ordinance and protecting the natural resources and health, safety and welfare of the residents of the Township and future users or inhabitants of an area for which a site plan for a proposed use have been submitted, the Township Board as a condition of approval of the proposed use may require the applicant to deposit a performance guarantee as set forth herein to ensure completion of improvements connected with the proposed use required by this Ordinance, said improvements including but not limited to roadways, lighting, utilities, sidewalks, drainage, fences, screens, walls, landscaping and signs.

1. Performance guarantee as used herein shall mean a cash deposit, certified check, or irrevocable bank letter of credit in the amount of the estimated cost of the improvements to be made as determined by a representative of the Township.
2. Where the Township Board, as a condition of approval of a proposed use of land requires a performance guarantee, said performance guarantee shall be deposited with Imlay Township at the time of issuance of a building permit by Imlay Township for the development and use of the land.
3. Where a performance guarantee is required by the Township Board as a condition of approval for a proposed use, the Township Board shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed, said period to run from the date of the issuance of the building permit.



4. In the event the performance guarantee deposited is a cash deposit or certified check, the Township shall rebate to the applicant fifty (50) percent of the deposited funds when seventy-five (75) percent of the required improvements are completed as confirmed by the Township, and the remaining fifty (50) percent of the deposited funds when one hundred (100) percent of the required improvements are completed as confirmed by the Township.
5. Upon the satisfactory completion, as determined by the Township, of the improvement for which the performance guarantee was required, the Township shall return to the applicant the remainder of any performance guarantee deposited and any interest earned thereon.
6. In the event the applicant defaults in making the improvements for which the performance guarantee is required within the time period established by the Township Board, the Township shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements.
7. In the event the applicant defaults in making the improvements and the performance guarantee is not sufficient to allow the Township to complete the improvements for which it was posted, the applicant shall be required to pay to the Township the amounts by which the costs of completing the improvements exceeds the amount of the performance guarantee deposited.
8. In the event the applicant defaults in making the improvements and the Township uses the performance guarantee or a portion thereof, to complete the required improvements, any amounts remaining after said completion shall be applied first to the Township's administrative costs in completing the improvement with any balance remaining being refunded to the applicant.
9. In the event the applicant has been required to post a performance guarantee or bond with another governmental agency to ensure completion of an improvement associated with the proposed use, the applicant shall not be required to deposit a performance guarantee with Imlay Township, for that specific improvement.

10. The performance guarantee shall be deposited with the Township at the time of issuance of a building permit. The applicant shall enter into an agreement with the Township incorporating the provisions hereof regarding the performance guarantee.

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Article 7.0 Administration, Appeals and Enforcement



Article 7.0 Administration, Appeals and Enforcement

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7.0 Administration and Enforcement

7.1 ENFORCEMENT

The provisions of this ordinance shall be administered and enforced by the Building Inspector or by such deputies of his department as the Building Inspector may delegate to enforce the provisions of this ordinance.

7.2 DUTIES OF BUILDING INSPECTOR

1. The Building Inspector shall have the power to grant zoning compliance and occupancy permits, to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Building Inspector to approve any plans or issue any permits or Certificates of Occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform with this Ordinance.
2. The Building Inspector shall record all nonconforming uses existing at the effective date of this Ordinance for the purpose of carrying out the provisions of Section 7.18.
3. Under no circumstances is the Building Inspector permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his duties as Building Inspector.
4. The Building Inspector shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit.

7.3 PLOT PLAN

The Building Inspector shall require that all applications for building permits shall be accompanied by plans and specifications including a plot plan, in triplicate, drawn to scale, showing the following:

1. The actual shape, location, and dimensions of the lot.
2. The shape, size and location of all buildings or other structures, to be erected, altered, or moved and of any building or other structures already on the lot.
3. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
4. Such other information concerning the lot or adjoining lots as may be essential for

determining whether the provisions of this ordinance are being observed.

7.4 PERMITS

The following shall apply in the issuance of any permit:

1. Permits Not to be Issued

No building permit shall be issued for the erection, alteration or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all provisions of this Ordinance.

2. Permits Required

No building or structure, or part thereof, shall be hereinafter erected, altered, moved, or repaired unless a building permit shall have been first issued for such work. The terms "altered" and "repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affecting or regulated by the Township Building Code, Housing Law of Michigan, or this Ordinance, except for minor repairs or changes not involving any of the aforesaid features.

7.5 CERTIFICATES

No land, building, or part thereof, shall hereafter be occupied by, or for, any use unless and until a Certificate of Occupancy shall have been issued for such use. The following shall apply in the issuance of any certificate.

1. Certificate for New Use of Land

No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use of a different class or type unless a Certificate of Occupancy is first obtained for the new or different use.

2. Certificate for New Use of Buildings

No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a Certificate of Occupancy is first obtained for the new or different use.

3. Certificates Not to be Issued

No Certificate of Occupancy shall be issued for any building, structure, or part thereof, or for the use of any land, which is not in accordance with all the provisions of this Ordinance.

4. Certificates Required

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No building or structure, or parts thereof, which is hereafter erected or altered, shall be occupied or used or the same caused to be done, unless and until a Certificate of Occupancy shall have been issued for such building or structure.

5. Certificates Including Zoning

Certificates of Occupancy as required by the Township Building Code for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute Certificates of Occupancy as required by this Ordinance.

6. Certificates for Existing Buildings

Certificates of Occupancy shall be issued for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, it is found that such buildings, structures, or parts thereof, or such use of land, are in conformity with the provisions of this Ordinance.

7. Records of Certificates

A record of all certificates issued shall be kept on file in the office of the Building Inspector, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.

8. Certificates for Dwelling Accessory Buildings

Buildings or structures accessory to dwellings shall not require separate Certificates of Occupancy but may be included in the Certificate of Occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwelling.

9. Application for Certificates

Application for Certificates of Occupancy shall be made in writing to the Building Inspector on forms furnished by him, and such certificates shall be issued within five (5) days after receipt of such application if it is found that the building or structures or part thereof, or the use of land is in accordance with the provisions of this ordinance.

If such certificate is refused for cause, the applicant therefor shall be notified of such refusal and cause thereof, within the aforesaid five (5) day period.

10. Certificate for Temporary Occupancy of Mobile Home

The Building Inspector is authorized to grant a Temporary Occupancy Permit while the permanent dwelling is being rebuilt or replaced, as a result of loss or damage by fire or other

disaster. The Temporary Occupancy Permit shall be valid for a maximum of one (1) year. A building permit to repair or replace the permanent dwelling shall be issued prior to issuance of the Temporary Occupancy Permit. No extension of the Temporary Occupancy Permit will be granted unless the building permit for the permanent dwelling is still active and construction is progressing satisfactory to the Building Inspector.

7.6 FINAL INSPECTION

The holder of every building permit for the construction, erection, alteration, repair, or moving of any building, structure or part thereof, shall notify the Building Inspector immediately upon the completion of the work authorized by such permit, for a final inspection.

7.7 FEES

Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this ordinance may be collected by the Building Inspector in advance of issuance. The amount of such fees shall be established by resolution of the Township Board and shall cover the cost of inspection and supervision resulting from enforcement of this Ordinance.

7.8 INTERPRETATION

In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for "the promotion of the public health, morals, safety, comfort, convenience, or general welfare. It is not intended by this Ordinance to repeal, abrogate, annul or in any way to impair or interfere with any existing provision of law or ordinance other than the above described Zoning Ordinance, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this Ordinance imposes a greater restriction than is required by existing ordinances or by rules, regulations or permits; the provisions of this Ordinance shall control.



7.9 PLANNING COMMISSION

The Township Planning Commission is hereby designated as the Commission specified in Section 11 of Act 168 of the public acts of 1959, and shall perform the duties of said Commission as provided in the statute in connection with the amendment of this Ordinance.

7.10 PLANNING COMMISSION APPROVAL

1. In cases where the Planning Commission is empowered to recommend approval to the Township Board for certain use of premises under the provisions of the Ordinance, the applicant shall furnish such surveys, plans or other information as required by Section 6.1 or as may be reasonably requested by said Commission for the proper consideration of the matter.
2. The Planning Commission shall investigate the circumstances of each such case and shall notify such parties, who may in its opinion be affected thereby, of the time and place of any hearing which may be held relative thereto as required under its rules of procedure.
3. The Planning Commission may recommend imposing such conditions or limitations in recommending approval as may in its judgment be necessary to fulfill the spirit and purpose of this Ordinance.

7.11 CHANGES AND AMENDMENTS

1. The Township Board may from time to time amend, modify, supplement or revise the zoning district boundaries shown on the Official Zoning Map or the provisions of this Ordinance.
2. Amendments to the provisions of this Ordinance may be initiated by the Township Board, the Planning Commission, or by petition from one or more residents or property owners of the Township.
3. An amendment to the zoning district boundaries contained on the Official Zoning Map may be initiated by the Township Board, the Planning Commission, or by the owner or owners of property which is the subject of the proposed amendment.
4. An owner of land may voluntarily offer in writing and the Township may approve, certain use and development of land as a condition to the approval of a rezoning consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, (M.C.L. 125.3101 et seq.)
5. All proposed amendments to the provisions of this Ordinance or the Official Zoning Map shall

be referred to the Planning Commission for public hearing and recommendation to the Township Board, prior to consideration thereof by the Township Board.

6. Application Contents

An amendment to this Ordinance or the Official Zoning Map, except those initiated by the Township Board or Planning Commission, shall be initiated by submission of a completed application on a form supplied by the Township, including an application fee, which shall be established from time to time by resolution of the Township Board.

A. In the case of an amendment to the Official Zoning Map, the following information shall accompany the application form:

- i. A legal description and street address of the subject property, together with a map identifying the subject property in relation to surrounding properties.
- ii. The name and address of the owner of the subject property, and a statement of the applicant's interest in the subject property if not the owner in fee simple title.
- iii. The existing and proposed zoning district designation of the subject property.
- iv. A written description of how the requested rezoning meets the criteria contained in Section 7.11.8.
- v. Conditional rezoning requests shall include the applicant's proposed offer of conditions.

B. In the case of an amendment to this Ordinance, other than an amendment to the Official Zoning Map, a general description of the proposed amendment shall accompany the application form.

7. Amendment Procedure; Public Hearing and Notice

A. A mandatory pre-application conference with Township staff, consultants and Planning Commission officials is required prior to the formal submission of a request for a conditional rezoning. The conference provides an opportunity to informally discuss the rezoning and voluntary conditions proposed, as well as other applicable Township development procedures such as site plan review, special land use review, and variances. The pre-application conference will allow

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the applicant and the Township to identify key issues associated with the request at the earliest possible stage.

- B. Upon initiation of an amendment, a public hearing to consider the proposed amendment shall be scheduled before the Planning Commission. Notice of the hearing shall be given by one (1) publication in a newspaper of general circulation in the Township. Notice shall also be given by mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, and each railroad operating within the district affected, that registers its name and mailing address with the Township Clerk for the purpose of receiving such public notice. The notice shall be given not less than fifteen (15) days before the public hearing date, in accordance with the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, (M.C.L. 125.3101 *et seq.*) and shall describe the nature of the proposed amendment, state the time and place of the public hearing, indicate when and where written comments will be received, indicate when and where the proposed amendment may be examined, and indicate the property that is the subject of the request, as applicable. For rezoning requests of an individual property or of ten (10) or fewer adjacent properties, notice shall also be given by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the subject property, and to the occupants of all structures within 300 feet of the subject property, regardless of whether the property or occupant is located within Imlay Township. For rezoning requests of an individual property or of ten (10) or fewer adjacent properties, the notice shall include a listing of all street addresses within the subject property, if they exist.
- C. Following the public hearing, the Planning Commission shall identify and evaluate all factors relevant to the petition and shall report its findings and recommendation to the Township Board. In the case of an amendment to the Official Zoning Map, the Planning Commission shall consider the criteria contained in Section 7.11.8 in making its findings and recommendation.

- D. Following receipt of the findings and recommendation of the Planning Commission, the Township Board shall consider the proposed amendment. In the case of an amendment to the text of this Ordinance, the Township Board may modify or revise the proposed amendment prior to enactment. In the case of an amendment to the Official Zoning Map, the Township Board shall approve or deny the amendment, based on its consideration of the criteria contained in Section 7.11.8.
 - E. In the case of a conditional rezoning petition, the applicant may voluntarily amend the conditions during the process of rezoning consideration. An owner may withdraw all or part of an offer of conditions at any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation. The applicant may offer to add more restrictive conditions prior to Township Board consideration without requiring a new public hearing.
 - F. Any amendment for the purpose of conforming to a decree of a court of competent jurisdiction shall be adopted by the Township Board and published, without necessity of a public hearing or referral thereof to any other board or agency.
8. Criteria for Amendments of the Official Zoning Map
- In considering any petition for an amendment to the Official Zoning Map, the Planning Commission and Township Board shall consider the following criteria in making its findings, recommendations and decision. The decision on a proposed amendment shall include a statement of findings and conclusions which specifies the basis for the decision.
- A. Consistency with the goals, policies and future land use map of the Imlay Township Master Plan, including any sub-area or corridor studies. If conditions have changed since the Master Plan was adopted, consistency with recent development trends in the area shall be demonstrated.



- B. Compatibility of the site's physical, geological, hydrological, and other environmental features with the host of uses permitted in the proposed zoning district.
- C. Evidence that the applicant cannot receive a reasonable return on investment through developing the property with any of the uses permitted under the current zoning.
- D. The compatibility of all the potential uses allowed in the proposed zoning district 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.
- E. The capacity of Township utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety and welfare of the Township.
- F. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district. A Rezoning Traffic Impact Study prepared in accordance with Section 6.4 may be required.
- G. The apparent demand for the types of uses permitted in the requested zoning district in the Township in relation to the amount of land in the Township currently zoned and available to accommodate the demand.
- H. The reasonableness of the boundaries of the requested rezoning district in relationship to surroundings, and the ability of construction on the site to meet the dimensional regulations for the zoning district listed in the Development Standards for each Zoning District listed in Section 3.
- I. If a rezoning is appropriate, the requested zoning district is considered to be more appropriate from the Township's perspective than another zoning district.
- J. If the request is for a specific use, rezoning the land is more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.
- K. The requested rezoning will not create an isolated and unplanned spot zone.
- L. The request has not previously been submitted within the past one (1) year,

unless conditions have changed or new information has been provided.

- M. If an offer of conditions is submitted as part of a conditional rezoning request, the offer bears a reasonable and rational relationship to the property for which rezoning is requested.
 - N. Other factors deemed appropriate by the Planning Commission and Township Board.
9. Criteria for Amendments to Zoning Ordinance Text

The Planning Commission and Township Board shall consider the following criteria for initiating amendments to the Zoning Ordinance text or responding to a petitioner's request to amend the Ordinance text. The decision on a proposed amendment shall include a statement of findings and conclusions which specifies the basis for the decision.

- A. The proposed amendment would correct an error in the Ordinance.
- B. The proposed amendment would clarify the intent of the Ordinance.
- C. Documentation has been provided from Township staff or the Board of Appeals indicating problems and conflicts in implementation or interpretation of specific sections of the Ordinance.
- D. The proposed amendment would address changes to State legislation.
- E. The proposed amendment would address potential legal issues or administrative problems with the Zoning Ordinance based on recent case law or opinions rendered by the Attorney General of the State of Michigan.
- F. The proposed amendment would promote compliance with changes in other Township Ordinances and County, State, or federal regulations.
- G. The proposed amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements, or similar technical items.
- H. Other criteria, as determined by the Planning Commission or Township Board, which would protect the health and safety of the public, protect public and private investment in the Township, promote implementation of the goals and policies of the Master Plan and any sub-area or

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corridor plans, and enhance the overall quality of life in Imlay Township.

10. Approval of Zoning Amendments

Approved amendments shall require the following:

- A. Publication of a notice of adoption in a newspaper of general circulation in the Township within fifteen (15) days of adoption in accordance with the provisions of the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, (M.C.L. 125.3101 *et seq.*). The notice shall include either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment. The notice shall also include the effective date of the amendment and shall indicate when and where a copy of the amendment may be purchased or inspected.
- B. The Zoning Text and/or Map shall be amended to reflect the new zoning classification or language. Map amendments for conditional rezoning should include a designation identifying the applicable property as subject to a Statement of Conditions.
- C. Conditional rezonings shall require the submittal of a formal written Statement of Conditions which shall be incorporated by attachment as an inseparable part of the Ordinance adopted by the Township Board. The Statement of Conditions shall:
 - i. Be in a form recordable with the Lapeer County Register of Deeds and include a statement acknowledging that it is recorded.
 - ii. Contain a legal description of the land to which it pertains.
 - iii. Acknowledge that upon the rezoning taking effect, the use and development of the land shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by the Statement of Conditions.
 - iv. Contain a provision acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land. Any person who establishes a development or commences a use upon such land shall continuously operate and maintain the development or use in

compliance with all of the conditions set forth in the Statement of Conditions.

- v. Incorporate by attachment or reference any diagrams, plans, or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the documents may be examined.
- vi. Specify that failure to comply with any of the conditions set forth in the Statement of Conditions shall constitute a violation of this Zoning Ordinance and shall be punishable accordingly.
- vii. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the document.
- viii. The approved Statement of Conditions shall be filed with the Lapeer County Register of Deeds. The Township Board shall have the ability to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.

11. Effect of Conditional Rezoning

The following provisions shall apply to approved conditional rezonings:

- A. Time Period for Establishing Development or Use: Unless another time period is specified in the Ordinance, the approved development and/or use of land pursuant to building and other required permits must be commenced upon the land within eighteen (18) months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Township Board if: (1) it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development



and/or use will commence within the period of extension and proceed diligently thereafter to completion; and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

- B. Reversion of Zoning: If approved development and/or use of the rezoned land does not occur within the time frame specified under Section 7.11.11.A above, then the land shall revert to its former zoning classification as set forth in Section 405(2) of the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, (M.C.L. 125.3101 *et seq.*). The reversion process shall be initiated by the Township Board by requesting that the Planning Commission proceed with consideration of the rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other zoning requests.
- C. Subsequent Rezoning of Land: When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification, but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Section 7.11.11.B above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. A notice that the Statement of Conditions is no longer in effect shall be recorded with the Lapeer County Register of Deeds.
- D. Amendment of Conditions: During the time period for commencement of an approved development or use specified pursuant to Section 7.11.11.A above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions. The Statement of Conditions may be amended thereafter in the same manner as set forth in Section 7.11.7.E of this Ordinance.
- E. Township Right to Rezone: Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the Township from rezoning all

or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, (M.C.L. 125.3101 *et seq.*).

7.12 FEES - PETITION FOR AMENDMENT

Upon presentation of petition for amendment of the Zoning Ordinance by the owner of real estate to be affected, such petition shall be accompanied by a fee. The amount of such fee shall be set by resolution of the Township Board and shall be placed in the General Fund to partly defray the expense of publishing the required notices of public hearings and the expenses of said public hearing. Rezoning requests may require a Rezoning Traffic Impact Study prepared in accordance with Section 6.4 to allow the Township Board to assess the potential traffic impacts the requested zoning change.

7.13 VIOLATIONS

Any person, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not less than five hundred (\$500.00) dollars and the costs of prosecution or, in default of the payment thereof, shall be punished by imprisonment in the County Jail for a period not to exceed ninety (90) days for each offense, or by both such fine and imprisonment in the discretion of the court, together with the costs of such prosecution.

7.14 PUBLIC NUISANCE PER SE

Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Ordinance and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction:

7.15 FINES, IMPRISONMENT

The owner of any building, structure or premises or part thereof, where any condition in violation of this Ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and upon conviction thereof shall be liable to the fines and imprisonment herein provided.

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7.16 EACH DAY A SEPARATE OFFENSE

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

7.17 RIGHTS AND REMEDIES ARE CUMULATIVE

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

7.18 NONCONFORMING LOTS, NONCONFORMING USES OF LAND, NONCONFORMING STRUCTURES, AND NONCONFORMING USES OF STRUCTURES AND PREMISES

1. Intent
 - A. It is the intent of this Ordinance to permit legal nonconforming lots, structures, or uses to continue until they are removed but not to encourage their survival.
 - B. It is recognized that there exist within the districts established by this Ordinance and subsequent amendments uses which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments.
 - C. Such uses are declared by this Ordinance to be incompatible permitted uses in the districts involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
 - D. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.
 - E. To avoid undue hardship, nothing in this Ordinance 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 Ordinance and upon which actual building construction has

been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

2. Nonconforming Lots
 - A. In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area, or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Yard requirement variances may be obtained through approval of the Board of Appeals.
 - B. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or occupied which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance.
3. Nonconforming Uses of Land

Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so



long as it remains otherwise lawful, subject to the following provisions:

- A. No such conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
- B. No such nonconforming use shall 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 adoption or amendment of this Ordinance.
- C. If such nonconforming use of land ceases for any reason for a period of more than ninety (90) days, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.
- D. See Section 7.18.9 for Class A and Class B nonconforming use designation procedures and criteria.

4. Nonconforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such structure may be enlarged or altered in a way which increases its nonconformity; for example, existing residences on lots of a width less than required herein may add a rear porch provided that other requirements relative to yard space and land coverage are met.
- B. Should such structure be destroyed by any means to an extent of more than sixty (60) percent of its replacement cost, exclusive of the foundation at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- C. Should such structures be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- D. See Section 7.18.9 for Class A and Class B nonconforming structure designation procedures and criteria.

5. Nonconforming Uses of Structures and Land

If a lawful use of a structure, or of structures and land in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- C. In any District, if no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use of the same or a more restricted classification provided that the Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more restrictive classification, it shall not thereafter be changed to a less restrictive classification.
- D. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- E. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or ceases to exist for six (6)



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consecutive months or for eighteen (18) months during any three year period, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.

- F. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.
 - G. See Section 7.18.9 for Class A and Class B nonconforming uses of structures and land designation procedures and criteria.
6. Repairs and Maintenance
- A. On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding fifty (50) percent of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.
 - B. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
7. Uses Allowed as Special Land Uses Not Nonconforming Uses
- Any use which is permitted as a special land use as provided in this Ordinance shall not be deemed a nonconforming use but shall without further action be deemed a conforming use in such district.
8. Change of Tenancy or Ownership
- There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures and premises provided there is no change in the nature or character of such nonconforming uses.
9. Classification Of Nonconforming Uses, Buildings and Structures
- A. Class A nonconforming uses, buildings and structures are those which have been so designated by the Zoning Board of Appeals

(ZBA). The ZBA shall grant Class A designation of a nonconforming use, building or structure only after written application and upon finding that all of the following criteria have been met:

- i. Continuance of the nonconforming use, building, or structure would not be contrary to the public health, safety, or welfare.
 - ii. That the nonconforming use, building, or structure does not, and is not likely to, significantly depress the value of nearby properties or negatively impact adjacent properties more so that would a permitted principal use or structure;
 - iii. That the nonconforming use, building, or structure was lawful at the time of its inception
 - iv. That no useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the nonconforming use, building, or structure does not conform.
 - v. All nonconforming uses, buildings, or structures which are not designated as "Class A" by the ZBA in conformance with this Section shall be "Class B" nonconforming uses, buildings, or structures.
- B. Procedure for Obtaining Class A Designation, Conditions
- i. A written application shall be filed with the Township Clerk setting forth the name and address of the applicant, giving a legal description of the property to which the application pertains and including such other information as may be necessary to enable the Zoning Board of Appeals to make a determination of the matter. The Zoning Board of Appeals may require the furnishing of such additional information as it considers necessary to make a determination of the matter. The notice and hearing procedure before the Zoning Board of Appeals shall be the same as in the case of an application for a variance. The decision of the ZBA shall be in writing and shall set forth the findings and reasons on which it is based.



- ii. Conditions may be attached, including any time limits, where necessary to assure that the use, building or structure does not become contrary to the public health, safety or welfare or the spirit and purpose of this Ordinance.
- C. Revocation of Class A Designation
- Any Class A designation may be revoked by the ZBA, following the same procedure required for designation, upon a finding that as a result of any change of conditions or circumstances the use or structure no longer qualifies for Class A designation.
- D. Regulations Pertaining to Class A Nonconforming Uses and Structures
- i. No Class A nonconforming use, building or structure shall be resumed if it has been, for any reason, discontinued for a continuous period of at least six (6) months or if it has been changed to a conforming use for any period.
 - ii. An individual Class A use or structure may be used, altered and enlarged provided that it is otherwise in conformance with the provisions of this ordinance; does not violate any condition imposed by the ZBA at the time of its Class A designation; and receives site plan review and approval in conformance with Section 6.1 Site Plan Review.
 - iii. The expansion of all Class A nonconforming uses, buildings and structures shall require site plan review and approval in conformance with Section 6.1- Site Plan Review prior to the issuance of a building permit. The Planning Commission shall use the zoning district standards most similar to the actual use as its guide for appropriate area, setback and bulk requirements and developments regulations and standards.
- E. Regulations Pertaining to Class B Nonconforming Uses and Structures
- i. Intent - It is the purpose of this Ordinance to eliminate Class B nonconforming uses and structures in conformance with Section 7.18.1 - Intent.
 - ii. Class B nonconforming uses, buildings, structures, and uses of structures and/

or land shall be regulated in conformance with the applicable provisions of Sections 7.18.3 through 7.18.5

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7.19 ZONING BOARD OF APPEALS

1. Creation and Membership

There is hereby established a Board of Appeals, hereinafter called the "Board", which shall perform its duties and exercise its powers as provided in Act 110 of the Public Acts of 2006, as amended, and in such a way that the objectives of this Ordinance shall be observed, public safety and welfare secured and substantial justice done. The Board shall be composed of the five (5) following members:

- A. One (1) member of the Board of Appeals shall be a member of the Township Planning Commission, for the period of his appointed term of office.
- B. The remaining four (4) members shall be selected by the Township Board from among the electors residing in Imlay Township outside of incorporated cities and villages, for a term of three (3) years.
- C. One (1) member of the Board of Appeals may be a member of the Township Board, for the period of his elected term of office. An elected officer of the Township shall not serve as the Chairperson of the Board, nor shall any employee or contractor of the Township serve as a member of the Board of Appeals.
- D. The Township Board may appoint not more than two (2) alternates to the Board of Appeals to serve during the absence of a regular member; in the interim, if a member resigns; or when a regular member is excused from an item due to an announced conflict of interest. The alternate(s) shall serve for a three (3) year term.
- E. Members of the Board of Appeals shall be removable by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself from a vote in which he has a conflict of interest. Failure of a member to disqualify himself from a vote in which he has a conflict of interest shall constitute malfeasance in office.

2. Meetings

All meetings of the Board of Appeals shall be held at the call of the Chairman and at such times as such Board may determine. The Board of Appeals shall not conduct business unless a majority of the members of the Board are present. All hearings conducted by said Board

shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent, or failing to vote, indicating each fact; and shall also keep records of its hearings and other official action. The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files, and other evidence pertinent to the matters before it. The concurring vote of a majority of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of an officer or body charged with enforcement of the Zoning Ordinance, or to decide in favor of the applicant on any matter upon which it is authorized by this Ordinance to render a decision.

3. Time and Notice of Appeal

- A. An appeal may be taken to the Board of Appeals by any person, firm, or corporation aggrieved, or by any officer, department, board or bureau of the Township, County or State. Such appeal shall be taken within 30 days of the decision by filing with the Building Inspector and with the Board of Appeals, a notice of appeal, specifying grounds thereof. The Building Inspector shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken. The Board of Appeals shall schedule a reasonable time for the hearing of the appeal and give due notice thereof to the parties, and shall render a decision on the appeal without unreasonable delay. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Inspector certifies to the Board of Appeals after notice of appeal has been filed with him that by reason of facts stated in the certificates a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed, otherwise than by a restraining order, which may be granted by a court of record. Any person may appeal and testify at the hearing, either in person or by duly authorized agent or attorney. A written notice shall be issued as specified in Section 7.19.6 of this Ordinance.
- B. A fee shall be paid to the Secretary of the Board of Appeals at the time the notice of appeal is filed, which the Secretary shall forthwith pay over to the Township Treasurer to the credit of the general



revenue fund of the Township. The fees to be charged for appeals shall be set by resolution of the Township Board.

4. Jurisdiction

The Board of Appeals shall have the following powers and it shall be its duty:

- A. To hear and decide on all matters referred to it upon which it is required to pass under the Ordinance.
- B. To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by an administrative official charged with the enforcement of this Ordinance.
- C. In hearing and deciding appeals the Board of Appeals shall have the authority to grant such variance therefrom as may be in harmony with their general purpose and intent so that the function of this ordinance be observed, public safety and welfare secured and substantial justice done, including the following:
 - i. May interpret the provisions of the ordinance in such a way as to carry out the intent and purpose of the Plan, as shown upon the Zoning Map fixing the use districts, accompanying and made part of this Ordinance, where street layout actually on the ground varies from the street layout as shown on the map aforesaid.
 - ii. May permit the erection and use of a building or use of premises in any use district for public utility purposes, upon recommendation of the Planning Commission.
 - iii. May permit the modification of the automobile parking- space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements.
 - iv. May permit modification of wall requirements only when such modification will not adversely affect or be detrimental to surrounding or adjacent development.
 - v. May permit, upon proper application, temporary uses not otherwise permitted in any district for periods not to exceed twelve (12) months with the granting of twelve (12) months

extensions being permissible unless otherwise required by this Ordinance.

The Board of Appeals, in granting permits for the above temporary uses, shall do so as near as possible to the following conditions:

- a. The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary use is permitted.
 - b. The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary permit.
 - c. All setbacks, land coverage, off-street parking, lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience, and general-welfare of the inhabitants of the Township, shall be made at the discretion of the Board of Appeals.
 - d. In classifying uses as not requiring capital improvement, the Board of Appeals shall determine that they are either demountable structures related to the permitted use of the land; recreation developments such as, but not limited to, golf-driving ranges, and outdoor archery courts, or structures which do not require foundations, heating systems or sanitary connections.
 - e. The use shall be in harmony with the general character of the district.
 - f. No temporary use permit shall be granted without first giving notice to owners of adjacent property of the time and place of a public hearing to be held as further provided for in Section 7.19.6 of this Ordinance.
- D. Where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would involve practical difficulties, within the meaning of this Ordinance, the Board of Appeals shall have



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power upon appeal in specific cases to authorize such variation or modification of the provisions of this Ordinance with such conditions and safeguards as it may determine, as may be in harmony with the spirit of this Ordinance and so that public safety and welfare are secured and substantial justice done. The Zoning Board of Appeals shall not approve an application for a variance unless it has been found affirmatively that:

- i. The condition was not created by the applicant or a previous owner of the subject property.
 - ii. The property in question has unique physical features of other unique characteristics such as narrowness, shallowness, shape, water, or topography.
 - iii. The parcel cannot be reasonably used for uses permitted in the district without granting the variance.
 - iv. Strict application of the provisions of the Zoning Ordinance would be unreasonably burdensome on the applicant.
 - v. The variance would not cause a substantial injustice or adverse impact on nearby properties nor cause public safety concerns.
 - vi. The variance would not adversely affect the purpose or objectives of the Imlay Township Master Plan.
 - vii. The variance would not bestow a special right or privilege upon the applicant.
 - viii. A lesser variance would not give substantial relief to the applicant.
 - ix. The variance request is not primarily related to a personal or economic hardship or difficulty; rather it is related to a unique physical feature of the property.
- E. In consideration of all appeals and all proposed variations to this Ordinance, the Board of Appeals shall, before making any variations from the Ordinance in a specific case, first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or

unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township. The concurring vote of a majority of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Building Inspector, or to decide in favor of the applicant any matter upon which it is authorized by this Ordinance to render a decision.

Nothing herein contained shall be construed to give or grant to the Board of Appeals the power or authority to alter or change the Zoning Ordinance or the Zoning Map, such power and authority being reserved to the Township Board in the manner hereinafter provided by law.

- F. May permit the following temporary uses upon proper application:
 - i. Migrant worker housing on farms provided such housing is approved as a State Licensed Labor Camp by the State of Michigan. A permit for migrant worker housing shall be renewable every twelve (12) months.
 - ii. Carnivals, public meeting tents, circuses and the like.

5. Exercising Powers

In exercising the above powers, the Board of Appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made assure reasonable protection to abutting properties and adjacent districts, and to that end shall have all the powers of the administrative official from whom the appeal is taken.

6. Notice

The Board of Appeals shall make no recommendation except in a specific case and after a hearing conducted by said Board. Notice of the hearing shall be given by one (1) publication in a newspaper of general circulation in the Township. The notice shall be given not less than fifteen (15) days before the public hearing date, in accordance with the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, (M.C.L. 125.3101 et seq.). For requests for a variance or an interpretation or appeal of an administrative decision which



involves a specific parcel, written notice shall also be given by mail or personal delivery to the applicant and owners of the subject property, to all persons whom real property is assessed within 300 feet of the subject property, and to the occupants of all structures within 300 feet of the subject property, regardless of whether the property or occupant is located within Imlay Township. The notice shall describe the nature of the proposed request, state the time and place of the public hearing, indicate when and where written comments will be received, and indicate the property that is subject of the request, including a listing of all existing street addresses within the subject property.

7. Miscellaneous

No order of the Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

No order of the Board of Appeals permitting a use of a building or premises shall be valid for a period longer than one (1) year, unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.



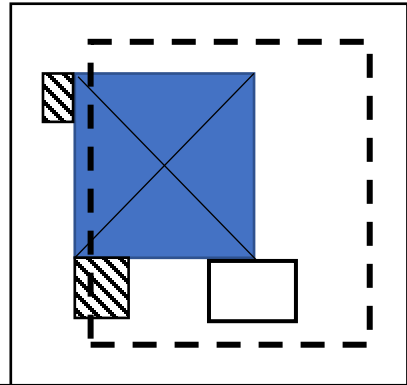
7.0 Administration and Enforcement

Section 7.18 NONCONFORMING LOTS, NONCONFORMING USES OF LAND, NONCONFORMING STRUCTURES, AND NONCONFORMING USES OF STRUCTURES AND PREMISES

4. Nonconforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such structure may be enlarged or altered in a way which increases its nonconformity as shown in the figure to the right.
- B. Should such structure be destroyed by any means to an extent of more than sixty (60) percent of its replacement cost, exclusive of the foundation at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance.
 - i. This provision does not apply to nonconforming single family homes, which may be replaced even if completely destroyed provided, the new structure does not increase the nonconformity.
 - ii. The construction or repair shall begin within one (1) year of the day that the destruction is officially documented. The Planning Commission may grant up to a one (1) year extension if the applicant can show diligently pursuing reconstruction. If repairs or construction are not completed in the required timeframe, it may only be reconstructed if in full compliance of ordinance requirements.



□ = Property Lines
-- = Setback Lines (Building Envelope)
▨ = Nonconformity Increased
□ = Nonconformity Not Increased

- C. Should such structures be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved
- D. See Section 7.18.9 for Class A and Class B nonconforming structure designation procedures and criteria.

Text Amendment to Zoning Ordinance

Article 3 Zoning Districts

Section 3.1.1 AG Agricultural District

B. Principal Permitted Uses

xvi. Home occupation Type 1 Sec. 4.18

D. Special Land Uses

xv. Home occupations Type 2 Sec 4.18

Section 3.1.2 R-1 One-Family Residential District

B. Principal Permitted Uses

ix. Home occupation Type 1 Sec. 4.18

D. Special Land Uses

vi. Home occupation Type 2 Sec. 4.18

Section 3.1.3 RE Rural Estate Residential District

B. Principal Permitted Uses

xii. Home occupation Type 1 Sec. 4.18

D. Special Land Uses

x. Home occupation Type 2 Sec. 4.18

Article 4 – Use Standards

Section 4.18 Home Occupations

Home occupations, as defined in Article II, are subject to the following:

1. Not more than one paid assistant shall be employed.
2. There shall be no exterior display other than a home occupation sign as described in Section 5.8.
3. No commodity other than that produced or processed on the premises shall be sold thereon, and in no case shall the primary function of the premises be other than for residential purposes.
4. Off-street parking as required under General Provisions Section 5.2 and 5.3 shall be provided.
5. The home occupation shall not require the construction of any accessory building.
6. No traffic shall be generated by such home occupation in greater volumes than would significantly exceed that normally expected in a residential neighborhood.
7. The operator of the home occupation shall be the primary resident at the dwelling unit.
8. No equipment or process shall be used that creates smoke, dust, open storage, glare, fire, noise, odors, or wastes that constitute as a nuisance as described in Section 5.6.
9. Any changes in the exterior appearance of the building or premises otherwise, including any visible evidence of a home occupation, shall be minimal and shall not detract from the residential character of the area. Type 1 Home Occupations is a customary accessory use where only minor changes to its physical and functional characteristic, is completely incidental to the principal residential land use, and conforms to the following requirements:

- A. Type 1 Home Occupations shall involve activities, processes, products and/or services that are provided through telephone, fax, internet, mail, or off-site contact.
 - B. Any product(s) produced on the premises for sale and/or distribution off site shall be prepared by equipment and/or processes such as those found in home offices, home workshops, or a home handcraft activity.
 - C. All activities pertaining to the home occupation shall be conducted entirely within the main dwelling unit of the property, and not more than twenty-five percent (25%) of the floor area and no more than six hundred (600) square feet of the dwelling unit, whichever is greater, shall be devoted to such an occupation.
 - D. Registered primary caregivers shall be permitted as a Type 1 Home Occupation pursuant to the following requirements:
 - i. Registered primary caregivers shall follow all state laws and rules regarding this use, including but not limited to the Michigan Medical Marihuana Act, P.A. 2008 Initiated Law, MCL 333.26423(d), and the General Rules of the Michigan Department of Health and Human Services.
 - ii. All registered primary caregivers registered as a Type 1 Home Occupation shall be located no less than a one thousand (1,000) feet radius from any school, including childcare and daycare facilities operated by a school, to ensure compliance with Drug-Free School Zone Requirements.
 - iii. The number of primary caregiver home occupations shall be limited to one (1) primary caregiver per parcel or approved dwelling unit.
 - iv. All medical marihuana plants shall be contained within the main building, in an enclosed and locked facilities on all sides, and shall only be permitted access by the registered caregiver or qualified patients.
 - v. The registered primary caregiver shall consent to inspection by the Township Zoning Administrator to determine that the home occupation remains in compliance with all of these provisions.
10. Type 2 Home Occupations, has a more intense use characteristic than Type 1 Home Occupations. They shall be considered a customary accessory use as described within Section 4.18, but shall conform to the following requirements:
- A. The proposed use shall only be located within an attached building or detached accessory building that is incidental to the principal dwelling unit on the property.
 - B. The processes and operations of the occupation shall be fully enclosed, and no outdoor storage or equipment use shall occur outside.
 - C. Services involving the use of a commercial vehicle for use off premises shall be limited to one (1) such vehicle. All other equipment and/or supplies utilized for this occupation shall only be kept on the premises when located within a fully-enclosed accessory building.
 - D. Any changes in the exterior appearance of the building or premises otherwise, including any visible evidence of a home occupation, shall be minimal and shall not detract from the residential character of the area.

RE Rural Estate Residential District

A. INTENT

The intent of the Rural Estate (RE) District, is to provide appropriate homesites and a suitable environment for individuals, and families with children but in a more rural environment that may be interspersed with agricultural activities, including keeping of animals. In addition to these, the Rural Estate district is also intended to encourage clustering of homesites and creation of common open spaces to be enjoyed by the residents of these developments. This is made possible by providing lot size alternatives and greater opportunity for open space than is typically possible in R-1.

B. PRINCIPAL PERMITTED USES

- i. Single family dwellings §4.3
- ii. Family day care homes
- iii. State-licensed residential facilities
- iv. Public and private schools
- v. Publicly owned and operated parks, parkways and recreational facilities
- vi. The raising of small animals for a school project, 4 H project, or similar educational program §4.6
- vii.
- viii. Accessory buildings and uses customarily incidental to the above permitted uses §5.1
- ix. Private residential ponds accessory to single family dwellings §4.4
- x. Uses which, in the opinion of the Planning Commission after making findings of fact, are similar to the above principal permitted uses.
- iv. Golf courses, not including driving ranges or miniature golf courses §4.16
- v. Group day care homes §4.17
- vi. Nursery schools, child care centers, and group day care facilities §4.24
- vii. Private recreation areas, not including campgrounds or motorized on or off-road vehicles §4.30
- viii. Utility and public service buildings §4.28
- ix. Uses similar to the above special land uses and compatible with the principal permitted uses listed above §4.32
- x. Limited soil removal permit §4.57
- xi. Home occupation §4.18

C. PERMITTED USES SUBJECT TO ADMINISTRATIVE APPROVAL §4.59

- i. Keeping of large animals and small animals §4.5
- ii. Wind energy conversion systems §4.9

D. SPECIAL LAND USES

- i. Cemeteries §4.11
- ii. Churches, public libraries, public buildings excluding public works garages and storage yards §4.29
- iii. Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education §4.12

RE Rural Estate Residential District

E. Development Standards

Lot Size

Minimum Lot Area:

Without Animals: 2.5 Acres

With Animals: 5.0 Acres

Minimum Lot Width:

Without Animals: 165 ft

With Animals: 300 ft

Lot Coverage ⁽¹⁾

Maximum lot coverage: 35%

Principal Building Setbacks ⁽¹⁾

Minimum front yard setback: 50 ft

Minimum rear yard setback: 30 ft

Minimum side yard setback: 15 ft

Building Height ⁽¹⁾

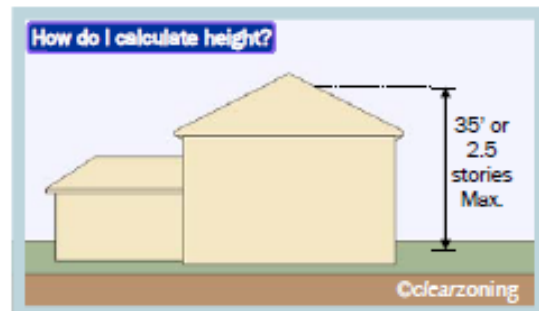
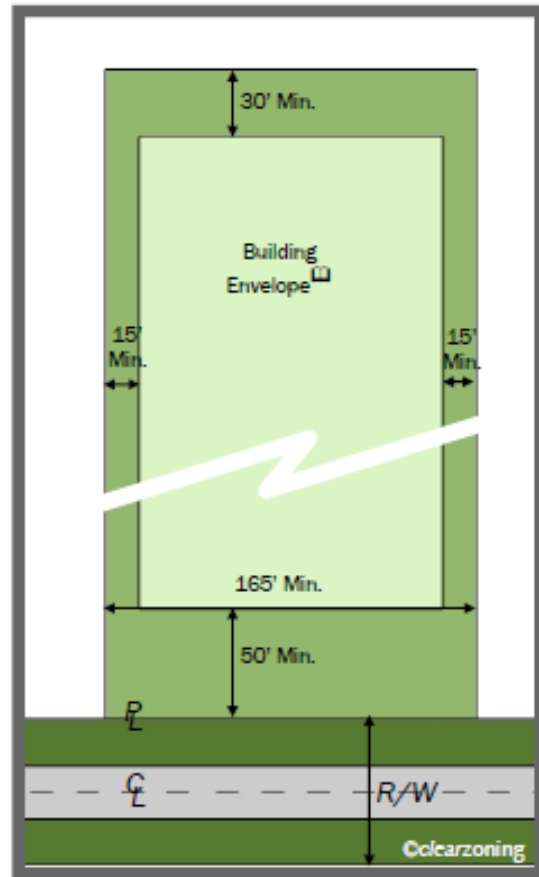
Maximum building height: 35 ft or 2.5 stories, whichever is less

Floor Area ⁽¹⁾

Minimum floor area per one-family dwelling: 1,600 sq. ft.

NOTES

- For additions to the above requirements, refer to Section 3.4.2 Notes to District Standards: A, C, O, P
- See *Selected References* below for applicability
- A maximum lot width/depth ratio of 1:4 is required for parcels less than 40 acres



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- Subdivision Open Space Plan §3.5
- Open Space Preservation Option §3.6
- General Exceptions §3.9

4. Use Standards

- Wind Energy Conversion Systems §4.9

5. Site Standards

- Accessory Buildings §5.1
- Parking §5.2
- Loading/Unloading §5.4
- Landscaping and Screening §5.7
- Lighting §5.9
- Performance Standards §5.6
- Signs §5.8
- Screen Walls and Fences §5.11
- Residential Entranceways §5.13
- Frontage §5.14

6. Development Procedures

- Site Plan Review §6.1
- Special Land Uses §6.2
- Condominium Subdivision Approval §6.3

Other Ordinances

- Public and Private Road Ordinance
- Subdivision Regulations Ordinance
- Land Division Ordinance

**ORDINANCE NUMBER 2018-01 AN ORDINANCE TO AMEND
THE IMLAY TOWNSHIP ZONING ORDINANCE.**

THE TOWNSHIP OF IMLAY ORDAINS:

Amend Section 2.2 Definitions

The following definitions shall be added to Section 2.2:

On-site Solar Energy Collector.

A solar energy collector that is within the limits of the area encompassed by the tract area or parcel of record on which the activity is conducted.

Solar Energy Collector.

A panel or panels and/or other devices or equipment, or any combination thereof, that collect, store, distribute, and/or transform solar, radiant energy into electrical, thermal, or chemical energy for the purpose of generating electric power or other forms of generated energy for use in or associated with a principal land use on the parcel of land on which the solar energy collector is located and, if permitted, for the sale and distribution of excess available electricity to an authorized public utility for distribution to other lands. This includes solar panels and solar shingles.

- **Structure-mounted Solar Energy Collector.** A solar energy collector attached to the roof or wall of a building, or which serves as the roof, wall window, or other element in whole or in part of a building.
- **Ground-mounted Solar Energy Collector.** A solar energy collector that is not attached to and is separate from any building on the parcel of land on which the solar energy collector is located. Ground-mounted solar energy collectors shall meet all setback requirements of accessory buildings.

Commercial Solar Energy Collector (Solar Farm).

A utility-scale facility of solar energy collectors with the primary purpose of wholesale or retail sales of generated electricity. Commonly referred to as solar farms.

Solar Panel or Panel.

A panel consisting of an array of solar cells used to generate electricity directly from sunlight.

Solar Shingles.

A roofing product made by combining thin film solar technology (which converts sunlight to electricity) with a durable backing to provide a structural roof shingle comparable to traditional roofing shingles.

Solar Racking.

Solar racking is any structure or building material used in the mounting of a solar panel.

Privacy Fence

“Privacy fence” shall mean a structure of rails, planks, stakes, or similar material erected as an enclosure, barrier, or boundary. Privacy fences are those with thirty (30) percent or less of their surface area open for free passage of light and air and designed to conceal from view the activities conducted behind them. Examples of such fences include but are not limited to stockade, board-on-board, and board and batten.

Amend Article 3- Zoning Districts

Agriculture District

(Permitted Uses) Sec. 3.1.1.B.xvi. Onsite solar energy collector if more than a total of 7,605 square feet, subject to site plan review by the Planning Commission.

(Permitted Use Subject to Administrative Approval) Sec. 3.1.1.C.vi. Onsite solar energy collector if less than a total of 7,605 square feet.

(Special Land Use) Sec. 3.1.1.D.xxvi Commercial Solar Energy Collector.

One-Family Residential District

(Permitted Uses) Sec. 3.1.2.B.ix. Onsite solar energy collector if more than a total of 7,605 square feet, subject to site plan review by the Planning Commission.

(Permitted Use Subject to Administrative Approval) Sec. 3.1.2.C.iv. Onsite solar energy collector if less than a total of 7,605 square feet.

Rural Estate Residential District

(Permitted Uses) Sec. 3.1.3.B.xii. Onsite solar energy collector if covering more than a total of 7,605 square feet, subject to site plan review by the Planning Commission.

(Permitted Use Subject to Administrative Approval) Sec. 3.1.3.C.iii. Onsite solar energy collector if less than a total of 7,605 square feet.

Multiple-Family Residential District

(Permitted Uses) Sec. 3.1.4.B.ix. Onsite solar energy collector if more than a total of 7,605 square feet, subject to site plan review by the Planning Commission.

(Special Land Use) Sec. 3. 1.4.C.vi. Onsite solar energy collector if more than a total of 7,605 square feet, subject to site plan review by the Planning Commission.

Local Business District

(Permitted Uses) Sec. 3.1.5.B.x. Onsite solar energy collector if more than a total of 7,605 square feet, subject to site plan review by the Planning Commission.

(Special Land Use) Sec. 3. 1.5.C.xi. Onsite solar energy collector if more than a total of 7,605 square feet, subject to site plan review by the Planning Commission.

(Special Land Use) Sec. 3. 1.5.C.xii. Commercial Solar Energy Collector.

General Business District

(Permitted Uses) Sec. 3.1.6.B.xvii. Onsite solar energy collector if more than a total of 7,605 square feet.

(Permitted Use Subject to Administrative Approval) Sec. 3.1.6.C.ii. Onsite solar energy collector if less than a total of 7,605 square feet.

Neighborhood Office District

(Permitted Uses) Sec. 3.1.7.B.vii. Onsite solar energy collector if more than a total of 7,605 square feet.

(Permitted Use Subject to Administrative Approval) Sec. 3.1.7.C.ii. Onsite solar energy collector if less than a total of 7,605 square feet.

Light Industrial District

(Permitted Use) Sec. 3.1.8.B.xxix. Onsite solar energy collector if more than a total of 7,605 square feet, subject to site plan review by the Planning Commission.

(Permitted Use Subject to Administrative Approval) Sec. 3.1.8.C.ii. Onsite solar energy collector if less than a total of 7,605 square feet.

(Special Land Use) Sec. 3.1.8.D.xv. Commercial solar energy collector.

Heavy Industrial District

(Permitted Use) Sec. 3.1.9.B.xiv. Onsite solar energy collector if more than a total of 7,605 square feet, subject to site plan review by the Planning Commission.

(Permitted Use Subject to Administrative Approval) Sec. 3.1.9.C.ii. Onsite solar energy collector if less than a total of 7,605 square feet.

(Special Land Use) Sec. 3.1.9.D.xv. Commercial solar energy collector.

Enterprise Business District

(Permitted Uses) Sec. 3.1.11.B.xxix. Onsite solar energy collector if more than a total of 7,605 square feet.

(Permitted Use Subject to Administrative Approval) Sec. 3.1.11.C.iii. Onsite solar energy collector if less than a total of 7,605 square feet.

Article 4 Use Standards

Section 4.69 Onsite Solar Energy Collectors:

An on-site use solar energy system (see Section 2.2 for definition) is intended to first serve the needs of the uses onsite. Systems may be structure-mounted or ground mounted. Onsite solar energy systems may be permitted in all zoning districts.

1. General Requirements.

- A. Only one (1) solar energy system is permitted per lot or premises.
- B. All systems shall be set back at least twenty (20) feet from all property lines.
- C. The applicant shall provide documentation that glare will be eliminated, insofar as possible. Therefore, all racking and other material associated with the solar energy collector must be neutral in color and nonreflecting material. This may include manufacturer's specifications of the panels, proficient angling, adequate screening, or other means, so as

to not adversely affect neighboring properties.

- D. The panel or any material associated with the solar energy collector shall not be used for advertising.
- E. Mechanical equipment must be screened from street and neighboring residences by fencing or landscaping.
- F. A sketch plan, drawn to scale, shall show existing and proposed structures, driveways, adjacent structures within 100 feet, the number and size of proposed panels, surface area of solar energy collector, and any other information requested by the Zoning Administrator or Planning Commission that is necessary to determine compliance with this Ordinance.
- G. The solar energy collectors shall be added to the maximum lot coverage, unless the solar energy collector is located entirely on top of the structure it is mounted on.
- H. The solar energy collector shall be repaired or replaced within twelve 12 months of becoming nonfunctioning.
- I. The applicant shall provide the manufacturer's directions for the inspector to ensure installation, maintenance, and use is in accordance with the manufacturer's directions.
- J. The solar energy collectors shall comply with all construction code, electrical code, and other state requirements.
- K. Complete, professionally-prepared site plans signed and sealed by the responsible parties shall not apply to applications proposing:
 - i. Structure- mounted solar panels.
 - ii. Ground mounted solar panels or solar surface that exceeds 7,605 square feet.

2. Structure- Mounted Solar Panels.

- A. Panels may extend up to five (5) feet above a flat roof surface and two (2) feet from the mounted structure.
- B. Panels shall not hang over the edge of the building or project below the eaves.
- C. The solar panels or shingles cannot be placed within three (3) feet of any peak, eave, or valley.
- D. The solar panels or shingles shall be permanently and safely attached to the structure in which it is mounted on.

3. Ground Mount Solar Panels.

- A. Shall only be located in the rear or side yard.
- B. The maximum ground area occupied by solar panels and associated paved surfaces is one (1) acre.
- C. If more than 2,000 square feet of impervious surface is proposed, a drainage plan shall be submitted.
- D. The maximum ground-mounted panel height is eight (8) feet, measured from the grade to the top of the panel.

- E. Panels shall be screened from residential districts and public rights of way by a greenbelt and/or six (6) foot-high privacy fence.
 - F. The solar panels and associated racking shall be permanently and safely attached to the ground.
4. Decommissioning. If the solar energy system ceases to operate or is abandoned for a period of twelve (12) months or is deemed by the Zoning Administrator or Building Inspector to be unsafe or not consistent with code, the current land owner shall remove the system in its entirety. This shall include removing posts, equipment, panels, foundations and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.
- A.

Section 4.70 Commercial Solar Energy Systems

A utility grid solar energy system (solar farm) is a solar energy system that is designed and built to provide electricity to the electric utility grid. Commercial solar energy systems are for utility purposes are subject to Special Land Use Approval in the I-1 and I-2 Districts.

1. General Requirements.

- A. All systems shall be set back at least 50 feet from all property lines.
- B. The applicant shall provide documentation that glare will be eliminated, insofar as possible. Therefore, all racking and other material associated with the solar energy collector must be neutral in color and nonreflecting material. This may include manufacture's specifications of the panels, proficient angling, adequate screening, or other means, as to not adversely affect neighboring properties
- C. The panel or any material associated with the solar energy collector shall not be used for advertising.
- D. Mechanical equipment must be screened from street and neighboring residences by fencing or landscaping.
- E. The solar energy collectors shall be added to the maximum lot coverage, unless the solar energy collector is located entirely on top of the structure it is mounted on.
- F. The solar energy collector shall be repaired or replaced within three (3) months of becoming nonfunctioning.
- G. The applicant shall provide the manufacturer's directions for the inspector to ensure installation, maintenance, and use is in accordance with the manufacturer's directions.
- H. The solar energy collectors shall comply with all construction code, electrical code, and other state requirements. Mature trees shall be considered a living tree that are eight (8) caliper inches. For every mature tree planned for removal shall have a replacement rate of fifty (50) percent.
- I. Notice is required to be submitted to the utility company (DTE Energy) and there is

adequate connection to the utility grid nearby (within 500 feet).

- J. Develop a restoration site plan, for after the site is decommissioned. A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months. The plan shall include provisions for removal of all structures, foundations, electrical equipment, and internal or perimeter access roads, restoration of soil and vegetation, and a plan ensuring financial resources will be available to fully decommission the site. To ensure proper removal of the structure when it ceases to be used for a period of one (1) year or more, shall include a performance guarantee, guaranteeing removal of the solar energy system which will be posted at the time of receiving a building permit for the facility. The performance guarantee shall be a: 1) cash bond, 2) deposit to a Township escrow account, or 3) performance bond in a form approved by the Township. The amount of such guarantee shall be no less than the estimated cost of removal and may include provision for inflationary cost adjustments. The estimate shall be prepared by the Township Engineer for the developer and shall be approved by the Township. The application shall be responsible for the payment of any costs or attorney fees incurred by the Township in securing removal.
- K. An analysis of the potential visual impacts from the project including solar panels, roads, and fencing along with measures to avoid, minimize, or mitigate the visual effects shall be required. A plan may be required showing vegetative screening or buffering of the system from those items to mitigate for visual impacts in accordance with this Ordinance.
- L. A site plan, drawn to scale and conforming to Section 6.1, shall show existing and proposed structures, driveways, adjacent structures within 100 feet, the number and size of proposed panels, surface area of solar energy collector, array of buildings or substations, location of access road, and any other information requested by the Planning Commission that is necessary to determine compliance with this Ordinance.

2. Structure-Mounted Solar Panels.

- A. Panels may extend up to five (5) feet above a flat roof surface and two (2) feet from the mounted structure.
- B. Panels shall not hang over the edge of the building or project below the eaves.
- C. The solar panels or shingles cannot be placed within three (3) feet of any peak, eave, or valley.
- D. The solar panels or shingles shall be permanently and safely attached to the structure in which it is mounted on.

3. Ground Mounted Solar Panels.

- A. If more than 2,000 square feet of impervious surface is proposed, a drainage plan shall be submitted.
- B. The maximum ground-mounted panel height is ten (10) feet, measured from the grade to the top of the panel.

- C. Panels shall be screened from residential districts and public rights of way by a greenbelt and/or six (6) -foot-high privacy fence. Screening requirements may be waived or reduced by the Planning Commission when existing natural vegetation accomplishes the same.
 - D. The solar panels and associated racking shall be permanently and safely attached to the ground.
 - E. Native ground cover is required onsite during the operation, until the site is decommissioned.
4. Decommissioning. If the solar energy system ceases to operate or is abandoned for a period of twelve (12) months or is deemed by the Zoning Administrator or Building Inspector to be unsafe or not consistent with code, the current land owner shall remove the system in its entirety. This shall include removing posts, equipment, panels, foundations, and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.
- A. The current owner shall have the entire system removed or be actively working on it within 90 days of the property owner receiving the Zoning Administrator's determination that the system is abandoned solar energy system.

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Adoption and Effective Date.

1. Adoption. At a regular meeting of the Imlay Township Board held on 5/16/2018, adoption of the foregoing ordinance was moved by Jepsen and supported by Guerin.

Voting for: Guerin, Hoeksema, Jepsen and Priehs

Voting against: None

Absent: Makedonsky

The Township Supervisor declared the ordinance adopted.

2. This Ordinance shall become effective in the manner prescribed by the Michigan Zoning Enabling Act, Public Act Number 110 of 2006, as amended, 30 days following publication of a notice of adoption.

Steven Hoeksema
Township Supervisor

CERTIFICATION OF TOWNSHIP CLERK

I, Elizabeth Makedonsky, Imlay Township Clerk, hereby certify that the foregoing is a true copy of an amendment to the Imlay Township Zoning Ordinance adopted by the Township Board at a regular meeting held on by the following vote:

Motion by Jepsen, Supported by Guerin.

Voting for: Guerin, Hoeksema, Jepsen and Priehs

Voting against: None

Absent: Makedonsky

Motion Adopted

Elizabeth Makedonsky
Imlay Township Clerk

Township Board ordered notice of adoption and summary to be published one time in the Tri-City Times on May 23, 2018. A true and complete copy of the above ordinance may be purchased or inspected at the offices of the Township Clerk, Mondays, Wednesdays and Fridays, except holidays, during regular Township business hours.