

ARTICLE I
ENACTING CLAUSE, TITLE, PURPOSES

SECTION 1.1 ENACTING CLAUSE

An Ordinance adopted under authority of, and in accordance with the provisions of the Michigan Zoning Enabling Act, Act No. 110 of the 2006 Public Acts of Michigan, as amended to establish comprehensive zoning regulations for Village of Cement City, Jackson and Lenawee County, Michigan, and to provide for the administration, enforcement and amendment thereof, and the repeal of all ordinances in conflict herewith.

SECTION 1.2 TITLE

This Ordinance shall be known and may be cited as "The Zoning Ordinance of Village of Cement City". The Zoning Map referred to herein is entitled "Zoning Map, Village of Cement City".

SECTION 1.3 PURPOSES

This Ordinance has been established for the purpose of:

- A Promoting and protecting the public health, safety, and general welfare.
- B Protecting the character and stability of the agricultural, recreational, residential, commercial, and industrial areas, and promoting the orderly and beneficial development of such areas;
- C Preventing the overcrowding of land and undue concentration of population by regulating the intensity of use of land and the area of open spaces surrounding buildings and structures necessary to provide adequate light, air, and privacy to protect the public health;
- D Lessening and avoiding congestion on public highways and streets;
- E Providing for the needs of agriculture, recreation, residence, and commerce in future growth to conform with the most advantageous uses of land, resources, and properties, with reasonable consideration of other things, the general and appropriate trend and character of land, building, and population development as studied and recommended by the Village of Cement City Planning Commission and Village of Cement City Council.
- F Encouraging the most appropriate use of lands in accordance with their character and adaptability, and prohibiting uses which are incompatible with the character of development permitted within specified zoning district;
- G Conserving the taxable value of land and structures;
- H Conserving the expenditure of funds for public improvements and services;
- I Protecting against fire, explosion, noxious fumes and odors, heat, dust, smoke, glare, noise vibration, radioactivity, and other nuisances and hazards in the interest of the people;

- J Providing for the completion, restoration, reconstruction, extension or substitution of non-conforming uses.

ARTICLE II

GENERAL PROVISIONS

SECTION 2.1 SCOPE

Every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of or addition to an existing use building, or structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance, which are applicable in the zoning district in which such building, or structure, or lot is located.

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 or structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance, provided that construction shall be completed within three hundred sixty-five (365) days of such effective date and be subject thereafter to the provisions of ARTICLE XIX of this Ordinance.

The adoption of this Ordinance shall not limit the construction of any building or structure for which a zoning permit had been obtained prior to the effective date of adoption or amendment of this Ordinance even though such building or structure does not conform to the provisions of this Ordinance, provided that work shall commence and be carried on within thirty (30) days of obtaining such permit and be subject thereafter to the provisions of ARTICLE XIX of this Ordinance.

SECTION 2.2 RULES OF CONSTRUCTION

The following rules of construction apply to the text of this Ordinance:

- 2.2.1 All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases which have acquired a particular and appropriate meaning in the law or within this Ordinance shall be construed and understood according to such particular and appropriate meaning.
- 2.2.2 The particular shall control the general.
- 2.2.3 Words used in the present tense shall include the future; words used in the singular number shall include the plural; and the plural shall include the singular, unless the context clearly indicates the contrary.
- 2.2.4 The word "shall" is always mandatory and not discretionary. The word "may" is permissive as determined by the Planning Commission.
- 2.2.5 All measurements shall be to the nearest whole number, unless otherwise specified herein.
- 2.2.6 The phrase "used for" includes "arranged for," "designed for," "intended for," "occupied for," and "maintained for."
- 2.2.7 The word "building" includes the word "structure." The word "build" includes the words "erect" and "construct." A "building" or "structure" includes any part thereof.
- 2.2.8 The word "dwelling" includes the word "residence," and the word "lot" includes the words "plot" or "parcel."

- 2.2.9 The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any similar entity.
- 2.2.10 Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be construed as defined herein. Any term not defined herein shall have the meaning of common or standard use.

SECTION 2.3 PERMITTED AND PROHIBITED USES

Uses not listed in this Ordinance as a permitted or conditional use in a particular zoning district shall be prohibited in the district. Uses for enterprises or purposes that are contrary to federal, state or local laws or ordinances are prohibited.

SECTION 2.4 DEFINITIONS

- 2.4.1 **Access Drive.** A private way or improvement designed to provide a physical connection for vehicles from a public road to a developed site.
- 2.4.2 **Accessory Structure, Building, or Use.** A detached structure, building or use customarily utilized and permitted in a zoning district other than a principal structure. Under no circumstances may an accessory structure, building or use be utilized as a temporary or permanent dwelling or otherwise for human habitation.
- 2.4.3 **Adult Foster Care Facility.** An establishment that provides supervision, personal care, and protection for up to 24 hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation for adults over 18 years of age. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care.

These facilities may be licensed and regulated by the state under Michigan Public Act 218 of 1979, as amended. An adult foster care facility does not include dependent housing facilities, hospitals, alcohol or substance abuse rehabilitation centers or residential center for persons released from or assigned to a correctional facility. Adult foster care facilities are classified as follows:

- A **Adult Foster Care Family Home.** A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for 24 hours a day for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee is a member of the household and occupant of the residence.
- B **Adult Foster Care Small Group Home.** An adult foster care facility with the approved capacity to receive twelve (12) or fewer adults to be provided with foster care.
- C **Adult Foster Care Large Group Home.** An adult foster care facility with approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care.
- 2.4.4 **Adult Regulated Uses.** The following are definitions for those uses defined as "Adult Regulated Uses" herein:
- A **Adult Arcade.** Any place to which the public is permitted or invited wherein coin-operated or slug operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are

maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on matters exhibiting, depicting or describing "specified sexual activities" or "specified anatomical areas."

- B **Adult Book or Video Store.** An establishment having a substantial portion equaling more than twenty percent (20%) of its stock in trade in books, magazines, periodicals or other printed matter, photographs, drawings, slides, films, motion pictures, video cassettes or video reproductions, slides or other visual representations, recording tapes and novelty items which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," or instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities" or "simulated nudity," which are offered for sale or rental or an establishment with a segment or ARTICLE XVI, Section 16.2.2 devoted to the sale, rental or display of such material, which segment or section exceeds ten percent (10%) of the usable floor area of the establishment. This does not include items used for conception control or for protection from sexually transmitted diseases.
- C **Adult Entertainment Cabaret.** A nightclub, bar, lounge or similar commercial establishment, whether licensed by the Michigan Liquor Control Commission to offer beer or intoxicating liquor for consumption on the premises or not, which provides or features to customers live performances by employees or entertainment personnel which are distinguished or characterized by an emphasis on the exposure of "specified anatomical areas;" an emphasis on "specified sexual activities;" an emphasis on "nudity," "state of nudity," or "simulated nudity;" or a combination of any of the above.
- D **Adult Motion Picture Theater.** An enclosed building or structure wherein still or motion pictures, video tapes, or similar material is presented or viewed which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons therein.
- E **Adult Personal Service Business.** A business having as its principal activity a person, while nude or while displaying specified anatomical areas, providing personal services for another person. Such a business includes, but is not limited to, modeling studios, body-painting studios, wrestling studios and conversation parlors. An adult personal service establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths.

The following uses shall not be included within the definition of an adult personal service establishment:

1. Any establishment, club or business by whatever name designated, which offers or advertises or is equipped or arranged to provide as part of its services, massages, body rubs, body painting, alcohol rubs, physical stimulation, baths or other similar treatment by any person.
2. Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed physical therapist, a licensed practical nurse practitioner or any other similarly licensed or certified medical or healing arts professionals;
3. Establishments which offer massages performed by certified massage

therapists;

4. Gymnasiums, fitness centers and health clubs;
5. Electrolysis treatment by a licensed operator of electrolysis equipment;
6. Continuing instruction in martial or performing arts or in organized athletic activities;
7. Hospitals, nursing homes, medical clinics or medical offices;
8. Barber shops, beauty parlors, hair stylists and salons which offer massages by certified massage therapists;
9. A bar, nightclub or lounge or other non-sexually oriented business that occasionally promotes a swimsuit or similar contest in which the contestants do not appear "nude" or in "a state of nudity;"
10. Adult photography studios whose principal business does not include the taking of photographs of "specified anatomical areas" as defined herein.

F Adult Theater. A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or features live performances which are distinguished or characterized by an emphasis on the exposure of "specified anatomical areas" or by an emphasis on "specified sexual activities" and shall include:

1. **Adult Motion Picture Arcade or Miniature-Motion Picture Theater.** Any place where motion picture machines, projectors or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images displayed depict, describe or relate to "specified sexual activities" or "specified anatomical areas."
2. **Adult Motion Picture Theater.** A commercial establishment which regularly features non-live performances or entertainment such as films, motion pictures, video cassettes, slides or similar photographic reproductions which are distinguished or characterized by an emphasis on matters exhibiting, depicting or describing "specified sexual activities or "specified anatomical areas."
3. **Adult Outdoor Motion Picture Theater.** A drive-in theater where a substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons of the theater. Such establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

G Special Definitions. With respect to adult uses or sexually oriented businesses, the following terms and phrases shall have the following meanings:

1. **Massage Parlor.** An establishment wherein private massage is practiced or made available as a principal use of the premises.
2. **Nudity or State of Nudity.** Appearing while any of the following portions of the human body are less than completely and opaquely covered:

- (a) Genitals, whether or not in a state of sexual arousal;
- (b) Pubic region or pubic hair;
- (c) Buttock(s);
- (d) The portions of the female breast(s) beginning from a point immediately above the top of the areola and continuing downward to the lowest portion of the breast(s); or
- (e) Any combination of the above.

3. **Nudity, Simulated.** A state of dress in which any artificial device of covering is worn on a person and exposed to view so as to simulate an actual "state of nudity."

4. **Sexual Intercourse.** Fellatio, cunnilingus, anal intercourse or any other intrusion, however slight, of any part of a person's body or of any object, into the genital or anal openings of another's body.

2.4.5 **Alley.** A public or private way not more than thirty-three (33) feet wide which affords only a secondary means of access to abutting property.

2.4.6 **Alter.** Any structural change in the supporting or load-bearing member of a building, such as bearing walls, columns, beams, girders, or floor joists.

2.4.7 **Animals.**

A. Domestic. An animal that has traditionally, through long association with humans, lived in a state of dependence upon humans or under the dominion and control of humans and has been kept as tame pets no longer possessing a disposition or inclination to escape or to bite without provocation nor cause death, maiming, or illness of a human, nor used for commercial breeding purposes. Domestic animals shall include the following:

- 1. Bird (caged)
- 2. Cat (domestic)
- 3. Prairie Dog (bred)
- 4. Chinchilla
- 5. Dog
- 6. Fish (non-biting or non-poisonous)
- 7. Lizard (non-poisonous)
- 8. Marmoset (bred)
- 9. Primate (only as a trained aide for a disabled person)
- 10. Rodent (bred)
- 11. Snake (non-poisonous)

12. Spider (non-poisonous)

B. Animal, Wild or Exotic. Any animal not defined above as a domestic animal.

- 2.4.8 **Apartment.** A dwelling unit in an apartment house arranged, designed, or occupied as a residence by a single-family, individual, or group of individuals.
- 2.4.9 **Appeal.** An entreaty or petition for a hearing or review of facts or actions in connection with the public enforcement of this Ordinance.
- 2.4.10 **Automobile Wrecking.** The dismantling or disassembling of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles, or their parts.
- 2.4.11 **Basement.** A story of a building having more than one-half ($1/2$) its height below grade. (see "Basic Structural Terms" illustration).
- 2.4.12 **Boats.** Any watercraft requiring licensing by a state.
- 2.4.13 **Boarding House or Rooming House.** A dwelling where meals and/or lodging are provided for compensation to persons by pre-arrangement for definite periods of time.
- 2.4.14 **Building.** An enclosed structure having a roof supported by columns, walls, or other devices and used for the housing, shelter, or enclosure of persons, animals, or chattels.
- 2.4.15 **Building Height.** The vertical distance measured from the highest finished grade at foundation to the highest point of the roof.
- 2.4.16 **Building Inspector.** The person or persons designated by the Township to administer and enforce the State Construction Code.
- 2.4.17 **Building Setback Line.** A line parallel to, or concentric with, the front property line delineating the minimum allowable distance between the front lot line and the front of any building.
- 2.4.18 **Campground.** An area or tract of land on which accommodations for temporary occupancy are located or may be placed, including tents, travel trailers and major recreational equipment, and which is primarily used for recreational purposes and retains an open air or natural character.
- 2.4.19 **Central Sanitary Sewerage System.** Any person, firm, corporation, municipal department, or board duly authorized to furnish and furnishing under Federal, State, or municipal regulations to the public a sanitary sewerage disposal system from a central location or plant, but not including septic tanks.
- 2.4.20 **Central Water System.** Any person, firm, corporation, municipal department, or board duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public a central water system from a central location or plant.
- 2.4.21 **Communication Tower.** A radio, telephone, cellular telephone or television relay structure of skeleton framework, or monopole attached directly to the ground or to another structure, used for the transmission or reception of radio, telephone, cellular telephone, television, microwave or any other form of telecommunication signals. This definition shall not include dishes, antennas, aerials or similar reception or transmission structures used for non-commercial purposes, serving a single residential or business premises and that does not exceed the height limitations for the appropriate zoning district as found in ARTICLE XV (Area, Yard, Height and Bulk Requirements).

- 2.4.22 **Condominium.** A condominium is a system of separate ownership of individual units or multiple-unit projects according to the state Condominium Act. In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee and in the spaces and building parts used in common by all the unit owners.
- 2.4.23 **Deck.** A platform, commonly constructed of wood, which is typically attached to a dwelling unit, and which is typically used for outdoor leisure activities.
- 2.4.24 **District.** A portion of Village of Cement City within which certain uniform regulations and requirements apply under the provisions of this Ordinance.
- 2.4.25 **Dock.** Any structure extending from a shoreline over any body of water and is used primarily for mooring and landing watercraft and for embarking and disembarking passengers.
- 2.4.26 **Drive-In Establishment.** A business establishment so developed that its retail or service character is primarily dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicles as well as within the building.
- 2.4.27 **Dwelling Unit.** A residential unit providing complete, independent living facilities for one (1) family, including permanent living, sleeping, cooking, eating, and sanitation facilities. The Building Inspector shall not issue a building permit to locate, erect, construct, reconstruct, alter or convert a single, two, or multiple-family dwelling unit until adequate data, information, and evidence can be shown that the dwelling complies with the following standards:

A. **Minimum Size-Siting Standards.**

1. Minimum floor area of a dwelling unit shall be eight hundred sixty (860) square feet. (For the purpose of computing the dwelling unit the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches).
2. Minimum width of the principal dwelling as built or assembled on the site shall not be less than twenty (20) feet, as measured across the narrowest portion.
3. Minimum floor to ceiling height of the dwelling shall be 7.5 feet.

B. **Health Construction Standards.**

1. If central water and sanitary sewage facilities are available, the dwelling shall be connected to said facilities. On-site septic systems shall be approved by the County Health Department.
2. Conventional site built dwellings and all other pre-manufactured dwellings, except manufactured homes located in a manufactured home park, shall comply with the B.O.C.A. Code Standards and other applicable fire, plumbing, electrical, etc., codes and regulations.
3. All dwellings shall have a foundation complying with the B.O.C.A. Code Standards including a foundation wall of the same perimeter dimensions as the dwelling and constructed of such materials and type as required in the B.O.C.A. Code.

4. Conventional site built dwellings shall have an anchoring system complying with the B.O.C.A. Code.

C. Aesthetic Standards.

1. Dwelling shall have a foundation wall around the home as specified in b.3 completely enclosing the dwelling.
2. Dwellings shall not have exposed wheels, towing mechanisms, undercarriage or chassis and no storage shall be allowed in any crawl space which is not a standard basement.
3. The pitch of the main roof of the dwelling shall not be less than one (1) foot of rise for each four (4) feet of the horizontal run.
4. Materials used for exterior finish shall not create a reflection greater than from siding coated with clean white, gloss, exterior enamel.
5. All additions to the original dwelling shall be constructed with a similar material and have a similar appearance and quality of workmanship as the original dwelling including an appropriate foundation and permanent attachment to the principal structure.
6. There shall be a minimum of two (2) exterior doors with one (1) being in the front of the home and the other in the rear or side of the home connected to permanently attached steps.

D. Manufactured Homes.

1. A building or portion of a building designed for long-term residential use and characterized by all of the following:
 - (a) The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended.
 - (b) The structure is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities.
 - (c) The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on the site.
2. Manufactured homes are not required to meet the minimum size-siting, health construction and aesthetic standards set forth above for dwellings, however, any manufactured home which does not conform to the above standards shall not be used for dwelling purposes within the Township unless located with a manufactured home park.
3. Manufactured homes located in a manufactured home park shall comply with the United States Department of Housing and Urban Development, Mobile Home Construction and Safety Standards (24 CFR, 3280), as amended, including fire, plumbing, electrical etc., and other applicable codes and regulations. The manufactured home shall be installed pursuant to the manufacturer's setup instruction.

4. Manufactured home shall be secured to the premises by an anchoring system or device compatible with those required by the Michigan Mobile Home Commission.
- 2.4.28 **Dwelling -- Single-Family.** A detached building designed for or occupied by one (1) family only and conforming in all respects to the standards of Section 2.2.27.
 - 2.4.29 **Dwelling -- Two-Family.** A detached building designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each and conforming in all respects to the standards of Section 2.2.27.
 - 2.4.30 **Dwelling -- Multiple-Family.** A building designed for or occupied by three (3) or more families living independently of each other with separate housekeeping and cooking facilities for each and conforming in all respects to the standards of Section 2.2.27.
 - 2.4.31 **Easement.** A grant of one (1) or more of the property rights by a property owner to or for use by the public or another person or entity.
 - 2.4.32 **Easement Access.** Any private or dedicated public way other than a street or alley, providing means of access to a property. Easement width shall not be less than twenty (20) feet.
 - 2.4.33 **Essential Services.** The erection, construction, alteration, or maintenance by public utilities or municipal departments, commissions, or boards, of underground, surface, or overhead gas, electric, steam or water transmission, or distribution systems, collection, communication, supply or disposal systems, including poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals or signs and fire hydrants, and other similar equipment and accessories in connection therewith, for the general public health, safety, convenience, or welfare, but not including buildings, towers, or maintenance depots.
 - 2.4.34 **Family.** Family. One (1) or more persons related by blood, bonds of marriage, or legal adoption, plus up to a total of three (3) additional persons not so related who are either domestic servants or gratuitous guests, occupying a single dwelling unit and living as a single nonprofit housekeeping unit; or a collective number of three (3) or fewer individuals living together in one (1) dwelling unit, whose relationship is of a continuing non-transient domestic character, and who are preparing meals as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, or group of transitory or seasonal nature or for a limited duration of a school term or terms or other similar determinable period.
 - 2.4.35 **Flea Market.** An occasional or periodic sales activity held within a building or open area in which stalls or sales areas are set aside, and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old obsolete, antique and may include the selling of goods at retail businesses or individuals who are generally engaged in retail sales.
 - 2.4.36 **Funneling.** Funneling is the use of inland waterfront property, parcel, or lot as a common open space to serve as waterfront access for a separate, multi-unit development, or property containing more than one unit, which development or property is located away from the waterfront. More particularly, funneling includes, but is not limited to, the use of water front property, or a parcel of land contiguous to a body of water, for access to such body of water by the owners, lessees, occupants, or licensees (or by members of the family or occasional guests of any such person) of any of the following types of property, if such property contains more than one dwelling unit:
 - A. non-waterfront property under a separate legal description on the county tax roll or property acquired under a separate deed on file with the County Register of Deeds;

- B. non-riparian property, if such property contains more than one dwelling unit; or
 - C. property separated from shoreline properties by a public road. The term funneling, as used herein, shall not include any public use of public park or public access.
- 2.4.37 **Feedlot.** Any facility or enclosed area where farm animals are fed and maintained for more than four (4) hours out of twenty-four (24) hours at a density greater than four (4) head per acre for cattle and horses, ten (10) head per acre for smaller animals, or more than thirty (30) fowls per acre.
- 2.4.38 **Home Occupation.** An occupation that is traditionally and customarily carried on in the home being incidental to the principal residential use.
- 2.4.39 **Hotel.** A building containing guest rooms in which lodging is provided, with or without meals, for compensation and which is open to transient or permanent guests, or both.
- 2.4.40 **Junk Yard.** A structure or parcel of land where junk, waste, discard, salvage, or similar materials such as old iron or other metal, wood, lumber, glass, paper, rags, cloth, leather, rubber, bagging, cordage, barrels, containers, etc., are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto wrecking yards, inoperative machines, unserviceable equipment, used lumber yards, house wrecking, and structural steel materials, and equipment and including establishments for sale, purchase, or storage of salvaged machinery, and the processing of used, discarded, or salvaged materials, for any thirty (30) consecutive days.
- 2.4.41 **Kennel.** Any lot or premises on which three (3) or more dogs, four (4) months old or more are confined either permanently or temporarily.
- 2.4.42 **Lot.** A parcel of land separated from other parcels of land by description on a recorded plat, by metes-and-bounds description or units as described in the master deed of a site condominium project, and having sufficient size to comply with the requirements of this Ordinance for minimum area, yards, coverage, and other open space.
- A. **Corner Lot.** A parcel of land at the junction of and fronting or abutting on two (2) or more intersecting streets.
 - B. **Double Frontage or Through Lot.** An interior lot having frontage on two (2) parallel or approximately parallel streets.
 - C. **Interior Lot.** A lot other than a corner lot with only one (1) lot line fronting on a road.
 - D. **Zoning Lot.** A parcel or tract of land under single ownership or control that is at least sufficient in size to meet the minimum requirements for use, coverage, area, setbacks, access, and open space as required herein. "Single ownership" may include ownership by an individual, a corporation, a partnership, an incorporated association, joint tenancy, or any similar entity. A zoning lot may consist of any one of the following:
 1. Single lot of record.
 2. Portion of a lot of record.
 3. Combination of lots of record, or portion(s) thereof.
 4. Condominium lot.

- 2.4.43 **Lot Area.**
- A. **Gross Lot Area.** The total area of land contained within the boundaries of a zoning lot, including rights-of-way, easements, floodplains, wetlands, watercourses, and bodies of water.
 - B. **Net Lot Area.** Gross lot area minus any portions of the zoning lot located within dedicated rights-of-way, drainage easements or bodies of water.
- 2.4.44 **Lot Depth.** The average distance between the front and rear line of a lot measured in the general direction of its side lot lines.
- 2.4.45 **Lot Coverage.** The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.
- 2.4.46 **Lot Line.** Any line dividing one lot from another lot or from a road right-of-way or from any public place.
- A. **Front.** A line separating a lot from a street, road, or private easement of access. In the case of a corner lot, or double-frontage lot, a line separating a lot from the street, road, or private easement of access which is obviously the front by reason of the prevailing custom of other buildings on the block, or along the same street, road, or easement of access. In instances where lots abut bodies of water, the front lot line shall be defined as the average high water line which separates the lot from the body of water.
 - B. **Lot of Record.** A lot which is part of a subdivision and is shown on a map thereof which has been recorded in the Office of the Register of Deeds of Lenawee County or the Office of the Register of Deeds of Jackson County, or a lot described by metes and bounds, the deed to which has been recorded in said office.
- 2.4.47 **Lot of Record.** A parcel of land that meets any of the following conditions:
- A. An existing lot or parcel of which the dimensions are shown on an approved final subdivision plat recorded with the Lenawee County Register of Deeds or the Jackson County Register of Deeds and the Township Assessors;
 - B. An existing lot or parcel of which the dimensions are shown on an approved condominium subdivision plan recorded with the Lenawee County Register of Deeds or the Jackson County Register of Deeds and the Township Assessors;
 - C. An existing lot or parcel of which the dimensions are described by metes and bounds, the accuracy of which is attended to by a land surveyor registered and licensed in the State of Michigan, recorded with the Lenawee County Register of Deeds or the Jackson County Register of Deeds and the Township Assessors.
- 2.4.48 **Lot Split or Consolidation.** The dividing or uniting of lots by virtue of changes in the deeds recorded with the Lenawee County Register of Deeds or the Jackson County Register of Deeds and the Township Assessors.
- 2.4.49 **Lot Width.** Lot width shall be considered to be the distance between straight lines connecting the front and rear lot lines at each side of the lot, measured across the rear of the required front yard and across the rear yard set back line as described in ARTICLE XV (District Area, Yard, and Bulk Regulations) for each zoning district: provided however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) percent of the required lot width.(see "Yard Terms" illustration).

- 2.4.50 **Manufactured Home.** A building or portion of a building designed for long-term residential use and characterized by all of the following:
- A. The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended.
 - B. The structure is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities.
 - C. The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on the site.
- 2.4.51 **Manufactured Home Park.** A tract of land prepared and approved according to the procedures in this Ordinance to accommodate manufactured homes on rented or leased lots.
- 2.4.52 **Manufactured Home Subdivision.** A legally platted residential subdivision accommodating manufactured homes.
- 2.4.53 **Motel.** Any establishment in which individual cabins, courts, or similar structures or units are let or rented to transients for periods of less than thirty (30) days. The term "motel" shall include tourist cabins and motor courts. A motor court or motel shall not be considered or construed to be either a multiple dwelling, a hotel, or a manufactured home park.
- 2.4.54 **Motor Vehicle Repair Garage.** An enclosed structure and premise used or designed to be used for minor and major motor vehicle repair services may be carried out. Major repairs include: engine and transmission rebuilding and general repairs, rebuilding or reconditioning; collision service such as body, frame or fender straightening or repair; and similar servicing, rebuilding or repairs.
- 2.4.55 **Motor Vehicle Service Station.** Structures and premises used or designed to be used for the retail sale of fuels, lubricants, or grease, and other operating commodities for motor vehicles, including the customary space and facilities for the installation of such commodities; and including space for temporary minor repair, or servicing such as polishing, washing, cleaning, greasing, but not including bumping, painting, or refinishing and storage of motor vehicles for more than ninety (90) days.
- 2.4.56 **Off-Street Parking.** A facility providing vehicular parking spaces with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of automobiles.
- 2.4.57 **Parking Space, Area, Lot.** An off-street open area, the principal use of which is for the parking of automobiles, whether for compensation or not, or as an accommodation to clients, customers, visitors, or employees.
- 2.4.58 **Planned unit development (PUD).** A comprehensively planned land development project in which the standard requirements of zoning ordinance are varied to permit design flexibility, building clustering, grouping of open space, increased density, and alternatives to public facility improvements. To be approved a PUD must comply with the provisions of this ordinance and must achieve the following purposes.
- A. More efficient use of land
 - B. More efficient use of public facilities
 - C. More useable open space through structure grouping and other design techniques.

- D. Preservation of appropriate natural and/or physical features.
- 2.4.59 **Quarry.** Any pit, excavation, or mining operation for the purpose of searching for or removing from the premises any earth, rock, sand, gravel, clay, stone, slate, marble, or other non-metallic minerals in excess of fifty (50) cubic yards in any calendar year, but shall not include an excavation preparatory to the construction of a structure or public highway.
- 2.4.60 **Riding Academy.** Any establishment where horses are kept for riding, driving, or stabling for compensation or incidental to the operation of any club, association, ranch, or similar establishment.
- 2.4.61 **Roadside Stand.** A structure in a non-commercial district temporarily operated for the purpose of selling produce raised or produced primarily on premises, and its use shall not make a commercial district, nor shall its use be deemed a commercial activity.
- 2.4.62 **Self-Service Storage Facility.** A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customer's goods or wares.
- 2.4.63 **Sign.** Any device designed to inform, or attract the attention of persons not on the premises on which the sign is located; except, however, the following which shall not be included within this definition:
- A. Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;
 - B. Flags and insignias of any government, except when displayed in connection with commercial promotion;
 - C. Legal notices; identification, information, or directional signs erected or required by governmental bodies;
 - D. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;
 - E. Signs directing and guiding traffic and parking to private property, but bearing no advertising matter.
- 2.4.64 **Sign Area.** The area of a sign consisting of the entire surface of any regular geometric form or combinations of regular geometric forms, comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of such area.
- 2.4.65 **Sign, On-Site.** A sign advertising a product for sale or a service to be rendered on the immediate premises where the sign is located.
- 2.4.66 **Site Plan Review.** A review by the Village of Cement City Planning Commission and the Woodstock Township Board or Columbia Township Board of certain buildings and structures that can be expected to have a significant impact on natural resources, traffic patterns, and on adjacent land usage.
- 2.4.67 **State Licensed Residential Facility.** A structure constructed for residential purposes that is licensed by the State pursuant to Act No. 287 of the Public acts of 1972, as amended, Being Sections 331.681 to 331.694 of the Michigan Compiled laws, or Act No. 116 of the Public Acts

of 1973, as amended, being Sections 722.111 to 722.128 of Michigan Compiled Laws, which provides resident services for six (6) or less persons under twenty-four (24) hours supervision or care for persons in need of supervision or care.

- 2.4.68 **Story.** That portion of a building included between the surface of any floor and the surface of the floor above it, or if there is no floor above it, then the space between the floor and the ceiling above it.
- 2.4.69 **Street.** A public or private thoroughfare which affords the principal means of access to abutting property having the right-of-way not less than sixty-six (66) feet in width.
- 2.4.70 **Structure.** Anything constructed, erected, or placed with a fixed location on the surface of the ground.
- 2.4.71 **Travel Trailer or Motor Coach.** A vehicle designed as a travel unit for occupancy as a temporary or seasonal living unit.
- 2.4.72 **Yard.** An **open** space of prescribed width or depth on the same zoning lot with a building or group of buildings between the building or group of buildings and the nearest lot line, and is unoccupied from the ground upward except as otherwise provided herein (see “Yard Terms” illustration).
- A. **Front Yard.** An open, unoccupied space extending the full width of the lot between the front lot line and the nearest line of the principal building on the lot.
 - B. **Front Yard – Lake.** A lot having frontage directly upon a lake, natural or manmade river, or other artificial impoundment of water in all Lake Residential Districts. The portion adjacent to the water shall be designated the lake front yard of the lot, and shall be measured from the high water mark for the front yard setback. Notwithstanding anything herein to the contrary, in all Lake Residential Districts, any parcel abutting such body of water shall have a general front yard setback limitation of fifty (50) feet.
 - C. **Rear Yard.** An open, unoccupied space extending the full width of the lot between the rear line of the lot and the rear line of the principal building.
 - D. **Side Yard.** An open, unoccupied space on the same lot with the principal building, between the side line of the principal building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard, and if no front yard is required, the front boundary of the side yard shall be the rear line of the lot.

SECTION 2.5 APPLICATION OF REGULATIONS

The regulations established by this Ordinance within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare and shall not preclude the establishment of higher or more restrictive standards, or requirements for the authorization of any Conditional Use Permit, where such higher or more restrictive standards or requirements are found necessary by the Planning Commission to attain the purposes of this Ordinance.

ARTICLE III

ESTABLISHMENT OF ZONING DISTRICTS

SECTION 3.1 ESTABLISHMENT OF ZONING DISTRICTS

The Village of Cement City is hereby divided into the following zoning districts:

3.1.1 **Open Districts.** Open Districts are established to protect land best suited for open use from the **encroachment** of incompatible land uses, to preserve valuable agricultural land for agricultural uses, and to retain land suited for open space and recreation use for the future. Open Districts include the following districts:

- A. Ag: Agricultural District
- B. RO: Recreation Open Space District

3.1.2 **Residential Districts.** Residential Districts are designated principally for residential use and are limited to dwellings and uses normally associated with residential neighborhoods in order to encourage a suitable and healthy environment for family life. The residential uses and dwellings according to a well considered plan which reflects the different types of residential uses and dwellings, the different densities of population and the intensity of land use desired: potential nuisances and hazards which may cause unhealthy conditions: and the relationship of residential uses and dwellings to other areas devoted to agricultural, or commercial use to streets. Residential Districts include the following districts:

- A. RNF: Rural Non-Farm Residential District
- B. RL: Lake Residential District
- C. RS: Suburban Residential District
- D. MH: Manufactured Home Residential District

3.1.3 **Commercial Districts.** Commercial Districts are designed to limit compatible commercial enterprises at appropriate locations to encourage efficient traffic movement, parking, and utility service; advance public safety; and protect surrounding property. The Commercial Districts are designed to regulate the location of these business uses according to a well-considered plan which determined the types of such uses and the intensity of land, street and highway use in each district; potential nuisances and hazards which may cause unsafe conditions; and the relationship of commercial uses to each other and to other areas devoted to agricultural, residential, or industrial use and to streets and highways. Commercial District include the following district:

- A. C-1: Local Commercial District
- B. OS1: Office Small Business

3.1.4 **Industrial Districts. (None Provided)**

SECTION 3.2 OFFICIAL ZONING MAP

- 3.2.1 The zoning districts as provided in Section 3.1 of this Ordinance are bound and defined on a map entitled, "Official Zoning Map, Village of Cement City, Jackson and Lenawee County, Michigan, dated 2015, each map with all explanatory matter thereon, is hereby adopted as a part of this Ordinance.
- 3.2.2 The Official Zoning Map shall be identified by the signature of the Village Council President, attested by the Clerk. The Official Zoning Map shall be located in the Village Hall and available for examination. The Zoning Map shall be updated at the direction of Village of Cement City Council Board as needed.

SECTION 3.3 INTERPRETATION OF DISTRICT BOUNDARIES

Except where specifically designated on the Official Zoning Map, the zoning district boundary lines are intended to follow lot lines, the center lines of streets or alleys, the center lines of creeks, streams or rivers, the center lines of streets or alleys projected, center lines of railroad right-of-way lines, section lines, one quarter(1/4) section lines, one-eighth (1/8) section lines, or a corporate limit line, all as they existed at the time of the enactment of this Ordinance, as subsequently modified and designated as such boundary line. Where a district boundary does not coincide with any of the above lines, the district boundary lines shall be dimensioned on the Official Zoning Map. When the location of a district boundary is uncertain, the Village of Cement City Zoning Commission or Village of Cement City Planning Commission shall interpret the exact location of the district boundary.

SECTION 3.4 INTERPRETATION OF UNSPECIFIED LAND USES

It is recognized that it is neither possible nor practical to list all of the potential land uses indicated and intended for the individual zoning districts. Therefore, any other use that is determined by the Village of Cement City Council Board, after hearing and recommendation by the Village of Cement City Zoning Commission or Village of Cement City Planning Commission, to be of the same general character, compatibility and similarity as the indicated permitted or conditional use, may be permitted provided the use is not mentioned or permitted within another zoning district. However, notwithstanding, a use mentioned or permitted in another zoning district may be permitted under this section, after hearing, recommendation and approval, if it is of a less intense nature and otherwise compatible with the zoning district for which it is proposed.

ARTICLE IV

AGRICULTURAL DISTRICT (AG)

SECTION 4.1 INTENT

The intent of this district is to set aside land suitable for agricultural development and agricultural related uses.

SECTION 4.2 PERMITTED USES

- 4.2.1 General and specialized farming and agricultural activities except feedlots, but including the raising or growing and storage or preservation of crops, sod, livestock, poultry, rabbits, fur-bearing animals, and other farm animals, and plants, trees, shrubs, and nursery stock.
- 4.2.2 Sale of agricultural products raised or grown on the farm premises including roadside stand for said sales.
- 4.2.3 Single-family detached dwellings.
- 4.2.4 Home occupations only in accordance with the regulations specified in ARTICLE XVI, Section 16.11.
- 4.2.5 Kennels: License shall be obtained by person from Lenawee County Sheriff Department. or Jackson County Sheriff Department.
- 4.2.6 Conservation and/or recreation areas including forest preserves, game refuges, nature reservations, hunt clubs, and similar areas of low intensity use.
- 4.2.7 Accessory uses or structures.
- 4.2.8 Essential services and structures of a non-industrial character, but not including maintenance depots and warehouses only in accordance with the regulations specified in ARTICLE XVI, Section 16.14.
- 4.2.9 On-site signs only in accordance with the regulations specified in ARTICLE XVI, Section 16.2.2.
- 4.2.10 State Licensed Residential Facilities within fifteen hundred (1500) feet radius.

SECTION 4.3 CONDITIONAL USES

- 4.3.1 Airports.
- 4.3.2 Animal hospitals.
- 4.3.3 Cemeteries.
- 4.3.4 Churches and other buildings for religious worship.
- 4.3.5 Commercial feedlots.
- 4.3.6 Communication Tower.

- 4.3.7 Convalescent homes, nursing homes, hospital, sanitariums, and orphanages.
- 4.3.8 Extraction, soil removal and mining operations.
- 4.3.9 Golf courses.
- 4.3.10 Golf driving ranges.
- 4.3.11 Group or organized camps, camping grounds, and general or specialized resorts.
- 4.3.12 Gun clubs and shooting ranges
- 4.3.13 Meat processing and packaging facilities
- 4.3.14 Public and private nurseries, primary or secondary non-profit schools, and colleges and universities.
- 4.3.15 Riding academies and stables.
- 4.3.16 Sanitary landfills.
- 4.3.17 Travel trailer parks.

SECTION 4.4 AREA, YARD, HEIGHT, AND BULK REQUIREMENTS

See ARTICLE XV.

ARTICLE V

RECREATION OPEN SPACE DISTRICT (RO)

SECTION 5.1 INTENT

The intent of this district is to set aside those lands which, because of their physical characteristics, would be suitable for recreation and open space use.

SECTION 5.2 PERMITTED USES

- 5.2.1 Public or private forest preserve, game refuge, golf course and club, golf driving ranges, park, playground, or other recreation purpose.
- 5.2.2 Public and private conservation areas and structures for the development, protection and conservation of open space, watersheds, water, soil, forest, and wildlife resources.
- 5.2.3 Single-family dwellings.
- 5.2.4 Accessory uses or structures.
- 5.2.5 Essential services and structures of a non-industrial character, but not including maintenance depots or warehouses.

SECTION 5.3 CONDITIONAL USES

- 5.3.1 Amusement parks.
- 5.3.2 Commercially operated trails for use by motor cycles, dune buggies, snowmobiles, and similar types of vehicles.
- 5.3.3 Gun clubs and shooting ranges.
- 5.3.4 Extraction, soil removal and mining operations.
- 5.3.5 Camp grounds.

SECTION 5.4 AREA, YARD, HEIGHT, AND BULK REQUIREMENTS

See ARTICLE XV.

ARTICLE VI

RURAL NON-FARM RESIDENTIAL DISTRICT (RNF)

SECTION 6.1 INTENT

This district is established to provide suitable areas for single family dwellings at low densities to preserve a predominantly rural character in these areas fit for concentrated residential use because of the ability of the soil to absorb sewage wastes from individual septic tanks.

SECTION 6.2 PERMITTED USES

- 6.2.1 Single-family detached dwellings.
- 6.2.2 Home occupations, only in accordance with the regulations specified in ARTICLE XVI, Section 16.11.
- 6.2.3 State licensed residential facilities provided that no other state licensed residential facility exists within a fifteen hundred (1500) foot radius.
- 6.2.4 Accessory uses or structures.
- 6.2.5 Essential services, only in accordance with the regulations specified in ARTICLE XVI, Section 16.14.
- 6.2.6 On-site signs, only in accordance with the regulations specified in Article V, Section 5.2.3.

SECTION 6.3 CONDITIONAL USES

- 6.3.1 Churches and other buildings for religious worship.
- 6.3.2 Essential services structures of a non-industrial character, but not including maintenance depots or warehouses.
- 6.3.3 Golf courses and golf driving ranges.
- 6.3.4 Government or community-owned buildings.
- 6.3.5 Country clubs; public swimming pools; recreation centers; and parks, playgrounds, and playfields.
- 6.3.6 Planned unit developments.
- 6.3.7 Public and private nursery, primary and secondary non-profit schools.

SECTION 6.4 AREA, YARD, HEIGHT, AND BULK REQUIREMENTS

See ARTICLE XV.

ARTICLE VII

LAKE RESIDENTIAL DISTRICT (RL)

SECTION 7.1 INTENT

This district is designed to preserve and enhance areas which are suitable for lakefront residential development, principally single family dwellings at moderate densities, with consideration to protecting the lake waters from potential pollutants.

SECTION 7.2 PERMITTED USES

- 7.2.1 Single-family detached dwellings.
- 7.2.2 Home occupations in accordance with regulations specified in ARTICLE XVI, Section 16.11.
- 7.2.3 State Licensed residential facilities provided that no other state licensed facility exists within fifteen hundred (1500) foot radius.
- 7.2.4 Accessory uses or structures.
- 7.2.5 Essential services, only in accordance with the Regulations specified in ARTICLE XVI, Section 16.14.
- 7.2.6 On-site signs, only in accordance with the Regulations specified in ARTICLE XVI, Section 16.2.3.

SECTION 7.3 CONDITIONAL USES

- 7.3.1 Churches and other buildings for religious worship.
- 7.3.2 Essential service structures of a non-industrial character, but not including maintenance depots or warehouses.
- 7.3.3 Parks and playgrounds.
- 7.3.4 Planned-unit residential developments.

SECTION 7.4 AREA, YARD, HEIGHT, AND BULK REQUIREMENTS

See ARTICLE XV.

ARTICLE VIII

SUBURBAN RESIDENTIAL DISTRICT (RS)

SECTION 8.1 INTENT

This district is designed to provide residential areas principally for moderate suburban densities where necessary urban services and facilities, including central sewerage and water supply systems, can be feasibly provided.

SECTION 8.2 PERMITTED USES

- 8.2.1 Single-family detached dwellings.
- 8.2.2 Home occupations, only in accordance with the regulations specified in ARTICLE XVI, Section 16.11.
- 8.2.3 State licensed residential facilities provided that no other State licensed residential facility exists within a one thousand five hundred (1,500) feet radius.
- 8.2.4 Accessory uses or structures.
- 8.2.5 Essential services, only in accordance with the regulations specified in ARTICLE XVI, Section 16.14.
- 8.2.6 On-site signs, only in accordance with the regulations specified in ARTICLE XVI, Section 16.2.3.

SECTION 8.3 CONDITIONAL USES

- 8.3.1 Churches and other buildings for religious worship.
- 8.3.2 Country clubs, recreation centers, public swimming pools, parks, playgrounds, and playfields.
- 8.3.3 Essential service structures of a non-industrial character, but not including maintenance depots or warehouses.
- 8.3.4 Golf courses and golf driving ranges.
- 8.3.5 Government- or community-owned buildings.
- 8.3.6 Planned unit residential developments.
- 8.3.7 Public and private nurseries, primary and secondary non-profit schools..

SECTION 8.4 AREA, YARD, HEIGHT, AND BULK REQUIREMENTS

See ARTICLE XV.

ARTICLE IX

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ARTICLE X

MANUFACTURED HOME RESIDENTIAL DISTRICT (MH)

SECTION 10.1 INTENT

This district is composed of those areas of Village whose principal use is or ought to be manufactured home dwellings. The regulations of this district are designed to permit a density of population and an intensity of land use in those areas which are served by a central water supply system and a central sanitary sewerage system, and which abut or are adjacent to such other uses, buildings, structures, or amenities which support, complement, or serve such a density and intensity.

SECTION 10.2 PERMITTED USES

- 10.2.1 Manufactured home parks.
- 10.2.2 Manufactured home subdivisions in accordance with the provisions of ARTICLE VIII, (RS, Suburban Residential District) of this Ordinance..
- 10.2.3 Public schools.
- 10.2.4 State licensed residential facilities provided that no other state licensed residential facility exists within a fifteen hundred (1500) foot radius.

SECTION 10.3 MANUFACTURED HOME PARK REGULATIONS

- 10.3.1 **Adherence to Mobile Home Commission Regulations.** Manufactured housing parks shall be subject to all the rules and requirements of the Mobile Home Commission Act (P.A. 96 of 1987, as amended), the Manufactured Housing Commission General Rules, and the minimum requirements set forth in this Section.
- 10.3.2 **Lot Area and Height Regulations.**
 - A. **Lot Area.** The minimum area of the lot that comprises the manufactured housing park shall be 20 acres.
 - B. **Height Requirements.**
 - 1. Except as otherwise provided in paragraph (ii) below, no building or structure shall exceed a height of two (2) stories or 25 feet.
 - 2. The maximum height of accessory structures in a manufactured housing park shall be 15 feet. The height of a storage building on a manufactured housing park site shall not exceed the lesser of 15 feet or the height of the manufactured housing.
- 10.3.3 **Landscaping.**
 - A. A landscape strip at least 20 feet wide shall be located and continually maintained along all park borders not adjacent to public streets. This strip shall consist of such plant materials as trees and shrubs to provide privacy for the manufactured housing park residents and to provide a transition area between the manufactured housing

park and surrounding properties. A fence may be required by the Planning Commission as part of the site plan approval to protect the manufactured housing park or adjacent properties from trespassing.

- B. Such landscape strip shall not contain carports, recreation shelters, storage shelters, or any other structures, parking spaces, or active recreation areas.
- C. **Outdoor Patio.** An all-weather, hard-surfaced outdoor patio area of not less than one hundred twenty (120) square feet shall be provided at each manufactured home site, conveniently located to the entrance of the manufactured home and appropriately related to open areas of the lot and other facilities, for the purpose of providing suitable outdoor living space to supplement the limited interior spaces of manufactured home.

10.3.4 **Exterior Antenna.** When exterior television antenna installation is necessary, a master antenna shall be installed and extended to individual stands by underground lines. Such master antenna shall be so placed as not to be a nuisance to park residents or surrounding areas.

10.3.5 **Minimum Distances.** A manufactured home shall be in compliance with the following minimum distances:

- A. Twenty (20) feet from any part of an attached or detached structure, which is used for living purposes, on an adjacent manufactured housing park site.
- B. Ten (10) feet from an attached or detached structure or accessory, which is not used for living purposes, of an adjacent manufactured home.
- C. Ten (10) feet from an on-site parking space of an adjacent site.
- D. Fifteen (15) feet to any parking area designed for general parking in such park (general parking defines parking bays for other than park residents.)
- E. Fifty (50) feet from any permanent building.
- F. Ten (10) feet from the edge of an internal street.
- G. Fifty (50) feet to the right-of-way of any public street or highway and 300 feet to the right-of-way of any U.S. highway.
- H. Thirty (30) feet to the boundary of such park which is not a public street.
- I. Thirty (30) feet to any collector street of such park (parking bay or central parking drive not a collector street).

10.3.6 **Parking Requirements.**

- A. A minimum of two (2) parking spaces shall be provided for each manufactured housing park site.
- B. Additional parking facilities shall be provided:
 - 1. for storage of maintenance vehicles;
 - 2. at the park office location for office visitors; and
 - 3. for general visitor parking, at the ratio of one (1) parking space for every

three (3) manufactured housing park sites in the park, in a convenient location for the manufactured housing park sites served thereby.

10.3.7 **Streets.**

- A. Vehicular access to a manufactured housing park shall be provided by at least one hard-surface public road as designated in the adopted Growth Management Plan.
- B. Only streets within the manufactured housing park shall provide vehicular access to individual manufactured housing park sites in the manufactured housing park.
- C. Minimum widths of roadways within park shall be as follows:

Traffic Use	Motor Vehicle Parking	Minimum Pavement Width
2-way road	Parking prohibited	22 feet
2-way road	Parallel parking on 2 sides	42 feet
1-way road	Parallel parking on 1 side only	22 feet
1-way road	Parallel parking on 2 sides	32 feet

- D. A dead-end road shall terminate with an adequate turning area. A blunt end road is prohibited. Parking shall not be permitted within the turning area. Adequate turning radii for emergency vehicles, including fire trucks, shall be provided.

10.3.8 **Walkways.** Walkways shall not be less than four (4) feet in width excepting that walkways designed for common use of not more than three (3) feet in width.

10.3.9 **Hard Surfaces Required.** All driveways, motor vehicle parking spaces and walkways within such parks shall be hard surfaced and adequately drained and lighted for safety and ease of movement.

10.3.10 **Outdoor Storage.**

- A. Common storage areas for the storage of boats, motorcycles, recreation vehicles, and similar equipment may be provided in a manufactured housing park, but shall be limited for use only by residents of the manufactured housing park. The location of such storage area shall be shown on the site plan. No part of such storage area shall be located in any yard setback required on the perimeter of the manufactured housing park. Such storage area shall be screened from view from adjacent residential properties, public streets, and roads.
- B. Each manufactured home park shall include similarly designed enclosed storage structure or structures suitable for storage of goods and the usual effects of the inhabitants of such park, such storage space should not be less than one hundred forty-four (144) cubic feet for each manufactured home. Such storage structure or structures may be located in manufactured home sites or in common structure with individual lockers.
- C. Storage of goods and articles underneath any manufactured home or out of doors at any manufactured home site shall be prohibited.

10.3.11 **Site-constructed buildings.** All buildings constructed on site within a manufactured housing park must be constructed in compliance with applicable building, electrical, plumbing, and mechanical and cross-connection codes. Any addition to a manufactured housing unit that is not certified as meeting the standards of the U.S. Department of Housing and Urban Development for manufactured housing shall comply with applicable building, electrical, plumbing, and mechanical codes. Certificates and permits shall be required as provided in Article 1.0 (Administration and Enforcement). A final site plan shall be approved prior to construction of any principal structure, not including manufactured housing park units, in accordance with ARTICLE XVIII (Site Plan Review and Approval) of this Ordinance.

10.3.12 **Placement of a Manufactured Housing Park Unit.**

- A. It shall be unlawful to park a manufactured housing park unit so that any part of such unit will obstruct a street or pedestrian walkway.
- B. A building permit shall be issued by the Village of Cement City Building Department before a manufactured home may be placed on a site in a manufactured housing park.

10.3.13 **Site Plan Review Required.**

- A. Construction of a manufactured housing park shall require prior approval of a site plan by the Village of Cement City Planning Commission.
- B. The site plan shall be prepared on standard 24-inch by 36-inch sheets and shall be of a scale not greater than one (1) inch equals 20 feet or less than one (1) inch equals 200 feet, and of such accuracy that the Village of Cement City Planning Commission can readily interpret the plan.
- C. For purposes of this Section only, a site plan shall provide the following information:
 - 1. Scale, north arrow, name and date, and date of any revisions.
 - 2. Name and address of property owner and applicant; interest of applicant in the property; name and address of developer.
 - 3. Name and address of designer. A site plan shall be prepared by a community planner, architect, landscape architect, engineer, or land surveyor registered in the State of Michigan.
 - 4. A vicinity map; legal description of the property; dimensions and area; lot line dimensions and bearings. A metes and bounds description shall be based on a boundary survey prepared by a registered surveyor.
 - 5. Existing topography, at a minimum of two (2) foot contour intervals; existing natural features such as trees, wooded areas, streams, and wetlands; natural features to remain or to be removed; 100-year flood hazard area.
 - 6. Existing buildings, structures, and other improvements, including drives, utility poles and sewers, easements, pipelines, excavations, ditches, bridges, culverts; existing improvements to remain or to be removed; deed restrictions, if any.
 - 7. Name and address of owners of adjacent properties; use and zoning of adjacent properties; location and outline of buildings, drives, parking lots, and other improvements on adjacent properties.
 - 8. Locations and size of existing public utilities on or surrounding the property;

location of existing fire hydrants; inverts of sanitary and storm sewers; location of existing manholes and catch basins; location of existing wells, septic tanks, and drain fields, if applicable.

9. Names and rights-of-way of existing streets on or adjacent to the property; surface type and width; spot elevations of street surface at intersections with streets and drives of the proposed development.
10. Zoning classification of the subject property; location of required yards; total property area; dwelling unit density; schedule of dwelling units, by type; phasing information.
11. Grading plan, at a minimum contour interval of two (2) feet.
12. Location and exterior dimensions of proposed buildings and structures other than manufactured housing unit dwellings; height and finished floor elevations of such buildings and structures; location of the manufactured home and parking spaces on each manufactured housing park site.
13. Location and alignment of all proposed streets and drives; rights-of-way, where applicable; surface type and width; typical street sections; location and details of curbs; curb radii.
14. Location and dimensions of all proposed parking areas; number of spaces in each; dimensions of spaces and aisles; typical cross section of parking surface.
15. Location, width, and surface of proposed sidewalks and pedestrian paths, including notations on the site plan depicting handicapped access.
16. Location, use, size, and proposed improvements of open space and recreation areas.
17. Location and type of proposed screens and fences; height, typical elevations, and vertical section of screens, showing materials and dimensions.
18. Location, type, size, area, and height of proposed signs.
19. General proposed utility layout for sanitary sewer, water and storm water systems.
20. Landscape plan showing location, type, and size of plant materials.
21. Location, dimension, and materials of proposed retaining walls; fill materials; typical vertical sections.
22. An overall map shall be developed on a 24-inch by 36-inch sheet showing how this property ties in with all other surrounding properties, including:
 - (a) existing and proposed water mains and sanitary and storm sewers in the area, including sanitary sewer service areas;
 - (b) the road network in the area; and
 - (c) the relationship of existing and proposed drainage courses and retention bases in the general area that impact or are impacted by this development as well as an area-wide drainage map

showing all the sub-areas that affect this site (all drainage must be directed to retention ponds).

- 10.3.14 **Building Permits Required.** No manufactured home may be placed on a manufactured housing park site until a Building Permit has been issued by Village of Cement City. A Building Permit shall not be issued until all required state approvals have been obtained.
- 10.3.15 **Occupancy.** A manufactured home in a manufactured housing park shall not be occupied until all required approvals have been obtained from the State of Michigan and a Certificate of Occupancy is issued by the Woodstock Township Zoning Inspector or by the Columbia Township Zoning Inspector.
- 10.3.16 **Garbage and Trash Disposal.** Disposal of garbage and trash shall be by any method approved by the State and shall be inspected periodically by the Lenawee County Health Department or by the Jackson County Health Department.
- 10.3.17 **Utilities and Storm Drainage.**
- A. All manufactured homes within such parks shall be suitably connected to sewer and water services provided at each manufactured site, and shall meet the requirements and be approved by the Lenawee County Health Department or the Jackson County Health Department.
 - B. All sanitary sewage facilities, including plumbing connections to each manufactured home site, shall be constructed so that all facilities and lines are protected from freezing, from bumping or from creating any type of nuisance or health hazard. Running water from a state tested and approved supply, designed adequately for a minimum flow of two hundred (200) gallons per day per manufactured home site shall be piped to each trailer. Sewer connections shall not exceed ten (m) feet in length above ground.
 - C. All electric, telephone and other lines from supply poles or other sources to each manufactured home site shall be underground. The electrical system shall be of such voltage and of such capacity to adequately serve all users in the park at peak periods. When separate meters are installed, they shall be located in a uniform manner.
 - D. Any fuel oil and gas storage shall be centrally located in underground tanks, at a distance away from any manufactured home site as it is found to be safe. All fuel lines leading to manufactured home sites shall be underground and so designed as to conform with the Village of Cement City Building Codes and any State codes that are found to be applicable. When separate meters are installed, each shall be located in a uniform manner.
 - E. Storm drainage facilities shall be so constructed as to protect those that will reside in the manufactured home park, as well as the property owner adjacent to the park.
- 10.3.18 **Recreation Space.** A recreation space of at least three hundred (300) square feet per manufactured home site in park shall be developed and maintained by the management. This area shall not be less than one hundred (100) feet in its smallest dimension and its boundary no further than one thousand (1,000) feet from any manufactured home site served. Streets, parking areas, and laundry rooms are not being included as recreation space in computing the necessary area.
- 10.3.19 **Travel Trailers Prohibited.** No trailer designed for temporary or seasonal living shall be occupied in a manufactured home park.

10.3.20 Sale of homes. The business of selling new and/or used manufactured housings as a commercial operation in connection with the operation of manufactured housing parks shall be prohibited. New or used manufactured homes located on lots within the manufactured housing park to be used and occupied on that site may be sold by a licensed dealer or broker. This Section shall not prohibit the sale of a used manufactured home by a resident of the manufactured housing park provided the park's regulations permit the sale.

SECTION 10.4 AREA, YARD, HEIGHT, AND BULK REQUIREMENTS

See ARTICLE XV.

ARTICLE XI

LOCAL COMMERCIAL DISTRICT (C-1)

SECTION 11.1 INTENT

This district is designed to encourage planned and integrated groupings of stores that will retail convenience goods and provide personal services to meet regular and recurring needs of the neighborhood resident population. To these ends, certain uses, which would function more effectively in other districts and would interfere with the operation of these business activities and the purpose of this district, have been excluded.

SECTION 11.2 PERMITTED USES

- 11.2.1 Business services including banks, loan offices, real estate offices, and insurance offices.
- 11.2.2 Offices of an executive, administrative, or professional nature.
- 11.2.3 Personal services, including barber shops and beauty salons; medical and dental clinics; dry cleaners and self service Laundromats; and sale and repair shops for watches, shoes, radios, and televisions.
- 11.2.4 Retail sale of foods, drugs, hardware, notions, books, and similar convenience goods.
- 11.2.5 Accessory uses or structures.
- 11.2.6 Essential services and structures of a non-industrial character.
- 11.2.7 On-site signs, only in accordance with the regulations as specified in ARTICLE XVI, Section 16.2.4.

SECTION 11.3 CONDITIONAL USES

- 11.3.1 Churches and other buildings for religious worship.
- 11.3.2 Communication Tower.
- 11.3.3 Government or community-owned buildings, but not including schools.
- 11.3.4 Planned unit developments.
- 11.3.5 Single-family dwelling to be occupied as the principal residence of an owner actively, on a full time basis, operating the commercial business located on the premises or occupied as the principal residence of the full time manager of the commercial business located on the premises.

SECTION 11.4 AREA, YARD, HEIGHT, AND BULK REQUIREMENTS

See ARTICLE XV.

ARTICLE XII

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ARTICLE XV

AREA, HEIGHT, AND BULK REQUIREMENTS

Zoning District	Lot Requirements			Minimum Yard Requirements			Maximum Building Height Requirements		Minimum Transition Strip Requirements	Comments	
	Minimum Lot Area	Minimum Lot Width (in feet)	Maximum Lot Coverage	Front (in feet)	Side (in feet)	Rear (in feet)	Principal	Accessory (in feet)			
Agricultural (AG)	2 acres*	200	10%	60	30	50	2 ½ story or 35 feet	80		Single-family detached dwelling units	
	5 acres*				60+					All others uses	
Recreational Open Space (RO)	2 acres*	300	10%	60	30	50	2 ½ story or 35 feet	80		Single-family detached dwelling units	
	5 acres*				60+					All others uses	
Rural Non-Farm Residential (RNF)	1 acre*	150	20%	50	20	35	2 ½ story or 35 feet	80		Single-family detached dwelling units	
	2 acres*				35+					All others uses	
Lake Residential (RL)	10,000 ft ²	80	30%	35	10	35	2 ½ story or 35 feet	25		Single-family detached dwelling units with central sewers and water systems	
	15,000 ft ²	100		35						25 total	Single-family detached dwelling units without central sewers and water systems
	1 acre*	120		50+						35+	All other uses

ARTICLE XV

AREA, HEIGHT, AND BULK REQUIREMENTS

Zoning District	Lot Requirements			Minimum Yard Requirements			Maximum Building Height Requirements		Minimum Transition Strip Requirements	Comments
	Minimum Lot Area	Minimum Lot Width (in feet)	Maximum Lot Coverage	Front (in feet)	Side (in feet)	Rear (in feet)	Principal	Accessory (in feet)		
Suburban Residential (RL)	10,000 ft ²	100	30%	35	10	20	2 ½ story or 35 feet	25		Single-family detached dwelling units with central sewers and water systems
	15,000 ft ²	120			25 total					Single-family detached dwelling units without central sewers and water systems
	1 acre*	120			35+					All other uses
Manufactured Home Residential (MH)	10 acres	35	15%	8	10	8	1 story or 15 ft.	15	See MH District	Manufactured Home Park
	4,500 ft ²			20 total	25 total	20 total				Manufactured home site within a Manufactured home Park
Local Commercial (C-1)	10,000 ft ²	75	25%	35	20	35	35 ft		15 ft wide and fence, wall or hedge, 4 to 6 ft if abutting a residential district, 20 ft wide, landscaped strip if fronting a public street	With central sewers and water systems
	15,000 ft ²	100			35+					Without central sewers and water systems

(+) Corner Lot

(*) Standalone accessory structures may be constructed provided that the lot meets the minimum lot area requirements for zoning district.

SECTION 15.1 COMPLIANCE WITH REGULATIONS

- 15.1.1 No building or structure shall hereafter be erected or altered to exceed the height; to occupy a greater percentage of lot area; to have narrower or smaller rear yards, front yards, side yards, or other open spaces than prescribed for the district in which the building or structure is located.
- 15.1.2 No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth for the district in which the yard or lot is located. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- 15.1.3 No part of a yard or other open space required for or in connection with, any structure for the purpose of complying with this Ordinance, shall be included as part of a yard or open space similarly required for any other structure.

SECTION 15.2 YARD MEASUREMENTS

- 15.2.1 Lots that abut on more than one (1) street shall provide the required front yards along every street.
- 15.2.2 All front, side, and rear yards shall be the minimum perpendicular distance measured from the principal structure, excluding all projections not exceeding three (3) feet in length from the structure wall.

SECTION 15.3 HEIGHT EXCEPTIONS

Exceptions to the maximum height regulations for each district specified in this Ordinance may be permitted subject to the following provisions:

- 15.3.1 **Height Limitations.** The limitations affecting the height of structures shall not apply to the following appurtenant appendages and structures provided they comply with all other provisions of this or any other applicable ordinances: Parapet walls, chimneys, smokestacks, church spires, flagpoles, radio and television towers, penthouses for mechanical equipment, and water tanks.
- 15.3.2 **Commercial and Governmental Towers.** Subject to site plan review, height in excess of the height above average ground level allowed in any district may be permitted for television, radio and/or telephone towers, used for commercial or governmental purposes (including essential services) provided all minimum front, side rear yard depths are increased one (i) foot for each additional one (i) foot of height, and further subject to any conditions placed on such use as a result of site plan review.

SECTION 15.4 ACCESSORY STRUCTURES

- 15.4.1 **Location.** A building over two hundred (200) square foot footprint shall be located no closer than ten (10) feet to any other building or structure on adjacent property.
- 15.4.2 **Dimensional Requirements.** All detached accessory structures in any residential district shall be subject to the same dimensional requirements affecting the principal structure, except however, such accessory structure may be placed not less than six (6) feet from any rear lot line or the rear yard portion of any side lot line.
- 15.4.3 **Non-Residential District Requirements.** All accessory structures in non-residential districts shall be subject to the same standards and requirements as are required for all principal structures within such districts.
- 15.4.4 **Decks.** For the purposes of this ordinance, wood decks or decks made of other materials, shall be considered an extension of the primary structure and subject to the provisions applicable to such structures within this ordinance. In addition, within all Lake Residential (RL) Districts in front, side, or rear yard areas of lots abutting on a body of water, or road abutting a body of water, the following additional provisions shall apply:
- A. The floor elevation of the deck shall not exceed the elevation of the first floor, excluding the basement, of the principal structure located on the lot.
 - B. On any open deck, closer than fifty (50) feet to the high water mark, floor elevation may not exceed more than two (2) feet above grade.

- C. The deck may be no closer than eight (8) feet from the high water mark of a body of water in a Lake Residential (RL) District.
- D. Railings surrounding said decks shall be permitted. They shall be constructed to maintain the view of the body of water from adjacent properties. Railings shall not exceed thirty-six (36) inches in height.
- E. Determination of obstruction of view shall be made in consultation with the property owners, adjacent property owners, and zoning inspector before issuance of the zoning permit. If no agreement can be reached, the matter will be resolved through application to the Village of Cement City Zoning Board of Appeals (See Article VII).

15.4.5 **Distance Between Grouped Buildings.** In addition to the required setback lines provided elsewhere in this Ordinance, in group dwellings (including semi-detached and multiple dwellings) the following minimum distances shall be required between each said dwelling:

- A. Where buildings are front to front or front to rear, three (3) times the height of the taller building, but not less than seventy (70) feet.
- B. Where buildings are side to side, one (1) times the height of the taller building, but not less than twenty (20) feet.
- C. Where buildings are front to side, rear to side, or rear to rear, two (2) times the height of the taller building but not less than forty-five (45) feet.

15.4.6 **Lot to Building Relationship.** Hereafter, every building erected, altered, or moved shall be located on a lot of record as defined in this Ordinance, and except in the case of approved multiple dwelling development, there shall be no more than one (1) principal structure and its permitted accessory structures located on each lot in a Residential District. In the Agricultural District and Recreation Open Space (RO) Zoning Districts, no more than one (1) Residential structure and its permitted accessory structures shall be permitted on a lot of record. Notwithstanding anything herein to the contrary, a freestanding accessory structure may be erected or placed on lots with a minimum lot area of two (2) acres in the Agricultural (AG) and Recreation Open Space (RO) Zoning Districts: one (1) or two (2) acres in the Rural Non-Farm Residential (RNF) Zoning District: and ten thousand (10,000) square feet in Lake Residential Zoning Districts, without the necessity of a principal structure being located on such lot, if said lots are otherwise in compliance with this Section.

SECTION 15.5 MAXIMUM DENSITY

15.5.1 In all districts, the total number of units in a planned unit development a platted development, a cluster development, site condominium development or any development of that type, shall be determined by ARTICLE XV, exclusive of the following areas: subaqueous or submerged bottom land of lakes or streams, wetlands and floodplains as stipulated in Section 15.5.2 below.

15.5.2 On parcels containing wetlands or floodplains or both, only twenty-five (25) percent of the wetlands of floodplain may be included within the total site area for the computation of density, however, in no instance shall that portion of the wetlands or floodplain which exceeds the size of the upland area of the parcel be eligible for computation of density.

ARTICLE XVI

SUPPLEMENTAL REGULATIONS

SECTION 16.1 PURPOSE

It is the purpose of this Article of this Ordinance to provide regulations and requirements that supplement the provisions contained under the respective district regulations in Article IV, and may or may not apply in all zoning districts.

SECTION 16.2 SIGN REGULATIONS

16.2.1 General Sign Regulations.

- A. No sign shall be erected at any location, where by reason of the position, size, shape, color, movement, or illumination, may interfere with or obstruct the view of traffic, nor shall any sign be confused with any authorized traffic sign, signal, or device.
- B. All signs shall be designed, constructed, and maintained so as to be appropriate in appearance with the existing or intended character of their vicinity so as not to change the aesthetic character of such area.
- C. In the Agricultural District, Recreation Open Space District, and all Residential districts, signs may be illuminated only by non-flashing reflected light. Any light used to illuminate such signs shall be so arranged as to reflect light away from adjoining premises and streets. All signs shall be placed no closer to the street right-of-way line than ten (10) feet.
- D. In the Local Commercial Districts, all signs may be illuminated internally or by reflected light provided the source of light is not directly visible and is so arranged to reflect away from the adjoining premises and streets. No illumination involving movement by reason of the lighting arrangement or other devices shall be permitted.
- E. Any sign located on a State or Federal Highway shall be exempt from the terms of this Ordinance as long as such sign meets the standards and requirements of applicable State or Federal rules, regulations and/or statutes.

16.2.2 Permitted On-Site Signs in the Agricultural District and Recreation Open Space District.

- A. One (1) on-site sign advertising the sale or lease of the lot, chattels, or building, not exceeding six (6) square feet in area.
- B. One (1) on-site sign announcing a home occupation not to exceed six (6) square feet in area.
- C. One (1) on-site sign identifying a park, school building, or other authorized use not to exceed thirty-two (32) square feet in area.
- D. One (1) on-site sign advertising the type of farm products grown on the farmstead not to exceed thirty-two (32) square feet in area.

16.2.3 Permitted On-Site Signs in Residential Districts. The following on-site signs are permitted on any one (1) lot in Residential Districts:

- A. One (1) on-site sign advertising the sale or lease of the lot, chattels, or building not exceeding six (6) square feet in area.
- B. One (1) on-site sign announcing a home occupation, boarding home, or professional service, not to exceed six (6) square feet in area and it shall be attached flat against the front wall of the building.
- C. One (1) on-site sign advertising a recorded subdivision or development not to exceed thirty-two (32) square feet in area. Such sign shall be removed within one (1) year after the sale of ninety (90%) percent of all lots or units within said subdivision or development.
- D. One (1) on-site sign not having commercial connotations identifying a multiple-family building or development or manufactured home park, not to exceed thirty-two (32) square feet in area.
- E. One (1) on-site sign identifying a school, church, public building, or other authorized use, not to exceed thirty-two (32) square feet in area.

16.2.4 **Permitted On-Site Signs in General Commercial.** The following on-site signs are permitted on any one (1) Lot in the Local Commercial:

- A. One (1) on-site sign may be affixed flat against the wall of the building, or may project there from not more than forty-eight (48) inches. The total sign area shall not exceed sixty-four (64) square foot.
- B. One (1) on-site free-standing identification sign may be erected for a shopping center or other integrated group of stores or commercial buildings. The area of said sign shall be based on one (1) square foot for each front foot of building, or buildings, for which it is established; however, it shall not exceed two hundred (200) square feet in area, nor be closer to the front, side, or rear property line, than ten (10) feet.
- C. One (1) on-site free-standing identification sign may be erected for each separate enterprise situated on an individual lot not located within a shopping center. Such sign shall not exceed sixty-four (64) square feet in area, nor be closer to the front, side, or rear property line, than ten (10) feet.

16.2.5 **Off-Site Signs.** Off-site signs, signs advertising a product for sale or a service to be rendered at a location other than the premises, shall be permitted in the Highway Service Commercial, and General Industrial Districts under the following conditions:

- A. Where two (2) or more off-site signs are along the frontage of a single street or highway they shall not be less than three hundred (300) feet apart. A double face (back to back) or a V-type structure shall be considered a single sign.
- B. The total surface area, facing in the same direction of any off site sign, shall not exceed three hundred (300) square feet in area.
- C. No off-site sign shall be erected on the roof of any building, nor have one sign above another sign.
- D. Off-site signs may be illuminated by reflected light only, provided the source of light is not directly visible and is so arranged to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights. No illumination involving movement by reason of lighting arrangement or other devices shall be permitted.

16.2.6 **Signs for Motor Vehicle Service Stations.** Notwithstanding other provisions of this Ordinance, one (1) permanently installed sign shall be permitted on each street frontage, installed so that a clear view of street traffic by motorists or pedestrians may not be obstructed in any way to a height of sixteen (16) feet other than necessary supports, and not exceeding one hundred (100) square feet in area. A sign or legend may also be placed on the main building or fuel pump canopies.

SECTION 16.3 OFF-STREET PARKING REQUIREMENTS

In all districts, there shall be provided at the time any building, structure, or use is established, enlarged, or increased in capacity, off-street parking spaces for motor vehicles with the requirements herein specified. Such off-street parking spaces shall be maintained and shall not be encroached upon by structures or other uses so long as the principal building, structure, or use remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.

16.3.1 **Plans.** Plans and specifications showing required off-street parking spaces, including the means of access and interior circulation, shall be submitted to the Zoning Inspector for review at the time of application for a Zoning Compliance Permit for the erection or enlargement of a building.

16.3.2 **Location of Off-Street Parking Areas.** Required off-street parking facilities shall be located on the same lot as the principal building or on a lot within three hundred (300) feet thereof except that this distance shall not exceed one hundred fifty (150) feet for single-family dwellings. This distance specified shall be measured from the nearest point of the parking facility to the nearest point of the lot occupied by the building or use that such facility is required to serve.

16.3.3 **Parking in Residential Districts.** Parking of motor vehicles in residential districts shall be limited to passenger vehicles, and not more than one (1) commercial vehicle of the light delivery type, not to exceed three-fourths (3/4) ton shall be permitted per dwelling unit. The parking of any other type of commercial vehicle, except for those parked on school or church property, is prohibited in a residential zone.

16.3.4 **Off-Street Parking Area Design.**

- A. Each off-street parking space for automobiles shall be not less than two hundred (200) square feet in area, exclusive of access drives or aisles, and shall be of usable shape and condition.
- B. There shall be provided a minimum access drive of ten (10) feet in width, and where a turning radius is necessary, it will be of such an arc as to reasonably allow an unobstructed flow of vehicles.
- C. Parking aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of parking space. The minimum width of such aisles shall be:
 - 1. For ninety (90) degree or perpendicular parking, the aisle shall not be less than twenty-two (22) feet in width.
 - 2. For sixty (60) degree parking, the aisle shall not be less than eighteen (18) feet in width.
 - 3. For forty-five (45) degree parking, the aisle shall not be less than thirteen (13) feet in width.
 - 4. For parallel parking, the aisle shall not be less than ten (10) feet in width.

- D. All off-street parking spaces shall not be closer than five (5) feet to any property line, except where a wall, fence, or compact planting strip exists as a parking barrier along the property line.
- E. All off-street parking areas shall be drained so as to prevent drainage to abutting properties and shall be constructed of materials which will have a dust-free surface resistant to erosion.
- F. Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining residential lot or institutional premises.
- G. Any off-street parking area providing space for five (5) or more vehicles shall be effectively screened on any side which adjoins or faces property adjoining a residential lot or institution, by a wall, fence, or compact planting not less than four (4) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property.
- H. All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to off-street parking areas of one- or two-family dwellings.

16.3.5 **Collective Parking.** Requirements for the provision of parking facilities with respect to two (2) or more property uses of the same or different types may be satisfied if the permanent allocation of the requisite number of spaces designated is not less than the sum of individual requirements.

16.3.6 **Determining Requirements.** For the purposes of determining off-street parking requirements the following units of measure shall apply:

- A. **Floor Area:** In the case where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, except that such floor area need not include any area used for parking within the principal building and need not include any area used for incidental service storage, installations of mechanical equipment, penthouse housing ventilators and heating systems, and similar uses.
- B. **Places of Assembly:** In stadiums, sports arenas, churches, and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each eighteen (18) inches of such seating facilities shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.
- C. **Fractions:** When units of measurement determining the number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.

16.3.7 **Schedule of Off-Street Parking Spaces.** The minimum required off-street parking spaces is set forth in the following Schedule of Off-Street Parking Spaces. Where a use is not specifically mentioned, the parking requirements of a similar or related use shall apply.

Use	Parking Space Requirements
Motor Vehicle or Machinery Sales and Service Garages	One (1) space for each two hundred (200) square feet of showroom floor area plus two (2) spaces for each service bay plus one (1) space for each two (2) employees.
Motor Vehicle Service Stations	One (1) space for each eight hundred (800) square feet of floor area plus one (1) space for each four (4) employees.
Bank, Business, and Professional Offices	One (1) space for each two hundred (200) square feet of gross floor area.
Barber Shops and Beauty	One (1) space for each chair parlors plus one (1) space for each employee.
Bowling Alleys	Seven (7) spaces for each alley.
Churches, Auditoriums, Stadiums, Sports Arenas, Theaters, Dance Halls, Assembly Halls, other than Schools	One (1) space for each four (4) seats
Dwelling Unit	Two (2) spaces for each family or dwelling unit.
Elementary and Junior High	One (1) space for each employee Schools, Private or Public normally engaged in or about the building or grounds plus one (1) space for each thirty (30) students enrolled.
Funeral Homes and Mortuaries	One (1) spaces for each fifty (50) square feet of floor area plus one (1) space for each fleet vehicle.
Drive-in Restaurants	Ten (10) spaces plus one (1) space for every twenty (20) square feet of gross floor area.
Furniture, Appliance Household Equipment Furniture Repair Shops	One (1) space for each four hundred (400) square feet of floor area.
Hospitals	One (1) space for each bed excluding bassinets plus one (1) space for each two (2) employees.
Hotels, Motels, Lodging Houses, Boarding Homes	One (1) space for each living unit plus one (1) space for each two (2) employees.
Manufacturing, Fabricating, Processing and Bottling Plants, Research & Testing Laboratories	One (1) space for each two (2) employees on maximum shift.
Medical and Dental Clinics	One (1) space for each two hundred (200) square feet of floor area plus one (1) space for each two (2) employees.

Use	Parking Space Requirements
Restaurants, Beer Parlors, Taverns, and Night Clubs	One (1) space for each two (2) patrons of maximum seating capacity plus one (1) space for each two (2) employees.
Self-service Laundry or Dry Cleaning Stores	One (1) space for each two (2) washing and/or dry cleaning machines.
Senior High School Institutions of Higher Learning, Private or Public	One (1) space for each employee in or about the building or grounds plus one (1) space for each four (4) students.
Supermarket, Self-service Food and Discount Stores	One (1) space for each two hundred (200) square feet of floor area plus one (1) space for each employee.
Wholesale Establishments	One (1) space for each four hundred (400) square feet of floor area plus one (1) space for each two (2) employees.

16.3.8 **Exception.** The parking requirements for all uses proposed on a lot shall be cumulative, unless the Village of Cement City Planning Commission shall find that the parking requirements of a particular land use occur at different hours from those of other contiguous land uses, such that particular land use parking areas can be advantageously used during non-conflicting hours by the other contiguous land use, in which event the required parking spaces for such particular land use may be reduced by the Planning Commission to a minimum of the greatest number of spaces required for any of such contiguous land uses.

SECTION 16.4 OFF-STREET LOADING AND UNLOADING REQUIREMENTS

In connection with every building, structure, or use hereafter erected, except single- and two-family dwelling unit structures, which customarily receive or distribute material or merchandise by vehicle, there shall be provided on the same lot with such buildings, off-street loading and unloading space.

16.4.1 **Plans.** Plans and specifications showing required loading and unloading spaces including the means of ingress and egress and interior circulation shall be submitted to the Village of Cement City Zoning Inspector for review at the time of application for a Zoning Compliance Permit.

16.4.2 Off Street Loading Area Design.

- A. Each off-street loading and unloading space shall not be less than ten (10) feet in width and fifty-five (55) feet in length with not less than fifteen (15) feet in height clearance.
- B. Any loading-unloading space shall not be closer than fifty (50) feet to any other lot located in any residential district unless wholly within a completely enclosed building or unless enclosed on all sides by a wall, fence, or compact planting not less than six (6) feet in height.
- C. All off-street loading and unloading facilities that make it necessary to back out directly into a public road shall be prohibited.

16.4.3 Off-Street Loading Area Space Requirements.

- A. In the case of mixed uses on one (1) lot or parcel, the total requirements for off-street loading-unloading facilities shall be the sum of the various uses computed separately.
- B. All retail sales facilities having over five thousand (5,000) square feet of gross floor area shall be provided with at least one (1) off-street loading-unloading space, and for every additional twenty thousand (20,000) square feet of gross floor space, or fraction thereof, one (1) additional loading-unloading space.
- C. All industrial and wholesale commercial land uses shall provide one (1) loading space for each ten thousand (10,000) square feet of floor space, with a minimum of not less than two (2) loading spaces.

SECTION 16.5 PERFORMANCE STANDARDS

16.5.1 **Requirements.** No lot, building, or structure in any district shall be used in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises. Uses in all districts, where permitted, shall comply with the following performance requirements:

- A. **Vibration.** No vibration shall be permitted which is discernable without instruments on any adjoining lot or property.
- B. **Smoke.** Smoke shall not be emitted with a density greater than No. 1 on the Ringleman Chart as issued by the U.S. Bureau of Miners except for blow-off periods of ten (10) minutes duration of one (1) per hour when a density of not more than No. 2 is permitted.
- C. **Odor.** No malodorous gas or matter shall be permitted which is offensive or as to produce a public nuisance or hazard on any adjoining lot or property.
- D. **Air Pollution.** No pollution of air by fly-ash, dust, vapors, or other substances shall be permitted which is harmful to health, animals, vegetation, or other property, or which can cause excessive soiling.
- E. **Glare.** No direct or reflected glare shall be permitted which is visible from any property or from any public street, road, or highway.
- F. **Erosion.** No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties, lakes, ponds, rivers, or streams.

16.5.2 **Plans.** The application for a zoning compliance permit for a use subject to performance requirements shall be accompanied by a description of the machinery, process, and products; and specifications for the mechanisms and techniques to be used in meeting the performance standards.

16.5.3 **Enforcement.** The Village of Cement City Zoning Inspector may refer the application to one (1) or more expert consultants qualified to advise as to whether a proposed use will conform to the performance standards. The costs of such services shall be borne by the applicant, and a copy of any report shall be furnished to the applicant and the Township of Woodstock and/or Township of Columbia.

SECTION 16.6 STORAGE OF MATERIALS

The location or storage of abandoned, discarded, unused, unusable, or inoperative vehicles, appliances, furniture, equipment, or material shall be regulated as follows:

- 16.6.1 On any lot in any open district, residential district, or commercial district, the owner or tenant, but not for hire or for business, shall locate and store such materials in a manner least observable in any commercial district.
- 16.6.2 On any lot in any industrial district, the owner or tenant, whether or not for hire or for business, shall locate and store such materials within a completely enclosed building or within an area surrounded by a solid, unpierced fence or wall at least seven (7) feet in height and not less in height than the materials located or stored therein, and not closer to the lot lines than the minimum yard requirements for buildings permitted in said districts.
- 16.6.3 Nothing in this ordinance shall permit the storage or parking of any vehicle or non-permanent structure within the required front yard of any lot within a residential district, except that the parking of a passenger vehicle on a drive way located on private property shall not be prohibited.
- 16.6.4 In any manufactured home residential district (MH-i), in conjunction with an established Manufactured Home Park or Manufactured home subdivision, temporary storage of materials and equipment, including unused manufactured home units but excluding vehicles, may be located and stored within an area surrounded by a fence or wall at least six (6) feet in height and screened from view of neighboring properties and public roadways by means of a buffer of appropriate plantings and/or landscaping, and located not closer than one hundred (100) feet to any lot line.
- 16.6.5 Upon a complaint in writing by any Village resident the Village of Cement City Council shall review and have sole power in the determination of a violation.
- 16.6.6 For purposes of this section, the following definitions shall apply:
 - A. Motor vehicles are hereby defined as any wheeled vehicles which are self-propelled or intended to be self-propelled.
 - B. Inoperable motor vehicles are defined as motor vehicles which by reason of dismantling, lack of repair, or other cause are incapable of being propelled under their own power including but not limited to any motor vehicle, watercraft, trailer or other item required to be registered for transport on a public street, road or highway in the State of Michigan that does not have currently valid registration plates issued under the laws of this or another state pertaining to the registration of motor vehicles, watercraft, trailer or other items of public transport.
 - C. Dismantled or partially dismantled motor vehicles are defined as motor vehicles, watercraft, trailers or other items required to be registered for transport on a public street, road or highway in the State of Michigan from which some part or parts that are ordinarily a component of such motor vehicle, watercraft, trailer or other item of transport has been removed or is missing.

SECTION 16.7 TRAVEL TRAILERS

- 16.7.1 No travel trailer shall be used as a dwelling except in a campground, or as a temporary dwelling for a period not to exceed two (2) weeks provided such travel trailer is situated on a parcel of land upon which is located a dwelling with water and sanitary facilities accessible to the travel trailer occupants.
- 16.7.2 Such travel trailer shall not be located between the established setback line and the public

right-of-way line of such premises.

- 16.7.3 The sanitary facilities of the travel trailer for the disposal of sewage and waste shall be properly connected to the central sewage system available, then properly connected to the existing septic tank sewage disposal system which is approved by the Lenawee County Health Department or Jackson County Health Department for the permanent dwelling to be constructed thereat, or have a holding tank adequate for the stay.

SECTION 16.8 VISIBILITY AT INTERSECTIONS

On any corner lot in any zoning district requiring front and side yards, no fence, wall, hedge, screen, sign, structure, vegetation, or planting shall be allowed to impede vision between a height of three (3) feet and eight (8) feet above the centerline grades within the triangular area formed by the intersecting street right of way lines and a straight line joining the two (2) streets lines at points which are thirty (30) feet distant from the point of intersection, measured along the street right-of-way line. In addition, in any zoning district, hedges, vegetation and plantings shall not be closer than three (3) feet from the road right of way and shall not exceed three (3) feet in height for a distance of ten (10) feet from road right of way and under no circumstances shall vegetation or any other obstruction cause impaired visibility from an driveway or approach.

SECTION 16.9 DRIVEWAYS AND ROADS

- 16.9.1 **Definitions.** For purposes of this Section, the following words and phrases shall be defined as follows:

- A. A "driveway" is an improved or unimproved path or road extending from a public or private road to a single lot, building, dwelling or structure, intended to provide ingress and egress primarily for the occupants thereof.
- B. A "shared driveway" is a path or road extending from a public or private road to 2 lots, buildings, dwellings or structures, intended to provide ingress and egress primarily for the occupants thereof.
- C. A "private road" is the entire length of any undedicated path, drive or road which is privately owned and maintained and which provides or is intended to provide the primary means of ingress and egress to 3 or more lots, dwellings, dwelling units or structures or combination thereof. Driveways providing access to a single building, dwelling or structure are not considered to be part of a private road. Private road provisions of this Section shall not apply to internal roads serving only one lot or parcel of land which has direct public or private street frontage and is under the control of one person, corporation, or association, and which is to be developed for uses subject to site plan review under this Ordinance. Such internal roads shall not provide the principal means of access to any abutting lot or parcel of land. Examples of access roads that may be exempted from the provisions of this section include those serving multi-family dwellings, nursing homes, hospitals, factories, schools, mobile-home parks, and shopping centers.
- D. A "private road easement" is an easement which is granted exclusively for private access to 3 or more lots, whether by grant of easement, private dedication, designation as a common area, or other means, and which contains a private road.
- E. An "existing-private road" is a private road which is used to provide access to existing lots, buildings or dwelling units as of the effective date of this Section.
- F. An "existing lot" is a lot which, as of the effective date of this Section (September 26, 1990) meets at least one of the following conditions:

- G. The lot consists of a parcel described by metes and bounds for which a deed has been recorded with the Jackson County Register of Deeds or Lenawee County Register of Deeds, or of a parcel described by a land contract or memorandum of land contract which has been recorded with the Jackson County Register of Deeds or Lenawee County Register of Deeds;
- H. The lot has been assigned its own permanent parcel number by the Jackson County Property Description or Lenawee County Property Description and Mapping Department and is individually assessed and taxed on that basis; or
- I. The lot consists of a "condominium unit" (i.e., a portion of a condominium project designed and intended for separate ownership and use as described in the condominium master deed) located within a "site- condominium" development for which a condominium master deed has been recorded with the Jackson County Register of Deeds or Lenawee County Register of Deeds in accordance with the requirements of the Michigan Condominium Act (PA59 of 1978, as amended, MCLA 559.101 et seq.) and other applicable laws and ordinances.
- J. An "existing building" or an "existing dwelling unit" is a building or dwelling unit for which a building permit has been issued by the Village as of the effective date of this Section.

16.9.2 **Access to Streets:** In all zoning districts, every use, building, or structure built or established after the effective date of this Ordinance shall be on a lot or parcel which adjoins either a public street or a private road, subject to the standards set forth in this Section, and which shall have access to the public street or private road by means of a driveway or approved shared driveway.

16.9.3 **Shared Driveways: Minimum Standards and Requirements Applicable.**

- A. After the effective date of this Section, no shared driveway shall be constructed, extended, improved or relocated, nor shall an existing driveway be used or extended to provide access to a second lot, building or dwelling unit which was not existing and which was not provided access by the driveway as of the effective date of this Section, except in accordance with the minimum standards and requirements of this Section.
- B. For a shared driveway existing as of the effective date of this Section, which thereafter becomes a private road by extension or lot division, the existing portion of the shared driveway shall be improved to the private-road requirements stated in this Section.

16.9.4 **Shared Driveways: Minimum Standards for Design and Construction.**

- A. The area in which the shared driveway is to be located shall have a minimum cleared width of 20 feet. The cleared width shall be maintained by those having legal right to use the shared driveway.
- B. A shared driveway shall be located within an easement of not less than 20 feet wide.
- C. Only one shared driveway shall be located within an easement.
- D. The driving surface shall be at least 12 feet wide.
- E. All shared gravel driveways shall be constructed on a base of stable soil and a minimum of 6 inches of MDOT 22A compacted road gravel on the top thereof.

- F. The driving surface of the shared driveway shall be crowned or sloped to facilitate drainage.
- G. The longitudinal slope of the driveway shall not exceed 15 percent unless a steeper driveway is specifically approved.
- H. The driving surface of the driveway shall be adequately maintained by the property owner, or by those with a legal right to use the driveway.
- I. When a shared driveway crosses a natural stream or drainage course, adequate provisions shall be included to maintain the surface water flow to the satisfaction of the Village of Cement City Zoning Inspector and any other agency having jurisdiction thereof. The method used in crossing any natural stream, drainage course, or similar feature shall have a sufficient load capacity to safely support Fire Department equipment.
- J. Except where the driveway crossed a natural stream or drainage course, the driveway shall be no closer than 25 feet from the stream or drainage course or other body of water.
- K. The inside radius of a driveway curve shall be a minimum of 40 feet.
- L. House numbers shall be visibly displayed at the intersection of the shared driveway and the public or private road.
- M. The edge of the shared driveway shall be set back a minimum of 20 feet from any existing principal dwelling not served by the shared driveway. For shared driveways serving commercial and office uses, the Village of Cement City Planning Commission may modify this setback requirement if such modification is needed to achieve safe and efficient traffic flow both on and off site.
- N. A shared driveway which intersects a public or private road shall be a minimum of 60 feet from any other shared driveway, or a private or public road which is on the same side of the road. This distance shall be measured between centerlines.

16.9.5 Review and approval of Shared Driveway Plan.

- A. Prior to constructing, extending, improving or relocating a shared driveway, or using or extending an existing driveway to provide access to a second lot, building, or dwelling unit, which was not existing and which was not provided access by the driveway of the effective date of this Section, a plan for the shared driveway shall be submitted to the Woodstock Township Fire Chief or the Columbia Township Fire Chief and to the Village of Cement City Zoning Inspector to determine compliance with the standards and requirements of this Section.
- B. A shared driveway which is part of a Planned Unit Development, Site Condominium, Subdivision or other land development proposal requiring approval by the Village of Cement City Planning Commission may be approved by the Planning Commission subject to the shared driveway regulations of this Ordinance and approval by the Woodstock Township Engineer and Fire Chief or Columbia Township Engineer and Fire Chief.
- C. The plan for the shared driveway shall accurately show the location, route, dimensions, design and grade of the shared driveway; the relation of the shared driveway to adjacent or intersecting public or private roads and other shared driveways; existing, or proposed curb cuts; the lots, buildings or dwelling units,

existing and proposed, which will be provided access by the shared driveway; the location of any drainage courses, lakes, streams or other natural bodies of water within the shared-driveway easement and within 100 feet of the easement.

- D. If the Woodstock Township Fire Chief or Columbia Township Fire Chief, Woodstock Township Engineer or Columbia Township Engineer, and the Village of Cement City Zoning Inspector or the Village of Cement City Planning Commission determine that the shared driveway meets the standards and requirements of this Section, then the plan shall be approved and the shared driveway may be constructed, extended, improved or relocated in accordance with the approved plan.

16.9.6 **Shared Driveways: Issuance of building permits.** A building permit for a building or dwelling to be served by a shared driveway shall not be issued unless the applicant for the building permit provides the Woodstock Township Building Inspector or the Columbia Township Building Inspector with (i) proof of lawful access over the shared driveway to the lot, parcel or building site; (ii) an approved plan for the shared driveway; and (iii) a driveway permit for the shared driveway issued by the Lenawee County Road Commission or Jackson County Road Commission, as applicable.

16.9.7 **Private Roads: Minimum Standards and Requirements Applicable.** After the effective date of this Section, no private road shall be constructed, extended, improved or relocated, nor shall an existing private road be used or extended to provide access to a lot, building or dwelling unit which was not existing and which was not provided access by the private road as of the effective date of this Section, except in accordance with the minimum standards and requirements of this Section.

16.9.8 **Private Roads: Minimum Standards for Design and Construction.**

- A. A private road shall be located within a private road easement. The easement shall be at least 40 feet wide at all points.
- B. A lot shall have frontage on the private road easement which is at least equal to the minimum lot width required for the zoning district in which the lot is located.
- C. If determined necessary by the Woodstock Township Fire Chief or the Columbia Township Fire Chief, the Village of Cement City Site Plan Review Committee or Village of Cement City Planning Commission for maneuvering emergency vehicles or other public safety purposes, a private road or segment of a private road which terminates in a cul-de-sac or dead-end shall be provided with an easement with a minimum radius of 50 feet at the terminal end of the private road. In the event that severe topography, mature trees or other similar significant natural feature prevents the reasonable installation of the turnaround, the approving body may allow some other turnaround design to enable emergency vehicles to maneuver.
- D. All private roads shall be constructed on a base of at least six inches of MDOT 22A grade road gravel with a minimum of a 12 inch sand sub-base.
- E. A private road which serves at least 3 but not more than 20 residential lots, or dwelling units, need not be paved but shall have a minimum width of 28 feet. This includes cul-de-sacs which are connected to a larger private road system.
- F. A private road which serves more than 20 residential lots, or dwelling units, shall be paved and shall have a minimum pavement width of 26 feet inclusive of curbs measured back to back. This includes cul-de-sacs which are connected to a larger private road system.

- G. A private road which serves commercial or office lots or buildings shall be paved and have a minimum pavement width of 30 feet inclusive of curbs measured back to back.
- H. On any private road which is required to be paved, a 3-foot wide road shoulder shall be provided along each side of the paved surface of a private road and around the circumference of the paved surface of any required turn-around area unless asphalt or concrete curbing is provided.
- I. A private road, or interconnected private and public road system, or any combination of public and/or private roads shall not serve more than 75 residential lots, site condominium units, or dwelling units, unless a secondary means of egress is provided for the entire property served. This secondary access shall meet the minimum standards of this Section.
- J. A private road shall not exceed a grade of 10 percent; provided that within 30 feet of the intersection of a private road with any other private road or with any public right-of-way, a private road shall not exceed a grade of 4 percent.
- K. A private road shall be constructed in a manner determined adequate by the Woodstock Township Engineer or Columbia Township Engineer to provide effective storm water drainage and to prevent run-off onto adjacent property. If a private road crosses a natural drainage course, stream or other natural body of water, the method of crossing (by bridge, culvert or other structure, or example) must be approved by the Woodstock Township Engineer or Columbia Township Engineer and must comply with applicable state and local requirements. The Woodstock Township Fire Chief or Columbia Township Fire Chief shall also approve the crossing structure to ensure fire truck access.
- L. A private road shall be given a street name that is not the same or similar to any other street name in the County as determined by the Lenawee County Road Commission or in the County as determined by the Jackson County Road Commission. A readily visible street sign bearing the name given the private road shall be erected and maintained at the intersection of the private road with another private road or a public right-of-way.
- M. A dwelling unit which derives its primary access from a private road shall display a house number in a manner so that the number is at all times readily visible from the private road.
- N. The edge of the private road pavement shall be set back a minimum of 35 feet from any existing principal dwelling not served by the private road. For private roads serving commercial and office uses, the Village of Cement City Planning Commission may modify this setback requirement if such modification is needed to achieve safe and efficient traffic flow both on and off site.
- O. In order to facilitate access to adjoining properties when appropriate, reserve strips may be required by the Planning Commission between the terminus of a private road and the property's boundary. The reserve strip shall be illustrated on the private road plans. In considering whether to require a reserve strip, the Village of Cement City

Planning Commission shall consider the following factors:

1. Whether cross-access across adjoining properties would improve traffic circulation in both developments.
2. Whether or not it is practical to align the private roads.
3. The relative size and intensity of the adjoining developments, and
4. Whether or not there is an existing second means of access for the development.

16.9.9 Review and approval of private road plan.

- A. Prior to constructing, extending, improving or relocating a private road, or using or extending an existing private road to provide access to a lot, building, or dwelling unit, which was not existing and which was not provided access by the private road as of the effective date of this Section, a plan for the private road shall be submitted to the Woodstock Township Fire Chief of Columbia Township Fire Chief and to the Village of Cement City Site Plan Review Committee of the Village of Cement City Planning Commission to determine compliance with the standards and requirements of this Section. A private road which is part of a Planned Unit Development, Site Condominium, Subdivision or other land development proposal requiring approval by the Planning Commission may be approved by the Planning Commission subject to the private road regulations of this Ordinance and approval by the Woodstock Township Engineer and Fire Chief or Columbia Township Engineer and Fire Chief.
- B. The plan for the private road shall be prepared and sealed by a registered engineer or surveyor and shall show the location, route, dimensions, design and grade of the private road; the relation of the private road to adjacent or intersecting public or private roads; existing, or proposed curb cuts; the lots, buildings or dwelling units, existing and proposed, which will be provided access by the private road; the location of public utilities within the private road easement and within 20 feet of the easement; the location of any drainage courses, lakes, streams or other natural bodies of water within the private road easement and within 100 feet of the easement; and the street name and location of street signs.
- C. Provision shall be made to insure the continued repair and maintenance of the private road, and financing of the costs thereof by the property owners benefiting from the private road. This shall be accomplished through the use of a recorded agreement between the parties in interest in the private street, or through a restrictive covenant, which shall run with the land. This recorded agreement shall ensure that easements are provided for access for emergency and other public vehicles and for installation of public utilities. The agreement shall also contain a statement that no public funds of Village of Cement City shall be used to build, repair or maintain the private road. A copy of the agreement or restrictive covenant shall be provided to the Village as a condition to approval of the plan for the private road.
- D. If the Woodstock Township Fire Chief or Columbia Township Fire Chief, Woodstock Township Engineer or Columbia Township Engineer, and the Village of Cement City Site Plan Review Committee or the Village of Cement City Planning Commission determine that the private road meets the standards and requirements of this Section, then the plan shall be approved and the private road may be constructed, extended, improved or relocated in accordance with the approved plan.

16.9.10 Private Roads: Issuance of building permits.

- A. A building permit for a building or dwelling to be served by a private road shall not be issued unless the applicant for the building permit provides the Woodstock Township Building Inspector or Columbia Township Building Inspector with (i) proof of lawful access over the private road to the lot, parcel or building site; (ii) an approved plan for the private road and a copy of the signed and recorded agreement or restrictive covenant as provided by Subsection 17.15(8); and (iii) a driveway permit for the private road issued by the Jackson County Road Commission or Lenawee County Road Commission, as applicable.
- B. Drawings of the private road as it has been constructed shall be certified by the registered professional engineer who prepared the plans and shall be provided to the Village of Cement City Zoning Inspector before a Certificate of Occupancy is issued or the applicant shall provide a bond or irrevocable letter of credit in an amount determined by the Woodstock Township or Columbia Township to insure completion of the drawings as well as the completion of the private road if necessary.

16.9.11 **Application to existing private roads.** Except with regard to the requirements under Section 16.9.8 (L) and (M) regarding street names, street signs and house numbers, this Section shall not apply to an existing private road which provides access solely to existing lots, buildings, or dwelling units.

SECTION 16.10 FLOODPLAINS

Notwithstanding any other provisions of this ordinance, land subject to periodic flooding shall be used only for agriculture and recreation uses, provided no structures are located within the area subject to flooding. The location and boundaries of land subject to periodic flooding shall be determined by reference to the U.S. Soil Conservation Service, the U.S. Army Corps. Of Engineers, or other official authority.

SECTION 16.11 HOME OCCUPATION

A home occupation shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes. The following additional shall be observed.

- 16.11.1 Such home occupation shall be carried on within the dwelling or within a building accessory thereto and entirely by the inhabitants thereof.
- 16.11.2 No article shall be sold or offered for sale on the premises except such as is produced within the dwelling or accessory building or is provided incidental to the service or profession conducted within the dwelling or accessory building.
- 16.11.3 There shall be no exterior storage of materials or equipment.

SECTION 16.12 FENCES

Fences in all districts except the Lake Residential district (RL) shall be permitted subject to the following conditions:

- 16.12.1 Fences which enclose property shall not exceed six (6) feet in height, as measured from the surface of the ground, and shall not extend toward the front of the lot nearer than the front of the dwelling or the required minimum front yard, whichever is greater.
- 16.12.2 Fences located in the Lake Residential district (RL) shall not exceed a height of four (4) feet as measured from the surface of the ground, nor shall such fences exceed fifty (50%) percent solidity, subject to other provisions of this ordinance or state law. Fences enclosing perimeter of a property may be placed no closer than three (3) inches of side lot lines and three (3) inches of rear lot lines. Fences may be placed on lot lines with written consent of both property owners

at the time of permit is issued, and on file with zoning commission.

- 16.12.3 Fences located in a Lake Residential district (RL) shall be set back a minimum of three (3) feet from the public road right-of-way on any lot contiguous with a public road.
- 16.12.4 Fences located in Lake Residential district (RL) shall not be located closer than eight (8) feet to a body of water.
- 16.12.5 A person constructing a fence located in any zoning district shall be first required to obtain a permit from the Village of Cement City Zoning Inspector. Said permit will require a property legal description supplied by the applicant and attached as part of the fence permit.
- 16.12.6 Use of an agricultural nature in an Agricultural district (AG) district shall be exempt from the requirement of a permit for fences. The provisions of ARTICLE XVI, Section 16.12.1 shall apply.

SECTION 16.13 TEMPORARY USE

Circuses, carnivals, or other transient enterprises require the approval of the Village of Cement City Planning Commission regardless of district and will be based on findings that the location of such activity will not adversely affect the adjoining properties, nor adversely affect public health, safety, morals and the general welfare.

SECTION 16.14 ESSENTIAL SERVICES

- 16.14.1 Nothing in this Ordinance shall prohibit the provision of essential services, provided the installation of such service does not violate any other applicable provision of this Ordinance.
- 16.14.2 Nothing in this section shall be construed to permit the erection, construction, or enlargement of any building, tower, or maintenance depot for provision of an essential service except as otherwise permitted in this ordinance.

SECTION 16.15 FLOOR AREA REQUIREMENTS FOR DWELLINGS

The floor area per dwelling unit erected on any lot or parcel shall not be less than that established by the following table. In determining floor area, only area used for living quarters shall be counted. Garages, carports, non-walled and non-roofed porches, and basements are to be excluded.

Number of Bedrooms in Each Dwelling Unit	Minimum Floor Area Per Each Dwelling Unit (sq. ft.)
0-2	860
3	1,000
4	1,100
5	1,200

SECTION 16.16 USE BY RIGHT BUILDING ON A LOT

In all residential districts, not more than one (1) use by right building shall be placed upon the same lot of record or unit as described in the master deed of a site condominium project and not more than one (1) use by right dwelling shall be permitted on any lot of record or unit as described in the master deed of a site condominium project in all other permitted districts except a conforming multiple family dwelling(s) in the multiple family residential district.

SECTION 16.17 REQUIREMENTS FOR MANUFACTURED HOMES OUTSIDE OF MANUFACTURED HOME PARKS

All manufactured homes located outside of a manufactured home park or subdivision shall have an enclosed storage structure suitable for the storage of goods and the usual effects of the inhabitants of the manufactured home. Such structure shall be a minimum of one hundred forty four (144) square feet in area, and placed on at least a three and one half (3^{1/2}) inch concrete slab, and be suitably anchored. A single car garage with at least one hundred forty four (144) feet of storage space, excluding the space customarily occupied by an automobile. Using such garage may be provided in lieu of a storage structure.

SECTION 16.18 YARD OR OCCASIONAL SALES

Yard, porch, garage or similar occasional sales conducted by the owner or occupant of property, where the public is invited by signs, advertising, or other means to come for the purpose of purchasing used good owned by the occupant of the property for not less than twelve (12) months, shall be permitted in agricultural or residential district provided that such sales may in no event be conducted for a period of more than five (5) days, nor shall the owner or occupant of a property conduct more than one (1) such sale in a three (3) month period.

SECTION 16.19 PROHIBITION OF FUNNELING

Any proposed or actual use of any property, parcel or lot which constitutes Funneling as such term is defined in this ordinance, is prohibited.

16.19.1 Where a parcel of land contiguous to a body of water is presented for subdividing, a recreational park bordering on said body of water may be dedicated for the purpose of swimming and picnicking, the privileges of which are to be reasonably enjoyed by the owners and occupants of lots included in any plat or plats recorded within said parcel and only such owners and occupants, provided that said recreational park is dedicated at the time for the use of owners and occupants of lots contained in such a recorded plat or plats, at least twenty (20) lineal feet of water frontage and one hundred fifty (150) feet in depth shall be reserved therein for the rights of each lot of the size required by this division; provided, however, that no recreational park so created shall have less than three hundred (300) feet of water frontage. The launching of a watercraft required to be licensed by the State of Michigan from said recreational park shall not be permitted nor shall watercraft required to be licensed by the State of Michigan be allowed to be docked at such recreational park.

16.19.2 For residential developments, other than platted subdivisions but including cluster developments which are platted but for which no lakefront lots are created within the development, the maximum number of watercraft required to be licensed by the State of Michigan which can be launched from the commons area or stored in any manner with the commons area or on the water shall be determined by zoning district and shall not exceed the following:

District	Number of Spaces/Foot of Lake Frontage
RS	2 boats/100 feet
RL	2 boats/80 feet
RM	2 boats/80 feet
RNF	2 boats/150 feet
RO	2 boats/100 feet

Note: When "boats" is used in the above formula, it is referring to any watercraft that is required to be licensed by the State of Michigan.

- 16.19.3 The creation of any lakefront lots within the development shall preclude the use of watercraft required to be licensed by the State of Michigan from the commons area.
- 16.19.4 Prior to the issuance of a building permit, the owner or developer shall provide the township with evidence that the limitation on the number of watercraft required to be licensed by the State of Michigan to be docked will be included in the open space agreement in the instance of a cluster development. In the instance of development in any District, evidence of such limitation shall be submitted to the township board and shall be reviewed by the township attorney.
- 16.19.5 When lots have lake access and meet the other requirements of this ordinance; such access can only be used by property owners.
- 16.19.6 All watercraft docked through the provisions of this ordinance must be covered by proper documentation.

SECTION 16.20 PERSONAL WIND GENERATION UNITS

16.20.1 **Permitted Districts.** Personal Wind Generation Units are allowed in the following zoning districts under the following guidelines:

- A. Agricultural (AG)
- B. Recreation Open Space (RO)
- C. Rural Non-Farm Residential (RNF)
- D. Lake Residential (RL)
- E. Suburban Residential (RS)

16.20.2 **Maximum Blade Diameters.**

District	Maximum Blade Diameters
AG	20 feet
RO	20 feet
RNF	10 feet
RL	8 feet
RS	10 feet

16.20.3 **Regulations.**

- A. Twelve (12) feet from grade to bottom of blade tip in a vertical position.
- B. No wind generation unit may have a set back of less than stated in zoning ordinance bulk regulations. Distance measured from the blade tip in a horizontal position.
- C. No part of the wind generation unit may ever extend beyond a property line.

- D. Required permits
 - 1. Zoning permit
 - 2. Electrical permit
 - 3. Building permit
- E. Wind generation units must be installed in a manner which meet or exceeds manufacturer's installation instructions.
- F. A tower capable of being climbed shall have a locked and maintained anti-climb device.
- G. All guy wires reaching the ground must have a permanent reflective jacket extending to at least six (6) feet from grade.
- H. All parts of the wind generation units and its supports shall be painted with a non-reflective paint and conform with the following performance standards:
- I. Each wind generation unit shall be designed constructed and operated so as not to cause radio, telephone and television interference. In the event that electromagnetic interference is experienced, the applicant must provide alternate service to each individual resident or property owner affected or remove the wind generation unit.
- J. Each wind generation unit shall be capable of surviving wind speeds of one hundred forty (140) miles per hour without structural damage.

ARTICLE XVII

CONDITIONAL USES

The formulation and enactment of this Ordinance is based upon the division of the Village of Cement City into districts in each of which are permitted specific uses which are mutually compatible. In addition to such permit compatible uses however, there are certain other uses which may be necessary or desirable to allow in certain locations in certain districts, but because of their actual or potential impact on neighboring uses or public facilities, need to be carefully regulated with respect to their location for protection of the Village of Cement City. Such uses, on account of their peculiar locational need or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use.

SECTION 17.1 AUTHORITY TO GRANT PERMITS

The Village of Cement City Planning Commission as hereinafter provided, shall have the authority to recommend to the Village of Cement City Council to grant conditional use permits, subject to such conditions of design, operation and safeguards as the Village of Cement City Council determine for all conditional uses specified in the various district provisions of this Ordinance.

SECTION 17.2 APPLICATION AND FEE

Application for any conditional use permit permissible under the provisions of this Ordinance shall be made to the Village of Cement City Planning Commission through the Village of Cement City Clerk by filling in an official conditional use permit application form: submitting required data, exhibits, and information: and depositing the required fee as established by resolution of any government body or agency. No part of such fee shall be returnable to the applicant.

SECTION 17.3 DATA, INFORMATION AND SITE PLAN APPLICATION REQUIREMENTS

An application for a conditional use permit shall include the applicant's name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved, and site plan as specified in, and in accordance with ARTICLE XVIII (Site Plan Review and Approval) of this Ordinance.

SECTION 17.4 PUBLIC HEARINGS

After a preliminary review of the site plan and an application for Conditional use permit, the Village of Cement City Planning Commission shall hold a hearing on the site plan and conditional use request. Notice of the hearing shall be given by mail or personal delivery to the owners of property for which Conditional use permit approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet. Notice of the Public Hearing shall also be published in a newspaper of general distribution in the Village. Public notice shall be given not less than five (5) nor more than fifteen (15) days before the date of the public hearing on the application. If the name of the occupant is not known the term "occupant" may be used in notification. Notification need not be given to more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, business or organizations, notice may be given to the manager or notice posted at the primary entrance to the structure. Each notice given under this section shall:

17.4.1 Describe the nature of the conditional use request.

- 17.4.2 Indicate the property which is the subject of the conditional use request.
- 17.4.3 State when, where, and at what time the public hearing on the Conditional use request will be considered: and
- 17.4.4 Indicate when and where written comments will be received concerning the request.

SECTION 17.5 REQUIRED STANDARDS AND FINDINGS FOR MAKING DETERMINATIONS

The Village of Cement City Planning Commission shall review the particular circumstances and facts of each proposed use in terms of the following standards and required findings, and shall find and record adequate data, information, and evidence showing that such a use on the proposed site, lot or parcel meets the following requirements:

- 17.5.1 Will be harmonious with and in accordance with the general objectives, intent, and purposes of this Ordinance.
- 17.5.2 Will be designed, constructed, operated, maintained, and managed so as to be harmonious and appropriate in appearance with existing or intended character of the general vicinity.
- 17.5.3 Will be served adequately by essential public facilities and services, such as: highways, streets, police and fire protection, drainage structures, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
- 17.5.4 Will not be hazardous or disturbing to existing or future neighboring uses.
- 17.5.5 Will not create excessive additional requirements at public costs for public facilities and services.

SECTION 17.6 DETERMINATION AND IMPOSITION OF CONDITIONS

Upon review of the application and site plan in accordance with the standards established in Section 17.5 of this Ordinance and the requirements of other provisions of this ordinance the Village of Cement City Council Board may require reasonable conditions necessary to insure that public services and facilities affected by the proposed land use or activity shall be capable of accommodating increased services and facility loads generated by the land use or activity: to protect the natural environment and on conserve natural resources and energy; to insure compatibility with adjacent uses of land; and to promote the use of land in a socially and economically desirable manner. 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 mutual consent of the Township Board and the landowner.

SECTION 17.7 APPROVAL; GRANTING OF PERMIT

Upon holding a public hearing and the finding that the requirements of Sections 17.2 through 17.6 of this Ordinance have been satisfactorily met by the applicant, the Village of Cement City Planning Commission shall within thirty (30) days recommend approval or disapproval to the Village of Cement City Council. When the Council gives final approval, a conditional use permit shall be issued to the applicant. The Village of Cement City Council shall forward a copy of the permit to the applicant, Clerk, Zoning Inspector, and Planning Commission. The Zoning Inspector shall not issue a zoning compliance permit until he has received a copy of the conditional use permit approved by the Village of Cement City Council.

SECTION 17.8 VOIDING OF CONDITIONAL USE PERMIT

Any Conditional Use Permit granted under this Ordinance shall become null and void and fees forfeited unless construction and/or use is commenced within two hundred ten (210) days and completed within five hundred seventy-five (575) days of the date of issuance. A violation of a requirement, condition, or

safeguard shall be considered a violation of this Ordinance and grounds for the Village of Cement City Council to terminate and cancel such Conditional Use Permit.

SECTION 17.9 ADDITIONAL DEVELOPMENT REQUIREMENTS FOR CERTAIN USES

A Conditional Use Permit shall not be issued for the uses specified in this section unless complying with the site development requirements as herein specified. The Village of Cement City Planning Commission may recommend the imposition of additional conditions and safeguards when deemed necessary by that body and the Council shall have authority to accept, reject or modify such conditions.

17.9.1 **Adult Regulated Uses.** The township recognizes that regulation of Adult Regulated Uses is necessary to ensure that adverse effects will not contribute to the blighting or downgrading of surrounding residential neighborhoods and retail areas.

- A. The following site and developmental requirements shall apply:
 - 1. No adult regulated use shall be established on any premises where there exists another adult regulated use within 1,000 feet, measured as a straight line distance between the closest property lines.
 - 2. The property on which an adult regulated use is located shall be situated at least 1,500 feet from a state-licensed child care facility, religious institution, public school, public building, public park, or any residential district or residential use, measured as a straight line distance between the closest property lines.

- B. The following special performance standards shall apply:.
 - 1. Signs shall contain no photographs, silhouettes, drawings or pictorial representations of any manner that include specified anatomical areas or specified sexual activities.
 - 2. Adult regulated uses shall not be located within, or otherwise be attached to, a building in which 1 or more dwelling units or sleeping quarters are located, or on the same lot where 1 or more dwelling units or sleeping quarters are located.
 - 3. Operational hours are permitted between 11:00 a.m. and 2:00 a.m. only.
 - 4. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access, at an illumination of not less than 1 foot candle measured at floor level.
 - 5. The applicant shall submit a diagram of the premises, showing a plan thereof, and specifying the location of 1 or more manager's stations, and the location of all overhead lighting fixtures and illumination intensity of each. A manager's station shall not exceed 30 square feet of floor area.
 - 6. The premises shall be so configured and designed to provide an unobstructed view of each area of the premises to which any person is permitted access, for any purpose, from at least 1 of the manager's stations.

7. Activities conducted within buildings housing the aforementioned uses shall be shielded in a manner that no person outside the building can see the activities; provided, however, that the shielding shall not consist of a curtain alone, shall not obstruct the exit sign or directional or instructional signs regarding emergency egress, nor shall it be constructed in a way as to block an exit.
8. All changing of attire by employees or performers shall be within a completely enclosed room into which access by patrons is prohibited.

17.9.2 **Extraction, Soil Removal and Mining Operations.** The following site and developmental requirements shall apply:

- A. The Village of Cement City Planning Commission shall review the request for conditional land use approval in conformance with Section 17.5 of this Ordinance. In furtherance of this requirement, the applicant shall submit:
 1. A narrative description of the nature and scope of the proposed extraction operations referenced to the requirements of Section 17.5 of this Ordinance.
 2. Reclamation plans for the site.
- B. Grant of a conditional land use approval and permit by the Village of Cement City Council does not authorize the applicant to proceed with development of the site and commencement of mining activities. Should the Village of Cement City Council grant a conditional use permit, the applicant shall proceed with application for a license to operate under the Woodstock Township's Mineral Extraction Ordinance of the Columbia Township's Mineral Extraction Ordinance.

17.9.3 **Gun Clubs and Shooting Ranges.** The following site and developmental requirements shall apply:

- A. All such facilities must be situated on a parcel of land not less than ten (10) acres in area and having a minimum of five hundred (500) foot road frontage.
- B. Such parcel of land must be adequately fenced, that being a fence of at least four (4) feet in height and posted through both symbol and written statement so as to inform the public of the nature of the facility at frequent intervals not to be greater than fifty (50) feet apart.
- C. The facility shall be designed to reduce the negative impact on adjacent properties from noise. Site layout, beaming, setbacks, and building placement shall be considered in the Village of Cement City Planning Commission's determination that this criteria has been met by the applicant.
- D. Design and operation of such facility shall also be in accordance with specifications and practices outlined in the National Rifle Association's "NRA Range Manual."
- E. Hours of operation shall be limited to 9 a.m. to 7 p.m. Monday through Saturday, and 12 noon through 6 p.m. on Sundays. The Village of Cement City Planning Commission may restrict hours further in order to reduce the impact of the facility on adjacent residential uses.

17.9.4 **Junk Yards.** The following site and developmental requirements shall apply:

- A. It is recognized by this Ordinance that the location of such materials in an open area included in this Ordinance's definition of "junk yard" will cause the reduction of the value of adjoining property. To the end that the character of the district shall be maintained and property values conserved, a solid, unpierced fence or wall at least seven (7) feet in height, and not less than the height of the materials on the lot on which a junk yard shall be operated, shall be located on said lot no closer to the lot lines than the yard requirements for buildings permitted in this district. All gates, doors, and access ways through said fence or wall shall be of solid, unpierced material. In no event shall any materials included in this Ordinance's definition of "junk yard" be located on the lot on which a junk yard shall be operated in the area between the lines of said lot and the solid, unpierced fence or wall located on said lot.
- B. All traffic ingress and egress shall be on major streets, and there shall be not more than one (1) entrance way to the lot on which a junk yard shall be operated from each public road on which said lot abuts.
- C. All roads, driveways, parking lots, and loading and unloading areas within any yard of a junk yard shall be paved, oiled, watered, or chemically treated so as to limit adjoining lots and public roads the nuisance caused by wind-borne dust.

17.9.5 **Drive-In Theaters.** The following site and developmental requirements shall apply:

- A. Drive-in theaters shall be enclosed for their full periphery with a solid screen fence at least seven (7) feet in height. Fences shall be of sound construction, painted, or otherwise finished neatly and inconspicuously.
- B. All fenced-in areas shall be set back at least one hundred (100) feet from any front street or property line.
- C. All traffic ingress or egress shall be on major streets and all local traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements into or out of the public thoroughfare. All points of entrance to the exit for motor vehicles shall be located no closer than two hundred (200) feet from the intersection of any two (2) streets or highways.

17.9.6 **Planned-Unit Development/Site Condominium.** The purpose of this section is to permit flexibility for residential, commercial, and industrial development where large tracts of land are planned with integrated and harmonious design, and where the overall design of such units is so outstanding as to warrant modification by the Village of Cement City Planning Commission of the regulations. Any planned-unit development to be eligible under this provision must comply with the following requirements:

- A. The tract of land to be developed shall have a minimum area of not less than ten (10) acres.
- B. The owner of the property shall submit to the Village of Cement City Planning Commission a plan for the use development of the total tract of land as a planned unit development in accordance with the provisions of ARTICLE XVIII (Site Plan Review and Approval) of this Ordinance. In addition to the site plan data specified in ARTICLE XVIII, the application shall contain such other pertinent information as may be necessary to make a determination that the contemplated arrangement or use may make it desirable to apply regulations and requirements differing from those ordinarily applicable under this Ordinance.
- C. The site plan shall contain such proposed covenants, easements, and other provisions relating to the bulk, location, and density of structures, accessory uses

thereto, and public facilities as may be necessary for the welfare of the planned-unit development and not inconsistent with the best interests of the entire Village of Cement City.

- D. The average density of structures of the tract shall not be greater than the density requirements in the district in which the planned-unit development is located.
- E. The use of land shall be in conformance with the permitted uses of the district in which the proposed plan is to be located.
- F. The proposed development shall be served by adequate public facilities and service, such as: highways, streets, police and fire protection, drainage, structures, and refuse disposal. These facilities may be provided by a governmental or private organization.
- G. The proposed unit shall be of such size, composition, and arrangement that its construction, marketing, and operation is feasible as a complete unit, without dependence on any subsequent unit or development.
- H. The common open-space, common properties, individual properties, and all other elements of the planned-unit development shall be so planned that they will achieve a unified environmental scheme, with open spaces and all other elements in appropriate locations, suitably related to each other, the site, and surrounding land.
- I. The applicant may be required to dedicate land for street and park purposes by appropriate covenants, to restricting areas perpetually for the duration of the Planning Development as open space for common use. The development as authorized shall be subject to all conditions so imposed, and shall be exempt from other provisions of this Ordinance only to the extent specified in the authorization.

17.9.7 Communication Tower.

- A. The following site and developmental requirements shall apply:
 - 1. A minimum site of one (1) acre and two hundred (200) feet of road frontage shall be required.
 - 2. The appropriateness of guy wires shall be considered when the property abuts a residential zoning district or use.
 - 3. The base of the tower and guy wire supports shall be fenced with a minimum six (6) foot high fence.
- B. The following special performance standards shall apply to communication towers:
 - 1. Communication towers must be set back from all property lines a distance equal to its height plus twenty-five feet. Setback from all overhead electric power and other overhead utility lines shall equal the tower height and an additional ten (10) feet.
 - 2. Accessory structures are limited to uses associated with the tower and may not be located any closer to any property line than the minimum front yard requirement for the appropriate zoning districts as found in ARTICLE XV (Area, Yard, Height, and Bulk Requirements).
 - 3. Accessory structures shall not exceed six hundred (600) square feet of

gross building area.

4. All towers shall be equipped with an anti-climbing device to prevent unauthorized access.
5. The plans of the tower shall be certified by a registered structural engineer.
6. The applicant shall provide verification that the antenna mount.
7. Structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes.
8. All towers must meet the standards of the Federal Communications Commission and the Federal Aviation Administration; as well as the Electronics Industrial Association Code-Reference No. 222-E-91.
9. Communication towers in excess of one hundred (100) feet in height above grade level shall be prohibited within two (2) mile radius of public airport or one-half ($1/2$) mile of a helipad.
10. No part of any communications tower or antenna shall be constructed, located, or maintained at any time, permanently or temporarily, on or upon any required setback area for the district in which the antenna or tower is to be located. In no case shall a tower or antenna be located within thirty (30) feet of a proper line.
11. Metal towers shall be constructed of or treated with, corrosive-resistant material.
12. Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electric wiring and connections with all applicable local statutes, regulations and standards.
13. Towers with antennae shall be designed to withstand a uniform wind loading in accordance with Section 1611.9 of the BOCA Code-1993.
14. All signals and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight (8) feet above the ground at all points, unless buried underground.
15. Tower shall be located so that they do not interfere with nearby residential areas.
16. Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned and/or leased by the applicant.
17. The base of the tower shall occupy no more than five hundred (500) square feet.
18. Minimum spacing between tower locations shall be two (2) miles in order to prevent a concentration of towers in one area.
19. Height of the tower shall not exceed two hundred (200) feet from grade within a commercial zoning district, and three hundred (300) feet from

grade within an industrial or agricultural zoning district.

20. Towers shall not be artificially lighted except as required by the Federal Aviation Administration.
21. Existing on-site vegetation shall be preserved to the maximum extent practicable.
22. There shall not be displayed advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.
23. There shall be no employees located on the site on a permanent basis to service or maintain the communications tower. Occasional or temporary repair and service activities are Excluded from this restriction.
24. Where the property adjoins any residentially-zoned property or land use, the developer shall plant two (2) alternating rows of evergreen trees with a minimum height of five (5) feet on twenty (20) centers along the entire perimeter of the tower and related structures. In no case shall the evergreens be any nearer than ten (10) feet to any structure.
25. The policy of the community is to minimize the number of communication towers in the Township. Therefore, the Township shall require the collocation of communication towers. Pursuant to this policy, the following standards apply to communication towers:
 - (a) All new and modified communication towers shall be designed and constructed to accommodate collocation.
 - (b) A conditional use permit for the construction and use of a new communication tower shall not be granted unless and until the applicant demonstrates that a feasible collocation is not available for the coverage area and capacity needs.
 - (c) No more than two (2) transmitters of telecommunication signals shall be permitted on a single tower.
26. The following information shall be submitted prior to Village of Cement City approval to construct a communications tower:
 - (a) Site plan in accordance with ARTICLE XVIII.
 - (b) A maintenance plan and any applicable maintenance agreement shall be presented and approved as part of the site plan for the proposed communication tower. Such plan shall be designed to ensure the long-term, continuous maintenance to a reasonable prudent standard.
 - (c) The application shall include a description of security to be posted at the time of receiving a building permit for the communication tower to ensure removal of the facility when it has been abandoned is no longer needed. In this regard, the Village of Cement City Planning Commission shall specify the form of security as approved by the township attorney and recordable at the office of Jackson County Register of Deeds or

Lenawee County 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 with the further provision that the applicant shall be responsible for the payment of any costs and attorney fees incurred by the community in securing removal. The security shall be adjusted on an annual basis according to the U.S. Bureau of Labor Statistics' Consumer Price Index annual average for United States cities in the North Central Region of the United States.

- (d) The name, address, and phone number of the person to contact for Engineering, maintenance and other notice purposes. This Information shall be continuously updated during all times the Facility is on the premises.

17.9.8 **Commercial Wind Generation Unit.** Wind Energy Conversion Systems (WECS). The purpose of this section is to establish standards and procedures by which the installation and operation of a WECS shall be governed within the Township as a conditional use within the AG - Agricultural zoning district.

A. **Definitions.**

1. "Wind Energy Conversion System (WECS)", also commonly referred to as a wind generating tower, windmill or wind powered generator shall mean a combination of:
 - (a) The surface area (typically a blade, rotor or similar device), either variable or fixed, for utilizing the wind for electrical or electrical generating powers.
 - (b) A shaft, gearing, belt or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity producing device.
 - (c) The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy.
 - (d) The tower, pylon or other structure upon which any, all, or some combination of the above are mounted.
 - (e) A wind energy conversion system can also include other components not listed above but associated with the normal construction, operation, and maintenance of a wind energy conversion system.
2. "Interconnected WECS" is a WECS which is electrically connected to the local electrical power utility system and could feed power back into the local electrical power utility system.
3. "Survival Wind Speed" is the maximum wind speed, as designated by the WECS manufacturer, at which a WECS in unattended operation (not necessarily producing power) is designed to survive without damage to any structural equipment or loss of the ability to function normally.
4. "WECS height" is the distance between the ground (at normal grade) and the highest point of the WECS, as measured from the ground (at normal

Grade), plus the length by which the rotor blade on a horizontal mounted WECS exceeds the structure which supports the rotor and blades (normally, the tower). Or put another way, the distance between the ground (at normal grade) and the highest point of the WECS (being the tip of the blade, when the blade is in the full vertical position).

5. "Wind Farm" shall mean a cluster of two (2) or more WECS placed upon a lot or parcel with the intent to sell or provide electricity to site or location other than the premises upon which the WECS are located. Said WECS may or may not be owned by the owner of the property upon which the WECS is placed.
6. "Single WECS for Commercial Purposes" shall mean a single WECS placed upon a lot or parcel with the intent to sell or provide electricity to a site or location other than the premises upon which the structure is located. Said WECS may or may not be owned by the owner of the property upon which the WECS is placed.
7. "WECS Testing Facility" or "Testing Facility" shall mean a structure and equipment used to determine the potential for the placement of a WECS.
8. "Applicant" shall mean he, person, firm, corporation, company, limited liability corporation or other entity which applies for Village of Cement City Council approval under this section, as well as the applicant's successor(s), assign(s) and/or transferee(s) as to any approved WECS or Testing Facility. An applicant must have the legal authority to represent and bind the landowner or lessee who will construct, own and operate the WECS or Testing Facility. The duties and obligations regarding a zoning Approval for any approved WECS or Testing Facility shall be with the Owner of the WECS or Testing Facility, and jointly and severally with The owner and operator or lessee of the WECS or Testing Facility if different than the owner.

B. Applicability.

1. WECS, Wind Farms, Single WECS for Commercial Purposes, and WECS Testing Facilities: Wind energy conversion systems such as a WECS, wind farm, single WECS for commercial purposes, and WECS Testing Facility associated with the commercial application of a WECS may be allowed as a conditional use only within the Agriculture zoning district, subject to the regulations and requirements of this section and also the general conditional use review procedures and standards/criteria of the zoning ordinance.
2. Single WECS for on site service only — Single WECS applications of wind energy conversion system, including WECS Testing Facilities, to service the energy needs of only the property where the structure is located may be approved in any zoning district as a conditional use, provided the property upon which the system is to be located is at least three and one half (3^{1/2}) acres in size and subject to the review and approval procedures and standards/criteria of this ordinance, as well as all of the following.
 - (a) The tower shall not exceed a height of eighty (80) feet.
 - (b) The blade diameter (tip to tip) shall not exceed one hundred (100) feet.

- (c) The height of the overall WECS (with the blade in the vertical position) shall not exceed one hundred thirty (130) feet above ground level (at normal grade).
- (d) The distance of the structure from all property lines shall be at least two (2) times the WECS height.

C. **Site Plan Drawing.** All applications for a WECS or WECS Testing Facility conditional use approval be accompanied by a detailed site plan drawn to scale and dimensioned, displaying all of the following information:

1. All requirements for site plan contained in ARTICLE XV.
2. All lot lines and dimensions, including a legal description.
3. Location and height of all proposed buildings, structures, electrical lines, towers, guy wires, guy wire anchors, security fencing and other above ground structures associated with the WECS.
4. Locations and height of all adjacent buildings, structures and above ground utilities located with three hundred (300) feet of the exterior boundaries of the lot or parcel where the proposed WECS and/or Testing Facility will be located. Specific distances to other on site buildings, structures, and utilities shall also be provided. The location of all existing and proposed overhead and underground electrical transmission or distribution lines shall be shown, whether to be utilized or not with the WECS or Testing Facility, located on the lot or parcel involved, as well as within one thousand (1,000) feet of the boundaries of such parcel or lot.
5. Existing and proposed setbacks for the WECS from all structures located on the property where the WECS will be located.
6. Elevation of the premises accurately depicting the proposed WECS location and its relationship to the elevation of all existing and proposed structures within three hundred (300) feet of the proposed WECS.
7. Access driveway to the WECS and the Testing Facility together with a detailed narrative regarding dimensions, composition, and maintenance of the proposed driveway. The Village of Cement City Council shall require the construction of a private road to serve a WECS or Testing Facility if it is determined by the Township Board that said road is necessary to protect public health, safety or welfare or to offer an adequate means by which the Village or other governmental agency may readily access the site in the event of an emergency. All private roads shall be constructed to Village private road standards.
8. Planned security measures to prevent unauthorized trespass and access.
9. WECS and Testing Facility Maintenance Programs. The applicant shall provide to the Township a written description of the maintenance program to be used to maintain the WECS and Testing Facility, including removal when determined to be obsolete or abandoned. The description shall include maintenance schedules, the types of maintenance to be performed, and removal procedures and schedules should the WECS or Testing Facility become obsolete or abandoned.

10. Additional detail(s) and information as required by the conditional use requirements of this ordinance, or as requested by the Planning Commission.
- D. **Compliance with the Township Building Code.** A copy of the manufacturer's installation instructions and blueprints shall be provided to the Village of Cement City Council. Included as part of or as an attachment to the installation instructions shall be standard drawings of the structural components of the WECS and support structures, including base and footings provided along with engineering data and calculations to demonstrate compliance with the structural design provisions of the Building Code as adopted by the Village. Drawings and engineering calculations shall be certified by a registered engineer licensed in the State of Michigan.
- E. **Compliance with the Electrical Code.** WECS and Testing Facility electrical equipment and connections shall be designed and installed in full compliance with the Electrical Code as adopted by the Village of Cement City. A copy of manufacturer installation instructions and blueprints shall be provided to the Village.
- F. **Design Standards.**
1. **Height.** The permitted maximum total height of a WECS (i.e., WECS height) shall be four hundred (400) feet including the blade in vertical position.
 - (a) State and Federal regulations may require a lesser height.
 - (b) As a condition of approval, the Village of Cement City may require a lesser height for a WECS if reasonably necessary to comply with the standards contained in subsection (G) hereof.
 2. **Height of Test Tower Facility.** Unless a different height is approved by the Village of Cement City Planning Commission, the WECS Testing Facility height shall be no greater than three hundred (300) feet from the ground (i.e., from normal grade to the test tower top).
 3. **Construction.** A WECS shall be constructed with a tubular tower, not a lattice tower.
 4. **Setbacks.** No part of a WECS or WECS Testing Facility (including guy wire anchors) shall be located within or above any required front, side or rear yard setback. The setback for placement of a WECS or a WECS Testing Facility shall be equal to the required setbacks for the zoning district in which the WECS is located plus the WECS height.
 5. **Rotor of Blade Clearance.** Blade arcs created by a WECS shall have a minimum of seventy five (75) feet of clearance over and from any structure, adjoining property or tree. The minimum blade or rotor clearance above ground level shall be at least twenty (20) feet.
 6. **Rotor or Blade Safety.** Each WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high winds within eighty percent (80%) of design limits of the rotor.
 7. **Tower Access.** To prevent unauthorized climbing, WECS and Testing

Facilities must comply with at least one of the following provisions:

- (a) Tower climbing apparatus shall no be located within twelve (12) feet of the ground.
- (b) A locked anti-climb device shall be installed and maintained.
- (c) A tower capable of being climbed shall be enclosed by a locked, protective fence at least ten (10) feet high with barbed wire fence.

8. **Signs.** Each WECS and Testing Facility shall have one sign, not to exceed two (2) square feet in area, posted at the base of the tower. The sign shall contain at least the following:

- (a) Warning high voltage.
- (b) Manufacturer's name.
- (c) Emergency numbers (list more than one number).
- (d) Emergency shutdown procedures.
- (e) FAA regulated sign with precise description with latitude and longitude and shall also contain both the applicant's current telephone number and the current telephone number for the FAA's regional office having jurisdiction over Woodstock Township.

(f) If fenced, place signs on fence.

9. **Lighting.** A lighting plan for each WECS and Testing Facilities shall be approved by the Village of Cement City Planning Commission. Such plan must describe all lighting that may be required by the FAA. Such a plan shall include but is not limited to the planned number and location of lights, light color and whether any lights will be flashing. Strobe lights are discouraged and must be shielded from the ground if such lights are allowed by the Village of Cement City Planning Commission.

10. **Electromagnetic Interference.** Each WECS and Testing Facilities shall be designed, constructed and operated so as not to cause radio and television interference. In the event that electromagnetic interference is experienced, the applicant must provide alternate service to each individual resident or property owner affected.

11. **Noise Emissions.** Noise emissions from the operation of a WECS and Testing Facilities shall not exceed forty five (45) decibels on the DBA scale as measured at the nearest property line or road.

- (a) A baseline noise emission study of the proposed site and impact upon all areas within one (1) mile of the proposed WECS location must be done (at the applicant's cost) prior to any placement of a WECS and submitted to the Village of Cement City. The applicant must also provide estimated noise levels to property lines at the time of a conditional use application.

12. **Utility Company Interconnection (Interconnected WECS).** All

distribution lines from the WECS to the electrical grid connection shall be located and maintained underground (both on the property where the WECS will be located and off site). The Village of Cement City Planning Commission may waive the requirement that distribution lines for the WECS which are located off site (i.e., are not located on or above the property where the WECS will be located) be located and maintained underground if the Village of Cement City Planning Commission determines that to install, place or maintain such distribution lines underground would be impractical or unreasonably expensive.

- G. **Approval Standards.** In addition to the other requirements and standards contained in this section the Township Board shall not approve any WECS or Testing Facilities unless it finds that all of the following standards are met:
1. The general conditional use standards contained in this ordinance; and
 2. The WECS or Testing Facility will not pose a safety hazard or unreasonable risk of harm to the occupants of any adjoining properties or area wildlife.
- H. **Ornamental Wind Devices.** Ornamental wind devices that are not a WECS shall be exempt from the provisions of this section, so long as they do not exceed the height limitation for permitted accessory structures (i.e., those permitted as of right) within the zoning district where the ornamental wind device will be located. Such devices may also be regulated by other provisions of this ordinance.
- I. **Inspection.** The Village of Cement City shall have the right upon issuing any WECS and Testing Facility conditional land use permit to inspect the premises on which the WECS or Testing Facility is located at all reasonable times. The Village may hire a consultant to assist with any such inspections at the applicant's cost.
- J. **Maintenance.** Each WECS and Testing Facility must be kept and maintained in good repair and condition at all times. If a WECS is not maintained in operational and reasonable condition or poses a potential safety hazard, the applicant shall take expeditious action to correct the situation. The applicant shall keep a maintenance log on each WECS which the Village of Cement City can review on a monthly basis.
- K. **Abandonment.** Any WECS or Testing Facilities which is not used for six (6) successive months or longer shall be deemed to be abandoned and shall be promptly dismantled and removed from the property. All above and below ground materials must be removed. The ground must be restored to its original condition within sixty (60) days of abandonment.
- L. **Security.** If a conditional use is approved pursuant to this section, the Village of Cement City Planning Commission shall require security in the form of a cash deposit, surety bond, or irrevocable letter of credit (in a form, amount, time duration and with a financial institution deemed acceptable to the Village), which will be furnished by the applicant to the Village in order to ensure full compliance with this section and any conditions of approval. When determining the amount of such required security, the Village may also require an annual escalator or increase based on the Federal Consumer Price Index (or the equivalent or its successor). Such financial guarantee shall be deposited or filed with the Village of Cement City Clerk after a conditional use has been approved but before construction commences upon a WECS or WECS Testing Facility. At a minimum, the financial security shall be in an amount determined by the Village to be sufficient to have the WECS or Testing Facility fully removed (and all components properly disposed of

and the land returned to its original state) should such structure or structures become abandoned, dangerous or obsolete, or not in compliance with this ordinance or the conditional use approval. Such financial security shall be kept in full force and effect during the entire time while a WECS or WECS Testing Facility exists or is in place. Such financial security shall be irrevocable and non-cancelable (except by the written consent of both the Village and the then owner of the WECS or WECS Testing Facility) for at least thirty (30) years from the date of the conditional use approval. Failure to keep such financial security in full force and effect at all times while a WECS or WECS Testing Facility exists or is in place shall constitute a material and significant violation of a conditional use approval and this ordinance, and will subject the applicant to all available remedies to the Village, including possible enforcement action and revocation of the conditional use approval.

- M. **Road Repair.** Any damages to a public road located within the Village of Cement City resulting from the construction, maintenance, or operation of a WECS or Testing facility shall be repaired at the applicant's expense.
- N. **Liability.** The applicant shall insure each WECS at all times for at least \$2,000,000 (in 2005 dollars based on the federal CPI) for liability to cover the applicant, Village of Cement City and land owner.
- O. **Color.** A WECS shall be painted a non-obtrusive (light environmental color such as Beige or gray) color that is non-reflective. The wind turbine base and blades shall be of a color consistent with all other turbines in the area. No striping of color or advertisement shall be visible on the blades or tower.
- P. **Strobe Effect.** All efforts shall be made not to affect any resident with any strobe effect.
- Q. **Vibration and Wind.** Under no circumstances shall a WECS or Testing Facility produce vibrations or wind currents humanly perceptible beyond the property boundaries of the lot or parcel on which the WECS or Testing Facility is located.
- R. **Compensation for Damages.** The applicant shall be responsible for compensation to persons damaged due any stray voltage caused by a WECS.
- S. **Environmental Assessment.** At the Village of Cement City's request, the applicant shall fund an environmental assessment or impact study and/or other relevant report(s) or studies (including, but not limited to, assessing the potential impact on endangered species, eagles, birds, and/or other wildlife) as required by the Village for review by the Village regarding the area or surrounding areas where the WECS will be placed. Each study or report shall be provided to the Village prior to the time when the Village of Cement City Planning Commission makes its final decision regarding the conditional use request.
- T. **Wind Rating.** The applicant shall show proof of a minimum wind rating of three (3) from the proposed WECS when applying for a conditional use permit.
- U. **Financial Impact Study.** At the Village of Cement City's request, the applicant shall fund a financial impact study for review by the Village of the area affected by the WECS. Such study or report shall be provided to the Village prior to the time when the Village of Cement City Planning Commission makes its final decision regarding the conditional use request.
- V. **Escrow.** An escrow account shall be set up when the applicant applies for a

conditional use permit for a WECS or WECS Testing Facility. The monetary amount to be deposited by the applicant with the Village of Cement City shall be in an amount estimated by the Village to cover all costs and expenses associated with the conditional use zoning review and approval process, which costs can include, but are not limited to, fees of the Village Attorney, Woodstock Township Planner and Woodstock Township Engineer, Columbia Township Planner and Columbia Township Engineer, as well as any reports or studies which the Village or Township anticipates it may have done related to the zoning review process for the particular application. Such escrow amount shall be in addition to regularly established fees. At any point during the zoning review process, the Village may require that the applicant place additional monies into escrow with the Village should the existing escrow amount filed by the applicant prove insufficient. If the escrow account needs replenishing and the applicant refuses to do so promptly, the zoning review and approval process shall cease until and unless the applicant makes the required escrow deposit. Any applicable zoning escrow resolutions or other ordinances adopted by the Village shall also be applicable

- W. **Reasonable conditions.** In addition to the requirements of this section, the Village of Cement City Planning Commission may recommend additional reasonable conditions on the approval of a WECS or WECS Testing Facility as a conditional use and the Township shall have authority to accept, reject or modify such conditions.
- X. **Compliance with Laws.** Each WECS and WECS Testing Facility shall also comply with all applicable Federal, State of Michigan, and County requirements, in addition to Township ordinances.

ARTICLE XVIII

SITE PLAN REVIEW AND APPROVAL

It is recognized by this Ordinance that there is a value to the public in establishing safe and convenient traffic movement to higher density sites, both within the site and in relation to access streets; that there is value in encouraging a harmonious relationship of buildings and uses both within a site and in relation to adjacent uses; further that there are benefits to the public in conserving natural resources toward this end, this Ordinance requires site plan review by the Village of Cement City Planning Commission for certain buildings and structures that can be expected to have a significant impact on natural resources, traffic patterns, and on adjacent land usage.

SECTION 18.1 BUILDINGS, STRUCTURES, AND USES REQUIRING SITE PLAN

The Village of Cement City Zoning Inspector shall not issue a Zoning Compliance Permit for the construction of the buildings and structures identified in this section unless a detailed site plan has been reviewed and approved by the Village of Cement City Planning Commission and such approval is in effect:

- 18.1.1 A multiple-family building containing six (6) or more dwelling units
- 18.1.2 More than one (1) multiple-family building on a lot, parcel, or tract of land, or on a combination of lots under one ownership.
- 18.1.3 A manufactured home park
- 18.1.4 Any commercial use
- 18.1.5 Any industrial development.
- 18.1.6 Any conditional use in any district.
- 18.1.7 Television, radio and/or telephone towers used for commercial or governmental purposes that exceed height above ground level allowed in any district (in accordance with Section 15.3.2).
- 18.1.8 Any site condominium development.

SECTION 18.2 APPLICATION AND FEE FOR SITE PLAN REVIEW

Any person may file a request for a site plan review by the Village of Cement City Planning Commission by filing with the Village Clerk the completed application upon the forms furnished by the Clerk and payment of a fee established by resolution of the Village of Cement City Council. As an integral part of said application, the applicant shall file at least four (4) copies of a site plan.

SECTION 18.3 PLANNING COMMISSION REVIEW OF SITE PLAN

Upon receipt of such application from the Village Clerk, the Village of Cement City Planning Commission shall undertake a study of the same and shall, within thirty (30) days, approve or disapprove such site plan, advising the applicant in writing of the recommendation, including any changes or modifications in the proposed site plan as are needed to achieve conformity to the standards specified in this Ordinance.

SECTION 18.4 REQUIRED DATA FOR DETAILED SITE PLAN

Every site plan submitted to the Village of Cement City Planning Commission shall be in accordance with the following requirements:

- 18.4.1 The site plan shall be of a scale not to be greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two hundred (200) feet, and of such accuracy that the Village of Cement City Planning Commission can readily interpret site plan, and shall include more than one drawing where required for clarity.
- 18.4.2 The property shall be identified by lot lines and location, including dimensions, angles and size, and correlated with the legal description of said property. Such plan shall further include the name and address of the property owner, developer, and designer.
- 18.4.3 The site plan shall show the scale; north point; boundary dimensions: topography (at least two foot contour intervals); and natural features such as, wood lots, streams, rivers, lakes, drains, and similar features.
- 18.4.4 The site plan shall show existing man-made features, such as buildings structures; high tension towers; pipe lines; and existing utilities, As, water and sewer lines, excavations, bridges, culverts, drains and easements, and shall identify adjacent properties and their existing uses.
- 18.4.5 The site plan shall show the location, proposed finished floor and grade line elevations, size of proposed principal and accessory buildings, their relation one to another and to any existing structure on the site, the height of all buildings, and square footage of floor space. Site plans for residential development shall include a density schedule showing the number of dwelling units per net acre, including a dwelling schedule showing the unit type and number of each unit type.
- 18.4.6 The site plan shall show the proposed streets, driveways, sidewalks, and other vehicular and pedestrian circulation features within and adjacent to the site; also, the location, size and number of parking spaces in the off-street parking area, and the identification of service lanes and service parking.
- 18.4.7 The site plan shall show the proposed location, use, and size of open spaces; and the location of any landscaping, fences, or walls on the site. Any proposed alterations to the topography and other natural features shall be indicated. The site plan shall further show any proposed location of connections to existing utilities and proposed extensions thereof.
- 18.4.8 A vicinity map shall be submitted showing the location of the site in relation to the surrounding street system.

SECTION 18.5 STANDARDS FOR SITE PLAN REVIEW

In reviewing the site plan, the Village of Cement City Planning Commission shall ascertain whether the proposed site plan is consistent with all regulations of this Ordinance. Further, in consideration of each site plan, the Planning Commission shall find that provisions of Sections 18.3 and 18.4 of this Ordinance as well as the provisions of the zoning district said buildings, structures and uses as indicated in the proposed site plan have been satisfactorily demonstrated and met by the applicant.

SECTION 18.6 PLANNING COMMISSION APPROVAL OF SITE PLAN

Upon the Village of Cement City Planning Commission approval of a site plan, the applicant shall file with the Planning Commission one (1) copy thereof. The Village Clerk shall within ten (10) days transmit to the Village of Cement City Zoning Inspector one (1) copy with the Village Clerk's certificate affixed thereto, certifying that said approved site plan conforms to the provisions of this Ordinance as determined. If the site plan is disapproved by the Planning Commission notification of such disapproval shall be given to the applicant within ten (10) days after such Planning Commission action. The Zoning Inspector shall not issue a zoning compliance permit until he has received a certified approved site plan.

SECTION 18.7 EXPIRATION OF SITE PLAN CERTIFICATE

The site plan certificate shall expire, and be of no effect, three hundred sixty-five (365) days after the date of issuance thereof, unless within such time the Village of Cement City Zoning Inspector has issued a Zoning compliance permit for any proposed work authorized under a said site plan certificate.

SECTION 18.8 AMENDMENT, REVISION OF SITE PLAN

A site plan, and site plan certificate, issued thereon, may be amended by the Village of Cement City Planning Commission upon the request of the applicant. Such amendment shall be made upon application and in accordance with the procedures set forth in ARTICLE XVIII of this Ordinance. Any fees paid in connection with such application may be waived or refunded at the discretion of the Planning Commission.

ARTICLE XIX

NONCONFORMITIES

Where within the districts established by this Ordinance, or by amendments, there exist lots, structures, and uses of land and structures which were lawful before this Ordinance was adopted or amended and which would be prohibited, regulated, or restricted under the terms of this Ordinance, or future amendment; it is the intent of this Ordinance to permit these nonconformities to continue until they are discontinued, damaged, or removed but not to encourage their survival. These nonconformities are declared by this Ordinance to be incompatible with the lots, structures, and uses permitted by this Ordinance in certain districts. It is further the intent of this Ordinance that such nonconformities shall not be enlarged, expanded, or extended except as provided herein; nor to be used as ground for adding other lots, structures, or uses prohibited elsewhere in the same district.

SECTION 19.1 NONCONFORMING USES OF LAND

Where, on the date of adoption or amendment of this Ordinance, a lawful use of land exists that is no longer permissible under the provisions of this Ordinance, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- 19.1.1 No such nonconforming use of land shall be enlarged, expanded, or extended to occupy a greater area of land than was occupied on the effective date of adoption or amendment of this Ordinance; and no accessory use or structure shall be established therewith.
- 19.1.2 No such nonconforming use of land shall be moved in whole or in part to any other portion of such land not occupied on the effective date or adoption or amendment of this Ordinance.
- 19.1.3 If such nonconforming use of land ceases for any reason for a period of more than one hundred and eighty (180) consecutive days, the subsequent use of such land shall conform to the regulations and provisions set by this Ordinance for the district in which such land is located.

SECTION 19.2 NONCONFORMING STRUCTURES

Where, on the effective date of adoption or amendment of this Ordinance, a lawful structure exists that could not be built under the regulations of this Ordinance by reason or restrictions upon lot area, lot width, lot coverage, height, open spaces, or other characteristics of such structure or its location upon a lot, such structure may be continued so long as it remains otherwise lawful subject to the following provisions:

- 19.2.1 No structure shall be enlarged, expanded, extended, or altered in a way which increases its nonconformance.
- 19.2.2 Should any such structure be destroyed, or partly destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- 19.2.3 If any such structure be moved for any reason, of any distance, it shall thereafter conform to the regulations of the district in which it is located after it is moved.

SECTION 19.3 NONCONFORMING USES OF STRUCTURES

Where on the date of adoption or amendment of this Ordinance, a lawful use of a structure exists that is no longer permissible under the regulations of this Ordinance, such use may be continued so long as it remains otherwise lawful subject to the following provisions:

- 19.3.1 No nonconforming use of a structure shall be enlarged, expanded, extended, or altered except in changing the use of such structure to a use permitted in the district in which such structure is located.
- 19.3.2 When a nonconforming use of a structure is discontinued or abandoned for more than one hundred and eighty (180) consecutive days, the structure shall not thereafter be used except in conformance with the regulations of the district in which it is located.
- 19.3.3 Any structure 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 (taken out — to an extent not to exceed ten (10) percent of the then current replacement value of the structure) provided that the volume of such structure or the number of families housed therein as it existed on the date of adoption or amendment of this Ordinance shall not be increased.
- 19.3.4 Nothing in this Ordinance shall be deemed to prevent the strengthened or part thereof declared to be unsafe by any official charged with protecting the public safety upon order of such official.
- 19.3.5 Should any structure containing a nonconforming use be moved, for any reason of any distance, it shall thereafter conform to the regulations of the district in which it is located after it is moved.
- 19.3.6 Should any structure devoted in whole or in part to any nonconforming use be destroyed by any means (taken out to an extent not to exceed ten (10) percent of the then current replacement cost at the time of destruction, it) shall not be reconstructed and again be devoted to any use except in conformity with the regulations of the district in which it is located.

SECTION 19.4 CHANGE OF TENANCY OR OWNERSHIP

There may be a change of tenancy, ownership, or management of an existing nonconforming use, building, or structure; provided there is not change in the nature or character of such nonconforming use, building, or structure.

SECTION 19.5 NONCONFORMING LOTS

In any district where single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling may be erected on any single Lot of record at the effective date of adoption or amendment of this Ordinance, regardless of its area or width, provided that the owner of such lot does not own any adjoining property; and further provided, however that no lot shall be less than forty (40) feet wide; the minimum side yard shall be ten (10%) percent of the lot width or six (6) feet, whichever is greater; the depth of the rear yard shall not be less than twenty-five (25) feet; and all requirements of the Lenawee County Health Department or Jackson County Health Department shall be met before construction is begun. Any variance of yard requirements from the above provisions shall be obtained only through action of the Village of Cement City Zoning Board of Appeals.

SECTION 19.6 EXTENSION AND SUBSTITUTION

There shall be a specific exemption from the preceding prohibitions, whether in ARTICLE XIX or any other section, against rebuilding, altering, replacing, improving, enlarging, extending, substituting or modifying a nonconforming use when such use is occupied as a dwelling place. In this case, the owner or tenant of said dwelling place shall make application to the Village of Cement City Zoning Board of Appeals requesting an exemption from the aforesaid prohibitions. If the Zoning Board of Appeals, after a hearing upon such application, shall determine that for reasons of health, sanitation, safety, or the well-being of the occupants that the request is proper, then the Zoning Board of Appeals may authorize the tenant to rebuild, alter, replace, improve, enlarge, extend, substitute, or modify said dwelling place. Prior to granting any such request under this section, the Zoning Board of Appeals specifically shall make the following findings of fact and apply the following standards:

- 19.6.1 That the use was originally constructed as a dwelling place, and has continuously been occupied as a dwelling place.
- 19.6.2 That the use currently is occupied as a dwelling place.
- 19.6.3 That by reason of original construction, current condition, or as part of the proposed changes, the use will have electrical and sanitation facilities meeting the requirements of this Village of Cement City Zoning Ordinance and any applicable building codes.
- 19.6.4 That by reason of original construction, current condition, or proposed change, the use will meet the building code requirement set forth by this Village of Cement City Zoning Ordinance and any building code applicable to the type of use and type of use district.
- 19.6.5 That the use adequately is serviced by public utilities and private or public highways or roads.
- 19.6.6 That the proposed changes will materially and substantially benefit the use as a dwelling place and/or make the use more in conformity with the provisions of this Village of Cement City Zoning Ordinance and any building code.
- 19.6.7 That the proposed changes will not have an adverse effect upon the uses in the general vicinity by creating new or different violations of this Village of Cement City Zoning Ordinance.
- 19.6.8 Proceedings under this section shall follow the same procedure and be subject to the same application fee as set forth for applications to the Zoning Board of Appeals on an appeal under ARTICLE XXI, Section 21.6 of this Ordinance.

ARTICLE XX

ADMINISTRATION OF THE ORDINANCE

SECTION 20.1 PURPOSE

It is the purpose of this Article to provide the procedures for the administration of this Ordinance, issuance of permits, inspection of properties, collection of fees, handling of violators, and enforcement of the provisions of this Ordinance and amendments thereto.

SECTION 20.2 ADMINISTRATION

Except when herein otherwise stated the provisions of this Ordinance shall be administered by the Village of Cement City Zoning Inspector or by such deputies of his department as the Village of Cement City may designate to enforce the provisions of this Ordinance.

SECTION 20.3 DUTIES OF ZONING INSPECTOR

- 20.3.1 The Village of Cement City Zoning Inspector shall have the power to grant Zoning Compliance Permits and certificates of occupancy and 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 Zoning Inspector to approve plans or issue any permit 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, nor shall the Zoning Inspector vary or change any terms of this Ordinance.
- 20.3.2 If the Village of Cement City Zoning Inspector shall find that any of the provisions of this Ordinance are being violated, he shall notify, in writing, the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of any lot or structures; removal of illegal structures, or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violations of its provisions.
- 20.3.3 The Village of Cement City Zoning Inspector shall submit to the Village of Cement City Planning Commission quarterly reports fully explaining the type and nature of uses permitted by right; the nature and extent of violations of this ordinance; and the type and nature of nonconforming uses, buildings, and structures. The Zoning Inspector shall maintain a record of all zoning Compliance permits and certificates of occupancy.
- 20.3.4 It is the duty of the Village of Cement City Zoning Inspector to keep a list of all Conditional use permits and notify the applicant and Village of Cement City Council in writing when the conditional use permit is up for review and renewal fee is paid. All records are to be maintained at the Village Hall.

SECTION 20.4 ZONING COMPLIANCE PERMITS

- 20.4.1 **Issuance of Zoning Compliance Permits.** No building or structure, or part thereof, shall hereafter be located, erected, constructed, reconstructed, altered, converted, or enlarged or moved; nor shall any change be made in the use of any building, structure, or land without a Zoning Compliance Permit having been obtained from the Village of Cement City Zoning Inspector for such building, structure, or land. A zoning compliance application shall be filled out and submitted to the Zoning Inspector.

20.4.2 **Permit Application Requirements.** The Village of Cement City Zoning Inspector shall require that all applications for zoning compliance permits shall be accompanied by plans and specifications including a plot plan in duplicate drawn to scale, showing the following information:

- A. The actual dimensions and shape of the lot to be built upon;
- B. The exact size and location of existing structures on the lot, if any; and,
- C. The location and dimensions of the proposed structure or alteration.
- D. The front, rear and side measurement of any building to the adjacent lot lines.
- E. Proof of a driveway permit from the proper road authority for any new construction or on any driveway which may be questionable.
- F. One copy of ownership and legal property description.

One (1) copy of the plans shall be returned to the applicant by the Village of Cement City Zoning Inspector after such copy has been approved or disapproved, and attested to same by the Zoning Inspector's signature on such copy. The Zoning Inspector shall retain the original copy, similarly marked, for his files. Whenever the buildings, structures, and uses as set forth in the application are in conformity with the provisions of this Ordinance, the Zoning Inspector shall issue the applicant a zoning compliance permit within five (5) days of the filing thereof. Where action of the Village of Cement City Zoning Board of Appeals or the Village of Cement City Planning Commission is required in any case, as set forth in this Ordinance, the Zoning Inspector shall issue such permit promptly following such action.

20.4.3 **Voiding of Zoning Compliance Permit.**

- A. Any Zoning Compliance Permit granted under this Ordinance shall become null and void and fees forfeited unless construction and/or use completed within five hundred forty-five (545) days of the date of issuance. A Zoning Compliance Permit shall be renewable upon reapplication and upon payment of the fee, subject however, to the provisions of all Ordinances in effect at the time of renewal.
- B. Any zoning compliance permit granted under this Ordinance shall become null and void if such use, buildings, or structure for which said permit was issued are found by the Village of Cement City Zoning Inspector to be in violation of this Ordinance. The Zoning Inspector upon finding such violation shall immediately notify the Village of Cement City Council of said violation and void the zoning compliance permit.

SECTION 20.5 FEES, CHARGES AND EXPENSES

The Village of Cement City Council shall establish a schedule of fees, charges and expenses, and a collection procedure for zoning compliance permits, certificates of occupancy, appeals and other matters pertaining to the Ordinance. The schedule of fees shall be posted in the office of the Village Clerk, and may be altered or amended only by the Village of Cement City Council. No permit, certificate, conditional use on approval, or variance shall be issued unless or until such costs, charges, fees, or expenses listed in this Ordinance have been paid in full, nor shall any action be taken on proceedings before the Village of Cement City Board of Appeals, unless or until preliminary charges and fees have been paid in full.

SECTION 20.6 PUBLIC HEARING PROCEDURES.

A reasonable time and place shall be established for any public hearing required by or held under provisions of this Ordinance. A public hearing date, time, and location may be set by the Village Clerk or

designated Village staff, or by the body charged with conducting the hearing. Such hearings shall be held in accordance with the Michigan Zoning Enabling Act and in accordance with the following:

- 20.6.1 **Minimum Notice Contents.** The notice shall include the time and place of the hearing, the name of the body charged with conducting the hearing, a summary of the subject and purpose of the hearing, and a listing of the methods by which questions can be addressed and comments provided to the body charged with conducting the hearing.
- 20.6.2 **Address of the Property.** The notice shall indicate the property that is the subject of the request, and shall include a listing of all existing street addresses for the subject property.
- A. Street addresses do not need to be created and listed if no such addresses currently exist for the subject property. If there are no street addresses, other means of property identification may be used.
- B. For any group of eleven (11) or more adjacent lots or parcels proposed for rezoning, individual addresses shall not be required to be listed on the notice.
- 20.6.3 **Posting and Publication.** The notice shall be posted at the location where the hearing will be held and published once in a newspaper of general circulation in the Village of Cement City.
- 20.6.4 **Notification of the Applicant and Property Owner.** The notice shall be sent by mail or personal delivery to the applicant and owner(s) of property for which approval is being considered.
- 20.6.5 **Delivery of Public Notices.** The notice shall be sent by mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the subject property, and to all occupants of structures within 300 feet of the boundary of the subject property, regardless of whether the property or occupant is located in the zoning jurisdiction.
- A. If the name of the occupant is not known, the term "occupant" may be used in making notification.
- B. Delivery of public such notices shall not be required for amendments to or interpretations of the text of this Ordinance, appeals of administrative decisions, and any group of eleven (11) or more adjacent lots or parcels proposed for rezoning, subject to the provisions of Section 1.14B (Discretionary Notice).
- C. Such notices need not be given to more than one (1) occupant of a building, except as follows:
1. If a building contains more than one (1) dwelling unit owned or leased by different persons, one (1) occupant of each unit shall be given notice.
 2. If a building contains more than four (4) dwelling units owned or leased by different persons, notice may be given to the building owner or manager with a request to post the notice at the primary building entrance.
- D. For any proposed amendment to the zoning map within 300 feet of the boundary of any adjacent municipality, written notice of the public hearing shall be sent by regular U.S. mail to the Village Clerk or the zoning or planning agency of said municipality.
- E. If the notice is delivered by mail, an affidavit of mailing shall be filed with the body charged with conducting the hearing.

20.6.6 **Timing of Notice Posting, Publication, and Mailing.** The notice shall be posted, published, and mailed or personally delivered in accordance with the requirements of this Section not less than 15 days before the hearing date when the application will be considered.

20.6.7 **Discretionary Notice.** In accordance with Section 202(1) of the Michigan Zoning Enabling Act, it shall be the policy of the Village of Cement City to send notice of a public hearing by mail or personal delivery to the applicant and owner(s) of any lots or parcels in the Township proposed for rezoning, and to all persons to whom real property is assessed within 300 feet of the boundary of the subject property not less than 15 days before the hearing date when the proposed rezoning will be considered.

- A. The Village of Cement City may, at its discretion, also post notice of a public hearing at other public-accessible locations, such as community bulletin boards or the Internet.
- B. The Village of Cement City Council may also establish a policy to consistently send notice of a public hearing by mail to persons located more than 300 feet from the boundary of the property in question, provided that the applicant shall not be required to pay for the additional mailing expenses.

20.6.8 **Posting of Signage.** The applicant(s) or owner(s) of the property subject to the application submitted by an owner or person acting on behalf of a property owner of the Village of Cement City shall post public notice signage for any proposed conditional use permit application per Article 11.0 (Conditional Uses) or any rezoning application per Article ____ (Amendments) in accordance with the following standards. Such signage shall also be required for any variance request per Article XI (Zoning Board of Appeals), except an appeal of dimensional standards for a single-family detached dwelling.

- A. The applicant(s) or owner(s) shall place a four (4) by eight (8) foot sign on each side of the property that abuts a street. The sign shall not be erected in the road right-of-way or in a manner to obstruct vision of motorists or pedestrians.
 - 1. If the subject property does not abut a street, the sign shall be placed on each side of any contiguous land owned by the applicant(s) or owner(s) of such parcel that does abut a street.
 - 2. If no such contiguous property abutting a street is owned by the applicant(s) or owner(s) of the subject property, the sign(s) shall be placed in such location(s) on the property that the Village of Cement City Zoning Inspector deems will best inform the public of the application. If the Zoning Inspector determines that there is no location where a sign could be placed that would be visible to the public, the Zoning Inspector may waive the requirement of posting.
- B. Each sign shall be erected at least 15 calendar days, but not more than 30 calendar days, before the Village of Cement City Planning Commission's public hearing date.
- C. Each sign shall be removed from the property no later than three (3) business days following the public hearing or the adjourned or continued date thereof, whichever is later. The applicant shall post a bond in an amount not to exceed one hundred dollars (\$100.00) per sign to ensure the removal of the sign.
- D. Each sign shall have lettering easily readable from the abutting street. Each sign shall state "PROPERTY PROPOSED FOR (CONDITIONAL USE) (REZONING) (APPEAL) or (VARIANCE)," give the street address or tax code parcel number(s), acreage and diagram of the subject property, state the zoning of the property, state

the proposed conditional use, zoning district or purpose of the appeal or variance that is being requested, and the date, time, and place of the initial public hearing on the application.

- E. The Village of Cement City Zoning Inspector shall inspect the subject property to see that it complies with the requirements of this Section, and shall submit an affidavit of such determination to the Village of Cement City Planning Commission not less than seven (7) calendar days prior to the public hearing on the application.
- F. Signs erected under this Section are exempt from other provisions of this Ordinance regulating signs. Rezoning requests initiated by the Village of Cement City shall be exempt from the requirements of this subsection, but shall otherwise comply with the public notice requirements of this Section.
- G. Failure to comply with any provision of this Section shall not constitute grounds for invalidating or setting aside the granting of an application, but shall require adjourning and rescheduling the public hearing. Further, the additional number of days required for holding the rescheduled public hearing shall be added to the period within which the Village of Cement City Planning Commission must otherwise hold the public hearing under this Section.

- 20.6.9 **Pre-Hearing Examination.** Upon reasonable request, any person may examine the application and all other documents on file with the Village of Cement City pertaining to the subject and purpose of the hearing. Any person shall be entitled to copies of such application and documents upon reasonable request and payment of fees as established by the Village of Cement City Council to cover the cost of making such copies.
- 20.6.10 **Right to Submit Written Statements.** Any person may submit written comments about the subject and purpose of the hearing prior to a hearing, or following such hearing within such time as the hearing body may allow. Such statements shall be made a part of the public record of the hearing.
- 20.6.11 **Timeframe for Hearings.** The public hearing shall be scheduled for a date not more than 180 calendar days after receipt of a complete and accurate application by the body charged with conducting the hearing, unless a shorter time period is required by a provision of this Ordinance or a further time is agreed upon by the parties concerned.
- 20.6.12 **Rights of All Persons.** Any person may appear and testify at a public hearing, either in person or by a duly authorized agent or attorney. Documentary evidence may be submitted for consideration, provided that the hearing body shall exclude such evidence deemed irrelevant, immaterial or unduly repetitious.
- 20.6.13 **Adjournment.** The body conducting the hearing may at any time, on its own motion or at the request of any person, adjourn the hearing to a reasonable and fixed future date, time, and place for the purpose of accumulating further evidence or information, or for such other reasons that the body finds to be sufficient. No additional public notice is required beyond that already given for the original hearing.
- 20.6.14 **Governance.** All other matters pertaining to the conduct of hearings shall be governed by applicable provisions of this Ordinance, and the rules and procedures adopted by the body conducting the hearing.

ARTICLE XXI

ZONING BOARD OF APPEALS

SECTION 21.1 ZONING BOARD OF APPEALS ESTABLISHED

There is hereby established a Village of Cement City Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided in the Michigan Zoning Enabling Act, Act No. 110 of the 2006 Public Acts of Michigan, in such a way that the objectives of this Ordinance shall be observed, the public health and safety secured, general welfare assured, and substantial justice done.

SECTION 21.2 MEMBERSHIP AND TERMS

Board of Appeals membership shall be subject to the following:

21.2.1 Membership.

- A. The Board of Appeals shall consist of three (3) members appointed by the Village of Cement City Council. One (1) member shall be a member of the Village Planning Commission, and one member may be a member of the Village Council.
- B. The remaining members shall be selected from the electors of the Village of Cement City residing in the Village. The members selected shall be representative of the population distribution, and of the various interests present in the Village.
- C. An employee or contractor of the Village of Cement City Council shall not serve as a member of the Board of Appeals.
- D. In the event a member is elected to the Village of Cement City Council and such election increases the number of Village Board members serving on the Board of Appeals to more than one (1), then such member's seat on the Board of Appeals shall be deemed vacant. Such vacancy shall be filled for the remainder of the unexpired term by Village of Cement City Council appointment.

21.2.2 **Alternates.** The Village of Cement City Council may appoint up to two (2) alternate members for the same term as regular members of the Board of Appeals. An alternate member may be called to serve as a regular member for the Board of Appeals in the absence of a regular member if the regular member is absent from or will be unable to attend one (1) or more meetings of the Board of Appeals. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons described in Section 21.2.4 (Abstaining). The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the Board of Appeals.

21.2.3 **Terms.** The term of office of each member shall be for three (3) years, except for members serving because of their membership on the Village of Cement City Planning Commission or Village of Cement City Council, whose terms shall be limited to the time they are members of those bodies. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies shall be filled for the remainder of the unexpired term by Village of Cement City Council appointment.

21.2.4 **Abstaining.** A member shall abstain from participating in a public hearing or voting on any question in which he or she has a conflict of interest. A member of the Board of Appeals who is also a member of the Village of Cement City Council or Village of Cement City Planning

Commission shall abstain from participating in a public hearing or voting on the same matter that the member previously voted on as a member of the Board or Commission. The member may consider and vote on other unrelated matters involving the same property. Failure of a member to abstain in such cases shall constitute malfeasance of office.

- 21.2.5 **Removal From Office.** A member may be removed from office by the Village of Cement City Council for misfeasance, malfeasance, or nonfeasance in office, upon written charges and following a public hearing held in accordance with Section 20.6 (Public Hearing Procedures). Minutes of the meeting at which the hearing is held shall record the reasons for the hearing, the motion or resolution, if any, regarding removal from office, and the roll call vote of the Village of Cement City Council.

SECTION 21.3 GENERAL REGULATIONS

Board of Appeals membership shall be subject to the following:

- 21.3.1 **Rules and Officers.** The Board of Appeals may adopt rules and regulations to govern its procedures. The Board of Appeals shall elect annually a Chair, Vice-Chair, and Secretary from its membership. An elected officer of the Village of Cement City Council shall not serve as Chair of the Board of Appeals.
- A. The Chair shall preside at and conduct Board of Appeals meetings; and 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 the Board of Appeals.
 - B. In the absence of the Chair, the Vice-Chair shall exercise all powers and authority of the Chair.
 - C. The Secretary shall be responsible for ensuring that complete and accurate written records are kept of all Board of Appeals proceedings.
- 21.3.2 **Votes and Quorum.** A concurring vote of a majority of the members of the Board of Appeals shall be necessary for any decision. The Board of Appeals shall not conduct business unless a majority of its members is present.
- 21.3.3 **Representation.** Any person may appear on his or her own behalf at a hearing or may be represented by an agent or an attorney authorized to appear on his or her behalf.
- 21.3.4 **Hearings.** The Board of Appeals shall hold a public hearing on each question submitted to it for decision. The Chair shall fix a reasonable time and date for the hearing, which shall be held within 90 calendar days after receipt of a complete and accurate application. Notice shall be given and the hearing shall be held in accordance with Section 20.6 (Public Hearing Procedures). All hearings shall be open to the public.
- 21.3.5 **Time Limit for Decision.** The Board of Appeals shall decide upon all matters within 180 calendar days after receipt of a complete and accurate application. The decision of the Board of Appeals shall be in the form of a resolution containing a full record of its findings and determinations in each case. The time limit may be extended by written agreement between the applicant or appellant and the Board of Appeals.
- 21.3.6 **Meetings.** Meetings of the Board of Appeals shall be held at the call of the Chair and at such other times as the Board of Appeals in its rules might specify.
- A. Minutes shall be kept of each meeting and the Board shall record into the minutes all findings of fact, conditions of approval, facts, and other relevant factors, and all its

official actions.

- B. The vote of each member upon a question, or absence or abstention, shall be recorded into the minutes of the meeting.
All meetings and records shall be open to the public. All minutes shall be filed in the offices of the Village Clerk.

21.3.7 **Oaths.** The Chair of the Board of Appeals or, in the Chair's absence the acting Chair, may administer oaths and compel the attendance of witnesses.

SECTION 21.4 POWERS AND DUTIES

The Board of Appeals shall hear and decide and rule on the following as provided herein:

21.4.1 **Administration and Interpretation.** The Board of Appeals shall hear and decide questions that arise in the administration of the zoning ordinance, including the interpretation of the text and the Official Zoning Map.

21.4.2 **Appeals.** The Board of Appeals shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of this Ordinance.

21.4.3 **Variations.** The Board of Appeals shall hear and decide requests for variances for relief from the strict application of one (1) or more non-use provisions of this Ordinance.

21.4.4 **Other Matters.** 4. The Board of Appeals shall also hear and decide on any other matters referred to the Board of Appeals shall or upon which the Board of Appeals shall is required to pass under this Ordinance.

21.4.5 **Restrictions on Authority.**

- A. The Board of Appeals shall not change the zoning district classification of any property, or make any change in the terms of this Ordinance, and shall not take any action which would have as a result the making of legislative changes in this Ordinance.
- B. The Board of Appeals shall not grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.
- C. The Board of Appeals shall not hear matters relating or pertaining to conditional uses, use variances or Special District developments.

SECTION 21.5 REQUIRED FEES AND ESCROW DEPOSITS

The Village of Cement City Council shall establish, by resolution or ordinance, fees and escrow deposits for review of petitions or appeals to the Board of Appeals. Required fees and escrow deposits shall be paid to the Village Treasurer at the time of the filing of the application. No fee or escrow deposit shall be required for amendments proposed or requested by the Village. No action shall be taken on any petition or appeal for which required fees have not been paid in full.

SECTION 21.6 ADMINISTRATIVE APPEALS

Consideration of administrative appeals shall be subject to the following:

21.6.1 **Who May Appeal.** Appeals may be taken to the Board of Appeals by a person, firm or

corporation aggrieved by the order, requirement, decision or determination; or by an officer, department, board, commission or bureau of the Village, Township, county, state, or federal governments. Such appeals shall be filed within 60 calendar days of the order, requirement, decision or determination in question.

- 21.6.2 **Where to File.** The appeal shall be filed with the official from whom the appeal is taken or such other person as the Board of Appeals may from time to time designate.
- 21.6.3 **Required Submission.** The appellant shall submit a clear description of the order, requirement, decision, or determination from which the appeal is made and the grounds of the appeal. The appellant may be required by the Board of Appeals to submit additional information to clarify the appeal.
- 21.6.4 The Village Clerk or such other person as the Board of Appeals may from time to time designate shall transmit to the Board of Appeals copies of all relevant papers constituting the record upon which the action appealed from was taken.
- 21.6.5 An appeal stays all proceedings in the furtherance of the action appealed from, unless the Village of Cement City Zoning Inspector certifies to the Village of Cement City Board of Appeals after the notice is filed that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Appeals or by a court of record upon application, upon notice to the Zoning Inspector from whom the appeal is taken, and upon due cause shown.
- 21.6.6 The Board of Appeals shall reverse an administrative decision only upon determining that the order, requirement, decision or determination constituted an abuse of discretion; was arbitrary or capricious; or was based upon an erroneous finding of a material fact or an erroneous interpretation of the Zoning Ordinance.
 - A. After making such a determination, the Board of Appeals may, so long as such action is in conformity with the terms of this Ordinance:
 - 1. Reverse or affirm wholly or in part;
 - 2. Modify the order, requirement, decision, or determination appealed from; or
 - 3. Make such order, requirement, decision, or determination as ought to be made, and may issue or direct the issuance of a permit.
 - B. To that end, the Board of Appeals shall have all of the powers of the official(s) from whom the appeal is taken.

SECTION 21.7 INTERPRETATIONS

The Board of Appeals shall have the power to hear and decide requests for interpretations of Zoning Ordinance provisions in such a way as to preserve and promote the character of the zoning district in question, and to carry out the intent and purposes of this Ordinance and the Growth Management Plan. The Board of Appeals shall also have the power to interpret the Official Zoning Map in such a way as to carry out the intents and purposes of this Ordinance and the Growth Management Plan, subject to the standards of Section 2.205E (Rules for Interpretation).

SECTION 21.8 VARIANCES

The Board of Appeals shall have the authority to grant variances where, owing to special conditions, strict enforcement of this Ordinance would result in unnecessary hardship or practical difficulty, subject to the

requirements of the Michigan Zoning Enabling Act and the following:

21.8.1 **Variance Petition.** Application for a variance shall be filed with the Village Clerk or such other person as the Board of Appeals may from time to time designate by the record owner of the property in question or by a person authorized to act on the record owner's behalf.

- A. The Village Clerk or such other as the Board of Appeals may from time to time designated shall transmit the application and information to the Board of Appeals and to the Zoning Inspector.
- B. The petition shall consist of a completed application form, fee, and the following required information:
 - 1. Legal description, address, tax parcel number, and zoning classification of the subject property, and zoning classifications of adjacent parcels.
 - 2. An accurate, scaled drawing of the property, showing all property lines, dimensions, and bearing or angles correlated with the legal description; all existing and proposed structures and uses on the property; and dimensions of structures and their dimensioned locations; and lot areas and all calculations necessary to show compliance with the regulations of this Ordinance. Such drawings shall include all septic systems, wells, and easements and all significant trees and natural features.
 - 3. A statement of the specific reasons for the request for a variance.
 - 4. Name and address of the applicant and the property owner, and the interest of the applicant in the property.

21.8.2 **Standards for Review.** A variance shall not be granted unless all of the following standards are met:

- A. Special conditions and circumstances exist that are unique to the land, structures, or buildings involved, and are not applicable to other lands, structures, or buildings in the same district, subject to the following:
 - 1. The existence of nonconforming dwellings, lots of record, structures, uses, or sites on neighboring lands in the same zoning district or other zoning districts shall not be considered grounds for a variance.
 - 2. The special conditions and circumstances on which the variance request is based do not result from the actions of the applicant.
- B. Literal interpretation of this Ordinance would deprive the applicant of rights commonly enjoyed by other property owners in the same district under the terms of this Ordinance.
- C. Granting the variance requested would not confer upon the applicant any special privilege that is denied by the Ordinance to other lands, structures, or buildings in the same district.
- D. A variance granted shall be the minimum that will make possible a reasonable use of the land, building, or structure. The Board of Appeals may consider lesser variances than that requested by an applicant.
- E. The variance granted shall be in harmony with the intent of this Ordinance and will

not be injurious to the environment, neighborhood, or otherwise detrimental to the public interest.

21.8.3 **Motions.** Any motion for action on a variance application shall include specific findings of fact and conclusions made by the Board of Appeals on the request, which shall be incorporated into the written record of the meeting.

21.8.4 **Expiration.** Each variance approved shall become null and void unless a building permit has been issued for the construction authorized by the variance within 180 calendar days after the date of approval and construction has been pursued diligently to completion; or the occupancy of land or buildings authorized by the variance has commenced within 180 calendar days after the date of approval.

A. Where a building permit has been issued for construction authorized by a variance, the variance shall become null and void upon expiration of the building permit.

B. Where a variance has been approved for a project subject to site plan approval per Article 10.0 (Site Plan Review), the variance shall become null and void only upon expiration of an approved final site plan for the project.

C. The Board of Appeals may, upon written request by the petitioner with a showing of good cause, grant one (1) extension of variance approval for up to an additional 180 calendar days.

21.8.5 **Reapplication.** An application for a variance that has been denied wholly or in part by the Board of Appeals shall not be resubmitted for a period of 365 calendar days from the date of denial, except on grounds of new evidence of changed conditions found by the Board of Appeals to be valid.

SECTION 21.9 SITE PLAN REQUIREMENTS

If an application or appeal to the Board of Appeals involves a land use or a development that requires site plan approval by the Planning Commission, the applicant or appellant shall first apply for preliminary site plan approval as set forth in Article 10.0 (Site Plan Review).

21.9.1 The Planning Commission shall review the site plan and shall determine the layout and other features required to obtain approval of the preliminary site plan.

21.9.2 The Planning Commission shall then transmit a copy of the site plan and the Commission's findings thereon to the Board of Appeals. The Board of Appeals shall, upon deciding on the application or appeal, return the plan and its decision to the Planning Commission for Commission action on the preliminary site plan.

SECTION 21.10 CONDITIONS OF APPROVAL

The Board of Appeals may impose conditions or limitations upon any affirmative decision, as it may deem reasonable and necessary in accordance with the purposes of this Ordinance and the Michigan Zoning Enabling Act. Such conditions shall be consistent with procedures, requirements, standards, and policies of the Township, where applicable. Violation of any condition imposed shall be deemed a violation of this Ordinance and punishable under Section 1.13 (Violations and Penalties).

SECTION 21.11 APPEALS TO CIRCUIT COURT

Any person aggrieved by a decision of the Board of Appeals in a particular case shall have the right to appeal to the Circuit Court on question of law and fact. The appeal shall be filed within 30 calendar days after the Board of Appeals issues its written decision, signed by the Chair or acting Chair; or within 21

calendar days after the Board of Appeals approves the minutes of its decision, whichever is later.

ARTICLE XXII

AMENDMENT PROCEDURES

SECTION 22.1 INITIATING AMENDMENTS AND FEE

The Village of Cement City Council may, from time to time, on recommendation from the Village of Cement City Planning Commission or on its own motion amend, modify, supplement, or revise the district boundaries or the provisions and regulations herein established whenever the public necessity and convenience and the general welfare require such amendment. Said amendment may be initiated by resolution of the Village Council, the Planning Commission, or by petition of one or more owners of property to be affected by the proposed amendment. Except for the Village Council or the Planning Commission, the petitioner requesting an amendment shall at the time of application pay the fee established by resolution of the Village Council, no part of which shall be returnable to the petitioner.

SECTION 22.2 AMENDMENT PROCEDURES

The procedure for making amendments to this Ordinance shall be in accordance with Michigan Zoning Enabling Act, Act No. 110 of the 2006 Public Acts of Michigan.

SECTION 22.3 CONFORMANCE TO COURT DECREE

Any amendment for the purpose of conforming a provision thereof to the decree of a court of competent jurisdiction shall be adopted by the Village of Cement City Council and the amendments published without referring the same to any other board or agency.

ARTICLE XXIII

VIOLATIONS, PENALTIES AND REMEDIES

SECTION 23.1 VIOLATIONS

Any person violating any provision of this Ordinance shall be deemed:

- 23.1.1 **Guilty of a misdemeanor.** Penalties may be imposed up to ninety (90) days incarceration in the County Jail and or fines up to five hundred (\$500.00) dollars plus the costs of prosecution; and/or
- 23.1.2 **Responsible for a civil infraction.** Penalties may be imposed in fines up to one hundred (\$100.00) dollars plus the costs of prosecution.
- 23.1.3 The decision to charge the alleged violator with a misdemeanor and/or civil infraction as a result of a violation of this Ordinance shall be at the sole discretion of the Village of Cement City.

SECTION 23.2 NUISANCE PER SE

In addition to the foregoing, any violation of this Ordinance shall be deemed a nuisance per se, permitting the Village of Cement City Council, its officers, agents or any private citizen to take such action in any Court of competent jurisdiction to cause the abatement of such nuisance, including injunctive relief.

SECTION 23.3 RIGHTS AND REMEDIES

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

ARTICLE XXIV LEGAL STATUS

SECTION 24.1 CONFLICT WITH OTHER LAWS

Conflicting laws of a more restrictive nature are not affected or repealed by this Ordinance. The provisions of this Ordinance shall be considered as minimum. Conflicting laws of a less restrictive nature, or those conflicting in other ways than degrees of restrictiveness, are hereby repealed.

This Ordinance is not intended to abrogate or annul any easement, covenant, or other private agreement provided that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant, or other probate agreement, the provision of this Ordinance shall govern.

SECTION 24.2 VALIDITY AND SEVERABILITY CLAUSE

If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not included in said ruling. In any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular land, parcel, lot, district, use, building, or structure, such ruling shall not affect the application of said provision to any other land, parcel, lot, district, use, building, or structure not specifically included in said ruling.

SECTION 24.3 PERIOD OF EFFECTIVENESS

This Ordinance shall remain in full force and effect henceforth unless repealed.

SECTION 24.4 REPEAL OF ORDINANCE

The 'Zoning Ordinance of the Village of Cement City, Lenawee County and Jackson County, Michigan adopted on August 1, 1987, and all amendments thereto are hereby repealed effective coincident with the effective date of this Ordinance.

SECTION 24.5 EFFECTIVE DATE

This Ordinance shall be published in the manner provided by law and shall take effect (7) days after the date of publication.