

**RAISIN CHARTER TOWNSHIP
LENAWEE COUNTY, MICHIGAN
ARTICLE 10
SPECIAL LAND USE**

SECTION 10.70.27 SOLAR FARMS

A. PURPOSE: To provide for the land development, installation and construction regulations for large photovoltaic solar farm facilities subject to reasonable conditions that will protect the public health, safety and welfare. These regulations establish minimum requirements and standards for the placement, construction and modification of large photovoltaic solar farm facilities.

This Article is intended to:

1. Protect Township areas from any potentially adverse effects, such as visual or noise impacts, of solar farm facilities, and related structures or devices so that the public health, safety, and welfare will not be jeopardized.
2. Provide for a land use that will provide an energy source with low associated environmental impacts.
3. Provide for the removal of abandoned or noncompliant solar farm facilities, and related structure or devices.
4. Allow as a Special Land Use for solar farm facilities, and related structures or devices in the Township districts zoned for Agricultural (A-1) and Industrial (I-1).

B. DEFINITIONS: In addition to Ordinance Article II definitions, the following terms and phrases shall have the meanings set forth below:

AC Power (Alternating Current): An electrical current whose magnitude and direction varies. It is considered the "standard" electrical power.

Attached System: A solar system in which solar panels are mounted directly on the building, typically the roof.

DC Power (Direct Current): An electrical current whose magnitude and direction stay constant. The photovoltaic cells on solar panels capture energy from sunlight in the form of DC and must be converted to AC by an inverter.

Detached Systems: Also known as a Ground Mounted Systems or Freestanding, a solar system that is not attached directly to a building, but is supported by a structure that is built on the ground.

Distributed Generation: As opposed to centralized generation, distributed generation refers to a number of small power-generating modules located at or near the point of energy consumption.

Gigawatt: A unit of power equal to one billion watts.

Grid: The infrastructure of power lines, transformers and substations that delivers electric power to buildings. The utility grid is owned and managed by electric utility companies.

Installer: A contractor that installs solar systems.

Interconnection: A link between utility company power distribution and local power generation that enables power to move in either direction.

Inverter: A device that converts DC power captured by the photovoltaic cells on solar panels into AC power.

Kilowatt: A unit of power equal to one thousand watts.

Megawatt: A unit of power equal to one million watts.

Net Metering: A policy whereby utility customers with small-scale renewable power sources, including solar, receive credit from their utility provider for electricity generated in excess of their needs (also known as “net excess generation”).

On/Off Grid System: A solar energy system that is interconnected with the utility grid is an on-grid or grid-tied system, while a system not interconnected is an off-grid system.

Permitting: The process by which a local unit of government allows for certain development, changes, and activities in their jurisdiction.

Photovoltaic (PV): A method of generating electrical power by converting solar radiation (sunlight) into direct current electricity using semiconductors.

Solar Collection Devices-General: Solar collection devices are designed to capture and utilize the energy of the sun to generate electrical power. A solar collection device is the actual material(s) used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected. These devices may be either freestanding or attached to a structure and are sized to meet the various user needs and/or utility requirements.

Solar Collection Devices-Small Freestanding: An array of freestanding (not attached to a principal or accessory structure) solar collection materials that have a manufacturer’s rating up to but not exceeding 20kW.

Solar Collection Devices-Medium Freestanding: An array of freestanding (not attached to a principal or accessory structure) solar collection materials that have a manufacturer’s rating of greater than 20kW, but do not occupy more than 10 acres of land.

Solar Collection Devices-Large Freestanding: An array of freestanding (not attached to a principal or accessory structure) utility-scale solar collection materials that have a manufacturer’s rating of greater than 20kW and occupy more than 10 acres of land.

Solar Farms (Large Photovoltaic Solar Farm Facilities): A utility-scale commercial facility that converts sunlight into electricity, whether by photovoltaics, or any other various solar technologies for the primary purpose of wholesale or retail sales of generated electricity off-site.

Solar Farms do not include small scale solar panels or technologies installed at individual residential or commercial locations (e.g. roof or ground mounted panels) that are used exclusively for private purposes and not utilized for any commercial resale of any energy, except for the sale of surplus electrical energy back to the electrical grid. These installations are permitted as Accessory Structures or Uses.

Solar Photovoltaic System: The total components and subsystems that, in combination, convert solar energy suitable for connection to utilization load.

Time-of-Use (TOU) Rates: A utility billing system in which the price of electricity depends upon the hour of day at which it is used. Rates are higher during the afternoon when electric demand is at its peak. Rates are lower during the night when electric demand is off peak.

C. REQUIREMENTS FOR DEVELOPMENT AND DESIGN STANDARDS

1. **Site Plan:** In addition to those requirements of Article IX, Section 9.90 of the Zoning Ordinance, and the Site Plan Review Application, all applications for a special land use permit for a Solar Farm shall be subject to Special Land Use standards in Agricultural (A-1) and Industrial (I-1) zoned areas.
2. **Minimum Lot Size:** Large photovoltaic solar farm facilities shall not be constructed on parcels less than twenty (20) acres in size.
3. **Height Restrictions:** All photovoltaic panels located in a solar farm shall be restricted to a height of fourteen (14) feet.
4. **Setbacks:** All photovoltaic solar panels and support structures associated with such facilities (excluding perimeter security fencing) shall be a minimum of fifteen (15) feet from a side or rear property line and a minimum of thirty (30) feet from any road or highway right-of-way.
5. **Maximum Lot Coverage:** Maximum lot coverage restrictions shall not apply to photovoltaic solar panels. Any other regulated structures on the parcel are subject to maximum lot coverage restrictions.
6. **Safety/Access:** A security fence (height and material to be established through the special land use permit process) shall be placed around the perimeter of the solar power plant and electrical equipment shall be locked. Knox boxes and keys shall be provided at locked entrances for emergency personnel access. Electric fencing is not permitted.
7. **Sound Pressure Level:** No large photovoltaic solar farm facilities shall exceed sixty-five (65) dBA as measured at the property line.

8. **Landscaping:** The perimeter of large photovoltaic solar farm facilities shall also be screened and buffered by installed evergreen or native vegetative plantings whenever existing natural vegetation does not otherwise reasonably obscure the large photovoltaic solar farm facilities from any public street and/or adjacent residential structures, subject to the following requirements:
- a. The large photovoltaic solar farm facilities shall be exempt from the landscape requirements of Article 9, Section 9.80.
 - b. The evergreen or native vegetative buffer shall be composed of native or evergreen trees that at planting shall be minimum of four (4) feet in height and shrubs two (2) feet in height. The evergreen trees shall be spaced no more than fifteen (15) feet apart on center (from the central trunk of one plant to the central trunk of the next plant), native trees shall be placed no more than thirty (30) feet apart on center and shrubs shall be spaced no more than seven (7) feet apart on center. All unhealthy (sixty (60) percent dead or greater) and dead material shall be replaced by the applicant within one (1) year, or the next appropriate planting period, whichever occurs first.
 - c. All plant materials shall be installed between March 15 and November 15. If the applicant requests a final certificate of occupancy from the Township and the applicant is unable to plant during the installation period, the applicant will provide the Township with a letter of credit, surety or corporate guarantee for an amount equal to one and one-half (1.5) times the cost of any planting deficiencies that the Township shall hold until the next planting season. After all plantings have occurred, the Township shall return the financial guarantee.
 - d. Failure to install or continuously maintain the required vegetative buffer shall constitute a violation of this Ordinance and any Special Land Use Permit may be subject to revocation.
9. **Local, State and Federal Permits:** Large photovoltaic solar farm facilities shall be required to obtain all necessary permits from the U.S. Government, State of Michigan, and Raisin Charter Township, and comply with standards of the State of Michigan adopted codes.
10. **Electrical Interconnections:** All electrical interconnection or distribution lines shall comply with all applicable codes and standard commercial large-scale utility requirements. Use of above ground transmission lines shall be prohibited within the site.
11. **Signage:** No advertising or non-project related graphics shall be on any part of the solar arrays or other components of the large photovoltaic solar farm facilities. This exclusion does not apply to entrance gate signage or notifications containing points of contact or any and all other information that may be required by authorities having jurisdiction for electrical operations and the safety and welfare of the public.
12. **Abandonment and Decommissioning:** Following the operational life of the project, the applicant shall perform decommissioning and removal of the large photovoltaic solar farm facilities and all its components. The applicant shall prepare a decommissioning plan and submit it to the Planning Commission for review and approval prior to issuance of the Special Land Use Permit.

The decommissioning plan shall state how the large photovoltaic solar farm facilities will be decommissioned, provide the estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with which the resources will be deposited. Any large photovoltaic solar farm facilities that are not operated for a continuous period of twelve (12) months shall be considered abandoned and shall be removed under the decommissioning plan.

Under this plan, all structures, concrete, piping, facilities, and other project related materials above grade and any structures up to three (3) feet below-grade shall be removed offsite for disposal. All access roads or driveways shall be removed, cleared, and graded by the applicant, unless the property owner(s) requests, in writing, a desire to maintain any access road or driveways. The Township or County will not be assumed to take ownership of any access road or driveways. The ground must be restored to its original topography or mutually agreed variation of the original topography within three hundred sixty-five (365) days of abandonment or decommissioning.

The decommissioning plan shall also include an agreement between the applicant and the Township that:

- A. Prior to the issuance of the permit, the applicant shall furnish to the Township a performance guarantee in an amount equal to or greater than the estimated cost of decommissioning. The guarantee shall be in the form of either a surety bond or cash deposit into an escrow account with an escrow agent acceptable to the Township.
 - B. The Township shall have access to the escrow account funds for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within three hundred sixty-five (365) days of the end of project life or facility abandonment.
 - C. The Township is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
 - D. The Township is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the Township's right to seek reimbursement from applicant or applicant successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien. Financial provisions shall not exceed reasonable anticipated decommissioning costs.
13. **Inspection:** The Township shall have the right at any reasonable time, to provide same-day notice to the applicant to inspect the premises on which any large photovoltaic solar farm facilities is located. The Township may hire one or more consultants, with approval from the applicant (which shall not be unreasonably withheld), to assist with inspections at the applicant's or project owner's expense. Inspections must be coordinated with, and escorted by, the applicant's operations staff at the large photovoltaic solar farm facilities to ensure compliance with the Occupational Safety and Health Administration (OSHA), NESC and all other applicable safety guidelines.

14. **Maintenance and Repair:** Each large photovoltaic solar farm facility must be kept and maintained in good repair and condition at all times. If the Township Building Official determines that a large photovoltaic solar farm facility fails to meet the requirements of this ordinance and the Special Land Use Permit, or that it poses a safety hazard, the Building Official, or his or her designee, shall provide notice to the applicant of the safety hazard. If, after a reasonable cure period (not to exceed seven (7) days), the safety hazards are not corrected, the applicant shall immediately shut down the large photovoltaic solar facility and not operate, start or restart the large photovoltaic solar facility until the issues have been resolved. Applicant shall keep a maintenance log on the solar array(s), which shall be available for the Township's review within 48 hours of such request. Applicant shall keep all sites within the large photovoltaic solar farm facility neat, clean and free of refuse, waste or unsightly, hazardous or unsanitary conditions.
15. **Roads:** Any material damages to a public road located within the Township resulting from the construction, maintenance or operation of a large photovoltaic solar farm facility shall be repaired at the applicant's expense. In addition, the applicant shall submit to the appropriate State or County agency a description of the routes to be used by construction and delivery vehicles; and road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries. The applicant shall abide by all State or County requirements regarding the use and/or repair of the roads.

D. ADDITIONAL SPECIAL LAND USE CRITERIA

The following topics shall be addressed in a Special Land Use application for such large photovoltaic solar farm facilities in addition to Section C, Requirements for the Development and Design Standards.

1. **Project description and rationale:** Identify the type, size, rated power output, performance, safety and noise characteristics of the system, including the name and address of the manufacturer, and model. Identify time frame, project life, development phases, likely markets for the generated energy, and possibly future expansions.
2. **Analysis of onsite traffic:** Estimated construction jobs, estimated permanent jobs associated with the development.
3. **Visual impacts:** Review and demonstrate the visual impact using photos or renditions of the project or similar projects with consideration given to tree plantings given to tree plantings and setback requirements.
4. **Wildlife:** Review potential impact on wildlife on the site.
5. **Environmental analysis:** Identify impact analysis on the water quality and water supply in the area, and dust from project activities.
6. **Waste:** Identify solid waste or hazardous waste generated by the project.
7. **Lighting:** Provide lighting plans showing all lighting within the facility. No light may adversely affect adjacent parcels. All lighting must be shielded from adjoining parcels, and light poles are restricted to eighteen (18) feet in height.

8. **Transportation plan:** Provide access plan during construction and operation phases. Show proposed project service road ingress and egress access onto primary and secondary routes, layout of the plant service road system. Due to infrequent access to such facilities after construction is completed, it is not required to pave or curb solar panel access drives. It will be necessary to pave and curb driveway and parking lots used for occupied offices that are located on site.
 9. **Public safety:** Identify emergency and normal shutdown procedures. Identify potential hazards to adjacent properties, public roadways, and to the community in general that may be created.
 10. **Sound limitations and review:** Identify noise levels at the property line of the project boundary when completed.
 11. **Telecommunications interference:** Identify electromagnetic fields and communications interference generated by the project.
- E. SEVERABILITY:** The provisions of this Ordinance are hereby declared to be severable and if any provision, section or part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall only affect the particular provisions, section or part involved in such decision and shall not affect or invalidate the remainder of such Ordinance, which shall continue in full force and effect.
- F. EFFECTIVE DATE:** This Ordinance shall become effective fifteen (15) days after its publication following final adoption or as required by law.
- G. REPEAL:** All Ordinances or parts of Ordinances in conflict with this ordinance are hereby repealed.

**THIS ORDINANCE SHALL BE KNOWN AS THE RAISIN TOWNSHIP
ORDINANCE # 106-01**

It is the purpose of this ordinance to promote the safety, health and welfare for the general public.

**STORAGE OF DISMANTLED OR INOPERABLE MOTOR
VEHICLES OR PARTS THEREOF**

An ordinance to secure the public peace, health, safety and welfare of the residents and property owners of the township of Raisin, Lenawee County, Michigan, a municipal corporation, by the regulation of the outdoor parking and storage of motor vehicles, tractor trailers, house trailers and new or used parts of junk therefrom, within the township of Raisin: to provide penalties for the violation of this ordinance and to repeat any ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF RAISIN, LENAWEE COUNTY, MICHIGAN ORDAINS:

NAME

This ordinance shall be known and cited as the Raisin Township Storage of Dismantled or Inoperable Motor Vehicles or Parts thereof Ordinance.

PURPOSE

The purpose of this ordinance is to limit and restrict the outdoor storage, parking or unreasonable accumulation or junk, unused, partially dismantled or non-operating motor vehicles, house trailers, or tractor trailers, or new or used parts thereof upon premises primarily used or zoned for any type of residential purpose within the township; to thereby avoid injury and hazards to children and others attracted to such vehicles or trailers; the devaluation of property values and the psychological ill effect of the presence of such vehicles or trailers upon adjoining residents and property owners.

REGULATIONS

A. No person, firm, or corporation shall park, store, or place upon any public right-of-way or public property, or upon any premises that is primarily used or is zoned for any type of residential purpose within the township, any motor vehicle, house trailer, or similar type of residential unit or new or used parts of junk therefrom, unless the same is wholly contained within a within a permanent concealed enclosure and does not violate an zoning or building laws of the township, county, or State of Michigan, except for the following:

1. Duly licensed and operable vehicles or trailers with substantially all main component parts attached.
2. Vehicles or trailers that are temporarily inoperable, because of minor mechanical failure, but which are not, in any manner, dismantled and have

Substantially all main component parts attached, which may remain upon such private property for not to exceed 14 days.

3. Not more than one vehicle in fully operating condition, such as stock car or modified car that has been re-designed or reconstructed for a purpose other than that for which it was manufactured, provided no building or garage is located upon the premises in which the same could be parked or stored. In no event shall any such vehicle be parked in the front or side street yard area of any such residential premises.
- B. No repairing, redesigning, modifying or dismantling work or operations shall be allowed upon any vehicle or trailer or parts thereof upon any public right-of-way or public property or on any property primarily used or zoned for any type of residential purpose for a period in excess of 24 hours except such as shall be accomplished within fully enclosed buildings; will not constitute a nuisance or annoyance to adjoining property owners or occupants; and does not violate any provision of the Raisin Township Zoning Ordinance. Any such work within such 24-hour period heretofore allowed shall not, however, consist of any major repair, re-designing, modifying or dismantling work, but only such occasional minor work as may frequently be required to maintain a vehicle or trailer or parts thereof in normal operating condition.
- C. In the event the foregoing regulations create any special or peculiar hardship beyond the control of the particular violator thereof because of unforeseen circumstances, the Building and Zoning Inspector of the Township is hereby given the authority to grant permission to an applicant to operate contrary to the provisions hereof for a limited period of not to exceed 14 days provided no adjoining property owner or occupant is unreasonably adversely affected thereby and the spirit and purpose of the ordinance are still substantially observed.

NUISANCE

Any parking storage, placement, or operation in violation of the provisions of this ordinance are hereby declared to be a public nuisance which may be enjoined or which may subject the violator to civil damages and the fines and penalties herein provided for.

CONSTRUCTION

This ordinance shall not prevent the operation of any licensed junk yard, salvage yard, garage, body, or paint shop legally operating within a proper zone as defined in the Raisin Township Zoning ordinance, and shall be in addition to any other laws or ordinances respecting rubbish, refuse, litter, trash, or junk control and regulations.

SEVERABILITY CLAUSE

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of the ordinance other than said part of portion thereof.

PENALTY

Any person, firm or corporation who violate any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00, or by imprisonment in the county jail for not to exceed 90 days, or by such fine and imprisonment. Each day that a violation continues to exist shall constitute a separate offense.

This ordinance shall become effective 30 days after publication.

The foregoing ordinance was approved by the Township Board at a meeting on June 21, 2001

Special

Sharon Barnett

Clerk

Ray Citterer
Supervisor

RAISIN CHARTER TOWNSHIP
Outdoor and Open Burning Ordinance

Ordinance No. 012109

SECTION 1: PURPOSE

1.00 Purpose.

- 1.1** This ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the Charter Township of Raisin by regulating the air pollution and fire hazards of open burning and outdoor burning.

SECTION 2: APPLICABILITY

2.00 Applicability.

- 2.1** This ordinance applies to all outdoor burning and open burning within the Charter Township of Raisin.
- 2.2** This ordinance does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- 2.3** This ordinance does not apply to burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation.
- 2.4** This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

SECTION 3: SEVERABILITY

3.00 Severability.

- 3.1** Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

SECTION 4: DEFINITIONS

4.00 Definitions.

- 4.1** "Burn Barrel" is essentially a 55-gallon drum that has been modified with passive under-fire draft (see examples) and a spark arrestor screen with openings no larger than 3/4 inch.
- 4.2** "Campfire" means a small outdoor fire intended for recreation or cooking but not including a fire intended for disposal of waste wood or refuse.
- 4.3** "Clean wood" means natural wood which has not been painted, varnished or coated with a similar material; has not been pressure treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products.

- 4.4 "Construction and demolition waste" means building waste materials, including but not limited to waste shingles, insulation, lumber, treated wood, painted wood, wiring, plastics, packaging, and rubble that results from construction, remodeling, repair, and demolition operations on a house, commercial or industrial building, or other structure.
- 4.5 "Fire Chief" means the Chief of the Raisin Township Fire Department or other person designated by the Fire Chief.
- 4.6 "Municipality" means a county, township, city, or village.
- 4.7 "Nuisance" means materials being burned that create a foul or offensive odor or that cause smoke emissions that are reasonably offensive to occupants of surrounding property.
- 4.8 "Outdoor burning" means open burning or burning in an outdoor wood-fired boiler or patio wood burning unit.
- 4.9 "Open burning" means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney. This includes burning in a burn barrel.
- 4.10 "Outdoor wood-fired boiler" means a wood-fired boiler, stove or furnace that is not located within a building intended for habitation by humans or domestic animals.
- 4.11 "Patio wood-burning unit" means a chimenea, patio warmer, or other portable wood-burning device used for outdoor recreation and/or heating.
- 4.12 "Refuse" means any waste material except trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter.

SECTION 5: GENERAL PROHIBITION ON OUTDOOR BURNING AND OPEN BURNING

- 5.00 **General prohibition on outdoor burning and open burning.**
- 5.1 Open burning and outdoor burning are prohibited in the Charter Township of Raisin unless the burning is specifically permitted by this ordinance.

SECTION 6: OPEN BURNING OF REFUSE

- 6.00 **Open burning of refuse.**
- 6.1 Open burning of refuse from a commercial or industrial establishment is prohibited.
- 6.2 Open burning of refuse from and at a one or two family dwelling is allowed if all of the following conditions are met:
 - 6.2.1 The burning does not create a nuisance.
 - 6.2.2 The burning is conducted in a container constructed of metal or masonry that has a metal covering device that does not have an opening larger than ¾ inch.
 - 6.2.3 The material being burned is not prohibited under subsection 6.3.
- 6.3 Open burning of the following materials is prohibited.

- 6.3.1** Construction and demolition waste.
- 6.3.2** Hazardous substances including but not limited to batteries, household chemicals, pesticides, used oil, gasoline, paints, varnishes, and solvents.
- 6.3.3** Furniture and appliances.
- 6.3.4** Tires.
- 6.3.5** Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
- 6.3.6** Newspaper.
- 6.3.7** Corrugated cardboard, container board, office paper.
- 6.3.8** Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.

SECTION 7: OPEN BURNING OF TREES, LOGS, BRUSH, STUMPS, LEAVES, AND GRASS CLIPPINGS

- 7.00** **Burning trees, logs, brush, stumps, leaves, and grass clippings.**
- 7.1** Open burning of trees, logs, brush, stumps, leaves and grass clippings is allowed only in accordance with all of the following provisions
 - 7.1.1** Except for campfires, a permit issued in accordance with Section 13 of this ordinance must be obtained prior to open burning under this section when the ground is not snow covered.
 - 7.1.2** Except for barbecue, gas, and charcoal grills, no open burning shall be undertaken during periods when the Governor of Michigan has issued a burning ban applicable to the area.
 - 7.1.3** All allowed open burning shall be conducted in a safe, nuisance-free manner, when wind and weather conditions minimize adverse effects and do not create a health hazard or a visibility hazard on roadways, railroads or airfields. Open burning shall be conducted in conformance with all local and state fire protection regulations.
 - 7.1.4** Open burning shall be conducted only on the property on which the materials were generated.
 - 7.1.5** Outdoor campfires and small bonfires for cooking, ceremonies, or recreation are allowed provided they do not cause a nuisance.
 - 7.1.6** Open burning under this section shall only be conducted at a location at least 100 feet from the nearest building which is not on the same property.
 - 7.1.7** Except for campfires, open burning shall only be conducted during daylight hours only.
 - 7.1.8** Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.
 - 7.1.9** No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream or body of water.

7.1.10 Except for barbecue, gas, and charcoal grills, no burning shall be undertaken within 25 feet from any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Fire Chief.

7.1.11 No open burning may be conducted on days when the Department of Environmental Quality has declared an "air quality action day" applicable to the Charter Township of Raisin.

SECTION 8: AGRICULTURAL BURNING

8.00 Agricultural burning.

8.1 Open burning of weeds, brush, and crop stubble on agricultural lands is allowed if conducted in accordance with other applicable provisions of this ordinance.

SECTION 9: PRESCRIBED BURNS

9.00 Prescribed burning.

9.1 "Prescribed Burn" means the burning, in compliance with a prescription and to meet planned fire or land management objectives, of a continuous cover of fuels. A "prescription" means a written plan establishing the criteria necessary for starting, controlling, and extinguishing a burn.

9.2 Fires set for forest, prairie, and wildlife habitat management are allowed only if conducted in accordance with Part 515 of the Natural Resources and Environmental Protection Act, MCL 324.51501 et seq.

SECTION 10: OUTDOOR WOOD-FIRED (SOLID FUEL) BOILERS/HEATING SYSTEMS

10.0 Outdoor Wood-Fired (Solid Fuel) Boilers/Heating Systems

10.1 An outdoor wood-fired (solid fuel) boiler/heating system may be installed and used in the Charter Township of Raisin only in accordance with the following provisions:

10.2 The outdoor wood-fired (solid fuel) boiler/heating system shall be installed in accordance with the State of Michigan Mechanical Code, Township Ordinance and the manufacturer's recommendations.

10.3 The outdoor wood-fired (solid fuel) boiler/heating system shall not be used to burn refuse.

10.4 The outdoor wood-fired (solid fuel) boiler/heating system shall be located at least 300 feet from the nearest building or potential building which is not on the same property as the outdoor wood-fired (solid fuel) boiler/heating system.

10.5 The outdoor wood-fired (solid fuel) boiler/heating system shall not cause a nuisance to neighbors.

SECTION 11: PATIO WOOD-BURNING UNITS

11.00 Patio wood-burning units.

11.1 A patio wood-burning unit may be installed and used in the Charter Township of Raisin only in accordance with all of the following provisions:

11.2 The patio wood-burning unit shall not be used to burn refuse.

- 11.3 The patio wood-burning unit shall burn only clean wood.
- 11.4 The patio wood-burning unit shall be located at least 50 feet from the nearest structure which is not on the same property as the patio wood-burning unit.
- 11.5 The patio wood-burning unit shall not cause a nuisance to neighbors.

SECTION 12: FIRE SUPPRESSION TRAINING

12.00 Fire suppression training.

- 12.1 Notwithstanding sections 5 and 6 of this ordinance, structures and other materials may be burned for fire suppression training only in accordance with all of the following provisions.
- 12.2 The burn must be exclusively for fire suppression training. The burning shall not be used as a means to dispose of waste material including tires and other hazardous materials.
- 12.3 Any standing structure that will be used in fire suppression training must be inspected and should be inspected by a licensed asbestos inspector. A notification of this inspection must be submitted to the Michigan Department of Environmental Quality, Air Quality Division at least ten business days prior to burning a standing structure. The notification must be submitted using Form EQP 5661 "Notification of Intent to Renovate/Demolish."
- 12.4 All asbestos must be removed prior to conducting the fire suppression training. If the structure is a residential dwelling, the owner may remove the asbestos or have it removed by a licensed abatement contractor. If it is a commercial building, all asbestos must be removed by a licensed abatement contractor.
- 12.5 All ash shall be disposed of in an approved landfill or at an alternate location approved by the Michigan Department of Environmental Quality.
- 12.6 Asphalt shingles and asphalt or plastic siding shall be removed prior to the practice burn unless the Fire Chief determines that they are necessary for the fire practice.
- 12.7 At least 72 hours before a planned practice burn, residents within 1000 feet of the site of the proposed burn shall be notified.
- 12.8 All fire suppression training should conform to the guidelines established by the National Fire Protection Association (NFPA) Standard on Live Fire Training Evolutions (NFPA 1403).

SECTION 13: BURNING PERMITS

13.00 Burning Permits.

- 13.1 No person shall start or maintain any outdoor burning or open burning covered under this section without a burning permit authorized by the Fire Chief.
- 13.2 An authorized burning permit shall be valid for no more than three days from the date in which it was received.
- 13.3 Any person responsible for burning leaves, brush, clean wood or other vegetative debris under Section 7 of this ordinance shall obtain a burning permit before starting the fire.

- 13.4 An outdoor campfire does not require a permit provided that the fire complies with all other applicable provisions of this ordinance.
- 13.5 When weather conditions warrant, the Fire Chief may temporarily suspend issuing burning permits and may temporarily suspend previously issued burning permits for open burning.
- 13.7 A burning permit issued under this section shall require compliance with all applicable provisions of this ordinance and any additional special restrictions deemed necessary to protect public health and safety.
- 13.8 Any violation of the conditions of a burning permit shall be deemed a violation of this ordinance. Any violation of this ordinance or the burning permit shall void the permit.

SECTION 14: LIABILITY

14.00 Liability.

- 14.1 A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

SECTION 15: RIGHT OF ENTRY AND INSPECTION

15.00 Right of entry and inspection.

- 15.1 The Fire Chief or any authorized officer, agent, employee or representative of the Charter Township of Raisin who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

SECTION 16: ENFORCEMENT AND PENALTIES

16.00 Enforcement and penalties.

- 16.1 The Fire Chief and department officers are authorized to enforce the provisions of this ordinance.
- 16.2 Any person, firm, association, partnership, corporation, or governmental entity who violates any of the provisions of this ordinance or fails to comply with a duly authorized Order issued pursuant to this ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by civil fine determined in accordance with the following schedule:

1 st Offense within 3-year period*	\$75.00
2 nd Offense within 3-year period*	\$150.00
3 rd Offense within 3-year period*	\$300.00
4 th or More Offense within 3-year period*	\$600.00

*Determined on the basis of the date of commission of the offense(s)

- 16.3 In addition to the municipal civil fines listed in 16.2, the violator shall pay costs as prescribed by the Raisin Charter Township Ordinance No. 101005A18; Fire/Rescue Cost Recovery Ordinance which may include all expenses, direct and indirect, which the Charter Township of Raisin has incurred in connection with the municipal infraction. In addition, the Charter Township of Raisin shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation of this Ordinance exists shall constitute a separate violation of this Ordinance.

Section 17: EFFECTIVE DATE

- 17.1** All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- 17.2** This ordinance shall become effective 30 days after publication of a synopsis in The Daily Telegram, a daily newspaper having general circulation in the Township of Raisin.
- 17.3** The foregoing Ordinance was approved by the Township Board at a Regular meeting on **June 29, 2009**.

Township Supervisor

Township Clerk

Effective Date: July 29, 2009

ORDINANCE NO.

DISORDERLY PERSONS ORDINANCE

An ordinance to prohibit disorderly conduct in the Charter Township of Raisin and to establish penalties for violation of the ordinance.

THE CHARTER TOWNSHIP OF RAISIN ORDAINS:

Section 1. Title

This ordinance shall be known and cited as the Charter Township of Raisin Disorderly Persons Ordinance.

Section 2. Unlawful Act

It shall be unlawful and punishable as provided herein, for any person to be a disorderly person within the Charter Township of Raisin.

Section 3. Definitions

For the purpose of this Ordinance, the following terms shall have the following meanings respectively designated for each:

- a. "Animals" shall include birds, fish, mammals, and reptiles, unless otherwise stated.
- b. "Livestock" means horses, cattle, swine, sheep, goats and fur-bearing animals, of either gender, being raised in captivity.
- c. "Owner" and "persons owning premises" mean both the owner of the title of record and those occupying or in possession of any property or premise. The "owner" when applied to proprietorship of any animal, means every person having a right of property in the animal, an authorized agent of the animal, and every person who keeps or harbors the animal or has it in his or her care, custody or control, and every person who permits the animal to remain on or about the premises occupied by himself and herself
- d. "Peace Officer" means any person employed or elected by the people of the Township of Raisin, or by the State of Michigan or the County of Lenawee whose duty it is to preserve the peace or to make an arrest or to enforce the law, and includes game, fish or forest wardens, members of the State Police, Conservation Officers or fire fighters.

- f. "Person" shall include individuals, partnerships, corporations, limited liability companies and other associations.
- g. "Poultry" means all domestic fowl, ornamental birds and game birds possessed or being reared under the authority of a breeder's license pursuant to Act 191 of the Public Acts of 1929, as amended. (MCL 317.71 et seq; MSA 13.1271 et seq.)
- h. "Public place" means any street, alley, sidewalk, park, public building, any place of business open to or frequented by the public, and any other place which is accessible to the public.
- i. "School" means any school or college, whether elementary, secondary, advanced or for preschool, mentally handicapped or physically handicapped individuals, or whether public, private or parochial.
- j. "School premises" means all lands and grounds owned or leased by a school, whether or not occupied by a building, together with all lands and grounds surrounding all school buildings, including any paths, walkways, drives or parking areas used in connection or incidental thereto.
- k. "Township" means the Charter Township of Raisin.
- l. "Vagrant" means one who has no established residence and wanders idly from place to place without lawful or visible means of support.

Section 4. Disorderly Person

A person is a disorderly person if the person is engaged in any of the following acts or practices, or if the persons aids or abets another to do such an act or engage in any practices so as to be:

1. Under the influence of any narcotic drug or be intoxicated in a public place and either endanger directly the safety of another person or property or act in a manner that causes a public disturbance.
2. A person who disturbs the public peace and quiet by engaging in a disturbance, fight, quarrel or altercation in a public place.
3. A person who obstructs, resists, impedes, hinders or opposes a peace officer in the discharge of his or her official duties.
4. A person who furnished a peace officer with false, forged, fictitious or misleading verbal or written information identifying the person as another person, if the person is detained for investigating a violation of a Statute or Township Ordinance or temporarily detained for the purpose of issuance of a civil infraction citation.
5. A person who summons, as a joke or prank or otherwise, without any good reason therefore, by telephone or otherwise, the police or fire department or any public or

private ambulance to go to any address where the service called for is not needed.

6. A person who makes a false report, by telephone or otherwise, to any public official which may reasonably be expected or closing of a building or place open to the public, or who knowingly makes a false statement or report to a peace officer.
7. A person who urinates or defecates in a public place.
8. A person who spits or expectorates on, at or toward another person or upon any public property.
9. A person who shall look, peer, or peep into or be found loitering around or within view of any window not on his own property, with the intent of watching or looking through such window, without the consent of the owner or without a lawful purpose.
10. A vagrant.
11. A person found begging in a public place.
12. A person who maintains a gaming room, gaming table, or betting cards or tickets, used for gambling, knowingly allows a gaming table, or any betting cards or tickets to be kept, maintained, played or sold on any premises occupied or controlled by him or her; conducts or attends any cock fight or dog fight; or places, receives or transmits any bet on the outcome of any race, contest or game of any kind whatsoever, except as otherwise permitted by law.
13. Obstructs the free and uninterrupted passage of the public on any street, roadway, sidewalk, alley way, or in any park, public building or other public place, for any purpose and by any means, including but not limited to collecting in groups thereon, or playing any game thereon, or erecting, placing or maintaining any barrier or object thereon; except such barrier or object may be erected, placed or maintained when necessary for the safety of passersby in connection with the building, erection, modification or demolition of any building or by prior written consent of the police department;
14. A person who willfully enters the lands or premises of another without lawful authority after having been forbidden to do so by the owner or occupant, agent or servant of the owner or occupant.
15. A person who willfully enters the lands or premises of another and who neglects or refuses to depart from the land or premises of another after being notified by the owner, agent or occupant to depart there from.
16. A person, who knowingly sells, gives or furnishes alcoholic beverages, liquor or spirits to any person under the age of twenty-one (21) years or to any drunken, intoxicated or disorderly person.

17. A person who possesses any open intoxicant or consumes any alcoholic beverage, beer, liquor or spirits while in or upon a public street, sidewalk or public place where possession and/or consumption is not permitted.
18. A person who is found jostling, shoving, pushing, or roughly crowding people without permission in a public place.
19. A person who makes or continues any loud noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the Township, including but not limited to:
 - i Sounding any horn or signal device on any automobile, motorcycle, bus, streetcar, or other vehicle for reason other than as a signal in response to an imminent danger and implemented as an immediate safety measure, for an unnecessary and reasonable duration, or it is unreasonable loud or harsh;
 - ii Playing or amplifying any radio, phonograph, stereo, tape or disc player, any other electronically stored media or musical instrument in such a manner or with such volume so as to produce sound that is clearly audible more than 50 feet from the source that annoys or disturbs the quiet, comfort or repose of persons in any place of business, or any dwelling, hotel or other type of residence, or of any persons in the immediate vicinity; excluding sanctioned sporting events.
 - iii Yelling, shouting, hooting, whistling or singing on a public street or sidewalk at any time or place, including private property, so as to annoy or disturb the quiet, comfort or repose of any persons in any place of business, or any dwelling, hotel or other type of residence, or of any person in the immediate vicinity;
 - iv Keeping any animal or bird which causes frequent or loud continued noise that disturbs the comfort and repose of any person in the vicinity;
 - v Blowing any whistle or siren, except as a warning of danger or upon request and authority of proper Township authorities;
 - vi Discharging the exhaust of any steam engine, stationary internal combustion engine, motor boat or motor vehicle into the open air, except through a muffler or other device which will effectively prevent loud or explosive noises there from;
 - vii Intentionally squealing the tires of any motor vehicle;
 - viii Erecting, excavating, demolishing, altering or repairing any building, or excavating streets and highways, other than between the hours of seven o'clock a.m. and 10:00 p.m. without a permit from the township to do so;

- ix Creates loud and excessive noises in connections with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates and containers;
 - x Creates noise with any drum, loudspeaker or other instrument or device to attract attention to any performance, show or sale or display of merchandise;
 - xi Causes any noise to be made so as to unreasonably disturb persons in the immediate vicinity;
 - xii Causes the prolonged idling or operating or excessive racing of any type of engine operating at any location, either on public or private property, that causes unnecessary or excessive noise so as to unreasonably disturb those persons in the immediate vicinity;
 - xiii That uses and/or operates a blower or power fan, lawn equipment, gardening equipment, or farm equipment in a residential area other than between the hours of seven o'clock a.m. and 10:00 p.m., except, however, farm equipment that is being used for planting or harvesting of crops;
20. A person who, by any means, including but not limited to deflating tires attached to said vehicles, or placing foreign substance in the motor vehicle's fuel tank, disables or attempts to disable, in whole or in part, any motor vehicle owned or operated by another person, without the person's permission.
21. A person who throws or propels any snowball, rock, missile or object at or from any moving vehicle.
22. A person less than twenty-one (21) years of age who possesses and or by consumption or in a motor vehicle, any alcoholic beverage, beer, liquor, or spirits.
23. A person who maliciously telephones any other person for the purpose of harassing, molesting, threatening or annoying such other person or his or her family, whether or not a conversation ensues.
24. Any person, 17 years of age or older, who shall accost, solicit or invite another in a public place, or in or from any building or vehicle, by word, gesture or any other means, to commit prostitution or to do any other lewd or immoral act.
25. A person who invites, entices, coaxes, persuades or induces by threat, promise or false statement, any minor child under the age of seventeen (17) years to enter any motor vehicle or conveyance, or private property or place, except where the parent or guardian of that child has given that person express consent; this section shall

not prohibit school personnel, peace officers or public health or social worker personnel from carrying out the normal duties of their employment.

26. A person who carries any form of firearm, replica firearm, BB gun, air gun, bow and arrow, slingshot, crossbow or other dangerous weapons in any public place, subject to the following exceptions:

- i When it is in case and is not loaded;
- ii When a bow or crossbow is unstrung or encased, or when it is being carried under the direct supervision of authorized public personnel; or
- iii Where and as otherwise permitted by State law.

27. A person who:

- i Owns any animal and who permits the animal to run at large off their property, except, however, that a dog engaged in hunting need not be leashed when under the reasonable control of his owner;
- ii Owns any dog at any time, licensed or unlicensed, which destroys property, real or personnel, or trespasses in a damaging way on property or persons other than owner;
- iii Owns any dog, cat, livestock, poultry, or other animal at any time, licensed or unlicensed, which attacks or bites a person;
- iv Owns any dog which shows vicious habits, including but not limited to charging, snarling, growling, etc., or which molests passerby when such persons are lawfully on a public highway, right-of-way or adjacent property;
- v. Owns, keeps, houses, tethers, or otherwise possesses or maintains any animal in such a way or manner or in such location whereby noises emanating from said animal, including but not limited to loud and frequent barking, howling, or yelping, shall cause a disturbance or otherwise disrupt the peace, quiet and tranquility of persons within the limits of the Township, is a nuisance in the neighborhood in which the animal is kept, possessed or harbored. This section shall not apply to kennels lawfully operating within the Township, except upon evidence of mistreatment of animals situated therein;
- vi. Owns any livestock or poultry which is kept, possessed or harbored within the boundaries of any nonagricultural area within the Township; except as allowed by township ordinance.
- vii Owns any dog or other animal which is not confined upon the premises of the owner between sunset and sunrise of the following day, except when the dog or other animal is otherwise under the reasonable control of the owner;

- viii Removes a collar or a tag from any dog or any other animal without the permission of its owner, or decoys or entices any dog or any other animal out of an enclosure or off the property of its owner, or seizes, molests or teases any dog or any other animal while held or led by any person or while on the property of its owner;
 - ix A person who intentionally and maliciously kills, injures or maims any animal, livestock or poultry owned by another person. However, any person may kill any dog or other animal which he or she sees in the act of or actually attacking or wounding any person, livestock, poultry or other animal, and there shall be no liability on such person in damages or otherwise for said killing. In no event shall the provisions of this subsection exonerate a person from compliance with the criminal laws of this State, including, by way of example, the safe discharge of firearms.
28. Commits an assault or an assault and battery on any person or engage in any disturbance, fight, or quarrel in a public place.
29. A person shall not use or possess any controlled substance in the Township of Raisin unless that substance was directly obtained from, and pursuant to, a valid prescription or order of a practitioner while acting in the course of the practitioner's professional practice.
30. Possesses Drug Paraphernalia. Drug paraphernalia means any equipment, product, material, or combination of equipment, products, or materials which is specifically designed for use in planting; propagating, cultivating; growing; harvesting; manufacturing; compounding; converting; producing; processing; preparing; testing; analyzing; packaging; repackaging; storing; containing; concealing; injecting; ingesting; inhaling; or otherwise introducing to the human body a controlled substance; including, but not limited to, all of the following:
- i An isomerization device specifically designed for use in increasing the potency of any species of plant which plant is a controlled substance;
 - ii Testing equipment specifically designed for use in identifying or in analyzing the strength, effectiveness, or purity of a controlled substance;
 - iii A weight scale or balance specifically designed for use in weighing or measuring a controlled substance;
 - iv A diluent or adulterant, including, but not limited to, quinine hydrochloride, mannitol, mannite, dextrose, and lactose, specifically designed for use with a controlled substance;
 - v A separation gin or sifter specifically designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;
 - vi An object specifically designed for use in ingesting, inhaling, or otherwise

- introducing marijuana, cocaine, hashish, or hashish oil into the human body;
- vii A kit specifically designed for use in planting, propagating, cultivating, growing, or harvesting any species of plant which is a controlled substance can be derived;
 - viii A kit specifically designed for manufacturing, compounding, converting, producing, processing, or preparing controlled substances.
 - ix A device, commonly known as a cocaine kit, that is specifically designed for ingesting, inhaling, or otherwise introducing controlled substances into the human body, and which consists of at least a razor blade and a mirror;
 - x A device, commonly known as a bullet, that is specifically designed to deliver a measured amount of controlled substances to the user;
 - xi A device, commonly known as a snorter, that is specifically designed to carry a small amount of controlled substances to the user's nose;
 - xii A spoon, with or without a chain attached, that has a small diameter bowl and that is specifically designed for use in ingesting, inhaling, or otherwise introducing controlled substances into the human body.
31. Engages in any indecent, immoral or obscene conduct or makes any immoral exhibition or indecent exposure of his or her person in any public place or on private property that is visible from a public place.
 32. Fires, discharges, displays, or possesses any fireworks except of the type and under the conditions permitted by Chapter 39 of the Penal Code of the State of Michigan, as amended.
 33. Willfully destroys, removes, damages, alters or in any manner defaces any property not his own, or any public school building, or any public building, bridge, fire hydrant, alarm box, street light, street sign, traffic control device, railroad sign or signal, parking meter, or shade tree belonging to the Charter Township or located in the public places of the Charter Township, or mark or post handbills on, or in any manner mar the walls of, any public building, or fence, tree or pole within the Charter Township, or damage, destroy, take, or meddle with any property belonging to the Charter Township, or remove the same from the building or place where it may be kept, placed, or stored, without proper authority.
 34. Solicits or accosts any person for the purpose of inducing to commission of any illegal or immoral act.
 35. Breaks or escapes from the lawful custody of any law enforcement officer working within the Township of Raisin.
 36. Makes or excites a disturbance or contention within any tavern, store,

manufacturing establishment, business place, public building; or upon any street, lane, alley, highway, public grounds, park, public place, or at any public meeting where citizens are peaceably and lawfully assembled.

37. Knowingly steals the property of another, any money, goods or chattels or any bank note, bank bill, bond, promissory note, due bill, bill of exchange or other bill, draft, order or certificate or any book of accounts for or concerning money or goods due or to become due or to be delivered or any deed or writing containing a conveyance of land or any other valuable contract in force, or any receipt, release or defeasance of any writ, process or public record.
38. Makes, draws, utters or delivers with intent to defraud any check, draft or order for the payment of money of fifty dollars (\$50.00) or less, to apply on account or otherwise, upon any bank or other depository, knowing at the time of such making, drawing, uttering or delivering, that the maker or drawer has not sufficient funds in or credit with such bank or other depository for the payment of such check, draft or order in full upon its presentation.
39. Knowingly, without the consent of the public authority having supervision of public property or the owner of private property, dumps, deposits, places, throws, or leaves, or causes or permits the dumping, depositing, placing, throwing, or leaving of litter on public or private property other than property other than property designated and set aside for such purposes.
40. Any person who within the Township of Raisin shall carelessly, recklessly, or heedlessly or willfully or wantonly use, carry, handle or discharge any firearm without due caution and circumspection for the rights, safety or property or others.
41. Any person who willfully refuses to obey a lawful order of a peace officer in the performance of his/her duties.
42. A person who carries a knife having a blade of three (3) inches in length or more, whether in its sheath or not, in a public place.
43. Engages in fortune telling or pretend to tell fortunes for hire, gain or reward.
44. Tamper with, removes or injures any cables, wires, or equipment used of distribution of television signals, radio signals, pictures, programs, or sound without the consent of the owner thereof.
45. Drives or operates any motor vehicle, including but not limited to, automobiles, motorcycles, motorized bicycles, snowmobiles, motor scooters, trail bikes, trucks, or tractors on property owned by another person, persons, corporation, school, college or unit of government, in areas on said property not specifically designated for use as roadways, driveways or parking lots, without first having obtained permission of the owner or occupant thereof or the authorized servant or agent of either.

46. Disturbs or interferes in any manner with the orderly conduct of classes or other school sanctioned activity conducted in or on any school premises, including, but not limited to, interference through the operation of a motor vehicle;
47. Enters upon school premises during the regular school hours or during any school sponsored activity, unless first receiving written permission from an authorized agent of the school, or has received a specific invitation to be in or on said premises, specifying the time, location and person, if any, to whom to report; provided, however, this provision shall not apply to any regularly enrolled student in good standing, not under suspension or expulsion, teacher, parent or guardian of a student, delivery person, police or public safety officer, or other employee of the school.
48. Willfully enters upon school premises at any time without lawful authority after having been forbidden to do so by an authorized agent of the school; or remains upon the school premises after being notified to depart by an authorized agent of the school.
49. Damages, destroys or defaces any school building, equipment, teaching supplies or equipment or other school property located in or on any school premises, including, but not limited to, any trees, shrubbery, lawn, flowers or fences.
50. Causes or attempt to cause, by intimidation, coercion, force, threat of force, inducement, enticement, invitation, encouragement, or intimidation, any person to interfere with school activities or business.
51. A minor under the age of seventeen (17) years shall not loiter, idle or congregate in or on any public street, highway, alley or park between the hours of twelve (12) midnight and six (6) o'clock a.m., immediately following, except where the minor is accompanied by a parent or guardian, or an adult delegated by the parent or guardian to accompany the minor, or where the minor is on an errand or other legitimate business directed by his/her parent or guardian.
52. Spouse Abuse; A peace officer who has reasonable cause to believe that a violation of Section 81 or 81a of Act No. 328 of the Public Acts of 1931, as amended, being Sections 750.81 and 750.81a of the Michigan Compiled Laws, has taken place and that the person who committed or is committing the violation is a spouse, a former spouse, or a person residing or having resided in the same household as the victim, may arrest the violator without warrant for that violation, irrespective of whether the violation was committed in the presence of a peace officer.

Section 5. Violating Person

Any person(s) who shall act in any manner described in Section 3 above or Section 6 below, shall be in violation of this Ordinance and, upon conviction, shall be punished as set forth in Section 7 below, whether or not said person(s) had been ordered by a peace officer that such conduct or violation cease, except as otherwise specifically provided herein

Section 6. Exceptions

None of the terms or prohibitions hereof shall apply to or be enforced against:

- a. The operation of any vehicle of the Township while engaged upon necessary public business
- b. Excavation or repairs of bridges, streets, highways or water mains by or on behalf of the Township or State during the night when public welfare and convenience renders it impossible to perform such work during the day

Section 7. Parental Responsibility

No parent, guardian, or other person having charge, guardianship, custody or control of any minor under the age of seventeen (17) years shall encourage, knowingly permit or by inefficient control allow the minor to violate a provision of this Ordinance. Proof that the minor was convicted of violation this Ordinance shall be prima facie evidence that the minor's parent or guardian allowed the minor to violate such Section.

Section 8. Penalties and Remedies for Violations

- a. Any person violating any provision of this Ordinance shall be deemed:
 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.
 2. Responsible for a civil infraction. Penalties may be imposed in fines up to one hundred (\$100.00) dollars plus the costs of prosecution.
- b. 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 Township.
- c. In addition to the foregoing, any violation of this Ordinance shall be deemed a nuisance per se, permitting the Township Board, 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 9. Saving Clause

All proceedings pending and all rights and liabilities existing, or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in effect when they are commenced. This Ordinance shall not be construed to effect any prosecution pending or initiated before the effective date of this Ordinance, or initiated after the effective date of this Ordinance for an offense committed before that effective date.

Section 10. Severability

If any court of law of equity within the State of Michigan determines that any provision within this Ordinance is unconstitutional, void, void able, or unenforceable, the remaining provisions of the same Section and other Sections of this Ordinance shall be deemed separate, distinct and valid in all respects from said provision.

Section 11. Conflicting Ordinance Repealed

Any Ordinance or parts of Ordinances in conflict or inconsistent with any of the provisions of this Ordinance are hereby repealed.

Section 12. Effective Date

This Ordinance shall be published in the manner provided by law and shall take effect thirty (30) days after publication.

Ordinance Declared Amended on January ___ 2007.

Carl Wagner, Supervisor Charter
Township of Raisin

CERTIFICATE OF ADOPTION AND PUBLICATION

I, Betty Holdridge, the duly elected Clerk of the Charter Township of Raisin certify that the foregoing ordinance is a true and correct copy of the ordinance amended by the Township Board of the Charter Township of Raisin on January ___ 2007 and published in the Daily Telegram a newspaper circulated in the Charter Township of Raisin on January __ 2007.

Betty Holdridge, Clerk Charter
Township of Raisin

HOME OCCUPATION/HOME BUSINESS DEFINITIONS

2.2.42 Home Occupation/Home Business Ordinance

I. Home Occupation:

An incidental and secondary use of a dwelling unit for business purposes. A Home Occupation Permit must be applied for and approved by the Planning Commission. It is a permitted use in the A-1, AE, R-1 and RM-1 zoning districts when it meets the following standards.

- A. Home occupations shall be conducted solely by persons residing at the residence.
- B. All business activity and storage must take place within the interior of the dwelling/accessory building.
- C. No alteration to the exterior of the residential dwelling, accessory buildings or yard that alters the residential character of the premises is permissible.
- D. The home occupation shall not generate a volume or character of pedestrian or vehicular traffic beyond that generated by homes in the residential or agricultural neighborhood.
- E. Only a personal driveway may be used and there shall be no additional parking spaces.
- F. At no time shall the number of vehicles on the property impose a negative impact on adjacent uses. Frequent shipments or deliveries by vehicles having more than two (2) axles are prohibited.
- G. A sign announcing a home occupation shall be permitted as follows:
 - 1. In the agricultural zoning district a home occupation shall be permitted one (1) sign with a maximum area of three (3) square feet.
 - 2. In any residential zoning district, a home occupation shall be permitted one (1) sign with a maximum area of three (3) square feet. Further, the sign shall be positioned flat against the front of the building.
- H. No article shall be sold or displayed anywhere on the premises except that which is prepared or produced by the home occupations.
- I. No equipment or process shall be used in a home occupation which generates noise, vibration, glare, fumes, odor or electrical interferences that are nuisances to persons off the premises. Any electrical equipment processes that create visual or audible interference with radio or television receivers off the premises or that cause fluctuations in line voltages off the premises shall be prohibited.
- J. Hazards of fire, explosion, radioactivity, or chemical contamination shall not exist at any time as a result of a home occupation. Home occupations shall be required to conform with current fire and life safety codes as adopted by the Township. Additionally, any processes, uses, or quantities deemed hazardous by the authority having jurisdiction shall not be allowed.

K. The conduct of the home occupation shall not violate any of the Township Ordinances concerning nuisance, fire or health, or any other Township, County, State or other applicable laws or regulations.

Examples of Home Occupation: This is not intended to limit the kinds of home occupations that can comply with the conditions of this section.

1. Dressmaking
2. Handicrafts
3. Typing, secretarial services
4. Tutoring, limited to six (6) students.
5. Office facility of a sales representative provided that no transactions are made in person on the premises.

2. Home Business:

An incidental and secondary use of a residential property for business purposes is a conditional use in the A-1 and AE zoning districts. Home business requires a conditional use/site plan approval under Article X of this Ordinance. A home business must meet the following standards:

- A. A home business shall be permitted only in a single family dwelling unit or in an accessory structure.
- B. Home businesses shall be conducted solely by persons residing at the residence and/or with the assistance of one person who does not reside on the premises.
- C. There shall be no change in the exterior appearance of the structure or premises to accommodate the home business, or other outdoor visible evidence of conduct of the home business, and there shall be no external or internal alterations not customary in A-1 and AE zoning districts.
- D. No article shall be sold or displayed anywhere on the premises except that which is prepared or produced by the home business.
- E. No exterior storage associated with or resulting from a home business shall be permitted.
- F. No equipment or process shall be used in a home business which generates noise, vibration, glare, fumes, odor or electrical interferences that are nuisances to persons off the premises. Any electrical equipment processes that create visual or audible interference with radio or television receivers off the premises or that cause fluctuations in line voltages off the premises shall be prohibited.
- G. Hazards of fire, explosion, radioactivity, or chemical contamination shall not exist at any time as a result of a home business. Home businesses shall be required to conform with current fire and life safety codes as adopted by the Township. Additionally, any processes, uses, or quantities deemed hazardous by the authority having jurisdiction shall not be allowed.
- H. The conduct of a home business shall not violate any of the Township's Ordinance concerning nuisance, fire or health, or any other township, county, state or other applicable laws or regulations.

- I. A sign announcing a home business shall be permitted in the Agricultural and Agricultural Estates zoning districts, a home occupation shall be permitted one (1) sign with a maximum area of three (3) square feet.
- J. At no time shall the number of vehicles on the property impose a negative impact on adjacent uses. Frequent shipments or deliveries by vehicles having more than two (2) axles are prohibited.

NOXIOUS WEEDS ORDINANCE 79-102

CHARTER TOWNSHIP OF RAISIN PUBLIC NOTICE

MOWING GRASS/WEEDS

Section 5.3: If the provisions of Section 5.1 and 5.2 are not complied with, and if any weeds, grass, or other vegetation and described in Section 5.2 are permitted to attain a height of eight (8) inches on any property described therein, the Supervisor may cause such weeds, grass, or other vegetation to be removed or destroyed and the actual cost of such cutting, removal, or destruction, plus One Hundred Dollars (\$100.00) or fifteen per cent (15%), whichever is greater for inspection, scheduling, administration, billing, and other costs in connection therewith, shall be collected as a Special Assessment against premises as provided in Section 2.4 of this Ordinance.

Notice of the provisions hereof shall be published in a newspaper circulated within the Township once each month during the months of May through September of each year, which notice is deemed and declared to be adequate and sufficient notice to all persons affected hereby.

Christy Low, Clerk
Charter Township of Raisin

THIS ORDINANCE SHALL BE KNOWN AS
RAISIN TOWNSHIP ORDINANCE #107-02

It is the purpose of this Ordinance to provide a sanitary and satisfactory method of the preparation, collection and disposal of solid waste, as well as the maintenance of public and private property in a clean, orderly and sanitary condition, for the health, safety and welfare of the residents of the Charter Township of Raisin ("Township"), and to establish a system of a single hauler for solid waste residential collection. This Ordinance replaces and rescinds Raisin Township Ordinance #107-01.

SOLID WASTE COLLECTION AND DISPOSAL

- I. **DEFINITIONS:** The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial-Industrial: Any use of a property, other than a residential use.

Designated Waste Hauler: A person or legal entity with whom the Township has entered into a contract for the collection, transportation and disposal of Garbage, Refuse, Yard Waste, and Household Rubbish from Residential Dwelling Units within the Township.

Garbage and Refuse: Any non-hazardous solid waste as defined in Michigan Public Act 451 of 1994, Part 115, as amended (MCL 324.11501 – 324.11506).

Hazardous Waste: Any household waste material customarily generated by a Residential Dwelling Unit that may be described as ignitable, reactive, corrosive, or toxic or such other materials as defined by the Natural Resources and Environmental Protection Act, being Michigan Public Act 151 of 1994, as amended (MCL 324.101 *et seq*).

Multiple Dwelling(s): Building or portion of a building designed exclusively for occupancy by four (4) or more families, living independently of each other.

Owner(s)/Occupant(s): Unless the Township is notified in writing to the contrary, the person whose name appears on the most recent tax assessment roll of the Township.

Residential Dwelling Unit(s): A building or portion of a building designed for occupancy by one (1) family, two (2) families, or three (3) families, living independently of each other, for residential purposes, and shall not include motels, hotels, limited care facilities, hospitals, transitional homes, adult foster care homes, nursing homes, halfway houses,

licensed mobile or manufacturing home parks, campgrounds, or any other property used for commercial purposes.

Residential Refuse: All Garbage generated by a producer at a Residential Dwelling Unit, in all cases to exclude any materials accumulated from a business establishment or Hazardous Waste, unacceptable waste or Yard Waste; including specific classifications further defined below:

1. Bulk Items: Large and/or heavy disposal items, including, but not limited to, major appliances, carpets, mattresses, and other oversized materials whose large size and/or excessive weight precludes or complicates their handling by normal collection. All appliances must have had CFC's and/or mercury switches removed by a certified technician.
2. Food Waste: Rejected food wastes, including waste accumulation of animal, fruit, or vegetable matter used or intended for food or that results from the preparation, cooking, dealing in, or storing of meat, fish, fowl, fruit, or vegetable matter.
3. Household Rubbish: Discarded household materials, including used and discarded clothing, used and discarded shoes and boots, wastepaper, broken crockery and glassware, bottles, cans, and such other articles as would normally accumulate at a Residential Dwelling Unit.

Township: Charter Township of Raisin.

Yard Waste: Grass clippings, weeds, leaves, plants, tree branches, roots, and other vegetative matter resulting from landscaping maintenance.

- II. **DECLARATION OF NUISANCE**: It shall be unlawful for any person to knowingly, without consent of the Township, dump, deposit, place, throw, accumulate, or cause or permit the dumping, depositing, placing, throwing or accumulation of, Garbage, Refuse, Hazardous Waste, Residential Refuse and/or Yard Waste on public or private property within the Township. It shall be the duty of every Occupant of property and of the Owner of such property at all times to maintain the premises occupied or owned by such person in such a clean and orderly condition, permitting no deposit or accumulation of Garbage, Refuse, Hazardous Waste, Residential Refuse and/or Yard Waste upon such premises, unless properly stored or accumulated for collection pursuant to this Ordinance or unless suitably contained and deposited for composting, but only to the extent that such composting does not create a nuisance by reason of odor. The presence of Garbage, Refuse,

Hazardous Waste, Residential Refuse and/or Yard Waste on any parcel of land in violation of the conditions of this Ordinance is hereby declared to be a public nuisance.

The Owner or Occupant of any property upon which is accumulated or placed Garbage, Refuse, Hazardous Waste, Residential Refuse and/or Yard Waste in violation hereof shall be notified in writing by the Township to remove the same from such property within seven (7) days after service of notice. Such notice may be personally served or may be served by mailing the same by certified mail, return receipt requested, to the last known address of the Owner/Occupant and, if the premises are occupied, to the premises. A time extension not exceeding fourteen (14) additional days may be granted by the Township upon the showing of a hardship, which can be eliminated by the granting of such a time extension.

The Owner and/or Occupant of any property that fails to remove the Garbage, Refuse, Hazardous Waste, Residential Refuse and/or Yard Waste after being so notified by the Township or any other person who violates this Ordinance shall be subject to prosecution as provided herein to be initiated by a municipal civil infraction.

The Township Supervisor, or his/her designee, is authorized to order Township personnel to collect and dispose of Garbage, Refuse, Hazardous Waste, Residential Refuse and/or Yard Waste which is not removed by an Owner or Occupant of property in accordance with written notice as provided by this Ordinance. The expense of such collection and disposal, including reasonable administrative and legal expenses, shall become a debt to the Township and may be placed as a lien on said property and may be collected as any other tax or fee assessed against said property.

- III. COLLECTION GENERALLY: The collection and disposal of Garbage, Refuse, Hazardous Waste, Residential Refuse, Yard Waste from Commercial/Industrial properties, Multiple Dwellings, and agricultural properties shall be collected and removed in a lawful manner. Owners/Occupiers of Commercial/Industrial properties, Multiple Dwellings, and agricultural properties may contract with a commercial waste hauler of their own choosing in order to provide for collection and removal of Garbage, Refuse, Hazardous Waste, Residential Refuse, and Yard Waste.

When Garbage, Refuse, Hazardous Waste, Residential Refuse, and/or Yard Waste is collected at a Multiple Dwelling, Commercial/Industrial property, or agricultural property by a commercial waste hauler not under contract by the Township for Residential Collection; the shape, size and weight of the container used for collection shall be regulated by the commercial waste hauler.

A composting unit for Food Waste and Yard Waste that is designed to minimize nuisances such as odors and is in compliance with pertinent state statutes and local ordinances may be used.

- IV. RESIDENTIAL COLLECTION: The Township, through its Designated Waste Hauler, shall provide weekly, roadside collection of Garbage, Refuse, Yard Waste and Household Rubbish. Every Residential Dwelling Unit within the Township shall have its Garbage, Refuse, Yard Waste, and Household Rubbish collected in accordance with the collection schedule established by the Designated Waste Hauler.

If an Owner/Occupier of a Residential Dwelling Unit has a contract with a commercial waste hauler other than the Designated Waste Hauler on or before the effective date of this Ordinance for the collection of Garbage, Refuse, Yard Waste and Household Rubbish from a Residential Dwelling Unit, service under said contract may be continued for the duration of the contract; however, such contract is subject to verification by the Township and shall not be renewed at conclusion of its term. At the expiration of any such contract, collection of Garbage, Refuse, Yard Waste and Household rubbish from a Residential Dwelling Unit shall only be conducted by the Designated Waste Hauler.

All Owners/Occupants of Residential Dwelling Units shall only use containers provided by or mandated by the Designated Waste Hauler for residential collection. All such containers shall be tightly secured by a watertight top and plastic bag containers shall be securely tied in such a manner as to prevent the contents from being spilled, blown, strewn, or damaged by the forces of nature, animals, insects or persons. The commercial waste haulers, including the Designated Waste Hauler, shall not remove from any premises any refuse not properly located and secured as provided in this Article.

All containers for residential collection shall be placed as close as possible within the road right-of-way and no such container shall be placed on any sidewalk. If the container is not accessible, the Owner/Occupant shall be responsible for proper disposal of any Garbage, Refuse, Yard Waste or Household Rubbish. It is the responsibility of the Owner/Occupant to make arrangements for collection in any manner other than provided herein.

Containers shall be placed as close as possible within the road right-of-way no sooner than 4:00 p.m. on the day before the scheduled collection day for that Residential Dwelling Unit, and removed from the road right-of-way no later than 8:00 a.m. on the day following the scheduled collection day. All containers shall be stored in a building, fenced enclosure, or at the rear of the Residential Dwelling Unit, so as not to be readily visible from the public rights-of-way.

Collection of Garbage, Refuse, Yard Waste and Household Rubbish from Residential Dwelling Units by the Designated Waste Hauler shall be made between the hours of 8:00 a.m. and 8:00 p.m., unless expressly stated otherwise in the contract between the Township and the Designated Waste Hauler.

It shall be the responsibility of Owner/Occupants of Residential Dwelling Units to contact the Designated Waste Hauler directly for the collection and disposal of Bulk Items in compliance with all applicable ordinances, regulations, and state and federal laws.

- V. RATES AND FEES: The Township shall establish, by resolution, any rates and fees for solid waste collection from Owners/Occupants of Residential Dwelling Units in its sole discretion, pursuant to applicable law; or establish that said rates and fees be billed directly to Owners/Occupants of Residential Dwelling Units by the Designated Waste Hauler.

If bills are sent directly from the Designated Waste Hauler to Owners/Occupants, it shall be the duty of any Owner/Occupant of a Residential Dwelling Unit to contact the Designated Waste Hauler immediately of a new person to be billed so to avoid delays in collection.

- VI. INDEMNIFICATION AND INSURANCE: The Designated Waste Hauler shall be required to indemnify and hold harmless the Township, its Board of Trustee members, officers, boards, commissions, agents, and employees from and against all liability, claims, demands of account, judgments, executions, expense, debt, damages or penalty whatsoever, including, but not limited to, reasonable attorneys' fees, as a result of any injury, loss, or damage which shall arise out of or are connected with the performance of waste hauling activities.

The Designated Waste Hauler and any subcontractor of the Designated Waste Hauler shall carry, at their own expense, workers' compensation insurance, comprehensive general liability insurance, pollution liability insurance, and commercial automobile insurance used in the performance of the contract. Limits of liability shall not be less than \$1,000,000 per occurrence and \$2,000,000 aggregate or a single limit of liability of not less than \$2,000,000 with an insurance carrier admitted in the State of Michigan, which has an A.M. Best Financial Strength Rating of not less than B+. The Township, its Board of Trustees, officers and employees shall be named as additional insureds. The Designated Waste Hauler shall supply a copy of all insurance policies, including applicable certificates, required in this Ordinance to the Township no later than thirty (30) days prior to commencement of its duties pursuant to its contract with the Township.

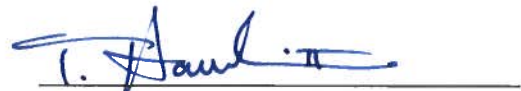
- VII. RULES AND REGULATIONS: The Township Supervisor is hereby authorized, subject to the approval of the Board of Trustees, to make reasonable and necessary rules and regulations consistent with the provisions of this Ordinance pertaining to the disposal of solid waste.
- VIII. SEVERABILITY: The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.
- IX. PENALTY: Any violation of this Ordinance shall be deemed a Municipal Civil Infraction and shall be punishable by a fine not to exceed \$500.00 in addition to any costs of enforcement, including, but not limited to, costs of prosecution. In addition to any penalty for violation of this Ordinance, the Township is authorized to file a civil action seeking injunctive relief to further the enforcement of this Ordinance.

This Ordinance shall become effective thirty (30) days after publication.

The foregoing Ordinance was approved by the Township Board at a Regular meeting on March 13, 2023



Christy Low, Clerk



Tom Hawkins, Supervisor

RAISIN CHARTER TOWNSHIP

ZONING ORDINANCE

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ARTICLE I

TITLE, PURPOSE AND LEGAL CLAUSES

SECTION 1.10 TITLE:

The Ordinance shall be known and may be cited as "The Official Zoning Ordinance of Raisin Charter Township".

SECTION 1.20 PURPOSE:

The Zoning districts and the regulations specified for each district established by this Ordinance have been constructed in accordance with a general plan for the physical development of Raisin Charter Township.

It is the purpose of this Zoning Ordinance to promote the safety, health, and general welfare of the public; to encourage the use of lands and natural resources in the Township in accordance with their character, adaptability and suitability, property values, and the general character and trend of community development; to prevent excessive concentration of population; to lessen congestion on the public streets and highways; to facilitate adequate provision for streets and highways, sewerage and drainage, water supply and distribution, educational, recreation, and other public facilities; to conserve life, property, and natural resources and the expenditure of funds for public facilities and services, by establishing herein standards for the community development in accordance with the objectives contained in the general plan for the physical development of Raisin Charter Township, and by providing for the enforcement of such standards.

It is the further purpose to adopt provisions within each designated zoning district for the location, size and uses of buildings, lands and premises, and minimum open spaces.

SECTION 1.30 CONFLICT WITH OTHER LAWS:

Any ordinance or parts of any ordinance in conflict with any of the provisions of this Ordinance are hereby repealed.

SECTION 1.40 VALIDITY OR SEVERABILITY CLAUSE:

Should any article, section, or provision of this Ordinance be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

SECTION 1.50 EFFECTIVE DATE:

This Ordinance shall take effect thirty (30) days after its publication as provided by law.

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ARTICLE II
DEFINITIONS

SECTION 2.10 USAGE:

For the purpose of this Ordinance, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted and defined as set forth in this section.

Unless the context clearly indicated to the contrary, words used in the present tense include the future tense; words used in the singular number include the plural; and words used in the plural number include the singular; the work "herein" means this Ordinance; and the word "this Ordinance" shall mean "the Ordinance text, tables and maps included herein, as enacted or subsequently amended".

A "person" includes a corporation, a partnership, and an unincorporated association of persons such as a club; "shall" is always mandatory; a "building site" includes a plot, lot or parcel, a "building" includes a structure; a "building" or "structure" includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used for occupied".

The "Township" is Raisin Charter Township in the County of Lenawee, State of Michigan; and "Township Board", "Board of Appeals", and "Planning Commission" are respectively the Township Board, Board of Appeals, and Planning Commission of Raisin Charter Township.

Any words not defined in this ordinance shall be construed as defined in the Housing Law of Michigan, Act 167, Public Acts of 1917, as amended.

SECTION 2.20 TERMS AND WORDS DEFINED:

2.20.01 Accessory Building

A detached subordinate building or structure on the same premises with a main building, occupied or devoted to an accessory use which is appropriate, supplemental and customarily related to the use at the main building or premises. Where an accessory building is attached to a main building in a substantial manner by a wall or roof, such accessory building shall be considered part of the main building, including a carport, covered porch or other roofed structure.

2.20.02 Accessory Use, or Accessory

A. A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same zoning lot as, the principal use to which it is related. When "accessory" is used in this text, it shall have the same meaning as accessory use.

An accessory use to a residential principal use includes, but is not limited to the following:

1. Residential accommodations for guests, servants and/or caretakers.
2. Swimming pools for the use of the occupants of a residence, or their guests.

3. Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure.
 4. Home occupations as defined herein.
- B. An accessory use to a nonresidential principal use includes, but is not limited to the following:
1. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
 2. Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
 3. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.
 4. Uses clearly incidental to a main use such as, but not limited to: offices of an industrial or commercial complex located on the site of the commercial or industrial complex.
 5. Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.

2.20.03 Adult Foster Care Facility

A governmental or private facility for adults who are aged, emotionally disturbed, developmental disabled, or physically handicapped and who require supervision but not continuous nursing care.

2.20.04 Alley

A strip of land over which there is a right-of-way, public or private, on which generally no dwelling or land uses front, serving as a rear entrance to one or more properties.

2.20.05 Alterations

Any change, addition, or modification in construction of type of occupancy; and any change in the roof or supporting members of the building or structure, such as bearing walls, partitions, columns, beams, girders, or any change which may be referred to herein as "altered" or "reconstructed".

2.20.06 Animal

Dog, cat, bird, reptile, mammal, fish or any other dumb creature.

2.20.07 Automotive Facilities

A. Automobile or Trailer Sales Area

An area used for the display, sale or rental of new and used motor vehicles, boats or trailers, recreation vehicles (including mobile homes) in operable condition and where no repair work is done.

B. Automobile Repair - Major

Any activity involving the general repair, rebuilding or reconditioning of motor vehicles, engines, or trailers; collision services, such as body, frame, or fender straightening and repair, overall painting and vehicles rustproofing.

C. Automobile Repair - Minor

Any activity involving minor repairs to motor vehicles and the incidental replacement of parts of such vehicles. A place where either gasoline or any other fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and applied directly into motor vehicles, including sale of accessories, greasing, oiling and minor automotive repair on the premises.

D. Automobile Wash Establishment

A building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

2.20.08 Base Flood

A flood having one percent chance of being equalled or exceeded in any given year.

2.20.09 Basement or Cellar

A portion of a building having more than one-half (½) of its height below grade.

2.20.10 Bedroom

A room or area within a dwelling unit designed and intended to provide sleeping accommodations for one or more human beings.

2.20.11 Block

The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or live stream; or between any of the foregoing and other barrier to the continuity of development, or boundary lines of Raisin Charter Township.

2.20.12 Bed and Breakfast Facility

A building, typically a large single family dwelling, where lodgings and light breakfasts for persons, other than family, are regularly served for compensation.

2.20.13 Board of Appeals

The Raisin Charter Township Board of Appeals, the members of which have been duly appointed by the Township Board and which is authorized as a body to interpret, hear appeals, and grant variances only in accordance with the provisions of this Ordinance.

2.20.14 Building

An independent structure having a roof supported by columns or walls resting on its own foundation; including tents, awnings, or vehicles used as house trailers or mobile homes which have a primary function as shelter as well as being a means of convenience.

2.20.15 Building, Existing

An "existing" building is any building actually constructed or the construction of which is started previous to the effective date of this Ordinance: Provided, that the construction of any such building continues uninterrupted and is completed within six (6) months from such date. Any building damaged by fire, collapse, or decay to the extent of its full assessed value as of record at the time of damage shall not be considered an existing building.

2.20.16 Building, Height

Building height is the vertical distance from the average elevation of the adjoining grade paralleling the front, or if on a street corner, the front and side, of the building, to the highest point of the roof surface if the roof is flat; to the deck line, if the roof is the mansard type; or the midway point between the eaves and the ridge if the roof is gable, hip or gambrel type.

2.20.17 Building Line

A line parallel to the front lot line, and which marks the location of the building.

2.20.18 Building Inspector

The officer charged with the administration and enforcement of the building code, or his/her duly authorized representative.

2.20.19 Building Permit

A permit signifying compliance with the provisions of this Ordinance as to use, activity, bulk and density, and with the requirements of all other development codes and ordinances currently in effect in Raisin Charter Township.

2.20.20 Building Site

A lot, or a two dimensional condominium unit of land (i.e. envelope, footprint) with or without limited common element designed for construction of a principal structure or a series of principal structures plus accessory building. All building sites shall have access to public or private roads.

2.20.21 Church

A building used principally for religious worship, but the word "church" shall not include or mean an undertaker's chapel or funeral building.

2.20.22 Clinic

A building or group of buildings where human patients are admitted, but not lodged overnight for examination and treatment by more than one (1) professional, such as a physician, dentist or the like.

2.20.23 Commercial Use

A commercial use relates to the use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise or personal services or the maintenance of offices or recreational or amusement enterprises.

2.20.24 Commercial Vehicle

Any motor vehicle other than a motorcycle or passenger automobile designed or used primarily for transportation of persons or property.

2.20.24-1 Communication Tower

Communications Tower: A radio, telephone, cellular telephone, or television relay structure or skeleton framework, or monopole attached directly to the ground or another structure, used for 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 premise, such as amateur radio or two-way communication and/or dispatch systems for internal business or family use, and that does not exceed the height limitations for the appropriate zoning district.

2.20.25 Conditional Use Permit

A use permitted only where specified facts and conditions, detailed in this Ordinance, are found to exist. The facts and conditions set forth in this Ordinance for the Conditional Use must be met without modification or alteration, unless a Variance, as hereinafter defined, is obtained pursuant to the provisions of ARTICLE X.

2.20.26 CONDOMINIUM TERMS

A. Condominium Unit

That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, or any other type of use approved by the Michigan Department of Commerce.

B. Common Elements

Portions of the condominium project other than the condominium units.

C. Site Condominium Project

A plan or project consisting of not less than two (2) single family units established in conformance with the Michigan Condominium Act P.A. 59 of 1978, as amended.

2.20.27 Construction

The building, erecting, altering, repairing, renovating (or demolition or removal) of any building, structure or structural foundation; or the physical excavating, filling and grading of any lot other than normal maintenance shall constitute construction.

2.20.28 Convalescent or Nursing Home

A home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders wherein seven (7) or more persons are cared for. Said home shall conform and qualify for license under State Law.

2.20.29 Curb Level (Grade)

The mean level of the established curb in front of the building. Where no curb has been established the Township Building Inspector shall establish such curb level for the purpose of these regulations.

2.20.29-1 Driveway Easement

Any dedicated public or private way other than a street, providing a means of access to a property. Multiple lots (more than one lot) must have a right-of-way width of not less than 60 feet and road base of not less than 28 feet with 20 feet of road surface and two four-foot shoulders. Curves in the road shall have a minimum radius of 75 feet to meet AASHTO standards. Composition of road base shall be six inches of 22A aggregate followed by six inches of 411 to comply with the requirements of the Lenawee County Road Commission. Cul-de-sacs are required to have a minimum radius of 75 feet.

2.20.30 Day Care Facility

A. Child Care Center

A facility, other than a private residence, receiving one (1) or more preschool or school aged children for care for a period of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. Child Care Center includes a facility which provides care for not less than two (2) consecutive weeks regardless of the number of hours of care per day. The facility includes child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop in center.

B. Family Day Care Home

A private home in which one (1) to six (6) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

C. Group Day Care Home

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

2.20.28 Development

Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

2.20.29 Dwelling

A house or building, or portion thereof, which is occupied wholly as the home, residence, or sleeping place by one (1) or more human beings, either permanently or transiently, but in no case shall a trailer coach, automobile chassis, tent, or portable building be considered as a dwelling.

A. Dwelling, Multiple

A building used for and as a residence for three (3) or more families living independently of each other and each having their own cooking facilities therein, including apartment houses, townhouses, and apartment hotels, but not including homes.

B. Dwelling, One-Family

A detached building occupied by one (1) family and so designed and arranged as to provide living, cooking, and kitchen accommodations for one (1) family only. Every one family dwelling shall have a minimum width throughout the entire length of the dwelling of twenty four (24) feet measured between the exterior part of the walls having the greatest length.

C. Dwelling, Two-Family

A detached two-family dwelling is that occupied by two (2) families, each provided with separate facilities for each family for living accommodations. Also known as a duplex dwelling.

D. Dwelling Unit

A dwelling unit is any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence, or sleeping place of one (1) family, either permanently or transiently, but in no case shall a travel trailer, motor home, automobile chassis, tent, or other portable building be considered a dwelling in single-family, two-family, or multiple-family residential areas. In cases of mixed occupancy where a building is occupied in part as a dwelling unit, the part so

occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to dwellings.

E. Efficiency Unit

An efficiency unit is a dwelling unit consisting of one (1) room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room providing not less than three hundred and thirty (330) square feet of floor area.

2.20.29-1 Easement - Driveway

Any dedicated public or private way other than a street, providing a means of access to a property having a right-of-way width of not less than twenty (20) feet.

2.20.30 Erected

Includes built, constructed, reconstructed, moved upon; and "erecting" includes any physical operations required for the building on the premises where the building is being constructed, reconstructed, or moved. Excavating, filling, draining, and the like, shall be considered a part of erecting.

2.20.31 Essential Services

Includes all publicly or privately owned utilities, such as electrical, gas, water, sewer, and communication generation, storage, distribution, collection, supply and disposal systems; police, fire, and road maintenance services; the erection, maintenance, alteration and removal of the foregoing; and all personal property and fixtures including poles, wires, pipes and other accessories reasonably necessary for the furnishing of adequate service by such utility or municipal department.

2.20.32 Excavation

Any breaking of ground, except common household gardening and ground care.

2.20.33 Family

A. Domestic Family

One or more persons living together and related by the bonds of consanguinity, marriage, or adoption together with servants of the principal occupants and not more than one additional unrelated person, with all of such individuals being domiciled together as a single, domestic housekeeping unit in the dwelling.

B. Functional Family

Persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise housekeeping as a single nonprofit unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group

where the common living arrangements and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration. There shall be a rebuttable presumption enforced by the building inspector in the first instance that the number of persons who may reside as a functional equivalent family shall be limited to six (6).

2.20.34 Farm

The carrying on of any agricultural activity or the raising of livestock or small animals as a source of income.

2.20.35 First Story

The lowest story of a building the ceiling of which is more than six (6) feet above the average surface elevation of the ground, or sidewalk adjacent to its exterior walls.

2.20.36 Flood or Flooding

Means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or base waters.
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

2.20.37 Floor Area

A. One-Family Residential

For the purpose of computing the minimum allowable floor area in a residential 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 dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

B. Multiple-Family Residential

For the purpose of computing the minimum allowable floor area in a multiple-family residential dwelling unit, the floor area shall be the net floor area exclusive of hallways. Net floor area is the sum of the horizontal areas of the several rooms measured from the interior faces of the walls of each room. The floor area measurement shall be exclusive of any common hallways, utility and storage areas, basements, garages, patios, porches, and balconies.

C. Usable

That area used for or intended to be used for the sale of merchandise or services, or used to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded from this computation of "Usable Floor Area". Measurement of usable floor area shall be the

sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

D. Floor Area, Gross

The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings. The "floor area" of a building which is what this normally is referred to as, shall include the basement floor area when more than one-half (1/2) of the basement height is above the established curb level or finished lot grade, whichever is higher (see Basement definition). Any space devoted to off-street parking or loading shall not be included in "floor area". Areas of basements, utility rooms, breezeways, unfinished attics, porches (enclosed or unenclosed) or attached garages are not included.

2.20.38 Frontage

The total length along which a building site of land fronts on a public or private road, driveway or easement measured along the line where the property abuts the street right-of-way.

2.20.39 GARAGES

A. Garage, Automotive Commercial

Any premises available to the public and used solely for the storage of automobile or motor-driven vehicles, for remuneration, hire, or sale, where any such vehicles or engines may also be serviced for operation, or repaired, rebuilt or reconstructed.

B. Garage, Private

A building or other structure designed for the housing of automobiles and having a maximum capacity of three (3) automobiles.

C. Garage, Public

A public garage is any building or premises, other than a gasoline filling station, used for the housing or care of more than three automobiles, or where any such automobiles are equipped for operation, repaired or kept for remuneration, hire, or sale.

2.20.40 Gasoline Filling Station

A space, structure, building or part of a building, used for the retail sale, service or supply of motor vehicle fuels, lubricants, air, water, batteries, tires, other accessories, motor vehicle washing or lubricating; or customary facilities for the installation of such commodities in or on such motor vehicles, including special facilities for minor repair or similar servicing thereof.

2.20.41 Hazardous Materials

Any materials that have been declared to be hazardous by any agency of the State of Michigan or of the United States, including but not limited to toxic materials and metal hydroxides.

2.20.42 Home Occupation

An incidental and secondary use of a dwelling unit for business purposes. A Home Occupation Permit must be applied for and approved by the Planning Commission. It is a permitted use in the A-1, AE, R-1 and RM-1 zoning districts when it meets the following standards.

- A. Home occupations shall be conducted solely by persons residing at the residence.
- B. All business activity and storage must take place within the interior of the dwelling/accessory building.
- C. No alteration to the exterior of the residential dwelling, accessory buildings or yard that alters the residential character of the premises is permissible.
- D. The home occupation shall not generate a volume or character of pedestrian or vehicular traffic beyond that generated by homes in the residential or agricultural neighborhood.
- E. Only a personal driveway may be used and there shall be no additional parking spaces.
- F. At no time shall the number of vehicles on the property impose a negative impact on adjacent uses. Frequent shipments or deliveries by vehicles having more than two (2) axles are prohibited.
- G. A sign announcing a home occupation shall be permitted as follows:
 1. In the agricultural zoning district a home occupation shall be permitted one (1) sign with a maximum area of three (3) square feet.
 2. In any residential zoning district, a home occupation shall be permitted one (1) sign with a maximum area of three (3) square feet. Further, the sign shall be positioned flat against the front of the building.
- H. No article shall be sold or displayed anywhere on the premises except that which is prepared or produced by the home occupations.
- I. No equipment or process shall be used in a home occupation which generates noise, vibration, glare, fumes, odor or electrical interferences that are nuisances to persons off the premises. Any electrical equipment processes that create visual or audible interference with radio or television receivers off the premises or that cause fluctuations in line voltages off the premises shall be prohibited.
- J. Hazards of fire, explosion, radioactivity, or chemical contamination shall not exist at any time as a result of a home occupation. Home occupations shall be required

to conform with current fire and life safety codes as adopted by the Township. Additionally, any processes, uses, or quantities deemed hazardous by the authority having jurisdiction shall not be allowed.

- K. The conduct of the home occupation shall not violate any of the Township Ordinances concerning nuisance, fire or health, or any other Township, County, State or other applicable laws or regulations.

Examples of Home Occupation: This is not intended to limit the kinds of home occupations that can comply with the conditions of this section.

1. Dressmaking
2. Handicrafts
3. Typing, secretarial services
4. Tutoring, limited to six (6) students
5. Office facility of a sales representative provided that no transactions are made in person on the premises

Home Business

An incidental and secondary use of a residential property for business purposes is a conditional use in the A-1 and AE zoning districts. Home business requires a conditional use/site plan approval under Article X of this Ordinance. A home business must meet the following standards:

- A. A home business shall be permitted only in a single-family dwelling unit or in an accessory structure.
- B. Home business shall be conducted solely by persons residing at the residence and/or with the assistance of one person who does not reside on the premises.
- C. There shall be no change in the exterior appearance of the structure or premises to accommodate the home business, or other outdoor visible evidence of conduct of the home business, and there shall be no external or internal alterations not customary in A-1 and AE zoning districts.
- D. No article shall be sold or displayed anywhere on the premises except that which is prepared or produced by the home business.
- E. No exterior storage associated with or resulting from a home business shall be permitted.
- F. No equipment or process shall be used in a home business which generates noise, vibration, glare, fumes, odor or electrical interferences that are nuisances to persons off the premises. Any electrical equipment processes that create visual or audible interference with radio or television receivers off the premises or that cause fluctuations in line voltages off the premises shall be prohibited.
- G. Hazards of fire, explosion, radioactivity, or chemical contamination shall not exist

at anytime as a result of a home business. Home businesses shall be required to conform with current fire and life safety codes as adopted by the Township. Additionally, any processes, uses, or quantities deemed hazardous by the authority having jurisdiction shall not be allowed.

- H. The conduct of a home business shall not violate any of the Township's Ordinance concerning nuisance, fire or health, or any other township, county, state or other applicable laws or regulations.
- I. A sign announcing a home business shall be permitted in the Agricultural and Agricultural Estates zoning districts, a home occupation shall be permitted one (1) sign with a maximum area of three (3) square feet.
- J. At no time shall the number of vehicles on the property impose a negative impact on adjacent uses. Frequent shipments or deliveries by vehicles having more than two (2) axles are prohibited.

2.20.43 Hotel, Motel, Motor Hotel

A building occupied as a temporary abiding place of individuals who are lodged with or without meals in which there are more than ten (10) sleeping rooms and no provisions made for cooking in any individual room.

2.20.44 Institutional Uses

Churches, schools, hospitals, and other similar public or semipublic uses. This excludes nursing homes, convalescent homes, adult foster care facilities.

2.20.45 Junk Yard

Any land area including buildings thereon used primarily for the outdoor collecting, storage and abandonment of waste paper, rags, scrap metal or discarded materials which are for sale; or which is used for the outdoor collecting, dismantling, storage or salvaging of machinery or vehicles not in running condition for the sale of parts thereof.

2.20.46 Kennel

Any lot or premises on which four (4) or more common house pets are kept permanently or temporarily boarded outside of the principal dwelling.

2.20.47 Laboratory

A place devoted to experimental, routine study or basic study such as testing and analytical operations, and where manufacturing of product or products, except prototypes for testing market, is not performed.

2.20.48 Land Use Plan, Official

The plan so designated by the Planning Commission.

2.20.49 Loading Berth

An off-street space on the same lot with a building or group of buildings, for temporary parking for a commercial vehicle while loading or unloading merchandise or materials. Off-street loading space is not to be included as off-street parking space in computation of required off-street parking. A loading space is a minimum of five hundred twenty-eight (528) square feet in area.

2.20.50 Local Street

A street of limited continuity used primarily for access to abutting residential properties.

2.20.51 Lodging House

A building or part thereof, other than a hotel, including so-called tourist homes, where lodgings are provided for hire, more or less transiently, and with or without provision for meals.

2.20.52 LOT TERMS

A. Lot

A lot is a piece, plat, tract or parcel of land, vacant, occupied or to be occupied by a building, structure, or use, or by another activity permitted thereon and including the open spaces required under this ordinance.

B. Lot Area

Area of a lot bounded by lot lines.

C. Lot, Corner

A lot whose lot lines form an interior angle of less than one hundred thirty-five (135) degrees at the intersection of two (2) street lines. A lot abutting on a curved street or streets shall be deemed a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than one hundred thirty-five (135) degrees.

D. Lot Coverage

The amount of a lot, stated in terms of percentage, that is covered by all roofed buildings and/or structures located thereon. This shall be deemed to include all buildings, porches, arbors, breezeways, patio roofs, and the like, whether open box-type and/or lathe roofs, or fully roofed but shall not be deemed to include fences, walls, or hedges used as fences, or swimming pools.

E. Lot, Zoning

A single tract of land, located within a single block, which at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A zoning lot shall satisfy this Ordinance with respect to area, size, dimensions, and frontage as

required in the district in which the zoning lot is located. A zoning lot therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include one or more lots of record.

F. Lot Line

A boundary line of a lot.

G. Lot Line, Front

The exterior line or right-of-way of a road on which a lot fronts or abuts.

H. Lot Line, Rear

Any lot line, other than a front lot line, which is parallel or nearly parallel to the front lot line.

I. Lot Line, Side

Any lot line not a front or rear lot line.

J. Lot of Record

A lot which actually exists in a subdivision plat as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

J-1. Required Street Frontage

Any parcel of land which is to be occupied by a use or a building, other than an accessory use or building, shall have frontage on and direct access to a public street or private easement which meets one of the following conditions:

- a. A public street with a roadway which has been accepted for maintenance by the County, or
- b. A permanent, unobstructed and recorded easement (driveway) when one or more structures are served or when one or more uses under separate ownership are served.

K. Lot, Reverse Frontage

An interior or corner lot whose rear yard fronts on one (1) or two (2) public rights-of-way.

L. Lot, Through

An interior lot having frontage on two (2) or less parallel streets as distinguished from a corner lot.

M. Lot Width

A horizontal straight line distance between the side lot lines, measured between the two points where the front setback line intersects the side lot lines.

2.20.53 Mobile Home

A structure transportable in one (1) or more sections which is built on a chassis and designed to be used with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Mobile home does not include a recreational vehicle (Act 419, Michigan P.A. of 1976). All mobile homes must conform to the U.S. Department of Housing and Urban Development's code for mobile homes. Mobile home includes a double-wide unit.

2.20.54 Mobile Home Park

A parcel or tract of land, under the control of a person upon which three (3) or more mobile homes are located on a continual non-recreational basis, and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended or used incidental to the occupancy of a mobile home, and which is not intended for use as recreation vehicle trailer park (Act 419, Michigan P.A. of 1976).

2.20.55 Mezzanine

An intermediate floor in any story occupying not to exceed 50% of the floor area of such story.

2.20.56 Mini-Warehouses

Mini-warehouse buildings are groups of buildings in a controlled access and fenced compound that contain varying sizes of individual compartmentalized and controlled access stalls or lockers for a dead storage of customers goods or wares.

2.20.57 Modular

A structure which meets the requirements of the B.O.C.A. building and construction code, and which is transported in one (1) or more sections on a removable chassis, and is designed to be used on a permanent foundation, when connected to the required utilities, such as plumbing, heating, and electrical systems. Pursuant to B.O.C.A. the characteristics of modular are:

- A. A pitched roof of heavy truss construction able to support a "deadweight" of at least ten (10) pounds per square inch (psi), and having roof shingling of five (5) inch exposure.
- B. A heavy deck flooring of wood on two (2) by eight (8) floor joists;
- C. A drain ventilation size of three (3) inches in diameter extending twelve (12) inches above the roof; and

D. Establishment on a foundation as approved by the building code.

2.20.58 New Construction

Means structures for which the "start of construction" commenced on or after the effective date of this Ordinance.

2.20.59 Non-Conforming Lot of Record (Substandard Lot)

A lot lawfully existing at the effective date of this Ordinance, or affecting amendment, and which fails to meet the minimum area requirements of the zoning district in which it is located.

2.20.60 Non-Conforming Structure

A structure, or portion thereof, lawfully existing at the effective date of this Ordinance, or affecting amendment, which fails to meet the minimum yard setback height, and floor area requirements of the zoning district in which it is located.

2.20.61 Non-Conforming Use

A use lawfully existing in a building or on land at the effective date of this Ordinance, or affecting amendment, and which fails to conform to the use regulations of the zoning district in which it is located.

2.20.62 Nuisance

The word "nuisance" shall be held to embrace public nuisance as known at common law or in equity jurisprudence; and whatever is dangerous to human life or detrimental to health; and any dwelling or building which is overcrowded with occupants or is not provided with adequate ingress or egress to or from the same, or is not sufficiently supported, ventilated, seweraged, drained, cleaned or lighted in reference to its intended or actual use; and whatever renders the air or human food or drink unwholesome, are also severally, in contemplation of this Ordinance, nuisances and all such nuisances are hereby declared illegal.

2.20.63 Off-Street Parking Lot

A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than three (3) vehicles.

2.20.64 Open Front Store

A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term "Open Front Store" shall not include automobile repair stations or automobile service stations, gasoline filling stations.

2.20.65 Ordinary High Water Mark

The line between upland and lake or stream bottom land which persists through successive

changes in water levels, and below which the presence and action of the water is so common or recurrent as to mark upon the soil a character, distinct from that which occurs on the upland.

2.20.66 Open Air Business

Shall be defined to include the following:

- A. Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
- B. Sidewalk cafes.
- C. Retail sale of fruits and vegetables.
- D. Tennis courts, archery court, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park and/or similar recreation uses.
- E. Bicycle, utility truck or trailer, motor vehicles, boats or home equipment sale; rental or repair services.
- F. Outdoor display and sale of garages, swimming pools, motor homes, mobile homes, snowmobiles, farm implements, and similar products.

2.20.67 Parcel

A tract or continuous area or acreage of land which is occupied or intended to be occupied by a building, series of buildings, accessory building(s), condominium units, or by any other use or activity permitted thereon and including open spaces and setbacks required under this ordinance, and having its frontage on a public or private street.

2.20.68 Parking Space

An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles. Perpendicular and angle parking spaces shall have a minimum dimension of nine by eighteen (9 x 18) feet. Parallel parking shall be a minimum of eight by twenty (8 x 20) feet in dimension.

2.20.69 Planning Commission

The Raisin Charter Township Planning Commission with all powers granted under authority of Act 168 of the Public Acts of 1959, as amended, and as provided in this Ordinance.

2.20.69-A Private Clubs and Lodges

An organization of persons for special purposes or for the promulgation of agriculture, politics or similar interests, but not for profit, and open only to members and not to the general public. This definition is not intended to include churches, synagogues and other houses of worship.

2.20.70 Public Utility

Any person, firm, corporation, municipal department or board duly authorized to furnish or furnishing under regulation, to the public, electricity, gas, steam, communication, transportation, drainage or water.

2.20.71 Recreation Vehicles

A vehicle primarily designed as temporary living quarters or recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle, (Act 419, Michigan P.A. of 1976, as amended).

2.20.71-A Rental Hall Facility

A building used for gatherings of people on an occasional basis. The building may be used on a for-profit basis, and is open to members of the general public.

2.20.72 Repairs

The rebuilding or renewal of a part of an existing building for the purpose of maintaining its original type and classification.

2.20.73 Research and Development Facility

Any facility that is involved in the inquiry, examination, investigation or experimentation aimed at the discovery and/or interpretation of facts, revision of accepted theories or laws in the light of new facts, or practical application of such new or revised theories of laws and the development thereof. Development may include a limited number of test units of a given product resulting from such research and shall include limited production while a product is being test-marketed which is the interim step between research and development and ultimate full scale production.

2.20.74 Restaurant

A. Drive-in Restaurant: Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design, method of operation, or any portion of whose business includes one or both of the following characteristic:

1. Foods, frozen desserts, or beverages are served directly to the customer in motor vehicles either by a carhop or by other means which eliminates the need for the customer to exit the motor vehicles.
2. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is allowed, encouraged, or permitted.

B. Fast-Food Restaurant: Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises, and whose design or principal method of operation includes both the following characteristics:

1. Foods, frozen desserts, or beverages are usually served in edible containers, or in paper, plastic, or other disposable containers.
 2. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.
- C. Carry-Out Restaurants: Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or method of operation includes both of the following characteristics:
1. Foods, frozen desserts, or beverages are usually served in edible containers, or in paper, plastic, or other disposable containers.
 2. The consumption of foods, frozen desserts, or beverages within the restaurant building, within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.
- D. Standard Restaurant: Any establishment whose principal business is the sale of foods, frozen desserts, or beverages (alcoholic and nonalcoholic) to the customer in a ready-to-consume state, and whose design or principal method of operation includes one or both of the following characteristics:
1. Customers, normally provided with an individual menu, are served their foods, frozen desserts, or beverages (alcoholic and non-alcoholic) by a restaurant employee at the same table or counter at which said items are consumed.
 2. A cafeteria-type operation where foods, frozen desserts, or beverages (alcoholic and nonalcoholic) generally are consumed within the restaurant building.
- E. Bar/Lounge/Tavern: A structure or part of a structure designed, maintained, and operated primarily for the dispensing of alcoholic beverages. The selling of food and snacks may also be permitted. If the bar/lounge/tavern is part of a larger dining facility, it shall be defined as that part of the structure so designated and/or operated.

2.20.75 Road or Street, Paved Private

A private right-of-way reserved for the use of the occupants of the abutting structures and which meets the design criteria of the Township Building Inspector.

2.20.76 Road or Street, Paved Public

A public right-of-way of sixty-six (66) feet or more in width which has been dedicated for the purposes of providing access to abutting private lots of land including the space for pavement and sidewalks.

2.20.77 Setback

The minimum horizontal distance a foundation or wall of a building or structure or any portion thereof is required to be located from the boundaries of a lot, parcel, or building site of land upon which the same is situated.

2.20.77-A Setback Line

Line established adjacent to highways for the purpose of defining limits within which no building or structure or any part thereof shall be erected or permanently maintained. Setback line is measured from the right-of-way line rather than the lot line.

2.20.78 Shed

A shed is a lightly constructed one (1) or two (2) story building for temporary use during the erection of a permanent building; or a light one (1) story structure attached to, or auxiliary to another building and intended for storage only.

2.20.79 Shopping Center

A retail commercial establishment or a group of retail establishments which is planned, developed, owned and managed as a unit, with off-street parking provided on the property and related in its location, size and type of shops to the trade area.

2.20.80 Sign

For the purpose of this ordinance, the term "sign" shall mean and include any announcement, declaration, display, illustration or insignia used to advertise or promote the interests of any person or product when the same is placed out-of-doors in view of the general public.

2.20.81 Story, One Half

A story under the gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than 2 feet above the floor of such story and the floor area shall not exceed 2/3 of the area of the floor below.

2.20.82 Structure

A walled and roofed building that is principally above ground, gas or liquid storage facility, as well as a mobile home.

2.20.83 Structural Changes or Alterations

Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders, or any substantial change in the roof.

2.20.84 Substantial Improvement

Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is

considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

2.20.85 Swimming Pool

Any structure or container, either above or below grade, located either in part or wholly outside a permanently enclosed and roofed building, designed to hold water to a depth of greater than twelve (12) inches when filled to capacity, intended for immersion of the human body, whether for swimming or wading or both.

2.20.86 Temporary Building or Use

A structure or use permitted by the Building Inspector to exist during periods of construction of the main use or for special events, not to exceed six (6) months. Two (2) extension periods of six (6) months each are allowed.

2.20.87 Townhouses

A row of three (3) or more attached one-family dwellings, not more than two and one-half (2.5) stories in height and for which there is an entrance to each dwelling. Townhouse shall not be used as a synonym for the term "condominium" which refers to how property or space is owned rather than a particular housing style.

2.20.88 Trailer

Includes any trailer coach, motor home, tent camper, demountable camper, or unit designed as a vacation unit for short-term seasonal occupancy, which is designed to be operated on highways, which is in good running condition and which complies with all requirements of state law for licensing of such vehicles. This term does not include a utility trailer which is used for hauling of goods and debris.

2.20.89 Use

The principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

2.20.90 Wall, Obscuring

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

2.20.91 Variance

A varying or relaxation of the standards of the zoning ordinance by the Board of Appeals; and where such variances will not be contrary to the public interest; and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in practical difficulty.

2.20.92 Yard

- A. An open space, unoccupied and unobstructed from the ground upwards, except as otherwise provided herein, and on the same lot with a building. The measurement of a yard shall be the minimum horizontal distance between the lot line and the building or structure.
- B. A "required yard" is that portion of any lot on which the erection of a main building is prohibited.
- C. A "front yard" is a yard on the same lot with a building between the front line of the building and the front lot line and extending from one side lot line to the other side lot line.
- D. A "rear yard" is a yard on the same lot with a building between the rear line of the building and the rear lot line and extending from one side lot line to the other side lot line.
- E. A "side yard" is a yard on the same lot with a building between the side lot line and the nearest side line of the building and extending from the rear yard to the front yard.

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ARTICLE III

ESTABLISHMENT OF DISTRICTS

SECTION 3.10 ESTABLISHMENT OF DISTRICTS:

For the purpose of this Ordinance, Raisin Charter Township is hereby divided into the following zoning districts:

A-1 Districts:	Agricultural
AE Districts:	Agricultural Estate
R-1 Districts:	Single Family Residential
RM-1 Districts:	Multiple Family Residential
RMH Districts:	Residential Mobile Home Park
C-1 Districts:	Commercial, Local Service
C-2 Districts:	Commercial, General Service
OS Districts:	Office Service
I-1 Districts:	Light Industrial
I-2 Districts:	General Industrial
P Districts:	Parking

SECTION 3.20 ZONING MAP:

The boundaries of these districts are hereby established as shown on a map entitled, "Zoning Map of Raisin Charter Township", on file with the Township Clerk, which map accompanies and which, with all explanatory matter thereon, is hereby made a part of this Ordinance the same as if fully described herein.

SECTION 3.30 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES:

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply.

- 3.30.1 Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
- 3.30.2 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- 3.30.3 Boundaries indicated as approximately following city limits shall be construed as following city limits.
- 3.30.4 Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- 3.30.5 Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.

3.30.6 Boundaries indicated as parallel to, or extensions of, features indicated in sub-section 3.30.1 to 3.30.5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

3.30.7 Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances are not covered by Section 3.30.1 through 3.30.6 above, the Board of Appeals shall interpret the district boundaries.

SECTION 3.40 ZONING OF VACATED AREAS:

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

ARTICLE IV

A-1 AGRICULTURAL DISTRICT

SECTION 4.10 PURPOSE:

This district is composed of rural, agricultural areas in the township whose predominant land use is general farming. The provision of this district are designed to protect, conserve, stabilize, enhance and develop the natural resources and community life of these areas; and further, to minimize conflicting land and structural uses detrimental to farm enterprises, rural community life and the reasonable use of natural resources, and to exclude land and structural uses which require highways, streets, drainage and other public facilities and services in excess of those normally required by rural agricultural uses and rural community life.

SECTION 4.20 PERMITTED USES:

The following uses are permitted in all A-1 Districts:

- 4.20.1 Single-family dwellings and the accessory buildings, structures and uses normally auxiliary thereto.
- 4.20.2 General and specialized farm and agricultural activities, including animal and livestock raising.
- 4.20.3 Raising and keeping of poultry, rabbits and similar small animals upon a lot or parcel having an area not less than three (3) acres, and a width not less than two hundred (200) feet.
- 4.20.4 Raising and keeping of cattle, hogs, horses, ponies, goats and similar livestock upon a lot or parcel having an area not less than five (5) acres, and a width not less than three hundred (300) feet.
- 4.20.5 Nurseries, providing at least fifty (50) percent of the nursery stock is raised on the premises where situated.
- 4.20.6 Public and private conservation areas and structures for the development, protection and conservation of open space, water, soil, forest and wildlife resources.
- 4.20.7 Public and private areas, such as: forest preserves, game refuges, recreation parks and reservations, and similar public uses of low intensity use.
- 4.20.8 Cemeteries.
- 4.20.9 Public and private child care centers, nursery, elementary, and secondary schools.
- 4.20.11 Public buildings and uses, including service facilities except sanitary fills, sewage treatment plants and disposal areas.
- 4.20.12 Signs as provided in ARTICLE IX of this Ordinance.
- 4.20.13 Any use customarily incidental and normally auxiliary to the permitted use.

4.20.14 Roadside Stands for the marketing of agricultural products produced on the premises.

4.20.15 Home Occupations subject to Section 2.20.42.

SECTION 4.30 CONDITIONAL USES:

The following conditional uses are permitted in this District subject to obtaining a conditional use permit as provided in ARTICLE X of this Ordinance and requiring a Site Plan Approval as provided in Article IX, Section 9.90 of this Ordinance.

4.30.1 Agricultural labor camps.

4.30.2 Greenhouses and nurseries selling at retail, nursery stock in excess of fifty (50) percent not raised on the premises.

4.30.3 Gun and conservation clubs subject to Section 10.70.23.

4.30.4 Riding stables, livestock auction yards, kennels, slaughter houses, and the production, raising and keeping of fur-bearing animals for gain, Subject to Sections 10.70.11, 10.70.16 and 10.70.20.

4.30.5 Gravel pits, quarries, and earth removal subject to Section 10.70.22.

4.30.6 Hospitals and sanitariums and institutions of a philanthropic nature subject to Section 10.70.5.

4.30.7 Animal hospitals subject to Section 10.70.8.

4.30.8 Temporary carnivals, fairs, circuses and other transient amusement enterprises. Subject to Section 10.70.2

4.30.9 Airports and landing strips subject to Section 10.70.12.

4.30.10 Drilling for oil, gas or other hydro-carbon substance.

4.30.12 Golf courses subject to Section 10.70.13.

4.30.13 Home businesses subject to Section 2.20.42.

4.30.14 Private clubs and lodges, subject to Section 10.70.15.

4.30.15 Rental hall facilities, subject to Section 10.70.15.

4.30.16 Churches.

4.30.17 Public and private nursery, elementary and secondary schools.

4.30.18 Public and private parks, camping grounds and playground high intensity use.

4.30.19 Bed and breakfast facility.

4.30.20 Communication towers subject to Section 10.70.25.

SECTION 4.40 DIMENSIONAL REQUIREMENTS:

In accordance with Article VIII.

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ARTICLE IV-A

AE - AGRICULTURE ESTATE DISTRICT

SECTION 4A.10 PURPOSE:

This Zoning District is designed for large lot single family residential dwellings together with associated recreational, religious and educational facilities.

SECTION 4A.20 PERMITTED USES:

The following uses are permitted in all AE Districts.

- 4A.20.1 Single family dwellings.
- 4A.20.3 Libraries, museums, and similar uses when owned and operated by a governmental agency or non-profit organization.
- 4A.20.5 Off-street parking, subject to Section 8.10.
- 4A.20.6 Accessory buildings.
- 4A.20.7 Signs as provided in Article IX of this Ordinance.
- 4A.20.8 Home occupations subject to Section 2.20.42

SECTION 4A.30 CONDITIONAL USES:

The following conditional uses are permitted in this District subject to obtaining a conditional use permit as provided in Article X of this Ordinance and requiring a Site Plan Approval as provided in Article IX, Section 9.90 of this Ordinance.

- 4A.30.1 Churches, subject to Section 10.10.1.
- 4A.30.2 Golf courses and country clubs, subject to Section 10.10.13.
- 4A.30.3 Home businesses subject to Section 2.20.42.
- 4A.30.4 Private and public schools and day care centers.
- 4A.30.5 Public and private lodges.
- 4A.30.6 Rental hall facilities.

SECTION 4A.40 DIMENSIONAL REQUIREMENTS:

In accordance with Article VIII.

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ARTICLE V

R-1 RESIDENTIAL DISTRICT

SECTION 5.10 PURPOSE:

This District is intended for suburban residential use in the township in areas where the predominant land use is single-family non-farm dwellings. This District should be limited to those areas having suitable soil for septic tank operation and sufficient ground water potential for individual wells. The provisions of this District are designed to protect and stabilize the essential characteristics of these areas and to promote and encourage a suitable, safe and healthy environment for family life. To these ends, development is restricted to a low density residential settlement, in grouped or cluster form, and consistent with suburban type public facilities and services and public health and safety considerations. Further, the provisions of this District are to prohibit business, commercial and industrial use of land, and to inhibit any other use which would substantially interfere with the development, conservation and continuation of single-family non-farm dwellings in this District.

SECTION 5.20 PERMITTED USES:

The following uses are permitted in all R-1 Districts:

- 5.20.1 Single-family non-farm dwellings and the accessory buildings, structures and uses normally auxiliary thereto.
- 5.20.2 Public libraries.
- 5.20.3 Public parks; public and private schools; nursery, elementary, junior and senior high schools.
- 5.20.4 Any use customarily incidental to and normally auxiliary to the permitted use.
- 5.20.5 Signs as provided in Article IX of this Ordinance.
- 5.20.6 Home occupations subject to Section 2.20.42.

SECTION 5.30 CONDITIONAL USES:

The following conditional uses are permitted in this District subject to obtaining a conditional use permit as provided in Article X of this Ordinance and requiring Site Plan Approval as provided in Article IX, Section 9.90 of this Ordinance.

- 5.30.1 Golf courses, but not including golf-driving ranges subject to Section 10.70.13.
- 5.30.2 Country clubs, swimming pools, and swimming and recreation clubs.
- 5.30.3 Multiple-family rural non-farm dwelling unit structures housing not more than four (4) dwelling units per structure, provided that the Lenawee County Health Department approves the installation of an on-site water well and sewage disposal system, provided further that the lot area shall not be less than two (2) acres and the lot width not less than one-hundred and fifty (150) feet.

- 5.30.4 Churches, subject to Section 10.70.1
- 5.30.5 Reserved for future use.
- 5.30.6 Private clubs and lodges, subject to Section 10.70.15.
- 5.30.7 Rental hall facilities, subject to Section 10.70.15.
- 5.30.8 Schools, operated for private gain.
- 5.30.9 Bed and breakfast facility.

SECTION 5.40 DIMENSIONAL REQUIREMENTS:

In accordance with Article VIII.

ARTICLE VA

RM-1 MULTIPLE FAMILY RESIDENTIAL DISTRICT

SECTION 5A.10 PURPOSE:

The RM-1 District is designed to permit a more intensive residential use of land. These areas would be located near County Primary Roads for good accessibility and between single-family residential areas and other non-residential uses. Various sizes of residential accommodations for ownership or rental, would thereby be provided to meet the needs of the different age and family groups in the community.

SECTION 5A.20 PERMITTED USES:

The following uses are permitted in all RM Districts:

- 5A.20.1 All permitted uses in the R-1 District subject to the terms and conditions provided therein.
- 5A.20.2 Two-family dwellings.
- 5A.20.3 Multiple-family dwelling units including apartments and row dwellings.
- 5A.20.4 Accessory uses and buildings customarily incidental to the above permitted uses.
- 5A.20.5 Signs as provided in Article IX of this Ordinance.
- 5A.20.6 Home occupation subject to Section 2.20.42.

SECTION 5A.30 CONDITIONAL USES:

The following conditional uses are permitted in this District subject to obtaining a Conditional Use Permit as provided in Article X of this Ordinance and requiring a Site Plan Approval as provided in Article IX, Section 9.90 of this Ordinance.

- 5A.30.1 Housing for the elderly. All housing for the elderly shall be provided as a planned development consisting of at least one (1) acre in area and may provide for the following:
 - 1. Cottage type dwellings and/or apartment type dwelling units.
 - 2. Common services containing but not limited to central dining rooms, recreational rooms, central lounge, and workshops.
 - 3. All dwellings shall consist of at least three hundred and thirty (330) square feet per unit (not including kitchen and sanitary facilities).
 - 4. Total coverage of all buildings (including dwelling units and related service buildings) shall not exceed thirty (30) percent of the total site exclusive of any dedicated public right-of-way.

- 5A.30.2 Reserved for future use.
- 5A.30.3 Private clubs and lodges, subject to Section 10.70.15.
- 5A.30.4 Rental hall facilities, subject to Section 10.70.15.
- 5A.30.5 Churches
- 5A.30.6 Schools

SECTION 5A.40 SITE PLAN REVIEW:

For all permitted and conditional uses a Site Plan shall be submitted in accordance with Section 9.90.

SECTION 5A.50 DIMENSIONAL REQUIREMENTS:

In accordance with Section VIII.

ARTICLE VB

RMH RESIDENTIAL MOBILE HOME PARK DISTRICT

SECTION 5B.10 PURPOSE:

This Zoning District is intended to provide an area for mobile home park development. It is designed to provide compatible areas within the Township for mobile home parks which protect health, safety, and welfare of the residents.

SECTION 5B.20 PERMITTED USES:

Land, buildings or structures in the Zoning District may be used for the following purposes only:

- 5B.20.1 Mobile homes located in mobile home parks
- 5B.20.2 Mobile home parks
- 5B.20.4 Parks, playgrounds, libraries and playfields
- 5B.20.5 Off-street parking
- 5B.20.6 Accessory buildings and uses
- 5B.20.7 Signs as provided in Article IX of this Ordinance.

SECTION 5B.30 CONDITIONAL USES:

The following conditional uses are permitted in this District subject to obtaining a Conditional Use Permit as provided in Article X of this Ordinance and requiring a Site Plan Approval as provided in Article IX, Section 9.90 of this Ordinance.

- 5B.30.1 Private clubs and lodges, subject to Section 10.70.15.
- 5B.30.2 Rental hall facilities, subject to Section 10.70.15.
- 5B.30.3 Schools

SECTION 5B.40 STANDARDS AND REQUIREMENTS FOR MOBILE HOME PARKS:

Mobile home parks shall conform to the requirements as promulgated by the Michigan Mobile Home Commission Rules as amended.

SECTION 5B.50 MINIMUM AREA:

The minimum area for a mobile home park shall be ten (10) acres.

SECTION 5B.60 FOR ALL PERMITTED AND CONDITIONAL USES A SITE PLAN SHALL BE SUBMITTED IN ACCORDANCE WITH SECTION 9.90

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ARTICLE VI

C-1 COMMERCIAL, LOCAL SERVICE DISTRICT

SECTION 6.10 PURPOSE:

This district is designed primarily for the convenience of persons residing in the adjacent and immediate surrounding rural non-farm residential neighborhoods, and for the accommodation of those retail and business service activities that serve the adjacent and surrounding neighborhoods. It is the purpose of these regulations to permit development of the enumerated functions and at the same time to protect the abutting and surrounding residential and agricultural properties. To these ends, certain uses are excluded which would function more effectively in other districts and could interfere with the operation of retail establishments selling only convenience goods or services.

SECTION 6.20 PERMITTED USES:

The following uses are permitted in all C-1 Districts:

- 6.20.1 Clothing and apparel services, including laundry pickup, automatic laundry, dressmaking, millinery, tailor shop and shoe repair shop.
- 6.20.2 Food services including grocery, meat market, bakery, restaurant, delicatessen and fruit market, ice-o-mats and similar self-serve units.
- 6.20.3 Personal services, including barber shop and beauty salon; medical and dental clinics; office of a doctor, dentist, architect, lawyer; music studios; banks and saving and loan associations and other similar uses.
- 6.20.4 Retail services, including drug store, haberdashery, stationery and book store, news dealer and news stand, apparel shop, gift shop, and dry goods and notions store.
- 6.20.5 One dwelling or one dwelling unit on each site, which site is used for purposes permitted herein, for the sole and exclusive use of the owner, a caretaker or a watchman of the commercial establishment located thereon.
- 6.20.6 Any use customarily incidental and normally auxiliary to the permitted uses.
- 6.20.7 Signs as provided in Article IX of this Ordinance.

SECTION 6.30 CONDITIONAL USES:

The following conditional uses are permitted in this district subject to obtaining a conditional use permit as provided in Article X of this Ordinance, and requiring a Site Plan Approval as provided in Article IX, Section 9.90 of this Ordinance.

- 6.30.1 Automobile service stations and automobile repair garages, subject to 10.70.9.
- 6.30.2 Drive-in restaurants and beverage depots, subject to 10.70.4.
- 6.30.3 Taverns, bars and night clubs and other establishments serving alcoholic beverages and/or providing entertainment, subject to 10.70.15.

- 6.30.4 Funeral establishments, mortuary.
- 6.30.5 Hotels, motels, tourist homes and boarding and rooming houses, subject to 10.70.3.
- 6.30.6 Private clubs and lodges, subject to Section 10.70.15.
- 6.30.7 Rental hall facilities, subject to Section 10.70.15.
- 6.30.8 Bed and breakfast facility.

SECTION 6.40 TRANSITION STRIPS:

- 6.40.1 Uses or structures on any lot in this district abutting a lot in any residential district shall provide a transition strip of at least thirty (30) feet, the inner ten (10) feet of which may be used for parking purposes; and there shall be erected along all lot boundary lines of any such lot abutting a residential district a solid fence or masonry wall four (4) feet high.
- 6.40.2 Uses or structures on any lot in this district fronting on a public road, street or way shall provide in addition to as an integral part of any site development, on the front yard, a landscaped strip of land twenty (20) feet or more in depth; such landscaped strip to be defined by a concrete curb, and designed to provide access to the lot and separate off-street parking areas from the public right-of-way.

SECTION 6.50 SITE PLAN REVIEW:

For all permitted and conditional uses a site plan shall be submitted in accordance Section 9.90.

SECTION 6.60 DIMENSIONAL REQUIREMENTS:

In accordance with Article VIII.

ARTICLE VI-A

C-2 COMMERCIAL, GENERAL SERVICE DISTRICT

SECTION 6A.10 PURPOSE:

This district is designed primarily for the accommodation of business and commercial activities that serve the whole rural community. Such activities require land and structure uses that typically are compact and densely grouped, and primarily located in integrated community or regional shopping centers. It is the purpose of these regulations to permit development of the enumerated functions and to protect the abutting residential and agricultural properties. To these ends, certain uses are excluded which would function more effectively in other districts and which would interfere with the operation of retail and business establishments in this district.

SECTION 6A.20 PERMITTED USES:

The following uses are permitted in all C-2 Districts:

- 6A.20.1 All permitted uses allowed in C-1 Commercial Districts, as provided in Section 6.20 of this Ordinance.
- 6A.20.2 Equipment servicing, sales and repairing of radio and television, electrical appliances, plumbing, electrical work and similar trades and services.
- 6A.20.3 Recreation services, including indoor theaters, bowling alleys, pool and billiard rooms, dancing academies, golf driving ranges and roller and ice skating rinks.
- 6A.20.4 Commercial laundries and dry cleaning.
- 6A.20.5 Printing, lithographic, blueprinting and similar uses.
- 6A.20.6 Any use customarily incidental and normally auxiliary to the permitted use.
- 6A.20.7 Signs as provided in ARTICLE IX of this Ordinance.

SECTION 6A.30 CONDITIONAL USES:

The following conditional uses are permitted in this district subject to obtaining a conditional use permit as provided in ARTICLE X of this Ordinance, and requiring a Site Plan Approval as provided in Article IX, Section 9.90 of this Ordinance.

- 6A.30.1 All conditional uses allowed in C-1 Commercial Districts.
- 6A.30.2 Animal and hospital kennels, and veterinary clinics subject to Sections 10.70.8 and 10.70.11.
- 6A.30.3 Bus, truck, taxi and rail terminals.
- 6A.30.4 Open air businesses subject to Section 10.70.6.
- 6A.30.5 Shopping centers subject to Section 10.70.19.

- 6A.30.6 Radio, television and microwave towers subject to Section 10.70.7.
- 6A.30.7 Vehicle wash establishments subject to Section 10.70.14.
- 6A.30.8 Drive-in theaters, race tracks, and transient amusement enterprises, subject to Section 10.70.2.
- 6A.30.9 Agricultural services, including machinery sales and repair establishments and farm supply stores.
- 6A.30.10 Automobile servicing, including automobile parts, sales, new automobile show rooms, repair garages, and gasoline and oil service stations subject to Section 10.70.9.
- 6A.30.11 Convalescent homes and nursing homes subject to 10.70.10.
- 6A.30.12 Automobile repair garage, construction and farm equipment sales and contractor's equipment yards.
- 6A.30.13 Private clubs and lodges, subject to Section 10.70.15.
- 6A.30.14 Rental hall facilities, subject to Section 10.70.15.
- 6A.30.15 Pet grooming.

SECTION 6A.40 TRANSITION STRIPS:

- 6A.40.1 Uses or structures on any lot in this district abutting a lot in any residential district shall provide a transition strip of at least fifty (50) feet, the inner twenty (20) feet of which may be used for parking purposes, and there shall be erected along all lot boundary lines of any lot abutting a residential district a solid fence or masonry wall four (4) feet high.
- 6A.40.2 Uses or structures on any lot in this district fronting on a public road, street or way shall provide in addition to and as an integral part of any site development, on the front yard, a landscaped strip of land twenty (20) feet or more in depth; such landscaped strip to be defined by a concrete curb and designed to provide access to the lot and separate off-street parking areas from the public right-of-way.

SECTION 6A.50 SITE PLAN REVIEW:

For all permitted and conditional uses a site plan shall be submitted in accordance with Section 9.90.

SECTION 6A.60 DIMENSIONAL REQUIREMENTS:

In accordance with Article VIII.

ARTICLE VI-B

OS OFFICE SERVICE DISTRICT

SECTION 6B.10 PURPOSE:

The OS District is designed to accommodate various types of office uses performing administrative, professional and personal services. These are typically small office buildings which can serve as a transitional use between the more intensive uses of land such as major thoroughfares and/or commercial districts and the less intensive uses of land such as single family residential development. This district is specifically intended to prohibit commercial establishments of a retail nature or other activities which require constant short term parking.

SECTION 6B.20 PERMITTED USES:

The following uses shall be permitted in all OS Districts:

- 6B.20.1 Executive, administrative and professional offices.
- 6B.20.2 Medical offices, including clinics and medical laboratories.
- 6B.20.3 Facilities for human care, such as sanitariums, convalescent and nursing homes, but not including hospitals.
- 6B.20.4 Banks and similar financial institutions.
- 6B.20.5 Libraries and government office buildings and public utility offices, but not including storage yards.
- 6B.20.6 Private social and fraternal clubs, not including gun or conservation clubs.
- 6B.20.7 Child care centers.
- 6B.20.8 Photographic studios and interior decorating studios.
- 6B.20.9 Establishments which perform personal services on the premises such as: beauty parlors and barber shops. Uses such as aerobic studios and sun tan salons are permitted.
- 6B.20.10 Veterinary clinics and hospitals provided all activities are conducted within a totally and permanently enclosed building.
- 6B.20.11 Off-street parking lots.
- 6B.20.12 Accessory buildings or uses customarily incidental to any of the above permitted uses.
- 6B.20.13 Signs as provided in Article IX of this Ordinance.

SECTION 6B.30 CONDITIONAL USES:

The following conditional uses are permitted in this District subject to obtaining a conditional use permit as provided in Article X of this Ordinance, and requiring a Site Plan Approval as provided in Article IX, Section 9.90 of this Ordinance.

6B.30.1 Churches, subject to Section 10.70.1.

6B.30.2 Private clubs and lodges, subject to 10.70.15.

6B.30.3 Rental hall facilities, subject to Section 10.70.15.

SECTION 6B.40 SITE PLAN REVIEW:

For all permitted and conditional uses, a site plan shall be submitted in accordance with Section 9.90

SECTION 6B.50 TRANSITION STRIPS:

See Section 6A.40.

SECTION 6B.60 DIMENSIONAL REQUIREMENTS:

In accordance with Article VIII.

ARTICLE VII

I-1 - LIGHT INDUSTRIAL DISTRICT

SECTION 7.10 PURPOSE:

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

The general goals of this use district include, among others, the following specific purposes:

- 7.10.1. To provide sufficient space, in appropriate locations, to meet the needs of the Townships expected future economy for all types of manufacturing and related uses.
- 7.10.2. To protect abutting residential districts by separating them from manufacturing activities, and by prohibiting the use of such industrial areas for new residential development.
- 7.10.3. To promote manufacturing development which is as free as is technically possible from danger of fire, explosions, toxic and noxious matter, radiation, and other hazards, and from offensive noise, vibrations, smoke, odor, and other objectionable influences.
- 7.10.4. To promote the most desirable use of land in accordance with a well considered plan. To protect the character and establish patter of adjacent development, and in each area to conserve the value of land and buildings and other structures.
- 7.10.5. Signs as provided in Article IX of this Ordinance.

SECTION 7.20 PERMITTED USES:

The following uses are permitted in all I-1 Districts.

- 7.20.1. Any use charged with the principal function of basic research, design, and pilot or experimental product development when conducted within a completely enclosed building.
- 7.20.2. Any of the following uses when the manufacturing, compounding, or processing is conducted wholly within a completely enclosed building. That portion of the land used for open storage facilities for materials or equipment used in the manufacturing, compounding, or processing shall be totally obscured on those sides abutting A-1, AE, R-1, RM-1, RMH, OS, C-1, C-2 Districts, and on any front yard abutting a public thoroughfare except as provided in this ordinance. The screening shall be in accordance with the minimum landscape standards of this ordinance and shall be evaluated for adequacy by the Planning Commission.
 - a. Warehousing and wholesale establishments, and trucking facilities.

- b. The manufacture, compounding, processing, packaging, or treatment including such products, but not limited to: bakery goods, candy, cosmetics, pharmaceutical, toiletries, food products, hardware and cutlery, tool, die, gauge and machine shops.
 - c. The manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials; bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fibre, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semiprecious metals or stones, sheet metal, shell, textiles, tobacco, wax, wire, wood and yarns.
 - d. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
 - e. Manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other molded rubber products.
 - f. Manufacture or assembly of electrical appliances, electronic instruments or devices, radios and phonographs.
 - g. Laboratories - Experimental, film or testing.
 - h. Manufacturing and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.
 - i. Central dry cleaning plants or laundries provided that such plants shall not deal directly with consumer at retail.
 - j. All public utilities, including buildings, necessary structures, storage yards and other related uses.
- 7.20.3. Warehouse, storage and transfer and electric and gas service buildings and yards. Public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations. Water supply and sewage disposal plants. Water and gas tank holders. Railroad transfer and storage tracks. Railroad rights-of-ways. Freight terminals.
- 7.20.4. Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies, provided such is enclosed within a building or within an obscuring wall or fence on those sides abutting all Residential or Business Districts, and on any yard abutting a public thoroughfare. In an I-1 District, the extent of such fence or wall may be determined by the Planning Commission on the basis of usage and in accordance with the landscape standards of this ordinance.
- 7.20.5. Municipal uses such as water treatments plants, and reservoirs, sewage treatment plants, and all other municipal buildings and uses, including outdoor storage.
- 7.20.6. Greenhouses.
- 7.20.7. Trade or industrial schools.
- 7.20.8. Retail uses of an industrial character, such as lumber yards, farm implement sales.

7.20.9. Eating and drinking establishments.

7.20.10. Banks and financial institutions.

7.20.11. Industrial clinics.

7.20.12. Indoor tennis court, racquet ball courts, and health clubs.

7.20.13. Motels.

7.20.14. Other uses similar in character to the above.

7.20.15. Accessory buildings and uses customarily incidental to any of the above permitted uses.

7.20.16 Signs as provided in Article IX of this Ordinance.

SECTION 7.30 CONDITIONAL USES:

The following conditional uses are permitted in this District subject to obtaining a conditional use permit as provided in Article X of this ordinance, and requiring a Site Plan Approval as provided in Article IX, Section 9.90 of this Ordinance.

7.30.1. Living quarters for a watchman or caretaker including his or her family accessory to the industrial use of the property subject to the following conditions:

- a. The living quarters shall be a detached structure not exceeding 900 square feet in floor area.
- b. The watchman or caretaker shall be a full-time employee of the industrial facility on whose property the residence is located.
- c. The Planning Commission may impose setback requirements so as to assure the public health, safety and general welfare. In determining setback requirements, the Planning Commission shall consider the use of adjacent properties, the use of existing and proposed buildings and structures on the site, access drives to the site, and traffic patterns within the site.
- d. A separate building permit shall be required to construct a watchman or caretaker residence. The permit shall state that the residence is accessory to the industrial use of the property and cannot be sold separate from the industrial use. The applicant shall record the permit in its entirety with the office of the Lenawee County Register of Deeds in such a manner that the permit is reflected on the chain of title of all parcels of property involved with the industrial facility. Proof of this recording shall be submitted to the Township Building Inspector within ten (10) days after the issuance of the building permit. No demolition, construction, or remodeling may be commenced pursuant to the permit until proof of recording has been filed with the Township Building Inspector.

- 7.30.2 Bag cleaning, blast furnace, boiler or tank works, central mixing plant for cement, mortar, plaster or paving materials, coke oven, curing, tanning, storage or processing of animal products of any kind, distillation of bones, coal or wood, distillation of tar, drilling for oil, gas or other hydro-carbon substances, yards for the handling, fat rendering, hog farm including the feeding of garbage, livestock feed yard, abattoirs, and all other uses similarly objectionable.
- 7.30.3 Radio, Television Station and Microwave towers subject to 10.70.7.
- 7.30.4 Kennels subject to Section 10.70.11.
- 7.30.5 Junk yards subject to Section 10.70.18.
- 7.30.6 Sanitary landfills and solid waste disposal facilities subject to Section 10.70.21.
- 7.30.7 Gravel mining, quarries, and earth removal subject to Section 10.70.22.
- 7.30.8 Private clubs and lodges, subject to Section 10.70.15.
- 7.30.9 Rental hall facilities, subject to Section 10.70.15.

SECTION 7.40 SITE PLAN REVIEW:

For all permitted and conditional uses, a site plan shall be submitted in accordance with Section 9.90.

SECTION 7.50 DIMENSIONAL REQUIREMENTS:

In accordance with Section VIII.

ARTICLE VII-A

I-2 - GENERAL INDUSTRIAL DISTRICT

SECTION 7A.10 PURPOSE:

The I-2 General Industrial District is designed primarily for manufacturing, assembling and fabrication activities including large scale or specialized industrial operations, whose external physical effects will be felt to some degree by surrounding districts. The I-2 District is so structured as to permit the manufacturing, processing, and compounding of semifinished or finished products from raw materials as well as from previously prepared material.

SECTION 7A.20 PERMITTED USES:

7A.20.1 All permitted uses allowed in the I-1 Light Industrial District, as provided in Section 7A.20 of this Ordinance.

7A.20.2. Heating and electric power generating plants, and necessary uses.

7A.20.3. Auto engine, body repair and undercoating shops.

7A.20.4. Metal plating, buffing and polishing.

7A.20.5. Any of the following uses provided that they are located not less than eight hundred (800) feet distant from any Residential District and not less than three hundred (300) feet distant from any other district:

- a. Junk yards, provided such are entirely enclosed within a building or within an eight (8) foot obscuring wall and provided further that one property line abuts a railroad right-of-way.
- b. Blast furnace, steel furnace, blooming or rolling mill.
- c. Manufacture or corrosive acid or alkali, cement, lime, gypsum or plaster of Paris.
- d. Petroleum or other inflammable liquids, production, refining or storage.
- e. Smelting of copper, iron or zinc ore.

7A.20.6. Accessory buildings and uses customarily incident to any of the above permitted uses.

7A.20.7 Signs as provided in Article IX of this Ordinance.

SECTION 7A.30 CONDITIONAL USES:

The following conditional uses are permitted in this District subject to obtaining a conditional use permit as provided in Article X of this ordinance, and requiring a Site Plan Approval as provided in Article IX, Section 9.90 of this Ordinance.

7A.30.1. All conditional uses allowed in the I-1 Light Industrial District are permitted in this District subject to obtaining a conditional use permit as provided in Article X of this Ordinance, and requiring a Site Plan Approval as provided in Article IX, Section 9.90 of this Ordinance.

SECTION 7A.40 SITE PLAN REVIEW:

For all permitted and conditional uses, a site plan shall be submitted in accordance with Section 9.90.

SECTION 7A.50 TRANSITION STRIPS:

See Section 6A.40.

SECTION 7A.60 DIMENSIONAL REQUIREMENTS:

In accordance with Section VIII.

ARTICLE VII-B

P PARKING DISTRICT

SECTION 7B.10 PURPOSE:

The P Parking District is intended to permit the establishment of areas to be used solely for off-street parking of private passenger vehicles as a use incidental to a principal use. This district will generally be provided by petition or request to serve a use district which has developed without adequate off-street parking facilities.

SECTION 7B.20 PERMITTED USES:

Premises in such districts shall be used only for an off-street vehicular parking area and shall be developed and maintained subject to such regulations as are hereinafter provided.

7B.20.1. Off-street parking lots

7B.20.2. Parking structures, providing they do not exceed twenty-five (25) feet in height.

7B.20.3 Signs as provided in Article IX of this Ordinance.

SECTION 7B.30 REQUIRED CONDITIONS:

7B.30.1. The parking area shall be accessory to, and for use in connection with one or more businesses, or industrial establishments, located in adjoining business or industrial districts, or in connection with one or more existing professional or institutional office buildings or institutions.

7B.30.2. Parking area shall be used solely for parking of private passenger vehicles, for periods of less than 24 hours and shall not be used as an off-street loading area.

7B.30.3. No commercial repair work or service of any kind, or sale or display thereof, shall be conducted in such parking area.

7B.30.4. No signs of any kind, other than signs designating entrances, exits and conditions of use, shall be maintained on such parking area.

7B.30.5. No building other than those for shelter or attendants shall be erected upon off-street parking lots and they shall not exceed fifteen (15) feet in height and fifty (50) sq. ft. in area.

SECTION 7B.40 MINIMUM DISTANCES AND SETBACKS:

7B.40.1. Side and Rear Yards: Where the P District is contiguous to the side and/or rear lot lines of premises within a residentially zoned district, screening shall be provided in accordance with this ordinance.

7B.40.2. Front Yards: Where the P District is contiguous to a residentially zoned district which has a common frontage on the same block with residential structures, or wherein no residential structures have been yet erected, there shall be a setback equal to the required residential setback for said residential district, or a minimum of twenty-five (25) feet or whichever is the greater. Screening shall be provided in accordance with this ordinance.

SECTION 7B.50 SITE PLAN REVIEW:

For all proposed parking lots permitted in this District a dimensional layout shall be submitted in accordance with Section 9.90.

**ARTICLE VIII
SCHEDULE OF DIMENSIONAL REQUIREMENTS**

District	Minimum Building Site or Parcel (in sq. ft.)	Minimum Building Site or Parcel Lot Width (in Lineal ft.)	Minimum Front Setback	Minimum Side Setback Each One	Minimum Rear Setback	Maximum Height		Maximum Building Site or Parcel Coverage (in percent)	Minimum Floor Area C (in square feet)
						Stories	Height		
A-1	1 acre	200	75' a, b, d	30'	50'	2 1/2	35'	30	One story - 900 Two story - 768 1st 232 2nd
AE	2 acres	200	75' a, b, d	30'	50'	2 1/2	35'	30	One story - 900 Two story - 768 1st 232 2nd
R-1	22,000	100	50' a, b, d	15'	35'	2 1/2	35'	30	One story - 900 Two story - 768 1st 232 2nd
RM-1	e	e	e	e	e	2 1/2	35'	30	e
RMH	-	-	f, 9	-	-	-	-	-	-
C-1	1 acre	150	75' j	h	35'	3	40'	-	-
C-2	1 acre	150	75' j	15'	15'	3	40'	-	-
OS	1 acre	150	75' j	15'	35' i	3	35'	-	-
I-1	3 acres	300	75' j	30'	15' k	2 1/2	35'	50	-
I-2	3 acres	300	100' j	50'	50'	3	40'	50	-
P	-	-	-	-	-	-	-	-	-

ARTICLE VIII

SECTION 8.10 FOOTNOTES TO SCHEDULE OF DIMENSIONAL REQUIREMENTS:

- a. In all residential districts, the required front yard shall not be used for off-street parking, loading or unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials, or vehicle access drives.
- b. Where lots are on a river or lake, the property shall be treated as a through lot and have required front yards on both frontages.
- c. The minimum floor area per dwelling unit shall not include areas of basements, breezeways, unenclosed porches, terraces, attached garages, attached sheds, or utility rooms.
- d. Where the front yards of two (2) or more principal structures in any block (in case of platted properties) or within three hundred (300) feet (in the case of unplatted properties) in existence at the time of passage of this Ordinance, within the district zoned and on the same side of the street, are less than the minimum front yards required herein, then any building subsequently erected within said block (or 300 feet) shall not be less and need not be greater, than the average depth of the front yards of the existing structures.

In the case of a rear yard abutting a side yard, the side yard setback abutting a street shall not be less than the minimum front yard setback of the district in which located and all regulations applicable to a front yard shall apply.

e. Site Requirements:

	Garden Apartments	Townhouses	Housing for the Elderly*	High-Rise Apartments in excess of 2 ½ stories
Gross Site Area	1 acre (min.) .3 x developable area	2 acres (min.) .25 x developable area	1 acre (min.) .4 x developable area	1 acre (min.) .3 x developable area
Maximum Lot Coverage	30%	30%	30%	30%
Maximum Height (b)	2 ½ stories, or 35 ft.	2 ½ stories, or 35 ft.	6 stories, or 80 ft.	No limit
Minimum Parking	2 spaces per unit of 1-24 units. 1.75 spaces per unit of 24+ units	2 spaces per unit	.75 spaces per unit	1.5 spaces per unit
Minimum Landscaped Area	.2 x gross site area	.25 x gross site area	.3 x gross site area	.2 x gross site area
Maximum Density	14 units per acres	8 units per acre	25 units per acre	22 units per acre
Minimum Front Yard (a)	25 ft.	25 ft.	25 ft.	25 ft.
Minimum Side Yard	20 ft., 40 ft. (total two)	20 ft., 40 ft. (total two)	25 ft., 50 ft. (total two)	25 ft., 50 ft. (total two)
Minimum Rear Yard (b)	30 ft.	30 ft.	40 ft.	40 ft.
Minimum Floor Per Unit				
Efficiency	330 sq. ft.	600 sq. ft.	330 sq. ft.	330 sq. ft.
One Bedroom	520 sq. ft.	750 sq. ft.	520 sq. ft.	520 sq. ft.
Two Bedroom	630 sq. ft.	900 sq. ft.	630 sq. ft.	630 sq. ft.
Three Bedroom	765 sq. ft.	1,200 sq. ft.	-	765 sq. ft.
Four Bedroom	920 sq. ft.	1,500 sq. ft.	-	-

* Funded by HUD Section 202, FMHA Section 515, or MSHDA

- f. For every lot on which a multiple row, or terrace dwelling is erected, there shall be provided a side setback on each side of the lot, as indicated in the Schedule. Each side setback shall be increased beyond the yard spaces indicated by one (1) foot for each ten (10) feet or part thereof by which the length of the multiple row, or terrace dwelling exceeds forty (40) feet in overall dimension along the adjoining lot line.
- g. Where two (2) or more multiple row or terrace dwellings are erected upon the same lot, a minimum setback space of twenty (20) feet in width shall be provided between structures. This setback width shall be increased by two (2) feet for each ten (10) feet or part thereof, by which each multiple row or terrace dwelling, having common areas exceeds forty (40) feet in length on that side of the dwelling facing the common yard.
- h. No side yards are required along the interior side lot lines of the District, except as otherwise specified in the Building Code, provided that if walls of structures facing such interior side lot lines contain windows, or other openings, side yards of not less than ten (10) feet shall be provided.

When the lot has a common lot line with a residential district a setback of 20 feet is required of which 10 feet shall be landscaped.

If the said lot is a corner lot, the side line that abuts a street shall have a setback of 20 feet, 10 feet of which shall be landscaped.

- i. Loading space shall be provided in the rear yard in the ratio of at least ten (10) square feet per front foot of building and shall be computed separately from the off-street parking requirements; except in the instance of the OS Districts, loading space shall be provided in the ratio of five (5) square feet per front foot of building except when such OS District has common lot line with which at least ten (10) feet shall be landscaped. Where an alley exists or is provided at the rear of buildings the rear building setback and loading requirements may be computed from the center of said alley.
- j. An off-street parking lot for visitors, over and above the number of spaced required may be permitted within the required front yard provided that such off-street parking is not located within twenty (20) feet of the front lot line.
- k. All storage shall be in the rear yard and shall be completely screened with an obscuring wall or fence, not less than six (6) feet high, or with a chain link type fence and a greenbelt planting so as to obscure all view from any adjacent residential, office or business district or from a public street.
- l. Any residential dwelling unit shall have minimum width across any front, side or rear elevation of twenty (20) feet and shall comply in all respects to the Raisin Charter Township Building Code.

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ARTICLE IX

SUPPLEMENTARY REGULATIONS

SECTION 9.10 EFFECTS OF ZONING:

Zoning affects every structure and use. Except as hereinafter specified, no building, structure or premises shall hereafter be used or occupied, and no building or part thereof or other structure shall be erected, moved, placed, reconstructed, extended, enlarged, or altered, except when in conformity with the regulations herein specified for the zoning district in which it is located.

In case any building or part thereof is issued, erected, altered or occupied contrary to law or to the provisions of this Ordinance, such building shall be declared a nuisance and may be required to be vacated, torn down, or abated by any legal means and shall not be used or occupied until it has been brought into conformance.

If construction on a building is lawfully begun prior to adoption of this Ordinance or is in existence at the time of the adoption of this Ordinance, nothing in this Ordinance shall be deemed to require any change in the planned or designed use of any such building provided that actual construction is being diligently carried on, and further provided that such building shall be entirely completed for its planned or designed use within one (1) year from the effective date of this Ordinance, or affecting amendment.

SECTION 9.20 APPLICATION OF REGULATIONS:

The regulations set by this ordinance throughout the Township and within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure, land or use.

- 9.20.1 All buildings, structures or land may hereafter be used, constructed, altered or occupied, only when in conformity with all of the regulations herein specified for the district in which it is located.
- 9.20.2 No building or other structure shall hereafter be altered;
 - a. To accommodate or house a greater number of persons or families than permitted by the Zoning District.
 - b. To have narrower or smaller rear yards, front yards, or other side yards, other than permitted.
- 9.20.3 No yard or lot existing at the time of passage of this Ordinance shall be subdivided or reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

SECTION 9.30 SCHEDULE OF DISTRICT REGULATIONS:

Regulations affecting the arrangement of buildings, materials and equipment occupying such land for each of the districts are hereby established as set forth in the Schedule of Regulations.

SECTION 9.300

AGRICULTURAL TOURISM

A. Intent, Goals and Purpose:

1. The intent of these zoning provisions is:

- a. To promote and maintain local farming. The activities that are described have become necessary for the sustainability of farms.

2. The goals of these provisions are:

- a. To maintain and promote agriculture and its related activities, such as agricultural tourism.
- b. To preserve open space and farmland.
- c. To maintain both an agricultural heritage and a rural character.
- d. To increase community benefits by having fresh, local produce for sale and working classrooms for school children's and urban residents' education.
- e. To increase positive growing businesses that contributes to the general economic conditions and cycle of the area and State.

3. The purposes of these provisions are:

- a. To provide standard definitions related to agricultural tourism operations.
- b. To provide a list of permitted activities under an agricultural tourism operation.
- c. To provide a list of activities that needs a special permit to guide and regulate agricultural tourism businesses on agriculturally zoned land.
- d. To provide for a clear understanding of the expectations for agricultural tourism businesses for operators, local residents, other businesses and local officials.

B. Definitions:

In addition to Ordinance Article II definitions, the terms and phrases used in this Section shall have the meanings set forth in Article II Section 2.20.03-A.

swings, etc. (not including motorized vehicles or rides).

4. Petting farms, animal display, and pony rides.
5. Wagon, sleigh and hayrides.
6. Nature trails.
7. Open air or covered picnic area with restrooms.
8. Educational classes, lectures, seminars.
9. Historical agricultural exhibits.
10. Kitchen facilities, processing/cooking items for sale.
11. Gift shops for the sale of agricultural products and agriculturally related products.
12. Gifts shops for the sale of non-agriculturally related products such as antiques or crafts, limited to 25 percent of gross sales.

2. Conditional Uses:

- a. Direct marketing of produce, farm market, on-farm market or roadside stand if the sales area is greater than 400 square feet in building area.
- b. Restaurant operations related to the agricultural use on the site.
- c. Non-agriculturally related uses listed as permitted uses in the A-1 Agricultural District but which include any of the following ancillary uses may require a conditional use permit.
 1. Small-scale entertainment (e.g., music concert, car show, art fair).
 2. Family oriented animated barns (e.g., fun houses, haunted houses, or similar) and small mechanical rides.
 3. Organized meeting space for use by gatherings, such as weddings, birthday parties, and corporate sponsored events.
 4. Designated, permanent parking for more than 20 vehicles.

2.20.03-A AGRICULTURAL TOURISM DEFINITIONS:

1. Agricultural Tourism – means the practice of visiting an agribusiness, horticultural, or agricultural operation, including, but not limited to, a farm, orchard vineyard, winery, greenhouse, hunting preserve, a companion animal or livestock show, for the purpose of recreation, education, or active involvement in the operation other than as a contractor or employee of the operation.

2. Value-added agricultural product - means the enhancement or improvement of the overall value of an agricultural commodity or of an animal or plant product to a higher value. The enhancement or improvement includes, but is not limited to marketing, agricultural processing, transforming, or packaging, education presentation, activities and tours.

3. Agricultural products - includes, but is not limited to, crops (corn, wheat, hay, potatoes); fruit (apples, peaches, grapes, cherries, berries, etc.); cider; vegetables (sweet corn, pumpkins, tomatoes, etc.); floriculture; herbs; forestry; husbandry; livestock and livestock products (cattle, sheep, hogs, horses, poultry, ostriches, emus, farmed deer, farmed buffalo, milk, eggs, and fur, etc.); aquaculture products (fish, fish products, water plants and shellfish); horticultural specialties (nursery stock, ornamental shrubs, flowers and Christmas trees); maple sap, etc.

4. Agriculturally related products - means items sold at a farm market to attract customers and promote the sale of agricultural products. Such items include, but are not limited to all agricultural and horticultural products, animal feed, baked goods, ice cream and ice cream based desserts and beverages, jams, honey, gift items, food stuffs, clothing and other items promoting the farm and agriculture in Michigan and value-added agricultural products and production on site.

5. Non-agriculturally related products - means those items not connected to farming or the farm operation, such as novelty t-shirts or other clothing, crafts and knick-knacks imported from other states or countries, etc.

6. Agriculturally related uses - means those activities that predominantly use agricultural products, buildings or equipment, such as pony rides, corn mazes, pumpkin rolling, barn dances, sleigh/hay rides, and educational events, such as farming and food preserving classes, etc.

7. Non-agriculturally related uses - means activities that are part of an agri tourism operation's total offerings but not tied to farming or the farm's buildings, equipment, fields, etc. Such non-agriculturally related uses include amusement rides, concerts, etc., and are subject to special use permit.

17. Processed - A farm product or commodity may be processed, in accordance with state and federal laws, to convert it into a value-added product that is more marketable for direct sales. Processing may include packing, washing, cleaning, grading, sorting, pitting, pressing, fermenting, distilling, packaging, cooling, storage, canning, drying, freezing, or otherwise preparing the product for sale. These activities can be used to extend a farm market's marketing season beyond its production season.

18. Table or sparkling wine – Table or sparkling wine is a beverage made without rectification or fortification and containing not more than 25 percent of alcohol by volume and made by the fermentation of grapes, grape juice, other fruits, or honey.

19. Tasting room – A room in conjunction with a farm winery where:

- a. Tasting of wine, fruit wines, and nonalcoholic fruit juices takes place at a charge or no charge to the individual; and
- b. The retail sales of winery products, incidental retail sales of non-food items, products by the bottle for off premises consumption and food items are allowed as provided herein. On premise consumption (wine by the glass) is also allowed.

20. Wine – the product made from the normal alcoholic fermentation of grapes, including still wine, sparkling and carbonated wine, wine made from condensed grape must, wine made from other agricultural products than sound, ripe grapes, imitation wine, compounds sold as wine, vermouth, cider, sherry and sake, in each instance containing not less than one-half of one percent nor more than 21 percent alcohol by volume for non-industrial use.

21. Wine Related Beverages – Fortified wines, wine brandy, and mixed wine drinks.

22. Winery – A state licensed facility where agricultural fruit production is maintained, juice and agricultural products are processed into wine, stored in bulk, packaged, and sold at retail or wholesale to the public with or without the use of a wine tasting facility. The site and buildings are used principally for the production of wine and wine related beverages.

SECTION 9.40 GENERAL REGULATIONS

In all districts, in connection with industrial, business, institutional, recreational, residential, or other use, there shall be provided at the time any building or structure is erected, enlarged or increased in capacity, off-street parking spaces for automobiles with the requirements herein specified.

9.40.1 Off-Street Parking:

In the residential district, there shall be provided at the time any building or structure is erected, enlarged or increased in capacity, off-street parking spaces for automobiles with the requirements herein specified.

- a. Plans and specifications showing required off-street parking spaces, including the means of access and interior circulation, for the above uses, shall be submitted to the Township Building Inspector for review at the time of application for a building permit for the erection or enlargement of a building. Required off-street parking facilities shall be located on the same lot as the principal building or any other off-street parking accommodations.
- b. Parking of motor vehicles, in residential zones, shall be limited to passenger vehicles, and not more than one commercially licensed vehicle, not to exceed three quarter (3/4) ton shall be permitted per dwelling unit. The parking of any other type of commercial vehicle or bus, except for those parked on school or church property, is prohibited in a residential zone. Parking spaces for all types of uses may be provided either in garages or parking areas conforming with the provisions of this Ordinance.
 - 1. The parking or storage of one (1) each unoccupied travel trailer and/or motor vehicle on a lot in conjunction with an occupied single-family dwelling unit may be permitted as provided in Article X of this Ordinance providing such recreational vehicles are not situated in the front yard.
 - 2. Parking or storage of watercraft is permitted as provided in Article X of this Ordinance, provided craft is not situated in front yard.
- c. Every parcel of land hereafter used as a public or private parking area shall be developed and maintained in accordance with the following requirements.
 - 1. 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.
 - 2. All off-street parking areas shall be drained so as to prevent drainage to abutting properties and maintained.
 - 3. 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.

4. 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 or fence, not less than four (4) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property. Screening shall not be so placed or maintained as to provide a traffic hazard by obstruction of visibility.
5. All off-street parking areas that make it necessary for vehicles to back out directly onto a public road are prohibited.
6. The number of parking spaces required for land or buildings used for two or more purposes, shall be the sum of the requirements for the various individual uses, computed in accordance with this Ordinance. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use.

9.40.2 Each off-street parking space for automobiles in RM-1, Multiple-Family Residential District, shall not be less than two hundred (200) square feet in area, exclusive of access drives or aisles, and shall be of usable shape and condition. There shall be provided a minimum access drive of twelve (12) feet in width, where a turning radius is necessary it will be of such an arc as to reasonably allow an unobstructed flow of vehicles. Parking aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of a parking space. The minimum of such aisles shall be:

<u>Parking pattern</u>	<u>Maneuvering lane width</u>	<u>Parking space width</u>	<u>Parking space length</u>	<u>Total width of one tier of spaces plus maneuvering lane</u>	<u>Total width of two tiers of spaces plus maneuvering lane</u>
0° (parallel parking)	12 feet	8 feet	23 feet	20 feet	28 feet
30° to 53° (diagonal)	13 feet	9 feet	20 feet	33 feet	53 feet
54° to 74° (diagonal)	18 feet	9 feet	21 feet	39 feet	60 feet
75° to 90° (diagonal)	25 feet	9 feet	18 feet	43 feet	61 feet

2. Institutional

- a. Off-street parking facilities required for churches may be reduced by fifty (50) percent where churches are located in non-residential districts and within three hundred (300) feet of usable public and private off-street parking areas.

9.40.3 Plans and specifications showing required off-street parking spaces, including the means of access and interior circulations, for the above uses, shall be submitted to the Township Building Inspector for review at the time of application for a building permit for the erection or enlargement of building. Required off-street parking facilities shall be located on the same lot as the principal building or any other off-street parking

accommodation.

9.40.4 Parking of motor vehicles, in residential zones, shall be limited to passenger vehicles, and not more than one commercially licensed vehicle not to exceed three-quarter (3/4) ton shall be permitted per dwelling unit. The parking of any other type of commercial vehicle or bus, except for those parked on school or church property, is prohibited in a residential zone. Parking spaces for all types of uses may be provided either in garages or parking areas conforming with the provisions of this Ordinance. The parking or storage of one (1) each unoccupied travel trailer and/or motor vehicle on a lot in conjunction with an occupied single family dwelling unit may be permitted as provided in Article X of this Ordinance, providing such recreational vehicles are not situated in the front yard.

9.40.5 No parking area or parking space which exists at the time this Ordinance becomes effective or which subsequent thereto is provided for the purpose of complying with the provisions of this Ordinance shall not thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance, unless additional parking area or space is provided sufficient for the purpose of complying with the provisions of this Ordinance within three hundred (300) feet of the proposed or existing uses for which such parking will be available.

9.40.6 Off-Street Parking and Loading:

All buildings located in the Township shall provide off-street parking adequate for the use intended.

The dimension of off-street parking spaces shall be in accordance with the following minimum dimensions:

<u>Parking pattern</u>	<u>Maneuvering lane width</u>	<u>Parking space width</u>	<u>Parking space length</u>	<u>Total width of one tier of spaces plus maneuvering lane</u>	<u>Total width of two tiers of spaces plus maneuvering lane</u>
0° (parallel parking)	12 feet	8 feet	23 feet	20 feet	28 feet
30° to 53° (diagonal)	13 feet	9 feet	20 feet	33 feet	53 feet
54° to 74° (diagonal)	18 feet	9 feet	21 feet	39 feet	60 feet
75° to 90° (diagonal)	25 feet	9 feet	18 feet	43 feet	61 feet

The graphic entitled "Parking Layouts" is included for illustration purposes only and not drawn to scale.

- a. Residential Off-Street Parking: Parking in residential zones is only permitted as an accessory use or as a transitional use (a use which buffers a more intense use from a less intense use) and in no case is it intended that parking or access drives to parking be permitted as a principal use of any residentially zoned lot.

INSERT PARKING LAYOUT DIAGRAM

- b. **Non-Residential Off-Street Parking:** Provisions shall be made for off-street parking for all non-residential buildings or additions to such buildings in all districts. The conversion of an existing residence to any other use shall be deemed to be a new use which must meet all provisions of this Ordinance.
- c. **Mixed Occupancies and Uses Not Specified:** In the case of mixed uses, the total requirements for off-street parking areas shall be the sum of the requirements of the various uses computed separately. In cases where there is shared usage by owners of adjacent businesses, off-street parking spaces shall not be less than the sum of the requirements for the various uses computed separately. Parking areas for churches, theaters or other uses in which the primary parking demand occurs out of normal store operation hours may be jointly used where adequate arrangements are made to assure that the space is available for each function. The Board of Appeals shall determine "adequacy".
- d. **Location of Off-Street Parking Facilities:** Off-street parking facilities shall be located as hereafter specified; where a distance is specified it shall be the distance measured from the nearest point of the parking facility to the nearest point of the building that such facility is required to serve, as follows:
 - 1) For all residential buildings and for all non-residential buildings in residential zones, required parking shall be provided on the same lot with the building.
 - 2) For commercial and all non-residential uses in commercial zones, required parking shall be provided within three hundred (300) feet.
 - 3) For industrial uses, required parking shall be provided within three hundred (300) feet.
- e. **Parking Areas in Commercial, and Industrial Districts:** Every parcel of land hereafter established as a public or private parking area in any commercial or industrial district or hereafter enlarged or altered shall be developed and maintained in accordance with the following requirements:
 - 1) Off-street parking area shall be effectively screened on any side which adjoins or faces premises situated in any residential zone district or institutional premises, by a screening or evergreen hedge or other material approved by the Planning Commission. Screening provisions in this ordinance shall control.
 - 2) Every such off-street parking area shall be surfaced in accordance with this ordinance. Any lighting in connection with off-street parking shall be so arranged as to reflect the light away from all adjoining residential buildings zones and streets. Lighting provisions of this ordinance shall control.
 - 3) The off-street parking area shall be subject to the approval of the Planning Commission to insure its adequacy in relation to traffic safety, lighting and protection of the adjacent property.

- f. **Parking Lots in Residential Zones:** Any person desiring to establish a parking area as an accessory use in a residential zone shall submit plans to the Planning Commission showing the location, size, shape, design, landscape, curb cuts, and other features of the parking lot. The establishment and operation of a parking area accessory to a commercial or industrial use in such parts of any residential district that abut either directly or across the street or alley from a commercial or industrial district is not permitted. All such parking areas and parking areas required for new multiple family dwellings and non-residential buildings in all residential zones may then be authorized, subject to the following conditions:
- 1) All parking areas shall be landscaped, screened, surfaced, and drained as provided in this Ordinance.
 - 2) No part of such parking areas shall extend into the required front yard more than one-half ($\frac{1}{2}$) of the yard required for a residential building, and where the lot or a portion of the lot lies between two (2) privately owned residential properties, the full front yard set-back shall be observed. In either case, the front yard area not occupied by the access drive shall be landscaped.
 - 3) All such parking areas shall be at least forty (40) feet in width.
 - 4) Such parking areas shall be used solely for the parking of passenger automobiles, and no commercial repair work or sales or service of any kind shall be conducted on such parking lot. No sign, other than entrance, exit, and condition of use signs, shall be maintained, and the aggregate area of all such signs shall not exceed twelve (12) square feet.
 - 5) Each entrance to and exit from such parking lot shall be at least twenty (20) feet distance from any adjacent property located in any residential zone, and the location and design of entrances, exit, surfacing, landscaping, marking, and lighting shall be subject to the approval of the Planning Commission to insure adequate relation to traffic safety, lighting and protection of the adjacent residential area.
 - 6) The Township Building Inspector shall thereafter issue a permit, which may be revoked at any time that the aforementioned requirements are not complied with. Any person operating the premises to which said permit relates in violation of any of the conditions specified by this Ordinance or

fixed to such permit, shall be deemed in violation of this Ordinance and shall be subject to the penalties prescribed in this Ordinance.
- g. **Parking and Storage of Unlicensed Vehicles:** Automotive vehicles of any kind or type without current license plates shall be in accordance with all local regulations.
- h. **Table of Parking Requirements:** The amount of required off-street parking space for new uses or buildings, additions thereto, and additions to existing buildings as specified above, shall be determined in accordance with the following table, and the space, so required shall be stated in the application for a building permit and shall be irrevocably reserved for such use and/or shall comply with the initial part of this Section.

<u>Use</u>	<u>Number of Minimum Parking Spaces Per Unit of Measure</u>
1. <u>Residential</u>	
a. Residential, One-Family and Two-Family	Two (2) for each dwelling unit.
b. Residential, Multiple-Family	Two (2) for each dwelling unit for developments of 1-24 units. One point seven five (1.75) space for each dwelling unit for developments of 24+ units.
c. Mobile Home Park	Two (2) for each trailer or mobile home site and one (1) for each employee of the trailer or mobile home court.
d. Boarding and Rooming House and Bed & Breakfast Facility	One (1) for each sleeping room.
e. Senior Citizen Apartments	One (1) space for each unit .
2. <u>Institutional</u>	
a. Churches, Temples or Synagogues	One (1) for each three (3) seats, maximum seating capacity in the main unit of worship; or one (1) space for each thirty-five (35) sq. ft. of gross floor area whichever is greater.
b. Hospitals	One (1) per six hundred (600) sq. ft. of gross floor area.
c. Sanitariums, Convents, Homes for the Aged, Convalescent Homes, Children's Homes	One (1) per six hundred (600) feet of gross floor area.
d. Adult Foster Care Facilities	One space per every two (2) beds based on maximum capacity.
e. Public or Private Elementary and Junior High Schools	One (1) for each classroom plus one (1) space for each five (5) fixed seats of any area used for auditorium purposes or for each thirty-five (35) sq. ft. of seating area where there are no fixed seats.
f. Senior High Schools	One (1) space for each classroom and each other room used by students plus one (1) for each ten (10) full-time students in addition to the requirements for auditorium. (See k)
g. Private Clubs, Lodges and Rental Hall Facilities	One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, County, or State fire, building, or health codes.

<u>Use</u>	<u>Number of Minimum Parking Spaces Per Unit of Measure</u>
h. Private Golf Clubs, Swimming Pool Clubs, Tennis Clubs, or Racquetball Clubs	One (1) for each two (2) member families or individuals.
i. Golf Course open to the general public, except miniature or "par 3" courses.	Six (6) for each one (1) gold hole and one (1) for each one (1) employee on premises at one time.
j. Stadium, Sport Arena, or similar place of outdoor assembly.	One (1) for each three (3) seats or ten (10) feet of bench.
k. Theaters and Auditoriums (Indoor)	One (1) for each four (4) seats plus one (1) for each two (2) employees.
l. Libraries, Museums, and Non-Commercial Art Galleries.	One (1) for each two hundred and (250) sq. ft. of gross floor area.
m. Day-care, Pre-school and Nursery Schools	One (1) space for each staff member plus one (1) space for every five (5) children or one (1) space for every ten (10) children if adequate drop-off facilities are provided.
n. Jails	One (1) space for each staff member plus one (1) space for every five (5) cells, in addition to off street loading spaces for delivery and transport vehicles.
3. <u>Business and Commercial</u>	
a. Automobile Service Stations, Gasoline Stations, Convenience Stores in Conjunction with service or gas station.	Two (2) for each lubrication stall, rack, pit or pump plus one for every two hundred (200) sq. ft. of gross floor area devoted to retail sales; plus one (1) for each employee on premises.
b. Auto Wash, Auto Reconditioning, Auto Cleaning	One (1) for each one (1) employee, plus one (1) for each two hundred (200)
c. Beauty Parlor or Barber Shop	Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1-1/2) spaces for each additional chair.
d. Bowling Alleys	Five (5) for each one (1) bowling lane.

<u>Use</u>	<u>Number of Minimum Parking Spaces Per Unit of Measure</u>
e. Dance Halls, Pool or Billiard Parlors, Roller or Ice Rinks, Exhibition Halls and Assembly Halls without fixed seats	One (1) for each three (3) seats or One (1) for each one hundred (100) sq. ft. of gross floor area whichever is greater.
f. Drive-in Establishments	One (1) for each forty (40) feet of gross floor area, with a minimum of twenty-five (25) parking spaces.
g. Establishments for Sale and Consumption on the Premises of Beverages, Food or Refreshments	One (1) for every six (6) seats or eighty (80) sq. ft. whichever requires the greater amount of parking.
h. Furniture and Appliance, Household Equipment, or Repair Shop, Showroom of a Plumber, Decorator, Electrician Similar Trade, Shoe Repair and Other Similar Uses.	One (1) for each eight hundred (800) sq. ft. of floor area, occupied in processing manufacturing.
i. Laundromats and Coin Operated Dry Cleaners	One (1) for each two (2) washing machines.
j. Miniature Golf Courses	Three (3) for each one (1) hole plus one (1) for each one (1) employee.
k. Mortuary Establishments	One (1) for each fifty (50) sq. ft. of gross floor area, plus one (1) space for each fleet vehicle.
l. Motel, Hotel or Other Commercial Lodging Establishments	One (1) for each one (1) occupancy unit plus one (1) for each one (1) employee, plus extra spaces for dining rooms, ballrooms, or meeting rooms based upon maximum occupancy load.
m. Motor Vehicles Sales and Service Establishments, Trailer Sales and Rental, Boat Showrooms	One (1) for each four hundred (400) sq. ft. of gross floor area of sales room.

<u>Use</u>	<u>Number of Minimum Parking Spaces Per Unit of Measure</u>
n. Open Air Business	One (1) for each six hundred (600) sq. ft. of lot area.
o. Restaurant, Carry-Out	One (1) for each one hundred (100) sq. ft. of gross floor area.
p. Retail Stores, Except as Otherwise Specified Herein	One (1) for each three hundred (300) sq. ft. of gross floor area.
q. Shopping Center or Clustered Commercial	One (1) for each three hundred (300) sq. ft. of gross floor area.
r. Auto Body Shop	One (1) space for each five hundred (500) sq. ft. of gross floor area plus one (1) space for each employee.
s. Auto/Truck Sales	One (1) space for each five hundred (500) sq. ft. of gross floor area for automobile sales.
t. Cocktail Lounges and Taverns	One (1) space for each seventy-five (75) feet of gross floor area.
u. Health Spas, Gymnasiums, and Health Clubs	Ten (10) plus one (1) space for each two hundred (200) sq. ft. of gross floor area in excess of one thousand (1000) gross sq. ft.
4. <u>Offices</u>	
a. Banks, Savings and Loan Offices	One (1) for each two hundred (200) sq. ft. of gross floor area.
b. Business Offices or Professional Offices Except as indicated in the Following Item (c) but including courthouses and governmental offices.	One (1) for each four hundred (400) sq. ft. of gross floor area.
c. Medical or Dental Clinics, Professional Offices of Doctors, Dentist or Similar Professions	One (1) for each one hundred seventy-five (175) sq. ft. of gross floor area.

<u>Use</u>	<u>Number of Minimum Parking Spaces Per Unit of Measure</u>
5. <u>Industrial</u>	
a. General Manufacturing Establishments	One (1) space for every six hundred and fifty (650) square feet of gross floor area, plus one (1) space per each three-hundred fifty (350) square feet of office space.
b. Light and limited Industrial Manufacturing	One (1) space for every five hundred (500) sq. ft. of gross floor devoted to manufacturing plus one (1) space per each three hundred fifty (350) sq. ft. of office, sales or similar space.
c. Research and Development	One (1) space for every three hundred fifty (350) sq. ft. of gross floor area plus one (1) space per each three hundred fifty (350) sq. ft. of office sales or similar space.
d. Warehousing	One (1) space for every two thousand (2000) sq. ft of gross floor area.

- i. Required Off-Street Loading Berths: In all districts every building, or part thereof, hereafter erected, which is to be occupied by manufacturing, storage, warehouse, group of stores, or other use similarly requiring the receipt of distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same premises with such buildings, off-street loading spaces in relation to floor area as follows:

5,000 to 20,000 square feet.....1 space
 20,000 to 50,000 square feet.....2 spaces
 50,000 to 100,000 square feet.....3 spaces
 1 additional space for each additional 100,000 square feet
 or part thereof; provided that:

- 1) Each loading space shall be at least (12) feet in width, forty-four (44) feet in length, and have a clearance of fourteen (14) feet above grade.
- 2) Such space may occupy all or any part of any required yard or court space, except the front yard.

- j. Increased Parking, Surfacing: When the floor area, dwelling units or other unit of measure employed to determine off-street parking requirements shall be increased, it shall be the duty and obligation of the owner and occupant of such residence, business or other use to provide additional off-street parking space of sufficient area. Such parking space may be on the same lot or lots, with the main building or within a maximum distance of three-hundred fifty (350) feet from any such lot, whichever may have been originally required under this Ordinance. All such parking spaces herein required shall be surfaced as provided in this ordinance.

- k. Surfacing: All open parking spaces required in commercial, industrial office and multiple family Districts shall be paved with concrete or bituminous material in accordance with plans approved by the Building Inspector. Such concrete pavement shall be of a minimum thickness of six (6) inches and any bituminous paving shall be of a minimum thickness of two (2) inches, or shall be a triple sealcoat and shall be placed upon a base of cinders or gravel of a minimum thickness of four (4) inches. Paving of parking area may be phased with the approval of the Township Board. All parking paving shall be complete within a period of 12 months after site plan approval. Off-street parking for one (1) and two (2) family dwellings need not be surfaced with concrete or bituminous material.

9.40.7 Animals, Bees, Livestock & Fowl-Use, Shelter & Storage:

No animals, livestock or fowls, or structures for the same, other than common household pets shall be permitted as an accessory use in residentially zoned areas. This shall not apply to agriculturally zoned areas.

9.40.8 Non-Commercial Antennas and Satellite Receiving Stations:

Antennas and satellite receiving stations, when not utilized for commercial broadcasting, are permitted as accessory uses in all zoning districts, except the Parking District.

9.41.1 Building Permit Required - Conformance to Zoning:

No building shall hereafter except as otherwise provided by other Township codes and ordinances be erected, relocated or altered in its exterior or interior dimension or use, and no excavation for any building shall be begun until a building permit has been issued.

9.41.2 Certificate of Occupancy Required:

No new principal building or dwelling subject to the provisions of this Ordinance shall be occupied, inhabited or used until a Certificate of Occupancy is issued by the Township Building Inspector.

9.41.3 Structures:

- a. **Restoring Unsafe Buildings:** Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the Township Building Inspector or the County Health Department. A building or structure condemned by the Township Building Inspector may be restored to safe condition provided change of use or occupancy is not contemplated nor compelled by reason of such reconstruction or restoration; except that if the damage or cost of reconstruction or restoration is equal to or in excess of its State Equalized value, the structure shall be made to comply in all respects with the requirements for materials and methods of construction of structures hereafter erected.
- b. **Structure to Have Access:** Every principal structure hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be located on lots as to provide safe and convenient access for servicing fire protection, and required off-street parking.
- c. **One Single-Family Structure Per Lot:** No single family detached residential structure shall be erected upon a lot with another single family detached residential structure, unless it is part of an approved site condominium project. In addition, every building hereafter erected or structurally altered to provide dwelling units shall be located on a lot as herein defined.
- d. **Accessory Building:** No accessory building shall be erected in any required front yard, and no separate accessory building shall be erected closer than six (6) feet to an abutting property line. Any accessory building must be located on the same site, parcel, or lot as the principal use.
- e. **Exceptions to Height Regulation:** The height limitations contained in the Ordinance do not apply to spires, belfries, cupolas, antennae, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.
- f. **Health/Construction Standards:**
 1. If central water and sanitary sewage facilities are available, the new dwellings shall be connected to such facilities.

2. Conventional site built dwellings and all other manufactured dwellings shall comply with State Building Code standards and other applicable fire, plumbing, electrical, etc. codes and regulations.
3. All dwellings shall have a foundation complying with the State Building Code standards including a foundation wall constructed of such materials and type as required in the State Building Code.
4. Conventional site built dwellings shall have an anchoring system complying with the State Building Code, and manufactured housing shall be secured to the premises by an anchoring system or devices compatible with those required by the Michigan Mobile Home Commission.

g. **Aesthetic Standards:**

1. Dwellings shall have a foundation wall around the home as specified in 9.41.3 (f).
2. Dwellings shall not have exposed wheels, touring mechanisms, undercarriage as chassis, and shall have an aesthetically suitable foundation or skirting around the outside perimeter.
3. Dwellings shall have a roof drainage system with suitable gutters and proper downspouts.
4. All additions to the original dwellings shall have a similar appearance in quality or workmanship as the original dwelling including an appropriate foundation and permanent attachment to the principal structure.
5. There shall be a minimum of two (2) exterior doors with one being in the front of the home and the other in the rear or side of the home connected to permanently attached steps.
6. All new dwellings located on platted lots within the Township should be designed and constructed so as to be compatible and enhance the surrounding structures and be of an architectural style to compliment the neighborhood.

9.41.4 **Lots:**

- a. **New Lots to be Buildable:** All newly created lots shall have buildable area. The net buildable area of a lot shall be at least 75% of the minimum lot area of the respective zoning district and a continuous piece of land excluding land subject to flooding six (6) months of the year, wetlands, poor drainage, steep slopes, rock outcrops and land encumbered by easements preventing the use of the land.
- b. No new lots shall be created which do not meet the minimum lot size regulations of this Ordinance.

- c. **Corner Lots:** On a corner lot, each lot line which abuts a street shall be deemed to be a front lot line, and the required yard along both lot frontages shall be a required front yard. The owner shall elect and so designate in his application for permit, which of the remaining two (2) required yards shall be the required side yard and which the required rear yard.
- d. **Existing Platted Lots:** Any residential lot laid out on an approved plat or existing at the time of adoption of this ordinance, that fails to comply with the minimum requirements of this ordinance may be used for single-family dwelling, provided said lot can meet the setback requirements of the respective zoning district.

SECTION 9.50 ADDITIONAL GENERAL REGULATIONS

9.50.1 General Lighting, Screening Requirements, and Fences:

a. Lighting:

All private lights used for the illumination of dwellings or business establishments or for the illumination of business buildings or areas surrounding them, or the illumination or display of merchandise or products of business establishments shall be completely shielded from the view of vehicular traffic using the road or roads abutting such business property. Lighting which is designed to illuminate the premises shall be installed in a manner which will not cast direct illuminations on adjacent properties.

b. Non-Residential Uses Abutting Residentially Zoned Lots:

Except as otherwise provided in this Zoning Ordinance, all premises used for business, commercial or industrial purposes shall be screened from abutting residential districts. Screening shall be any of the following and shall apply to side and rear setbacks:

1. A natural buffer planted with evergreens or shrubbery which maintains their density and screening effect throughout the calendar year, not less than four (4) feet in height at the time of planting and maintained in a neat and attractive manner commensurate with the adjoining residential district.
2. A wall or fence of sufficient density or compactness to screen the structures and activities of the business from the view of occupants of adjoining premises, not less than five (5) feet in height and maintained in a neat and attractive manner, commensurate with the adjoining residential district.
3. An earth berm not less than four (4) feet in height and planted.
4. For side yard screening, no such wall plant material or fence shall impair safe site distances. No planting or fences shall exceed two (2) feet in height, twenty five (25) feet from a road or street intersection. Also see sketch for guidance.



INSERT VISIBILITY TRIANGLES DIAGRAM

c. Fences:

1. Front yard retaining walls and fences not more than four (4) feet in height are permitted in the required yards of all zones, provided said fences are not more than fifty percent (50%) solid.
2. Walls and solid fences of not more than six (6) feet in height are permitted only in side or rear yards in Residential zone.
3. When installed, the decorative side of the fence shall face the abutting property.
4. In all districts, the frontages for corner lots shall comply with the provisions for residential front yard fencing. In addition, no fence, structure or planting over two (2) feet in height above the curb line except deciduous trees shall be erected or maintained within twenty-five (25) feet of intersecting street right-of-way lines so as to interfere with traffic visibility across the corner.
5. Barbed wire fences are prohibited in all zoning districts. However, barbed wire strands may be used to enclose storage areas or other similar industrial and commercial uses. The strands shall be restricted to the upper most portion of the fence and shall not extend lower than a height of eight (8) feet from the nearest ground level.
6. In the event of any controversy to the adequacy of any proposed or existing screening or the creation of any nuisance or annoyance by artificial lighting, the Board of Appeals shall have the right and is hereby given the authority to interpret and determine the screening and lighting provisions and the purpose herein sought to be accomplished.

SECTION 9.60 NON-CONFORMITIES:

9.60.1 Continuance of Non-Conforming Uses and Structures:

Only lawful non-conforming uses or structures in existence at the time of passage of this Ordinance or amendments thereof, may be continued, but shall not be extended, added to or altered unless each such extension, alteration or addition is in conformity with the provisions of this Ordinance. Land now occupied by an illegal non-conforming use or structure shall not be eligible for any variance or zoning permit until the illegal non-conformity is removed.

9.60.2 Discontinuance of Non-Conforming Uses:

If the non-conforming use of any land shall terminate for a continuous period of over twelve (12) months or more, such use shall not be re-established and any future use of such land or structure shall be in conformity with this Ordinance.

9.60.3 Restoration and Repair:

- A. Such repairs and maintenance work as are required to keep a non-conforming building or structure in a sound condition may be made.

- B. In the event any non-conforming use or structure shall be damaged by fire, wind or an Act of God or Act of War, it may be rebuilt or restored provided the cost of restoration thereof shall not equal or exceed the Assessed Value of such building or structure. Such determination shall be made by either the Township Building Inspector or Township Assessor.
- C. Non-conforming buildings or structure may be restored, provided it does not exceed the floor area size, height, and placement of the original building or structure.

9.60.4 Change of Use or Structure:

A non-conforming use may be changed to another non-conforming use if the Board of Appeals find that such a new use would markedly decrease the degree of non-conformance and would enhance the desirability of adjacent conforming uses.

This shall not be construed to permit the conversion of a non-conforming use to a prior non-conforming use, nor to waive the other provisions of this Ordinance.

9.60.5 Non-Conforming Due to Reclassification:

The foregoing provisions of this Ordinance shall also apply to buildings, land or uses which hereafter become non-conforming due to any reclassification of districts of any subsequent change in the regulations of this Ordinance.

SECTION 9.70 TEMPORARY PERMITS:

Temporary Permits may be authorized by the Township Board after a hearing, for a period not to exceed six (6) months, for non-conforming uses incidental to construction projects on the same premises and including such uses as storage of building supplies and machinery, signs and the assembly of building materials. In addition, the Township Board, after a hearing, may authorize a certificate for a dwelling house to be temporarily used as a sales and management office for the sale of homes within a subdivision for a period of one (1) year, provided all of the following requirements are complied with:

- 9.70.1 The house to be used as such office is built upon a lot approved as part of the approved subdivision and is of substantially similar design as those houses to be sold within the subdivision.
- 9.70.2 No retail sales or business other than that accessory to the management and sales of the land in the subdivision owned by the applicant shall be permitted.
- 9.70.3 Said dwelling house shall meet all other zoning restrictions of the zone in which it is located.

TABLE 1
Major Plant Types and Their Appropriate Uses

Tree Type	Adjacent to walkways	Adjacent to buildings	Parking areas	Service areas	Front yard greenbelt	Landscape buffer	Site landscaping	Retention areas	Speciman plantings	Steep slopes
Evergreens										
Fir		X		X	X	X	X			
Spruce		X		X	X	X	X			
Pine										
Hemlock		X				X	X	X		
Douglas Fir		X				X	X		X	
Narrow Evergreen Trees										
Red Cedar		X		X		X	X	X		
Arbor Vitae		X		X	X	X	X			
Juniper (selected varieties)		X								
Large Deciduous Trees										
Oak	X	X	X	X	X	X	X	X		
Maple		X								
Beech	X	X	X	X	X	X	X	X		
Linden	X	X	X	X	X	X	X	X		
Ash	X	X	X	X	X	X	X	X		
Ginkgo (male only)	X	X	X	X	X	X	X	X		
Honeylocust (seedless, thornless)		X	X	X	X	X	X	X		
Birch		X	X	X	X	X	X	X		
Sycamore		X	X	X	X	X	X	X		

TABLE 1
Major Plant Types and Their Appropriate Uses

Tree Type	Adjacent to walkways	Adjacent to buildings	Parking areas	Service areas	Front yard greenbelt	Landscape buffer	Site landscaping	Retention areas	Speciman plantings	Steep slopes
Small Deciduous Trees (ornamental)										
Flowering Dogwood (disease resistant)	X	X					X		X	
Flowering Cherry		X			X		X		X	
Plum, Pear		X			X		X	X	X	
Hawthorne (thornless)	X	X			X		X	X	X	
Redbud	X	X			X		X	X	X	
Magnolia		X			X		X	X	X	
Flowering Crabapple		X			X		X	X	X	
Mountain Ash		X			X		X	X	X	
Hornbeam		X			X		X	X	X	
Russian Olive		X			X	X	X	X	X	X
Large Evergreen Shrubs										
Irish Yew		X				X	X			
Hicks Yew		X				X	X			
Upright Yew		X				X	X			
Spreading Yew		X				X	X			X
Pfitzer Juniper		X				X	X			X
Savin Juniper		X			X		X		X	
Mugo Pine		X				X	X			
Small Evergreen Shrubs										
Brown's, Ward's		X					X			X
Dwarf Mugho Pine		X				X	X			
Euonymous Varieties		X			X	X	X			

TABLE 1

Major Plant Types and Their Appropriate Uses

Tree Type	Adjacent to walkways	Adjacent to buildings	Parking areas	Service areas	Front yard greenbelt	Landscape buffer	Site landscaping	Retention areas	Speciman plantings	Steep slopes
Large Deciduous Shrubs										
Honeysuckle		X			X	X	X			X
Lilac		X			X	X	X			X
Border Privet (hedge planting)		X			X	X	X	X		X
Sumac										
Buckthorn		X			X	X	X			
Pyracantha		X			X	X	X			
Weigela		X			X	X	X			
Flowering Quince		X			X	X	X			
Barberry		X			X	X	X			
Cotoneaster (Peking and Spreading)		X			X	X	X			X
Sargent Crabapple		X			X	X	X			
Dogwood (Red Oster and Grey)		X			X	X	X	X	X	X
Euonymus Varieties		X			X	X	X	X		
Viburnum Varieties		X			X	X	X			
Tall Hedge (hedge planting)	X	X		X	X	X	X			
Small Deciduous Shrubs										
Draft Winged		X				X	X			X
Regal Privet		X				X	X			X
Fragrant Sumac		X				X	X			X
Japanese Quince		X				X	X			X
Cotoneaster (Rockspray, Cranberry)		X	X			X	X	X		X
Potentilla		X				X	X			X
Ground Cover										
Periwinkle	X	X			X	X	X		X	X
Baltic Ivy	X	X			X	X	X		X	X
Euonymus Varieties	X	X			X	X	X		X	X
Hall Honeysuckle	X	X			X	X	X		X	X
Pachysandra	X	X			X	X	X		X	X

TABLE 1

Major Plant Types and Their Appropriate Uses

Tree Type	Adjacent to walkways	Adjacent to buildings	Parking areas	Service areas	Front yard greenbelt	Landscape buffer	Site landscaping	Retention areas	Speciman plantings	Steep slopes
Vines										
Euonymous Varieties		X					X			
Virginia Creeper		X					X			
Baltic Ivy		X					X		X	
Wisteria		X					X		X	

TABLE 2
Plant Material Size Requirements

Tree Type	Height					Caliper		18"-2' Spread	2" Peat Pot	2 Gallon Container
	5'-6'	3'-4'	2'-3'	18"-2'	2"	2 1/2"				
	Evergreens									
Fir	X									
Spruce	X									
Pine	X									
Hemlock	X									
Douglas Fir	X									
Narrow Evergreen Trees										
Red Cedar	X									
Arbor Vitae	X									
Juniper (selected varieties)	X									
Large Deciduous Trees										
Oak						X				
Maple						X				
Beech						X				
Linden						X				
Ash						X				
Ginkgo (male only)						X				
Honeylocust (seedless, thornless)						X				
Birch						X				
Sycamore						X				

TABLE 2

Plant Material Size Requirements

Tree Type	Height				Caliper		18"-2' Spread	2" Peat Pot	2 Gallon Container
	5'-6'	3'-4'	2'-3'	18"-2'	2"	2 1/2"			
Small Deciduous Trees (ornamental) Flowering Dogwood (disease resistant) Flowering Cherry Plum, Pear Hawthorne (thornless) Redbud Magnolia Flowering Crabapple Mountain Ash Hornbeam Russian Olive					X X X X X X X X X X				
Large Evergreen Shrubs Irish Yew Hicks Yew Upright Yew Spreading Yew Pfitzer Juniper Savin Juniper Mugho Pine	X X X						X X X X		
Small Evergreen Shrubs Brown's, Ward's Sebion Yews Dwarf Spreading Juniper Dwarf Mugho Pine Euonymous Varieties							X X X X X		

TABLE 2
Plant Material Size Requirements

Tree Type	Height					Caliper		18"-2' Spread	2" Peat Pot	2 Gallon Container
	5'-6'	3'-4'	2'-3'	18"-2'	2"	2 1/2"				
Deciduous Shrubs			X X	X						
Honeysuckle										
Lilac										
Border Privet (hedge planting)										
Sumac		X X								
Buckthorn										
Pyracantha		X								
Weigela		X								
Flowering Quince		X								
Barberry		X								
Cotoneaster (Peking and Spreading)		X								
Sargent Crabapple		X								
Dogwood (Red Oster and Grey)		X								
Euonymus Varieties		X								
Viburnum Varieties		X								
Tail Hedge (hedge planting)					X					
Small Deciduous Shrubs										
Draft Winged										
Regal Privet							X			
Fragrant Sumac							X			
Japanese Quince							X			
Cotoneaster (Rockspray)							X			
Cranberry							X			
Potentilla							X			

SECTION 9.80

MINIMUM LANDSCAPE AND SCREENING REQUIREMENTS:

- 9.80.1 For all Multiple-Family Residential Districts, 25% of the site shall be in landscaped open space. The open space shall be landscaped with one (1) evergreen tree or shrub for every 1,000 square feet of portion thereof, plus one (1) small or large deciduous tree for every 2,000 square feet or portion thereof. (Plant materials existing on the site prior to development may be included as part of the requirement). Ground cover or lawn is required in all landscaped areas. (See Table 1 for appropriate uses of plant materials).
- 9.80.2 For permitted and conditional nonresidential uses in the AE and R-1 Districts, 30% of the site under development shall be in landscaped open space. The open space shall be landscaped with one (1) evergreen tree or shrub for every 1,000 square feet or portion thereof plus one (1) small or large deciduous tree for every 1,500 square feet or portion thereof.
- (Plant materials existing on the site prior to development may be included as part of the requirement). Twenty-five (25) percent of the required open space shall be between the roadway and the building. Buildings on corner lots shall have 40% of the required open space between the building and the street. (See Table 1 for appropriate uses of plant materials).
- 9.80.3 For permitted and conditional uses in the OS, C-1, C-2, I-1, and I-2 Districts, 15% of the site shall be in landscaped open space with one (1) evergreen tree or shrub for every 1,000 square feet or portion thereof plus one (1) small or large deciduous tree for every 2,000 square feet or portion thereof. (Plant materials existing on the site prior to development may be included as part of the requirement). Thirty (30) percent of the required open space shall be between the roadway and the building. Buildings on corner lots shall have 60% of the required open space between the building and the roadway. Whenever feasible, a portion of the landscaping shall be placed adjacent to the building(s). (See Table 1 for appropriate uses of plant materials).
- 9.80.4 All areas shall be landscaped and shall meet the following standards:
- a. No synthetic plant materials such as artificial grass, shrubs, trees, or flowers shall be used to fulfill any landscaping requirements.
 - b. Berms, whenever utilized shall be designed and landscaped to minimize erosion. Berms adjacent public rights-of-way shall have a slope no greater than 3:1, unless designed as part of a retaining wall.
 - c. All landscaping materials shall consist of healthy specimens compatible with local climate, soil characteristics, drainage, and water supply. All plant material shall be reasonably resistant to drought and disease. Non-nursery derived stock shall not be used to satisfy these requirements.
 - d. Grass or other living plants shall be primary ground cover in required landscaped areas. Both sod planting and seeding are acceptable.

- e. Ground covers other than grass shall be planted in required areas to provide complete coverage within two (2) growing seasons. Vines shall not be used adjacent to pedestrian areas.
- f. Unless otherwise specified, materials such as river rock, cobble, boulders, paving stone, patterned concrete, bark and wood chips shall be limited to small areas and shall not exceed 25% of the required landscape area. All loose ground covers shall be at least six (6) inches deep. Loose gravel less than three (3) inch minimum aggregate size shall not be used in areas abutting public streets or sidewalks.
- g. Maintenance shall include all reasonable and regular irrigation, weeding, fertilizing and pruning. Plant materials which show signs of insect pests, diseases and/or damage shall be appropriately treated. Dead plant material shall be replaced immediately or as soon as practical under the seasonal conditions existing and according to the approved site plan. The developer and subsequent owner(s) shall be responsible for maintaining all on-site landscaping.
- h. Plant materials and their minimum size requirements shall be installed in accordance with Table 1 and 2.
- i. Landscaping plans may be submitted to the Township Building Inspector for technical review and to the Planning Commission for approval within ninety (90) days after final approval of the site plan. Plans may be submitted as an amendment to the site plan, thereby not requiring an additional review fee. On projects in excess of two (2) acres, the developer may file a phased plan for completing the landscaping pursuant to these standards.

SECTION 9.90 SITE PLAN APPROVAL:

A site plan review procedure is hereby established for Raisin Charter Township. The purpose of a site plan review is to determine compliance with the provisions set forth herein and to promote the orderly development of the Township, the stability of land values and investments in the general welfare, and to help prevent impairment of depreciation of land values and development by the erection of structures or additions or alterations thereto without proper attention to siting and appearance.

The following provisions in this section shall apply to all use requiring site plan review by this Ordinance, including platted subdivisions, site condominium developments, multiple family developments, mobile home parks, commercial developments industrial developments, and all uses requiring a conditional use permit (single family and duplex units are not subject to site plan review). Approved plans shall regulate the development on the premises, unless modified in the same manner as the plans were originally approved. A site plan approval is required in any District for any private, public or commercial use, such as churches, libraries, playgrounds and parks, schools, rental halls, etc., where a Site Plan is not usually required.

9.90.1 Submission Requirements:

All site plans as required by this Ordinance shall be submitted to the Township in ten (10) copies. These copies will be distributed to the Township Planning Commission and Township Supervisor.

- A. All site plan reviews shall use the following procedures:

1. Professional review by approved architect, planner or engineer may be obtained by the Township. The cost of review will be passed along to the applicant.
2. The Planning Commission shall review the site plan at its next regularly scheduled meeting. The Planning Commission may elect to postpone a decision on the site plan until its next regularly scheduled meeting if the site plan is determined to be incomplete or has been submitted within seven (7) calendar days of the meeting.
3. The Planning Commission shall recommend, with specified changes and/or conditions, or disapprove the applicant's request, using the standards described in Section 9.90.4 of this Ordinance.
4. Conditions or changes stipulated by the Planning Commission shall be recorded in the minutes of the meeting and made available to the applicant in writing. One (1) copy of an approved site plan containing the signature of the Planning Commission Chairperson and the appropriate date, shall be kept on file in the township hall.
5. Of the ten (10) copies submitted, one shall be kept on file by the Planning Commission, one retained by the Township Building Inspector and one returned to the applicant.

9.90.2 The following information shall accompany all plans submitted for review:

- A. A legal description of the property under consideration.
- B. A map indicating the gross land area of the development, the present zoning classification thereof and the zoning classification and land use of the area surrounding the proposed development, including the location of structures and other improvements.
- C. The names and addresses of the architect, planner, designer, or engineer responsible for the preparation of the Site Plan.
- D. Drawings or sketches of the exterior and elevations, and/or perspective drawings of the building or structures under consideration.

9.90.3 The following information shall be included on the Site Plan:

- A. A scale of not less than 1" = 40', if the subject property is less than three (3) acres, and 1" = 100', if it is three (3) acres or more.
- B. Date, north point and scale.
- C. The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.
- D. The siting of all structures on the subject property and abutting properties.

- E. The location of each proposed structure in the development area, the use or uses to be contained therein, the number of stories, gross building areas, distances between structures and lot lines, setback lines, and approximate location of vehicular entrances and loading points.
- F. The location of all existing and proposed drives and parking areas with the number of parking and/or loading spaces provided.
- G. All pedestrian walks, mall and open areas.
- H. Location and height of all walls, fences and screen planting, including a general plan for the landscaping of the development and the method by which landscaping is to be accomplished and be maintained. (Plant materials shall be chosen and installed in accordance with standards recommended by the Lenawee County Cooperative Extension Service or American Nursery Association).

The location and right-of-way widths of all abutting streets.
- J. Types of surfacing, such as paving, turfing or gravel to be used at the various locations.
- K. A grading plan with topographic elevations of the area, showing method of storm drainage.
- L. Size and location of proposed sewer and water lines and connections.
- M. The number of proposed units (for multiple family developments).
- N. Significant environmental features such as wetlands, shoreline, streams, woodlots, existing trees and vegetation.
- O. Information as may be required by the Planning Commission and Township Board to assist in the consideration of the proposed development.

9.90.4 In order that building, open space and landscaping will be in harmony with other structures and improvements in the area, and to assure that no undesirable health, safety, noise and traffic conditions will result from the development, the Planning Commission shall determine whether the site plan meets the following criteria, unless the Planning Commission determines that one or more of such criteria are inapplicable:

- A. The vehicular transportation system shall provide for circulation throughout the site and for efficient ingress and egress to all parts of the site by fire and safety equipment.
- B. Pedestrian walkways shall be provided as deemed necessary by the Planning Commission for separating pedestrian and vehicular traffic.
- C. Recreation and open space areas shall be provided in all multiple family residential developments.

- D. The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, yard space, density and all other requirements as set forth in this Ordinance, unless otherwise provided.
 - E. The requirements for fencing, walks, and other protective barriers shall be complied with as provided in this Ordinance and as deemed appropriate by the Planning Commission.
 - F. The site plan shall provide for adequate storage space for the use therein.
 - G. Security measures shall be provided as deemed necessary in conformance with all applicable laws of the State of Michigan for the protection of residents and/or occupants of the structures.
 - H. Fire protection measures shall be provided as deemed necessary in conformance with all applicable laws of the State of Michigan for the protection of residents and/or occupants of the structures.
 - I. The site plan shall comply with all requirements of the applicable zoning district, unless otherwise provided.
- 9.90.5 The Planning Commission shall have the function and power to approve or disapprove the site plan subject to compliance with such modifications and conditions as may be deemed necessary to carry out the purpose of these regulations and other Ordinances.
- 9.90.6 The Planning Commission shall have the function and power to request additional professional review from the Township Attorney, Engineering Consultant and/or Planning Consultant, and the permittee shall be responsible for any and all charges incurred therefor.
- 9.90.7 The Building Permit may be revoked in any case where the conditions of such permit have not been or are not being complied with, in which case the Planning Commission shall give the permittee notice of intention to revoke such permit at least ten (10) days prior to review of the permit by the Planning Commission. After conclusion of such review the Planning Commission may revoke such permit if it feels that a violation in fact exists and has not been remedied prior to such hearing.
- 9.90.8 Site Change:
- Any structure, use, or field change added subsequent to the initial site plan approval must be approved by the Planning Commission. Incidental and minor variations of the approved site plan with the written approval of the Township Building Inspector shall not invalidate prior site plan approval. (See Section 13.70 Administrative Variance).
- 9.90.9 Phased Construction / Expiration of Site Plan Approval:
- 1. Phased Construction

Where phases or staged construction is contemplated for the development of a project, the site plan submitted must show the inter-relationship of the proposed project to the future stages, including the following:

- A. Relationship and identification of future structures, roadways, drainage, water, and sewer.
- B. Pedestrian and vehicular circulation.
- C. Time schedule for completion of the various phases of the proposed construction.
- D. Temporary facilities or construction of same as required to facilitate the stated development.

2. Expiration of Site Plan Approval

A site plan shall expire, and be of no effect, three hundred and sixty-five (365) days after the approval thereof, unless within such time the building inspector has issued a building permit for proposed work authorized under the provisions of the Zoning Ordinance. If, following issuance of a building permit, work has not been commenced, or if work ceases for a period of one hundred eighty (180) days or more, site plan approval shall expire. The Planning Commission shall be permitted to extend the period of effectiveness of a site plan approval for a period not to exceed one hundred eighty (180) days upon application made by the property owner within the period of effectiveness of the original site plan approval. Such extension may be granted upon determination by the Planning Commission that, following site plan approval, there have been no zoning ordinance changes which would have an impact upon the development. In the event of such ordinance changes, an extension may nonetheless be granted by the Planning Commission upon agreement by the property owner to comply with such ordinance changes, and the site plan has been modified and approved accordingly.

SECTION 9.100 SIGNS AND SIGN REGULATIONS:

9.100.1 A building permit shall be required for the erection, construction, or alteration of any sign, except as hereafter provided, and all such signs shall be approved by the Building Inspector as to their conforming to the requirements of the Zoning district wherein said sign or signs are to be located and the requirements of this section.

9.100.2 Signs in the A-I District:

- A. One only, double-faced, non-illuminated sign, 12 square feet in area, the subject matter of which is limited to the name of the owner and the nature of the farm products grown on the premises, which sign shall not be closer to any side and back property line than ten (10) feet and placed no closer to any street right-of-way than ten (10) feet.
- B. Home Occupation - one only, double-faced, non-illuminated sign, limited to four (4) square feet in area, the subject matter limited to the name of the owner and/or the nature of the home occupation on the premises, which sign shall not be closer to any

9.100.2.3 Location: No sign shall be erected at any location where by reason of the position, size, shape or color, it may interfere with, obstruct the view of, be confused with any authorized traffic sign, signal, or device so as to interfere with, mislead or confuse traffic.

9.100.3 Signs allowed in the A-1 District:

- A. Agriculture** - One only, double-faced, non-illuminated sign, limited to twelve (12) square feet in area, the subject matter of which is limited to the name of the owner and/or the nature of the farm products grown on the premises, which sign shall not be closer to any side and back property line than ten (10) feet and placed no closer to any street right-of-way than ten (10) feet.
- B. Home Occupation** - One only, double-faced, non-illuminated sign, limited to four (4) square feet in area, the subject matter of which is limited to the name of the owner and the nature of the home occupation on the premises, which sign shall not be closer to any side and back property line than ten (10) feet and placed no closer to any street right-of-way than ten (10) feet.

9.100.4 Signs allowed in the AE, R-1, RM-1 and RMH Districts:

- A.** One non-illuminated sign advertising the rental, sale or lease of the lot or building.
- B.** One non-illuminated sign announcing a home-occupation not to exceed four (4) square feet in area and it shall be attached flat against a building wall.
- C.** One non-illuminated sign advertising a recorded subdivision or development not to exceed thirty-two (32) square feet in area. Sign shall not be closer to any side and back property line than ten (10) feet and placed no closer to any street right-of-way than ten (10) feet.
- D.** One non-illuminated sign advertising public, charitable, or religious institutions not to exceed twelve (12) square feet in area. Sign shall not be closer to any side and back property line than ten (10) feet and placed no closer to any street right-of-way than ten (10) feet.

9.100.5 Signs in the C-1, C-2, OS, I-1, I-2 and P Districts:

In any commercial or industrial district, a sign is permitted only where it advertises a business occupying the same lot or parcel of land upon which the sign is erected. Signs shall conform to the building setback and height requirements, except for, and in addition to, the following requirements.

- A.** In a commercial or industrial district a sign may be affixed flat against the wall of the building, or may project there from not more than forty-eight (48) inches. No sign may project over public property. The total sign area shall not exceed one-half (1/2) square foot for each foot in length and height of wall, whichever is greater, to which it is affixed. No sign shall extend above the building wall to which it is affixed.
- B.** One freestanding identification sign may be erected for a shopping center or other integrated group of commercial buildings. The area of said sign shall be based on one (1) square foot for each front foot of the building, or buildings, for which it is established; however, it shall not exceed two hundred (200) square feet in area, nor be closer to any side and back property line than ten (10) feet, nor be placed closer to any street right-of-way than ten (10) feet, nor exceed sixteen (16) feet in height.
- C.** One freestanding 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 fifty (50) square feet in area, nor be closer to any side and back property line than ten (10) feet, nor be placed closer to any street right-of-way than ten (10) feet, nor exceed sixteen (16) feet in height.

SECTION 9.100 SIGN REGULATIONS

9.100.1 Sign Definitions: The following definitions are related to signs:

9.100.1.1 Sign: Any announcement, declaration, display, billboard, illustration and insignia when designed and placed so as to attract general public attention. Such shall be a single sign whenever the proximity, design, content or continuity reasonable suggests a single unit, regardless of any physical separation between parts. Signs shall include banners, bulbs, other lighting devices, streamers, pennants, balloons, flags or similar devices.

9.100.1.2 Illuminated sign: Any sign artificially illuminated by electricity or other similar power source.

9.100.1.3 Reader board sign: A permanent sign capable of displaying words, symbols, figures, or images which allows for the sign face to change the image by physical, mechanical, or electronic means.

An electronic reader board sign is a permanent sign capable of displaying words, symbols, figures, or images that uses an electronic display created through the use of a pattern of lights in a dot matrix configuration, LED (light emitting diode) or digital technology which allows for the sign face to intermittently change the image without having to physically or mechanically replace the sign face.

9.100.1.4 Portable sign: A sign structure which is not attached to a building and is capable of being moved within the zoning lot on which it is located or from one zoning lot to another.

9.100.1.5 Temporary sign: A display sign, banner, or other advertising device constructed of cloth, canvas, fabric, plastic or other light temporary material, with or without a structural frame, or any other sign intended for a limited period of display, but not including decorative displays for holidays or public demonstration.

9.100.1.6 Construction sign: A temporary sign denoting the business name of the building, architect, engineer, or contractor involved in any building construction or renovation.

9.100.1.7 Political sign: A temporary sign announcing the candidacy of persons running for public office or issues to be voted upon at an election and other information pertinent thereto.

9.100.1.8 Real Estate sign: A temporary sign denoting the rental, sale or lease of the lot or building upon which the sign is located.

9.100.2 General Requirements for all Signs:

9.100.2.1 Permits: A building permit shall be required for the erection, construction, replacement or alteration of any sign, except as hereafter provided, and all such signs shall be approved by the Building Inspector as to their conforming to the requirements of the Zoning district wherein said sign or signs are to be located and the requirements of this section. Additionally, an electrical permit shall be required for all illuminated signs or signs in which electrical wiring will be used in connection with the structure.

9.100.2.2 Illumination: All signs except for those permitted in agricultural and residential may be illuminated. However, such illumination shall be subject to approval by the Planning Commission. In considering such illumination, the Planning Commission shall give special consideration to traffic visibility and injurious effects on adjacent districts. Light used to illuminate signs shall be arranged to avoid glare from the light source and reflected light on adjoining premises and streets.

Electronic reader board signs are considered to be illuminated signs.

9.100.6 Signs for Automobile Service Stations: Notwithstanding other provisions of this ordinance, one (1) permanently installed sign shall be allowed but shall not be closer to any side and back property line than ten (10) feet, nor placed closer to any street right-of-way than ten (10) feet, and shall be installed so that a clear view of the street traffic by motorists and pedestrians is not obstructed in any way except for necessary supports. Such sign shall not exceed sixteen (16) feet in height, or fifty (50) square feet in area. An appropriate identification sign or legend may also be placed flat on the main building or fuel pump canopies.

9.100.7 Exceptions:

- 9.100.7.1** Portable signs and temporary signs, other than construction signs, political signs or real estate signs, are allowed without permit for a time limit not to exceed thirty (30) days. Such signs shall not exceed thirty-two (32) square feet in area, nor be closer to any side and back property line than ten (10) feet, nor be placed closer to any street right-of-way than ten (10) feet.
- 9.100.7.2** Construction signs are allowed without permit and shall not exceed sixteen (16) square feet in any agriculture or residential district or forty-eight (48) square feet in any non-residential district. Such signs shall not be closer to any side and back property line than ten (10) feet and placed no closer to any street right-of-way than ten (10) feet. All such signs shall be removed from the site within ten (10) days after completion of the construction project or the issuance of an occupancy permit.
- 9.100.7.3** Political signs are allowed without permit and shall be removed after the election to which they pertain. Such signs shall not exceed sixteen (16) square feet in any agriculture or residential district or forty-eight (48) square feet in any non-residential district and shall not be closer to any side and back property line than ten (10) feet and placed no closer to any street right-of-way than ten (10) feet.
- 9.100.7.4** Real estate signs are allowed without permit and shall not exceed six (6) square feet in any agriculture or residential district or thirty-two (32) square feet in any non-residential district. Such signs shall not be closer to any side and back property line than ten (10) feet and placed no closer to any street right-of-way than ten (10) feet.

side and back property line than ten (10) feet and placed no closer to any street right-of-way line than ten (10) feet.

9.100.3 Signs in the AE, R-1, RM-1, and RMH Districts:

- A. One non-illuminated sign advertising the sale or lease of the lot or building not exceeding six (6) square feet in area on any one lot. Such sign to be placed no closer to the street right-of-way line than one-half ($\frac{1}{2}$) the minimum authorized front yard depth.
- B. One non-illuminated sign announcing a home-occupation or professional service not to exceed one and one-half ($1 \frac{1}{2}$) square feet in area and it shall be attached flat against a building wall.
- C. One non-illuminated sign advertising a recorded subdivision or development not to exceed fifty (50) square feet in area and placed no closer to any street right-of-way line than twenty-five (25) feet; such sign shall be removed upon the completion and occupancy of the subdivision development.
- D. Public, charitable, or religious institutions may have a sign which shall not exceed twelve (12) square feet in area, placed no closer to any street right-of-way line than twenty-five (25) feet.
- E. No billboard, ground sign, advertising sign, or sign board except as noted in Section 9.100.3 shall be permitted in R-1 Districts.

9.100.4 Signs in the C-1, C-2, OS, I-1, I-2, and P Districts:

In any commercial or industrial district, a sign is permitted only where it advertises a business occupying the same lot or parcel of land upon which the sign is erected. Signs shall conform to the building setback and height requirements, except for, and in addition to, the requirements provided below.

- A. In an commercial or industrial district a sign may be affixed flat against the wall of the building, or may project therefrom not more than forty-eight (48) inches. No sign may project over public property. The total sign area shall not exceed one-half ($\frac{1}{2}$) square foot for each foot in length and height of the wall, whichever is greater, to which it is affixed. No sign shall extend above the building wall to which it is affixed.
- B. One free-standing identification sign may be erected for a shopping center or other integrated group of stories 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 one-half ($\frac{1}{2}$) the distance of the required building set-back.
- C. One 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 fifty (50) square feet in area, nor be closer to the front, side or rear property line, than one-half ($\frac{1}{2}$) the distance of the required building set-back, nor exceed in height sixteen (16) feet.

9.100.5 No sign shall be erected at any location where by reason of the position, size, shape or color, it may interfere with, obstruct the view of, be confused with any authorized traffic sign, signal, or device so as to interfere with, mislead or confuse traffic. All signs except for those permitted in agricultural and residential districts may be illuminated; however, such illumination shall be subject to the approval of the Planning Commission. In considering such illumination the Planning Commission shall give special consideration to traffic visibility and injurious effects on adjacent districts. Light used to illuminate signs shall be arranged to avoid glare from the light source and reflected light on adjoining premises and streets.

9.100.6 Signs for Automobile Service Stations: Notwithstanding other provisions of this Ordinance, one (1) permanently installed sign shall be permitted but shall not be closer to the property line than five (5) feet and shall be installed so that a clear view of street traffic by motorists and pedestrians is not obstructed in any way except by necessary supports. Such sign shall not exceed in height sixteen (16) feet nor fifty (50) square feet

in area. An appropriate identification sign or legend may also be placed flat on the main building or fuel pump canopies.

SECTION 9.110 SITE CONDOMINIUM REGULATIONS

Pursuant to authority conferred by the Condominium Act (P.A. 59 of 1978, as amended), all condominium plats must be approved by the Raisin Charter Township Board of Trustees, after review and recommendation by the Planning Commission. A site plan in accordance with Section 9.90 shall be required for all site condominium projects. Each condominium development shall be located within a zoning district that permits the proposed use.

9.110.1 Definitions

1. Condominium Documents - the master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in the condominium.
2. Condominium Lot - the land in a condominium unit, together with the land in the adjacent and appurtenant limited common element, if there is such a limited common element.
3. Condominium Subdivision Plan - the drawings and information prepared in accordance with Section 66 of the Condominium Act.
4. Condominium Unit - the portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.
5. Consolidating Master Deed - the final amended master deed for a contractable or expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.
6. Contractable Condominium - a condominium project from which any portion of the submitted land or buildings may be withdrawn in accordance with this ordinance and the Condominium Act.

7. Conversion Condominium - a condominium project containing condominium units some or all of which were occupied before the filing of a notice of taking reservations under Section 7 of the Condominium Act.
8. Expandable Condominium - a condominium project to which additional land may be added in accordance with this ordinance and the Condominium Act.
9. Master Deed - the condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project, and all other information required by Section 8 of the Condominium Act.
10. Notice of Proposed Action - the notice required by Section 71 of the Condominium Act, to be filed with Raisin Charter Township and other agencies.
11. Site Condominium - a condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which located, in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed, herein defined as a condominium unit, as described in the master deed.

9.110.2 Approval Required

Pursuant to authority conferred by Section 141 of the Condominium Act, the Planning Commission shall review all site condominium projects in accordance with this section as well as Section 9.90 (Site Plan Review) of this ordinance, and recommend approval, approval with conditions, or denial of preliminary and final site plans to the Raisin Charter Township Board of Trustees. The Board of Trustees has the authority to approve, approve with conditions, or deny preliminary and final site plans after receiving the recommendation of the Planning Commission. In reviewing a site condominium project, the Planning Commission and the Board of Trustees shall consider the adequacy of the master deed, utility systems, streets, site layout and design, and compliance with all requirements of the Condominium Act and this ordinance.

9.110.3 General Requirements

- A. No permits for erosion control, building construction, grading, or installation of water or sanitary sewage facilities or other construction activity shall be issued for property in a site condominium development until a final site plan therefore has been approved by the Raisin Charter Township Board of Trustees and is in effect. This requirement shall include contractible, conversion, and expandable site condominiums.
- B. If a building, structure, or use to be placed on a condominium lot requires site plan approval under Section 9.90 herein, a site plan for that building, structure, or use shall be approved in accordance with Section 9.90 before a certification of zoning compliance may be issued.
- C. Preliminary and final site plans shall be submitted in accordance with Section 9.90 provided that preliminary and final site plans shall not be combined for site

condominiums. A dimensionally stable copy of the as-built drawings shall be submitted to the Township Clerk.

- D. Each condominium unit shall be located within a zoning district that permits the proposed use.
- E. For the purpose of this ordinance, each condominium lot shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which located. In the case of a site condominium containing single-family detached dwelling units, not more than one dwelling unit shall be located on a condominium lot, nor shall a dwelling unit be located on a condominium lot with any other principal structure or use, except in a planned unit development. Required yards shall be measured from the boundaries of a condominium lot. Ground floor coverage and floor area ratio shall be calculated using the area of the condominium lot.
- F. Each condominium lot shall meet the requirements of the Lenawee County Health Department Sanitary Code.
- G. Relocation of boundaries between adjoining condominium lots, if permitted in the condominium documents, as provided in Section 48 of the Condominium Act, shall comply with all regulations of the zoning district in which located and shall be approved by the Building Inspector. These requirements shall be made a part of the bylaws and recorded as part of the master deed.
- H. Each condominium lot that results from a subdivision of another condominium lot, if such subdivision is permitted by the condominium documents, as provided in Section 49 of the Condominium Act, shall comply with all regulations of the zoning district in which located and shall be approved by the Building Inspector. These requirements shall be made part of the condominium bylaws and recorded as part of the master deed.
- I. All information required by this ordinance shall be updated and furnished to the Building Inspector until all applicable certificates of zoning compliance have been issued.

9.110.4 Preliminary Site Plan Requirements

- A. Concurrent with the submittal to the Township of the "Notice of Proposed Action" (as addressed in Section 71 of the Condominium Act), a preliminary site plan shall be submitted to the Township.
- B. The preliminary site plan shall include all land that the developer intends to include in the site condominium project.
- C. The preliminary site plan shall include all information required in Section 9.90 except that proposed buildings on the subject property need not be shown on the preliminary site plan as is usually required under Section 9.90.3 (D). However, the display of off-site buildings is required on the preliminary site plan. In addition to the requirements of Section 9.90 of this ordinance and the Condominium Act, the location and dimensions of condominium lots and all required yards shall be shown on the preliminary site plan.

9.110.5 Final Site Plan Requirements

- A. A final site plan shall be filed for review and approval for each phase of development shown on the approved preliminary site plan.
- B. A final site plan for any phase of development shall not be filed for review by the Planning Commission and approval by the Township Board of Trustees unless a preliminary site plan has been approved by the Township Board of Trustees and is in effect.
- C. A final site plan shall include all information required in Section 66 of the Condominium Act, and the master deed and bylaws. As with the preliminary site plan, the final site plan shall also include all information required in Section 9.90 except that proposed buildings on the subject property need not be shown on the final site plan as is usually required under Section 9.90.3 (D). However, the display of off-site buildings is required on the final site plan. In addition to the requirements of Section 9.90 of this ordinance and the Condominium Act, the location and dimensions of condominium lots and all required rear yards shall be shown on the final site plan.
- D. The applicant shall provide proof of approvals by all county and state agencies having jurisdiction over the improvements in the site condominium development, including but not limited to the Lenawee County Drain Commissioner, the Lenawee County Health Department, the Lenawee County Road Commission, the Michigan Department of Environmental Quality, and the Michigan Department of Transportation. The Township Board of Trustees shall not approve a final site plan until each county and state agency having such jurisdiction has approved that portion of the final site plan that is subject to its jurisdiction.

9.110.6 Revision of Site Condominium Plan

If the condominium subdivision plans are revised, the final site plan shall be revised accordingly and submitted for review and approval or denial by the Township Board of Trustees before any building permit may be issued, where such permit is required.

9.110.7 Streets

All streets proposed for any site condominium, shall meet or exceed the standards set forth in the Raisin Charter Township amended Road and Private Drive Special Ordinance passed October 13th, 2003. The standards to be met are Section 2: Private Roads.

9.110.8 Amendment to Master Deed or Bylaws

Any amendment to a master deed or bylaws that affects the approved preliminary or final site plan, or any conditions of approval of a preliminary or final site plan, shall be reviewed and approved by the Township Board of Trustees before any building permit may be issued, where such permit is required. The Township Board of Trustees may require its review of any amended site plan if, in its opinion, such changes in the master deed or bylaws require corresponding changes in the approved site plan.

9.110.9 Construction Located in General Common Element

Any application for a building permit for construction to be located in a general common element shall include written authorization by the condominium association for the application.

9.110.10 Monuments and Lot Irons

Monuments shall be set at all boundary corners and deflection points and at all road right-of-way intersection corners and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lot lines.

The Township may grant a delay in the setting of required monuments or irons for reasonable time, but not to exceed one year, on condition that the developer deposit with the Township Clerk cash, a certified check, or any irrevocable bank letter of credit running to Raisin Charter Township, whichever the developer selects, in an amount as determined from time to time by resolution of the Raisin Charter Township Board of Trustees. Such deposit shall be returned to the developer upon receipt of a certificate by a surveyor to set the monuments and irons in the ground as shown on the condominium site plans, at a cost not to exceed the amount of the security deposit.

9.110.12 Rights-of-Way and Utility Easements

All right-of-way and utility easements shall be described separately from individual condominium lots and shall be accurately delineated by bearings and distances on the condominium subdivision plan and the final site plan. The rights-of-way and utility easements shall be separately designed for their individual purpose, such as access, roadway, location, installation, maintenance and replacing of public utilities. The developer shall dedicate to Raisin Charter Township all easements for public water, sanitary sewer lines and appurtenances, and electric utilities. All streets shall be dedicated to the Lenawee County Road Commission and shall be constructed to their standards.

ARTICLE X
CONDITIONAL USES

SECTION 10.10 PURPOSE:

Certain land and structure uses, because of their particular characteristics require detailed consideration in order to determine whether they may be detrimental to the public welfare. Because of special characteristics of such uses the proposed conditions of operation, design, size and intensity of use, traffic volume and access, population density, processes and equipment employed, amount of public facilities and services required and other similar factors must be considered in relation to the intent and purpose of this Ordinance. Such uses are therefore designated as conditional uses and are intended for regulation by this Ordinance.

SECTION 10.20 AUTHORITY:

The Planning Commission, as hereinafter provided, shall have the authority to grant conditional use permits for conditional uses as permitted in the various district provisions of this Ordinance, subject to such conditions of design and operation, safeguards and time limitations as it may determine.

SECTION 10.30 APPLICATION AND FEE:

Application for any conditional use permit permissible under the provisions of this Ordinance shall be made to the Planning Commission by filling in the official conditional use permit application form; submitting required data, exhibits and information; and depositing the required fee. Such application shall be accompanied by a fee established by the Township Board, except that no fee shall be required by any governmental body or agency. No part of such fee shall be returnable to the applicant; provided however that if the applicant requests a special meeting of the Planning Commission for the consideration of his application, an additional fee established by the Township Board will be required.

SECTION 10.40 DATA, EXHIBITS, AND INFORMATION REQUIRED IN APPLICATION:

An application for a conditional use permit shall contain 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 accurate survey drawing of said property, showing the existing and proposed location of all buildings and structures thereon, the types thereof, and their uses; and a statement and supporting data, exhibits, information and evidence regarding findings set forth in this Ordinance.

SECTION 10.50 PUBLIC HEARING:

The Planning Commission shall hold a public hearing, or hearings, upon any application for a conditional use permit, notice of which shall be given by one (1) publication in a newspaper of general circulation in the Township, within fifteen (15) days but not less than five (5) days next preceding the date of said hearing.

SECTION 10.60 REQUIRED STANDARDS AND FINDINGS FOR MAKING DETERMINATIONS:

The 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:

- 10.60.1 Will be harmonious with and in accordance with the general objectives, intent and purposes of this Ordinance.
- 10.60.2 Will be designed, constructed, operated, maintained and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area.
- 10.60.3 Will be served adequately by essential public facilities and service, 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.
- 10.60.4 Will not be hazardous or disturbing to existing or future neighboring uses.
- 10.60.5 Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- 10.60.6 Will not create liquids and other waste of any kind that cannot be confined, treated, or purified so as to prevent pollution of air, water and soil resources.

SECTION 10.70 ADDITIONAL REQUIREMENTS FOR CERTAIN USES

SECTION 10.70.1 CHURCHES:

- A. Minimum lot width shall be one hundred and fifty (150) feet.
- B. Minimum lot area shall be two (2) acres.
- C. For every foot of height by which the building, exclusive of spire, exceeds the maximum height limitation for the district, an additional (to the minimum) foot of front, side or rear yard setback shall be provided.
- D. The lot location shall be such that at least one (1) property line abuts a collector street, secondary thoroughfare, or major thoroughfare. All ingress to the lot shall be directly onto said thoroughfare.
- E. Off-street parking shall be prohibited within the required front yard setback area.

SECTION 10.70.2 RACE TRACKS, TRANSIENT AND TEMPORARY AMUSEMENT ENTERPRISES:

- A. The lot location shall be such that at least one (1) property line abuts a major thoroughfare and shall be at least five hundred (500) feet from any residential district.
- B. The premises shall be enclosed with a solid screen fence seven (7) feet in height.
- C. All points of entrance or exit shall be located no closer than two hundred and fifty (250) feet to any street or road intersection (as measured to the nearest intersection right-of-way line).
- D. The interior of the premises shall be designed with respect to lighting, drainage and the like, to the satisfaction of the Township Building Inspector.
- E. Space shall be provided, on-premises, for fifty (50) waiting vehicles to stand at the entrance to the facility.

SECTION 10.70.3 HOTEL, MOTEL:

- A. Public access to the principal business shall be located so as not to conflict with access to adjacent uses or not adversely affect traffic flow on adjacent streets.
- B. When the front yard is used to provide access, a greenbelt shall be provided along the front property line, except at drive openings.
- C. Each unit of commercial occupancy shall contain a minimum of two hundred and fifty (250) square feet of gross floor area.
- D. When adjacent to a Residential District, a chain link fence or masonry wall, four (4) to six (6) feet in height, shall be erected on the common property line, plus a greenbelt planted and continually maintained parallel to and inside of such fence or wall.
- E. No household or occupant (other than a caretaker or manager) shall occupy any room for longer than thirty (30) consecutive days.

SECTION 10.70.4 DRIVE-IN RESTAURANT, OR RESTAURANT HAVING A DRIVE-THRU WINDOW:

- A. The main and accessory buildings shall be set back a minimum of sixty (60) feet from any adjacent right-of-way line or residential property line.
- B. Public access to the site shall be located at least seventy-five (75) feet from any intersection (as measured from the nearest right-of-way line to the edge of said access).
- C. A six (6) foot high masonry obscuring wall, fence or planting strip shall be provided adjacent to Residential Districts.
- D. Parking may be located in the front yard in the case of fast-food or carry-out restaurants only.

SECTION 10.70.5 HOSPITALS:

- A. Minimum lot area shall be ten (10) acres.
- B. The lot location shall be such that at least one (1) property line abuts a major thoroughfare. The ingress and egress for off-street parking facilities for guests and patients shall be directly from said major thoroughfare.
- C. Minimum main and accessory building setback shall be one hundred (100) feet.
- D. Ambulance and emergency entrance areas shall be visually screened from the view of adjacent residential uses by a structure or by a masonry wall of six (6) feet or more in height.
- E. No power plant or laundry shall be located nearer than three hundred (300) feet to any adjacent residential use.

SECTION 10.70.6 OPEN AIR BUSINESS:

- A. Minimum lot area shall be ten thousand (10,000) square feet.
- B. Minimum lot width shall be one hundred (100) feet.
- C. Unless specifically waived by the Board of Appeals, a building of not less than five hundred (500) square feet of gross floor area shall be constructed on the premises for office use in connection with the subject open-air business. This shall not apply to produce stands for the sale of produce grown on-site.
- D. The Township Building Inspector may, to insure strict compliance with any regulation contained herein and required as a condition of the issuance of a permit for an open-air business use, require the permittee to furnish a Surety Bond executed by a reputable surety company authorized to do business in the State of Michigan, in an amount determined by the Township Building Inspector to be reasonably necessary to insure compliance hereunder. In fixing the amount of such Surety Bond, the Township Building Inspector shall take into account the size and scope of the proposed open-air business use, current prevailing cost of rehabilitating the premises upon default of the operator of the use, estimated expenses to compel the operator to comply by Court Decree, and such other factors and conditions as might be relevant in determining the sum reasonable in the light of all facts and circumstances surrounding each application.
- E. Lighting shall be installed in such a manner which will not create a traffic hazard on abutting streets or which will cause a glare or direct illumination to be cast onto adjacent properties, residential or otherwise.
- F. In the case of car sales lots:
 - 1. All areas subject to vehicular use shall be paved with a durable dust free surfacing, with appropriate bumper guards where needed.
 - 2. The use of pennants or flags, and the use of parking areas lighted at night, shall be carried out without creating a nuisance for nearby properties, as determined by the Planning Commission, who shall have the authority to require the termination of those uses not in conformance with this paragraph.

3. The entire premises shall be graded so that the surface water runoff does not drain across public right-of-way.
- G. In the case of a plant material nursery:
1. The storage or materials display areas shall meet all the yard setback requirements applicable to any building in the district.
 2. All loading activities and parking areas shall be provided on the same premises (off-street).
 3. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse affect upon adjacent properties.
- H. In the case of sales of cut trees intended to be displayed during the Christmas Season, a temporary permit shall be obtained from the Township Building Inspector which shall require that all Christmas trees as well as any poles, lights, wires, or other items incidental to this use shall be removed from the premises by December 31st, and no trees shall be stored or displayed nearer the street than the front property line, furthermore, that off-street parking shall be provided in accordance with this ordinance.

SECTION 10.70.7 RADIO, TELEVISION STATION, AND MICROWAVE TOWERS:

- A. Minimum lot sizes shall be three (3) acres, except in Residential Districts.
- B. The lot shall be so located that at least one property line abuts a major thoroughfare and the ingress and egress shall be directly upon said thoroughfare.
- C. The setbacks for each tower from adjacent rights-of-way and/or property lines shall not be less than one and one-half (1-1/2) times the height of each tower above the ground.
- D. Unless specifically waived by the Planning Commission, an open-air fence between four (4) and six (6) feet in height shall be constructed on the boundary property lines.

SECTION 10.70.8 ANIMAL HOSPITALS:

- A. Minimum main and accessory building setback shall be one hundred (100) feet, from all lot lines.
- B. All principal use activities shall be conducted within a totally enclosed main building.

SECTION 10.70.9 AUTOMOBILE SERVICE STATIONS, PUBLIC GARAGES, FILLING STATIONS AND FILLING STATIONS IN CONJUNCTION WITH CONVENIENCE STORES:

- A. No subject facility existing on the effective date of this Ordinance shall be structurally altered so as to provide a lesser degree of conformity with the provisions of this Section than existed on the said date.
- B. Minimum lot area shall be fifteen thousand (15,000) square feet for an automobile service station or public garage and twelve thousand (12,000) square feet for a filling station.

- C. Minimum lot width shall be one hundred and twenty (120) feet for a public garage or automobile service station and one hundred (100) feet for a filling station.
- D. An automobile service station and filling station shall be located not less than forty (40) feet from any right-of-way line and not less than twenty-five (25) feet from any side or rear lot line abutting residentially used property.
- E. Ingress and egress drives shall a minimum of thirty (30) feet apart.
- F. No more than one (1) curb opening shall be permitted for every fifty (50) feet of frontage (or major fraction thereof) along any street.
- G. No drive or curb opening shall be located nearer than twenty-five (25) feet to any intersection or adjacent residential property line. No drive shall be located nearer than thirty (30) feet, as measured along the property line, to any other drive on the premises. Curb cuts shall not be permitted where, in the opinion of the Township Building Inspector, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.
- H. A raised curb of six (6) inches in height shall be constructed along all street frontages at the right-of-way line, except for drive openings.
- I. The entire lot, excluding the area occupied by a building, shall be hard surfaced with concrete or a plant-mixed bituminous material except desirable landscaped areas which shall be separated from all paved areas by a low barrier or curb.
- J. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than fifteen (15) feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street or right-of-way.
- K. When adjoining residentially used or zoned property, a five (5) foot masonry wall or other suitable screening barriers shall be erected and maintained along the connecting interior lot line, or if separated by an alley, then along the alley lot line. All masonry walls or barriers shall be protected by a fixed curb or similar barrier to prevent contact by vehicles. Such walls or barriers may be eliminated or gradually stepped down in height within twenty-five (25) feet of any right-of-way line, subject to approval by the Planning Commission.
- L. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a five (5) foot masonry wall or other suitable screening barrier and shall comply with requirements for location of accessory buildings. Outside storage or parking of disabled, wrecked, or partially dismantled vehicles for any overnight period shall not exceed more than two vehicles awaiting repairs for each indoor repair stall located within said premises and in no event shall the outdoor storage or parking of any such vehicle be permitted for a period exceeding five (5) days.
- M. The sale or rental of new or used cars, trucks, trailers, and any other vehicles on the premises shall be permitted only by approval of the Planning Commission under such terms and conditions as may be imposed by said Planning Commission to insure adequate ingress and egress from said property and to insure adequate traffic safety.

- N. The lot shall be located so that it is at least five hundred (500) feet from an entrance or exit to any property on which is situated a public library, public school, private school, playground, playfield, park, church, hospital or residential district boundary.
- O. All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent properties.
- P. On a corner lot, both street frontage sides shall be subject to all the applicable front yard provisions of this Ordinance.

SECTION 10.70.10 CONVALESCENT HOMES OR NURSING HOMES:

- A. Minimum lot size shall be three (3) acres.
- B. The lot location shall be such that at least one (1) property line abuts a collector street, secondary thoroughfare or major thoroughfare. The ingress and egress for off-street parking areas for guests and patients shall be directly from said thoroughfare.
- C. The main and accessory buildings shall be set back at least seventy-five (75) feet from all property lines.
- D. The facility shall be designed to provide a minimum of fifteen hundred (1,500) square feet of open space for every bed used or intended to be used. This open space shall include landscaping and may include off-street parking areas, driveways, required yard setbacks and accessory uses.

SECTION 10.70.11 KENNELS:

- A. All kennels shall be operated in conformance with all applicable County and State regulations.
- B. For dog kennels, the minimum lot size shall be two (2) acres for the first three (3) dogs and an additional one (1) acre for each three (3) additional animals.
 - 1. Buildings wherein animals are kept, animal runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling or any adjacent building used by the public, and shall not be located in any required front, rear or side yard setback area.
 - 2. Such facilities shall be under the jurisdiction of the Planning Commission, and subject to other conditions and requirement of said body deemed necessary to insure against the occurrence of any possible nuisance (i.e., fencing, soundproofing, sanitary requirements).

SECTION 10.70.12 AIRPORTS, AIRCRAFT LANDING FIELDS:

- A. Plans shall be approved by the Federal Aviation Agency and the Michigan Department of Aeronautics prior to submittal to the Township Planning Commission for review or approval.
- B. The lot shall be so located as to abut a major thoroughfare and to provide public access and egress to and from said lot from said thoroughfare.

SECTION 10.70.13 GOLF COURSES, COUNTRY CLUBS:

- A. Minimum lot size shall be forty (40) acres.
- B. A shelter building with toilet facilities shall be provided which meets all requirements of the Lenawee County Health Department and the Township Building Code.
- C. Main and accessory buildings shall be set back at least seventy-five (75) feet from all property lines.

SECTION 10.70.14 VEHICLE WASH ESTABLISHMENTS:

- A. Minimum lot size shall be ten thousand (10,000) square feet.
- B. All washing activities must be carried on within a building.
- C. Vacuuming activities may be carried out only in the rear yard and at least fifty (50) feet distant from any adjoining residential use.
- D. The building entrances and exits of the facility shall be from within the lot and not directly to or from an adjoining street or alley. An alley shall not be used as maneuvering or parking spaces for vehicles being serviced by the subject facility.
- E. An adequate on-site area for waiting vehicles shall be provided to prevent the lining up of said vehicles on public streets.

SECTION 10.70.15 PRIVATE CLUBS, LODGES AND RENTAL HALL FACILITIES (NOT INCLUDING CONSERVATION OR GUN CLUBS):

- A. Retail sales to guests only may be permitted, but there shall be no external evidence of any commercial activity, however incidental, nor any access to any space used for commercial activity from other than within the building.
- B. The lot shall be located so as to abut a collector street, secondary thoroughfare, or major thoroughfare, with at least one (1) property line.
- C. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the same area.
- D. Public access to the principal business shall be located so as not to conflict with access to adjacent uses.
- E. Will not be hazardous or disturbing to existing or future neighboring uses and will not involve activities that will create excessive noise, smoke, fumes, glare or odors.
- F. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection and refuse disposal or that the persons responsible for the establishment shall be able to provide adequately any such service.
- G. All indoor and outdoor activities associated with a private club, lodge or rental hall shall be located no nearer than one hundred (100) feet to any property line.

- H. The Raisin Charter Township Planning Commission shall establish the hours of operation for such activity to the Township Board for approval. In establishing hours of operation, the Planning Commission shall consider:
1. The proximity of residential uses to the subject parcel.
 2. The potential for residential development in the general vicinity of the subject parcel (the potential for residential development results from the presence of residential zoning districts and through the policies set forth in the Raisin Charter Township Land Use Plan).
 3. The health, safety, welfare and morals of the general vicinity of the subject parcel and Raisin Charter Township as a whole.

SECTION 10.70.16 PRIVATE STABLES:

- A. For breeding, rearing and housing of horses, mules and similar domestic animals, the minimum lot size shall be five (5) acres.
- B. An accessory building used as a stable shall not be located nearer than sixty (60) feet to any property line and not nearer than one hundred (100) feet to any dwelling.
- C. Animals shall be confined in a suitable fenced area, or paddock, to preclude their approaching nearer than sixty (60) feet to any dwelling on adjacent premises.
- D. The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises.

SECTION 10.70.17 CAMP GROUNDS, TRAVEL TRAILER PARKS:

- A. Minimum lot size shall be three (3) acres. The lot shall provide direct vehicular access to a public street or road. The term "lot" shall mean the entire camp ground or travel trailer park. Each lot shall be provided with at least one (1) public telephone.
- B. Each site on a lot designated for camping use may accommodate a travel trailer or tent, and shall be provided with individual electrical outlets, unless designated as a primitive facility.
- C. Public stations, housed in all-weather structures, containing adequate water outlet, flush toilets, waste container, electricity, and shower facilities, shall be provided uniformly throughout the lot at a ratio of not less than one (1) such station per each twenty (20) sites.
- D. Each lot containing more than sixty (60) sites shall provide a masonry building containing machine laundry (wash and dry) facilities.
- E. No commercial enterprises shall be permitted to operate on the lot, except that a convenience goods shopping building may be permitted provided it meets the parking requirements of this ordinance.
- F. Each lot shall provide a vehicle parking area for site occupant and guest parking. Such parking shall be located within four hundred (400) feet of the site it is intended to serve (except in the case of sites specifically designated only for tent camping).

- G. Each site shall contain a minimum of fifteen hundred (1,500) square feet, except that the minimum size for sites specifically designated for tents shall be three thousand (3,000) square feet. Each site shall be set back from any right-of-way or property line at least seventy-five (75) feet.
- H. A common use area shall be provided on each lot at a ratio of not less than one thousand (1,000) square feet of such area per each site. This common area shall be developed by seeding, landscaping, picnic tables, barbecue stands and passive recreation equipment (i.e., swings, horseshoe pits, shuffleboard courts and the like) for the general use of all occupants of the entire lot.
- I. Each travel trailer site shall have direct access to a roadway of at least twenty-four (24) feet in width for two-way traffic and twelve (12) feet in width for one-way traffic. Parking shall not be allowed on any roadway. Public streets shall be paved with asphaltic concrete. Sites specifically designated for, and only use for, tent camping, need not have direct vehicular access to any street or road, but shall be provided with adequately cleared and marked pedestrian pathway access which originates at a point on a street or road within two hundred (200) feet of the parking area mentioned in paragraph F.
- J. All sanitary facilities shall be designed and constructed in strict conformance to all applicable Lenawee County health regulations.
- K. The development of the entire lot is subject to all applicable requirements of the Michigan Department of Natural Resources.
- L. A minimum distance of fifteen (15) feet shall be provided between all travel trailers and tents.
- M. Fences and greenbelts may be required by the Planning Commission. The location of common use areas, roadways, streets, and buildings shall be subject to approval by the Planning Commission.

SECTION 10.70.18 JUNK YARDS:

- A. Minimum lot size shall be five (5) acres.
- B. The setback from the front property line to the area upon which junk materials are stored shall be not less than one hundred and fifty (150) feet and said area shall be screened from the roadway and from any adjoining residential or business uses by a solid fence not less than eight (8) feet nor more than twelve (12) feet in height. Said fence to be kept uniformly painted, neat in appearance, and shall not have any signs or symbols painted on it.
- C. The area upon which junk materials are stored, including the main and accessory buildings, shall be located not closer than five hundred (500) feet to any public building, church, hospital, sanitarium, convalescent home, day nursery, school, or residential district boundary.
- D. All structures and fencing and used material storage yards shall be set back not less than seventy-five (75) feet from any street or highway right-of-way.
- E. No junk materials contained within the fenced area shall be stacked or piled higher than the height of the fence and shall not be visible from the road right-of-way.

- F. No burning of material shall be permitted.
- G. All operations shall be in accordance with all applicable federal and state regulations.

SECTION 10.70.19 SHOPPING CENTER:

- A. No building or structure of less than 5,000 square feet shall be nearer than 50 feet to the right-of-way line of any street; all buildings or structures of more than 5,000 square feet shall be at least 150 feet from any street right-of-way line. No building or structure shall be nearer than 100 feet to the side and rear lines of the property on which it is located. All buildings shall also be subject to other setback requirements contained in this ordinance not inconsistent herewith.
- B. Minimum lot size shall be five (5) acres.
- C. Every parking area shall contain at least 6.5 parking spaces per each 1,000 square feet of gross leaseable area and shall contain adequate ingress and egress facilities.
- D. Every shopping center shall have a 25 foot planting area separating the parking and shopping district from all adjoining districts of a higher classification. These planting areas shall be landscaped with shrubs or evergreens of a height of 4 to 6 feet or more to act as a screening hedge; all unpaved areas shall be maintained in a parklike manner.
- E. Any lighting in such areas shall be adequately screened from any adjoining residences.
- F. All permitted activities including storage shall be conducted entirely within fully enclosed permanent buildings, except as follows:
 - 1. Parking of customers and employees' vehicles.
 - 2. Unloading and loading of commercial vehicles.
 - 3. The normal, temporary, exhibition and sale of Christmas trees, nursery and garden products and incidental or accessory items in approved areas.
 - 4. Recreational facilities such as hobbyhorses for children located in front of the store or shop and placed so as not to obstruct pedestrian or vehicular traffic, but excluding carnivals, fairs, or kiddielands.
- G. Any building which exceeds 25 feet in height shall have an additional setback of one (1) foot for each foot it exceeds 25 feet in height.
- H. At least one living tree shall be planted within every 10,000 square feet of paved parking area and also along marked driveways within the parking area at 20-foot intervals, each tree being in a planter or other suitable cultivated area; each tree must be a hardwood, nonconiferous variety at least six (6) feet in height and trees and planters must be maintained in an attractive and healthy condition.
- I. All loading and unloading areas and other work areas incident to any buildings on the premises shall be located as far from developed residential areas as possible.

- J. All waste and debris from the operations on the site shall be disposed of off the site and no burning or incineration shall be allowed on the site. Any and all debris around the exterior buildings on the site shall be picked up not less frequently than daily, including any such material that has extended beyond the boundaries of the site and onto adjoining properties and public rights of way.
- K. No tractor-trailer or trucks shall be stored away from loading docks except during the hours of 11:00 p.m. and 7:00 a.m. of the following day.

SECTION 10.70.20 PUBLIC STABLES AND RIDING ACADEMIES:

- A. That a site plan showing the proposed development of all structures, driveways, parking areas, screening facilities, and all accessory uses incidental thereto is first submitted by the applicant and approved by the Township Planning Commission.
- B. That the land area proposed to be used for such purposes shall contain at least twenty (20) acres.
- C. That all activities other than incidental uses shall be conducted within a fully enclosed building or, in the alternative, that outdoor activities shall be adequately screened from surrounding residential properties by plantings, solid fencing or other suitable materials approved by the Planning Commission.
- D. That any proposed lighting shall produce no glare or shining discernible at the boundaries of said parcel.
- E. That adequate off-street parking shall be provided to accommodate the peak demands on said parcel.
- F. That all activities of a public or quasi-public nature shall be conducted between the hours of 8:00 a.m. and 6:00 p.m.
- G. That additional restrictions as to building size, design, screening, parking, setbacks, lighting, landscaping, et cetera, may be required by the Township Planning Commission when necessary to protect the health, safety and general welfare of adjoining residence and neighborhoods; to encourage the use of lands in accordance with their character and adaptability and to limit improper use of land; to protect the character of each district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building and population development.

SECTION 10.70.21 SANITARY LANDFILLS AND SOLID WASTE DISPOSAL FACILITIES:

Prior to approval of the Planning Commission of a conditional use for a sanitary landfill facility, as herein defined, in any area of the Township, said Planning Commission shall be certain that the following limitations and conditions are or shall be strictly complied with, in addition to any other requirements contained in the Township Zoning Ordinance, or in any other Township ordinance controlling such operations. The following rules and regulations shall apply specifically to each landfill area, unless county or state regulations on any particular requirement are more restrictive, and then such more restrictive regulations shall apply.

A. Location:

1. All such operations shall be located on a state highway or county primary road, as defined by the County Road Commission of Lenawee, for ingress and egress thereto, and on a road which does not create traffic through an area developed primarily for residential purposes. Where necessary, the Planning Commission may require the applicant to construct and/or improve a road to accommodate the truck travel necessitated by the operations, as a condition of such operation, and for the purpose of routing traffic around residential areas.

A stop sign shall be erected and maintained by the owner/operator at all egress roads and the disposal area. Under no circumstances shall trucks use private drives or private access routes from the applicants' property which are within 150 feet of any residence.

2. Sufficient setback shall be provided from all property lines and public highways to assure adequate lateral support for adjacent public and private property. No such disposal area shall be permitted closer than 100 feet from the interior boundary lines. In addition, no disposal areas shall be permitted closer than 300 feet to any domicile, or within 300 feet of any residential districts. No such disposal areas shall be permitted closer than 100 feet to adjacent public right-of-way, property lines or lakes and streams. Such disposal areas shall at no time be permitted where adjoining lateral support for the maintenance for adjoining land is not maintained.
3. Any permanent processing plant and its accessory structures shall not be located closer than 250 feet from the interior boundary lines. In addition, if located within 1,000 feet of a residence, it shall be obscured by a suitable barrier, not less than 10 feet high, with screening, of a type to be decided on an individual basis, by the Planning Commission at the time of application. Where practicable, the processing plant shall be as close to the center of the subject property as possible, and at a lower level than the surrounding terrain to lessen visual and noise impact. The foregoing shall not apply to the digging or excavating apparatus, nor to the stockpiling or loading and transportation equipment.
4. No such disposal area shall interfere with the established natural flow of surface waters, to the detriment or damage to adjoining public or private properties. The Planning Commission shall have the right to require an applicant to construct adequate sediment basins if it appears that substantial sediment may be carried into any nearby watercourse.
5. Any sanitary landfill area, located within the boundaries of the Township, whether publicly or privately owned, shall be open in compliance with the Lenawee County Waste Management Plan. Hazardous materials, as defined in P.A. 64 of 1978 for the State of Michigan and defined by the Department of Natural Resources in its Hazardous Waste management Rules, Sections R299.630 through R299.6317 inclusive, containing Rules 301-317 exclusively, and dated February 5, 1981.
6. Greater isolation distances may be required by the Planning Commission if the sanitary landfill area being proposed, is adjacent to special quiet zones, as designated by local or state government.

B. Sight Barriers and Fencing:

1. Sight barriers shall be provided along all setback lines of the sites which lack natural screening conditions through existing contours or evergreen growth. Such barriers shall consist of the following: A berm of at least 10 feet in height and plantings of evergreen trees, not more than 10 feet apart, or shrubbery not more than 5 feet apart, in staggered rows, on the berm, parallel to the boundaries of the property. Evergreens shall be at least 2-year transplants at the time of planting, and shall grow to not less than 10 feet in height, and shall be sufficiently spaced to provide effective sight barriers when 10 feet in height. Trees or shrubs which die must be replaced.

The requirements for screening by means of a berm and plantings may be reduced or eliminated by the Planning Commission if the particular site and terrain of the subject property (with screening of a reduced height), will afford adequate sight barriers for adjoining property owners, residents or passersby.

2. The sanitary landfill area shall have a gate which shall be closed and locked at all times that the landfill is not open. The entrance to the sanitary landfill area shall have a gate which shall be closed and locked at all times that the landfill is not open.

C. Nuisance Abatement:

1. Air pollution, noise and vibration, and their effect upon adjacent properties shall be minimized by the utilization of adequate soundproofed equipment and buildings designed to accomplish such minimization, and by the proper use of berms, walls and natural planting screens. Interior and adjoining roads used in the solid waste disposal operations shall have their surfaces treated to minimize any condition.
2. Rodent traps, if needed, shall be placed every 100 yards, around the perimeter of the sanitary landfill area, inside the fence, and shall be regularly inspected and cleaned, not less frequently than once each week.
3. Any security lighting deemed necessary by the owner/operator shall be of the sodium vapor type and shall be aligned so that no part of the illuminated field shall fall on any adjoining residential property.
4. Every sanitary landfill facility, which accepts refuse, shall have adequate water supply and facilities for quick delivery of water to any part of the property, for the purpose of extinguishing fires. Capacity shall be such that at least 50 gallons of water per minute can be applied to any fire, continuously, for at least 10 hours. The source of the water supply and the facilities to provide for the delivery of the water shall be indicated on the plans submitted for approval by the Planning Commission.
5. All litter shall be collected from the sanitary landfill site by the end of each working day and either placed in the fill, compacted and covered that day, or stored in a covered container.
6. In winter operations, snow and ice shall be removed before any material, either refuse or earth cover, is placed on the fill. A supply of unfrozen earth cover material shall be maintained and available, either in protected stockpiles or in a natural bank protected from, or not subject to freezing. Frozen cover materials shall not be placed on the fill.

7. Prior to the commencement of the construction of any landfill within the Township the owner/operator of the proposed landfill shall obtain from each lake, stream, creek, watercourse and private, residential, agricultural and commercial water well a water sample for complete chemical analysis. These water samples shall be taken from each of the aforementioned water sources within a mile radius of the exterior boundaries of the property acquired for the construction of the landfill. These samples shall contain the exact location from which they were obtained, the name and address of the property owner who owns the land from which the water sample was taken, and the name and address of the principal user of the water well, if different from the owner of the property upon which the well is located. The owner/operator of the proposed landfill shall turn these samples over to a properly accredited laboratory for complete analysis. The results of the individual analysis shall be certified by the laboratory, and then filed with the Township Clerk, for the purpose of future reference, should there at some later date be suspected groundwater contamination. In addition, copies of the quarterly monitoring test well results shall be delivered to the Township Clerk promptly upon receipt by the owner/operator.

D. Time Limits:

All operations, other than the maintenance of equipment within a fully enclosed building, shall be conducted only between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday, and 7:00 a.m. and 3:00 p.m. on Saturdays and legal holidays. A sign stating the hours and prohibiting the dumping at other times shall be placed in a conspicuous location at the entrance.

Keys for admittance to the disposal area shall be given to the Township Clerk.

Disposal facilities shall have qualified personnel on duty at all times to direct the dumping, spreading, compaction and covering of materials.

E. Liability Insurance:

All applicants shall be required to carry personal injury and property damage insurance, in addition to any and all bonds required by state statute, while any open or un-rehabilitated area exists. Such insurance shall be in the amount of not less than \$1,000,000 for each person injured or property damaged, or for any injury or damage to more than one person or one person's property, arising out of one occurrence. Such insurance shall cover injury or damage occurring upon the site of the operation, as well as upon properties adjoining thereto, as the result of conditions or activities existing upon the site. Such policies shall be filed with the Township Clerk, and shall be maintained in effect for a period of not less than twenty years following final closure and termination of sanitary landfill activities. The deductible written into the insurance policy shall not exceed five percent of the per incident limit of the liability of the policy. The coverage obtained by the owner/operator to fulfill the requirements of this section shall include the provisions that this section shall include the provision that the insurer shall notify the Township Clerk thirty (30) days prior to the cancellation of the insurance for any reason.

F. Closure of Disposal Areas:

Reclamation or rehabilitation of sanitary landfill areas shall be accomplished as soon as practicable following the completion of an area. Where possible, such rehabilitation or reclamation shall be accomplished concurrently with facility's operations. Substantial

completion of reclamation and rehabilitation shall be effected within two years after the termination of the waste disposal facility. Inactivity for 12 consecutive months shall constitute, for this purpose, termination of disposal activities. Technical standards which shall control the final reclamation and rehabilitation of the site, and the post-closure monitoring of the site shall be the rules and regulations written by the Department of Natural Resources, Resource Recovery Division. Solid Waste Management for the State of Michigan pursuant to Public Act 641 of 1978, as amended, being Section 299.401, et seq., of the Michigan Compiled Laws and known as the Solid Waste Management Act, or other similar acts which may provide such regulation hereafter.

G. Submission of Operational and Closure Plans:

1. Such plans shall include, among other things, the following:
 - a. A contour map of the tract of land involved in the operations, including dimensions of the same, access thereto, abutting public streets, and whether or not the same are on state or county primary roads, additional roads, if any, to be constructed and the location and nature of abutting improvements of adjoining properties.
 - b. The number of acres and the location of the same, proposed to be operated upon within the following 12-month period after commencement of operations.
 - c. The type of sanitary landfill proposed to be constructed, the nature of the equipment to be used and the materials to be accepted.
 - d. A survey by a registered surveyor, showing the location of the principal disposal site and the distance of any proposed operations, and the boundaries of the site.
 - e. A map disclosing the approximate final grade and the levels to be established following completion of the disposal areas, including the proposed uses being contemplated for the future use of the land, and other such matters as may evidence the bona fide nature of the rehabilitation plans and the fact that the land will not be devastated and rendered unusable by the proposed waste disposal area.
 - f. A map disclosing the location of all lakes, streams, creeks, watercourses and public, private, residential, agricultural and commercial water wells from which the samples will be taken for analysis, as stipulated in C(7) of this Section.
 - g. A written agreement, signed by the owner/operator of the proposed disposal area, agreeing to abide by the following plan for solutions to groundwater contamination, should such contamination occur as a result, or suspected result of his disposal operations.

H. Submittal of Waste Reduction Plan:

The developer shall submit a planned program for implementation on a County-wide basis for:

1. recycling
2. composting
3. household hazardous waste reduction
4. education

The program shall contain a description of integration efforts with other groups participating in similar efforts in the County. The program must also address household hazardous waste collection by indicating:

- a. intended site/method for disposal
 - b. intended site/method for collection
5. projected volume and types of waste to be managed
 6. A program for incorporating any programs operating by Lenawee County.

I. A Trust Fund for the Mitigation of Landfill Problems:

1. A trust fund shall be established at a convenient bank, within Lenawee County, chosen by the Township Board. The operator shall agree to pay \$.10 per cubic yard of waste disposed of, into this trust fund, for the life of the sanitary landfill. Expenditures from the trust fund are to be approved by a committee consisting of one citizen appointed by the Township Board, the Township Supervisor, and one representative of the owner/operator. Funds may be used but are not limited to off-site litter control, groundwater and surface water monitoring and payments to adjacent property owners, and others, at the discretion of the committee, for damages proven to have been caused as a result of the sanitary landfill or its operations. The trust fund shall exist and earn interest for 20 years following closure, and at the time the funds remaining shall be paid to the owner/operator or its successors or assigns.
2. The mitigation of environmental degradation shall be accomplished by limiting the amount of new leachate produced; steps shall be taken which restrict the movement of existing pollutants in the water. When domestic, agricultural or commercial wells lie in the path of a contaminated plume, one of the following possible solutions to the problems of public health, hazard and environmental degradation shall, at the discretion of the Township Board be required of the owner/operator of the landfill:
 - a. Immediate purging of the groundwater. Studies must be conducted, at the expense of the owner/operator of the waste disposal area, to determine the extent of the groundwater contamination, cleanup required, and the timetable by which the cleanup will proceed.
 - i. Locating uncontaminated groundwater.
 - ii. Providing bottled water. This shall be a temporary measure, designed to prevent health hazards until another system can be prepared. This service should be terminated once a permanent water supply system becomes operational.

iii. Hooking into an existing municipal water supply system.

Owner/operator of a sanitary landfill reasonably suspected of contamination of the groundwater for residence, farms, or businesses, shall guarantee the cost of the construction of the extension of a municipal water line to the affected area, and the cost of the hookup to this water supply. The Township shall pay for any oversizing of the line to permit the extension of service to areas not affected by the leachate. The owner/operator of the sanitary landfill may make an unrestricted cash payment to the Township to carry out its responsibility to the residents in obtaining for them uncontaminated water. This option shall be at the discretion of the proper authority. If the water is available to the residents of the affected area, the Township or the proper authority will assume sole responsibility for establishing water rates, assessments and connection charges, and for the granting of waivers of any of these charges to residents whose water supply is endangered by the leachate and for policies governing the system operation and waiver policy.

If the Township does not agree to make water available to its residents, the entire issue shall revert back to the landfill owner/operator's responsibility. The Township shall assume no responsibility or liability for any injuries or property damage resulting from the sanitary landfill operations.

- J. Financial Guarantee shall be given to the Township, insuring the proper closure and rehabilitation of the solid waste disposal area. The amount of the guarantee shall not be less than \$5,000 per acre of disposal area, but not less than \$20,000 nor more than \$200,000 for the area proposed to be licensed by the State, or which has previously been operated upon during any preceding period and which has not been reclaimed or rehabilitated. All such financial guarantees shall be reviewed annually on or about the anniversary date of the sanitary landfill construction permit, for adjustment in compliance of the foregoing requirements by the Township Building Inspector of the Township or other such official as may be designated by the Township Board. In this regard, the amount of the financial guarantee may be increased or decreased, based upon the cost of living index, promulgated by the U.S. Department of Labor, using the effective date of this ordinance amendment as the base period for the \$5,000 per acre amount. Such financial guarantee shall be in the form of cash, certified check, irrevocable bank letter of credit or a corporate bond of a licensed insurance company, eligible to insure disposal facilities in Michigan. The corporate bond, if it is used, shall be a performance bond which shall be filed with the Township Clerk governing all portions of the sanitary landfill operation required to be maintained in accordance with these regulations, guaranteeing the satisfactory performance of these regulations. The bond shall not be cancelable for nonpayment of premium on disposal areas already worked, and shall continue in force for one year after closure and reclamation of the sanitary landfill facility.

For all sanitary landfill areas, the minimum financial guarantee shall be at least \$20,000, provided to the Township, if less than five acres are required to be covered by the financial guarantee at any time. The bond shall be filed with the Township before the permit is issued, and on or before the first of each year, thereafter.

A recommendation by the Planning Commission and approval by the Township Board shall be based upon the criteria set forth within said ordinance and shall be based, in addition, on a consideration of the following:

1. The most advantageous use of the land, resources and property.
2. The character of the area in question and its particular suitability, if any, for the particular use.
3. Conservation of property values as well as natural resources and the general appropriate trend and character of development in the subject area.
4. The protection and preservation of the general health, safety and welfare of the Township.
5. The scarcity or value of waste disposal areas as compared with the effect upon adjacent communities near the proposed operation.

SECTION 10.70.22 GRAVEL PITS, QUARRIES, AND EARTH REMOVAL:

Prior to the approval by the Planning Commission of a conditional use permit for earth removal, quarrying, gravel processing, mining and related mineral extraction businesses in any area of the Township, said board shall be satisfied the following conditions and limitations are, or shall be, strictly complied with in addition to any other requirements contained in the Township zoning ordinance or in any other township ordinance controlling such operations:

A. Location:

1. All such operations shall be located on a primary road, as defined by the Lenawee County Road Commission, for ingress and egress thereto or on a road which does not create traffic through an area developed primarily for residential purposes. Where necessary, said board may require the applicant to construct and/or improve a road to accommodate the truck travel necessitated by the operations as a condition to such operations and for the purpose of routing traffic around residential areas and preventing the breaking up of existing road which are not "all weather" roads.
2. Sufficient setbacks shall be provided from all property lines and public highways to assure adequate lateral support for adjacent public and private property. No such excavation operations shall be permitted closer than 150 feet to interior boundary lines of the property, or such larger setback as may be required by the Planning Commission to adequately protect adjoining properties.

However, if the adjoining property is also used for such mining and excavation operation then the Planning Commission may reduce or eliminate the required setback from that interior boundary line. In addition, such setback may be temporarily reduced to 50 feet if reclamation of the land is promptly effected to increase the setback to at least 150 feet in accordance with the reclamation plan approved by the board, and adequate lateral support as set forth is at all times maintained.

3. No such excavation operation shall be permitted within 50 feet of adjoining public rights-of-way except for the lowering of land adjoining said rights-of-way to the

grade level of said rights-of-way. Such excavation businesses shall at no time be permitted where adequate lateral support for the maintenance of adjoining lands is not maintained.

4. The permanent processing plant and its accessory structure shall not be located closer than 250 feet from the interior property lines and adjoining public rights-of-way and shall, where practicable, be located at a lower level than the surrounding terrain to lessen visual and noise impact. In addition, the foregoing shall apply to the digging or excavating apparatus and to the stockpiling or loading of materials and to the location of transportation equipment.
5. No such excavation operation shall be located within 100 feet of the banks of any stream or waterway unless previously approved, in writing, by the Michigan Department of Natural Resources or such other state commission having jurisdiction thereof. No such mining operations shall interfere with the natural established flow of surface waters to the detriment or damage of adjoining public or private properties.

B. Sight Barriers:

1. Sight barriers shall be provided along all boundaries of the site which lack natural screening conditions through existing contours of evergreen growth. Such barriers shall consist of one or more of the following:
 - a. Earth berms constructed to a height of 6 feet above the mean elevation of the centerline of the adjacent public highway or 6 feet above the general level of terrain along interior property lines, as the case may be. Such berms shall have slopes that are not in excess of 1 foot vertical to 3 feet horizontal and shall be planted with grass, trees, or shrubs.
 - b. Plantings or evergreen trees or shrubbery in rows parallel to the boundaries of the property not less than 4 feet in height at the time of planting and which grow to not less than 6 feet in height at maturity and sufficiently spaced to provide effective sight barriers within 6 feet in height.
 - c. Masonry walls or attractive solid fences made of uniform new materials constructed to a height of not less than 6 feet and maintained in good repair.

C. Nuisance Abatement:

1. Noise and vibration shall be minimized in their effect upon adjacent properties by the utilization of modern equipment designed to accomplish such minimization and by the proper use of berms, walls, and natural planting screens. All equipment shall be maintained and operated in such a manner so as to eliminate, as far as practicable, excessive noise and vibrations which are not necessary in the operation of such equipment.
2. Air pollution in the form of dust and dirt shall also be kept to a minimum by the use of modern equipment and methods of operation designed to avoid any excessive dust or dirt or other air pollution injurious or substantially annoying to adjoining property owners. Interior and adjoining roads used in the operations shall have their surface treated to minimize any such nuisance.

3. Hours - The operation shall be restricted to the hours of 7:00 a.m. to 7:00 p.m. and no operations shall be allowed on Sundays.
4. Fencing - All dangerous excavations, pits, pond areas, banks or slopes shall be fenced and posted with signs around the perimeter thereof and maintained to prevent injury to children or others, and shall be eliminated as expeditiously as possible.

D. Reclamation of Mined Areas:

1. Reclamation and rehabilitation of mined areas shall be accomplished as soon as practicable following the mining or excavation of an area. Rehabilitation and reclamation shall be commenced immediately upon the termination of the mining or excavation operations in any area consisting of 1 acre or more. Substantial completion of reclamation and rehabilitation shall be effected within 1 year after termination of mining or excavation activity. Inactivity for a 12-month consecutive period shall constitute, for this purpose, termination of mining activity.
2. The following standards shall control reclamation and rehabilitation:
 - a. All excavation shall be either to a water-producing depth of not less than 5 feet below the average summer level of water in the excavation, or shall be graded or back-filled with non-noxious, non-inflammable and noncombustible solids to insure:
 - i. That the excavated area shall not collect stagnant water and not permit the same to remain therein; or,
 - ii. That the surface of such area which is not permanently submerged is graded or back-filled as necessary to produce a gently rolling surface that will minimize wind and water erosion and which will be generally compatible with the adjoining land area.
 - b. The banks of all excavations shall be sloped to the water line in a water-producing excavation and to the pit floor in a dry operation, at a slope which shall not be steeper than 1 foot vertical to 3 feet horizontal.
 - c. Top soil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water except where streets, beaches, or other planned improvements are to be completed within a 1-year period. Where used, top soil shall be applied to a minimum depth of 4 inches sufficient to support vegetation.
 - d. Vegetation shall be restored by the appropriate seeding of grasses or the planing of trees and shrubs to establish a permanent vegetation cover on the land surface and to minimize erosion.
 - e. Upon cessation of mining operations by abandonment or otherwise, the operating company, within a reasonable period of time not to exceed 12 months thereafter, shall remove all plant structures, foundations, buildings, stockpiles and equipment, provided that buildings and structures which have a function under the reclamation plan and which can be lawfully used under

the requirement of the zoning district in which they will be located under such plan, may be retained.

3. A performance bond or cash shall be furnished the Township Clerk insuring the proper rehabilitation and reclamation of the mined and excavated areas prior to the commencement of any such mining or excavating operations. The amount of the guarantee shall be not less than \$3,000 per acre proposed to be mined or excavated in the following 12 months' period and which has previously been mined or excavated during any preceding period and not reclaimed and rehabilitated in accordance with this Ordinance and the applicant's filed plan. Mined areas resulting in a water depth of 5 feet or more shall be deemed to be reclaimed areas to within 15 feet of any vertical shoreline thereof and to the extent of the shoreline where the same has been sloped to a grade of not more than 1 vertical to 3 horizontal for the purpose of this financial guarantee. Such financial guarantee shall be reviewed annually, on or about the anniversary date of the excavation permit, for adjustment and compliance with the foregoing requirements by the Township Building Inspector and the Township Planning Commission. In no event shall such financial guarantee be less than \$3,000 in amount.

E. Submission of Operational and Reclamation Plans:

1. Such plans shall include, among other things, the following:
 - a. A contour map of the tract of land involved in the operations, including dimensions of the same, access thereto abutting public streets and whether or not the same are "all weather" roads, additional road, if any, to be constructed and the location and nature of abutting improvements on adjoining property.
 - b. The number of acres and the location of the same propose, to be operated upon within the following 12 months' period after commencement of operations.
 - c. The type of mining or processing proposed to be conducted and the nature of the equipment to be used.
 - d. The location of the principal processing plant and the distance of any proposed excavation or mining from the boundaries of the site.
 - e. Soil boring tests shall be made around the perimeter of the excavation site in the event excavation of activities are to be conducted closer than 150 feet from the boundaries of the site. Said soil boring tests shall disclose conditions satisfactory for lateral support of adjacent premises as determined by the Township Building Inspector. The written consent of the owners of adjoining premises and of the Planning Commission shall be required if mining operations shall be closer than specified in the within Ordinance to the boundaries of the site.
 - f. A map or plan disclosing the final grades and elevations to be established following the completion of the mining operations including the proposed uses then contemplated for the land, future lakes and roads and such other matters as may evidence the bona fide nature of the reclamation and

rehabilitation plans and the fact that the land will not be devastated and rendered unusable by the proposed mining activities.

F. Liability Insurance:

All operators shall be required to carry personal injury and property damage insurance while any un-reclaimed or un-rehabilitated area exists in the amount of not less than \$100,000 for each person or property injured or damaged and not less than \$300,000 for injury or damage to more than one person or one person's property arising out of one occurrence. Such insurance shall cover injury or damage occurring upon the site of the operations as well as upon properties adjoining thereto as a result of conditions or activities existing upon the site. A copy of the policy shall be filed with the Township Clerk.

G. Variances:

The Board of Appeals shall have the right and authority to grant variances from the foregoing conditions and limitations where particular circumstances or hardship may exist, the spirit and intent of the provisions to protect the neighborhood from devastation are still complied with and substantial justice would thereby be affected.

SECTION 10.70.23 BED AND BREAKFAST FACILITIES:

- A. The minimum lot size shall be 22,000 sq. ft. with a minimum frontage of 100 feet on a public street.
- B. A residence shall not have or be converted to more rental rooms than the number of bedrooms which exist at the time of adoption of this ordinance.
- C. The minimum size of a rental room shall be 125 sq. ft.
- D. The minimum size for manager/owner living quarters shall be four-hundred fifty (450) sq. ft.
- E. A common room or area for guest relaxation is required.
- F. For those facilities which are not owner occupied, a manager must reside on the premises and have an equity interest in the facility.
- G. One off-street parking space shall be provided for each rental room in addition to the two off-street spaces required for single family dwellings. Parking shall be adequately screened from adjacent residentially developed or zoned property.
- H. Bathrooms must be furnished for guest rooms at a ratio of not less than one bathroom per two rental rooms.
- I. The premises (including corner lots) may be permitted one advertising sign not exceeding six (6) sq. ft. in area.
- J. Approval by the Township Building Inspector is required prior to occupancy of the facility. Thereafter, the Township Building Inspector shall conduct an annual compliance inspection.

- K. Approval of the Lenawee County Health Department is required if other than a continental breakfast is served.
- L. The maximum stay at a bed and breakfast facility shall be thirty (30) continuous days.
- M. A site plan shall be submitted in accordance with Section 9.90.
- N. The use of the facility shall not, in the judgement of the Township Planning Commission and the Township Board, be detrimental to adjacent land uses and the immediate neighborhood.

SECTION 10.70.24 GUN AND CONSERVATION CLUBS:

- A. The minimum site size shall be 50 acres.
- B. Outdoor target ranges and areas where firearms may be discharged shall have a minimum setback of 600' from any residentially, commercially, or industrially zoned property.
- C. Retail sales to guests only may be permitted, but there shall be no externally visible evidence of any commercial activity, however incidental, nor any access to any space used for commercial activity from other than within the building.
- D. Hours of operation of the outdoor target range(s) shall be approved by the Township Planning Commission.

SECTION 10.70.25 COMMUNICATION TOWERS:

- A. The following site and developmental requirements shall apply:
 - 1. A minimum site of one (1) acre shall be required. A minimum thirty (30) foot wide easement shall be required to provide access to the communication tower.
 - 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.
 - 2. Accessory structures are limited to uses associated with the operation of the tower and may not be located any closer to any property line than the minimum front yard requirement for the appropriate zoning district as found in Section 4.5 (Area, Yard, Height, and Bulk Requirements).
 - 3. One accessory structure shall be permitted per antenna attached to the tower. Each accessory structure 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 and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes.
7. All towers must meet the standards of the Federal Communications Commission and the Federal Aviation Administration.
8. Communications towers in excess of one hundred (100) feet in height above grade level shall be prohibited within a two (2) mile radius of a public airport or ½ (one-half) mile of a helipad.
9. 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 property line.
10. Metal towers shall be constructed of, or treated with, corrosive-resistant material.
11. 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.
12. Towers with antennae shall be designed to withstand a uniform wind loading.
13. All signals and remote control conductors shall be buried underground unless a compelling demonstration can be made that such a requirement is unfeasible.
14. Towers shall be located so that they do not interfere with reception in nearby residential areas.
15. Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned and/or leased by the applicant.
16. The base of the tower shall occupy no more than five hundred (500) square feet.
17. Height of the tower shall not exceed three hundred (300) feet from grade.
18. Towers shall not be artificially lighted except as required by the Federal Aviation Administration.
19. Existing on-site vegetation shall be preserved to the maximum extent practicable.
20. 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.

21. 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.
 22. Where the property adjoins any residentially-zoned property or residential land use, the developer shall plant two (2) alternating rows of evergreen trees with a minimum height of five (5) feet on twenty (20) foot 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.
 23. The policy of the community is to minimize the number of communication towers in the Township. Therefore, the Township shall require the colocation of communication towers. Pursuant to this policy, the following standards apply to communication towers:
 1. All new and modified communication towers shall be designed and constructed so as to accommodate colocation.
 2. 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 colocation is not available for the coverage area and capacity needs.
- C. The following information shall be submitted to the Township Supervisor and Fire Chief prior to Township approval to construct a communication tower:
1. Site plan in accordance with Section 9.90.
 2. 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 reasonably prudent standard.
 3. 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 or is no longer needed. A tower shall be deemed to be abandoned when it is out of service for a period of at least three hundred sixty-five (365) days. The provider will be afforded an opportunity to address the Planning Commission as to whether the communications tower has been abandoned. In this regard, the Township Planning Commission shall specify the form of security as approved by the township attorney and recordable at the office of the 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 and owner shall be responsible for the payment of any costs and attorney's 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.
 4. 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.

**RAISIN CHARTER TOWNSHIP
LENAWEE COUNTY, MICHIGAN
ARTICLE 10
SPECIAL LAND USE**

SECTION 10.70.27 SOLAR FARMS

A. PURPOSE: To provide for the land development, installation and construction regulations for large photovoltaic solar farm facilities subject to reasonable conditions that will protect the public health, safety and welfare. These regulations establish minimum requirements and standards for the placement, construction and modification of large photovoltaic solar farm facilities.

This Article is intended to:

1. Protect Township areas from any potentially adverse effects, such as visual or noise impacts, of solar farm facilities, and related structures or devices so that the public health, safety, and welfare will not be jeopardized.
2. Provide for a land use that will provide an energy source with low associated environmental impacts.
3. Provide for the removal of abandoned or noncompliant solar farm facilities, and related structure or devices.
4. Allow as a Special Land Use for solar farm facilities, and related structures or devices in the Township districts zoned for Agricultural (A-1) and Industrial (I-1).

B. DEFINITIONS: In addition to Ordinance Article II definitions, the following terms and phrases shall have the meanings set forth below:

AC Power (Alternating Current): An electrical current whose magnitude and direction varies. It is considered the "standard" electrical power.

Attached System: A solar system in which solar panels are mounted directly on the building, typically the roof.

DC Power (Direct Current): An electrical current whose magnitude and direction stay constant. The photovoltaic cells on solar panels capture energy from sunlight in the form of DC and must be converted to AC by an inverter.

Detached Systems: Also known as a Ground Mounted Systems or Freestanding, a solar system that is not attached directly to a building, but is supported by a structure that is built on the ground.

Distributed Generation: As opposed to centralized generation, distributed generation refers to a number of small power-generating modules located at or near the point of energy consumption.

Gigawatt: A unit of power equal to one billion watts.

Grid: The infrastructure of power lines, transformers and substations that delivers electric power to buildings. The utility grid is owned and managed by electric utility companies.

Installer: A contractor that installs solar systems.

Interconnection: A link between utility company power distribution and local power generation that enables power to move in either direction.

Inverter: A device that converts DC power captured by the photovoltaic cells on solar panels into AC power.

Kilowatt: A unit of power equal to one thousand watts.

Megawatt: A unit of power equal to one million watts.

Net Metering: A policy whereby utility customers with small-scale renewable power sources, including solar, receive credit from their utility provider for electricity generated in excess of their needs (also known as “net excess generation”).

On/Off Grid System: A solar energy system that is interconnected with the utility grid is an on-grid or grid-tied system, while a system not interconnected is an off-grid system.

Permitting: The process by which a local unit of government allows for certain development, changes, and activities in their jurisdiction.

Photovoltaic (PV): A method of generating electrical power by converting solar radiation (sunlight) into direct current electricity using semiconductors.

Solar Collection Devices-General: Solar collection devices are designed to capture and utilize the energy of the sun to generate electrical power. A solar collection device is the actual material(s) used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected. These devices may be either freestanding or attached to a structure and are sized to meet the various user needs and/or utility requirements.

Solar Collection Devices-Small Freestanding: An array of freestanding (not attached to a principal or accessory structure) solar collection materials that have a manufacturer’s rating up to but not exceeding 20kW.

Solar Collection Devices-Medium Freestanding: An array of freestanding (not attached to a principal or accessory structure) solar collection materials that have a manufacturer’s rating of greater than 20kW, but do not occupy more than 10 acres of land.

Solar Collection Devices-Large Freestanding: An array of freestanding (not attached to a principal or accessory structure) utility-scale solar collection materials that have a manufacturer’s rating of greater than 20kW and occupy more than 10 acres of land.

Solar Farms (Large Photovoltaic Solar Farm Facilities): A utility-scale commercial facility that converts sunlight into electricity, whether by photovoltaics, or any other various solar technologies for the primary purpose of wholesale or retail sales of generated electricity off-site.

Solar Farms do not include small scale solar panels or technologies installed at individual residential or commercial locations (e.g. roof or ground mounted panels) that are used exclusively for private purposes and not utilized for any commercial resale of any energy, except for the sale of surplus electrical energy back to the electrical grid. These installations are permitted as Accessory Structures or Uses.

Solar Photovoltaic System: The total components and subsystems that, in combination, convert solar energy suitable for connection to utilization load.

Time-of-Use (TOU) Rates: A utility billing system in which the price of electricity depends upon the hour of day at which it is used. Rates are higher during the afternoon when electric demand is at its peak. Rates are lower during the night when electric demand is off peak.

C. REQUIREMENTS FOR DEVELOPMENT AND DESIGN STANDARDS

1. **Site Plan:** In addition to those requirements of Article IX, Section 9.90 of the Zoning Ordinance, and the Site Plan Review Application, all applications for a special land use permit for a Solar Farm shall be subject to Special Land Use standards in Agricultural (A-1) and Industrial (I-1) zoned areas.
2. **Minimum Lot Size:** Large photovoltaic solar farm facilities shall not be constructed on parcels less than twenty (20) acres in size.
3. **Height Restrictions:** All photovoltaic panels located in a solar farm shall be restricted to a height of fourteen (14) feet.
4. **Setbacks:** All photovoltaic solar panels and support structures associated with such facilities (excluding perimeter security fencing) shall be a minimum of fifteen (15) feet from a side or rear property line and a minimum of thirty (30) feet from any road or highway right-of-way.
5. **Maximum Lot Coverage:** Maximum lot coverage restrictions shall not apply to photovoltaic solar panels. Any other regulated structures on the parcel are subject to maximum lot coverage restrictions.
6. **Safety/Access:** A security fence (height and material to be established through the special land use permit process) shall be placed around the perimeter of the solar power plant and electrical equipment shall be locked. Knox boxes and keys shall be provided at locked entrances for emergency personnel access. Electric fencing is not permitted.
7. **Sound Pressure Level:** No large photovoltaic solar farm facilities shall exceed sixty-five (65) dBA as measured at the property line.

8. **Landscaping:** The perimeter of large photovoltaic solar farm facilities shall also be screened and buffered by installed evergreen or native vegetative plantings whenever existing natural vegetation does not otherwise reasonably obscure the large photovoltaic solar farm facilities from any public street and/or adjacent residential structures, subject to the following requirements:
 - a. The large photovoltaic solar farm facilities shall be exempt from the landscape requirements of Article 9, Section 9.80.
 - b. The evergreen or native vegetative buffer shall be composed of native or evergreen trees that at planting shall be minimum of four (4) feet in height and shrubs two (2) feet in height. The evergreen trees shall be spaced no more than fifteen (15) feet apart on center (from the central trunk of one plant to the central trunk of the next plant), native trees shall be placed no more than thirty (30) feet apart on center and shrubs shall be spaced no more than seven (7) feet apart on center. All unhealthy (sixty (60) percent dead or greater) and dead material shall be replaced by the applicant within one (1) year, or the next appropriate planting period, whichever occurs first.
 - c. All plant materials shall be installed between March 15 and November 15. If the applicant requests a final certificate of occupancy from the Township and the applicant is unable to plant during the installation period, the applicant will provide the Township with a letter of credit, surety or corporate guarantee for an amount equal to one and one-half (1.5) times the cost of any planting deficiencies that the Township shall hold until the next planting season. After all plantings have occurred, the Township shall return the financial guarantee.
 - d. Failure to install or continuously maintain the required vegetative buffer shall constitute a violation of this Ordinance and any Special Land Use Permit may be subject to revocation.
9. **Local, State and Federal Permits:** Large photovoltaic solar farm facilities shall be required to obtain all necessary permits from the U.S. Government, State of Michigan, and Raisin Charter Township, and comply with standards of the State of Michigan adopted codes.
10. **Electrical Interconnections:** All electrical interconnection or distribution lines shall comply with all applicable codes and standard commercial large-scale utility requirements. Use of above ground transmission lines shall be prohibited within the site.
11. **Signage:** No advertising or non-project related graphics shall be on any part of the solar arrays or other components of the large photovoltaic solar farm facilities. This exclusion does not apply to entrance gate signage or notifications containing points of contact or any and all other information that may be required by authorities having jurisdiction for electrical operations and the safety and welfare of the public.
12. **Abandonment and Decommissioning:** Following the operational life of the project, the applicant shall perform decommissioning and removal of the large photovoltaic solar farm facilities and all its components. The applicant shall prepare a decommissioning plan and submit it to the Planning Commission for review and approval prior to issuance of the Special Land Use Permit.

The decommissioning plan shall state how the large photovoltaic solar farm facilities will be decommissioned, provide the estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with which the resources will be deposited. Any large photovoltaic solar farm facilities that are not operated for a continuous period of twelve (12) months shall be considered abandoned and shall be removed under the decommissioning plan.

Under this plan, all structures, concrete, piping, facilities, and other project related materials above grade and any structures up to three (3) feet below-grade shall be removed offsite for disposal. All access roads or driveways shall be removed, cleared, and graded by the applicant, unless the property owner(s) requests, in writing, a desire to maintain any access road or driveways. The Township or County will not be assumed to take ownership of any access road or driveways. The ground must be restored to its original topography or mutually agreed variation of the original topography within three hundred sixty-five (365) days of abandonment or decommissioning.

The decommissioning plan shall also include an agreement between the applicant and the Township that:

- A. Prior to the issuance of the permit, the applicant shall furnish to the Township a performance guarantee in an amount equal to or greater than the estimated cost of decommissioning. The guarantee shall be in the form of either a surety bond or cash deposit into an escrow account with an escrow agent acceptable to the Township.
 - B. The Township shall have access to the escrow account funds for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within three hundred sixty-five (365) days of the end of project life or facility abandonment.
 - C. The Township is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
 - D. The Township is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the Township's right to seek reimbursement from applicant or applicant successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien. Financial provisions shall not exceed reasonable anticipated decommissioning costs.
13. **Inspection:** The Township shall have the right at any reasonable time, to provide same-day notice to the applicant to inspect the premises on which any large photovoltaic solar farm facilities is located. The Township may hire one or more consultants, with approval from the applicant (which shall not be unreasonably withheld), to assist with inspections at the applicant's or project owner's expense. Inspections must be coordinated with, and escorted by, the applicant's operations staff at the large photovoltaic solar farm facilities to ensure compliance with the Occupational Safety and Health Administration (OSHA), NESC and all other applicable safety guidelines.

14. **Maintenance and Repair:** Each large photovoltaic solar farm facility must be kept and maintained in good repair and condition at all times. If the Township Building Official determines that a large photovoltaic solar farm facility fails to meet the requirements of this ordinance and the Special Land Use Permit, or that it poses a safety hazard, the Building Official, or his or her designee, shall provide notice to the applicant of the safety hazard. If, after a reasonable cure period (not to exceed seven (7) days), the safety hazards are not corrected, the applicant shall immediately shut down the large photovoltaic solar facility and not operate, start or restart the large photovoltaic solar facility until the issues have been resolved. Applicant shall keep a maintenance log on the solar array(s), which shall be available for the Township's review within 48 hours of such request. Applicant shall keep all sites within the large photovoltaic solar farm facility neat, clean and free of refuse, waste or unsightly, hazardous or unsanitary conditions.
15. **Roads:** Any material damages to a public road located within the Township resulting from the construction, maintenance or operation of a large photovoltaic solar farm facility shall be repaired at the applicant's expense. In addition, the applicant shall submit to the appropriate State or County agency a description of the routes to be used by construction and delivery vehicles; and road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries. The applicant shall abide by all State or County requirements regarding the use and/or repair of the roads.

D. ADDITIONAL SPECIAL LAND USE CRITERIA

The following topics shall be addressed in a Special Land Use application for such large photovoltaic solar farm facilities in addition to Section C, Requirements for the Development and Design Standards.

1. **Project description and rationale:** Identify the type, size, rated power output, performance, safety and noise characteristics of the system, including the name and address of the manufacturer, and model. Identify time frame, project life, development phases, likely markets for the generated energy, and possibly future expansions.
2. **Analysis of onsite traffic:** Estimated construction jobs, estimated permanent jobs associated with the development.
3. **Visual impacts:** Review and demonstrate the visual impact using photos or renditions of the project or similar projects with consideration given to tree plantings given to tree plantings and setback requirements.
4. **Wildlife:** Review potential impact on wildlife on the site.
5. **Environmental analysis:** Identify impact analysis on the water quality and water supply in the area, and dust from project activities.
6. **Waste:** Identify solid waste or hazardous waste generated by the project.
7. **Lighting:** Provide lighting plans showing all lighting within the facility. No light may adversely affect adjacent parcels. All lighting must be shielded from adjoining parcels, and light poles are restricted to eighteen (18) feet in height.

8. **Transportation plan:** Provide access plan during construction and operation phases. Show proposed project service road ingress and egress access onto primary and secondary routes, layout of the plant service road system. Due to infrequent access to such facilities after construction is completed, it is not required to pave or curb solar panel access drives. It will be necessary to pave and curb driveway and parking lots used for occupied offices that are located on site.
 9. **Public safety:** Identify emergency and normal shutdown procedures. Identify potential hazards to adjacent properties, public roadways, and to the community in general that may be created.
 10. **Sound limitations and review:** Identify noise levels at the property line of the project boundary when completed.
 11. **Telecommunications interference:** Identify electromagnetic fields and communications interference generated by the project.
- E. SEVERABILITY:** The provisions of this Ordinance are hereby declared to be severable and if any provision, section or part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall only affect the particular provisions, section or part involved in such decision and shall not affect or invalidate the remainder of such Ordinance, which shall continue in full force and effect.
- F. EFFECTIVE DATE:** This Ordinance shall become effective fifteen (15) days after its publication following final adoption or as required by law.
- G. REPEAL:** All Ordinances or parts of Ordinances in conflict with this ordinance are hereby repealed.

ARTICLE XI

PLANNED UNIT DEVELOPMENT

SECTION 11.10 OBJECTIVES FOR PLANNED UNIT DEVELOPMENTS:

It shall be the policy of Raisin Charter Township to promote progressive development of land and construction thereon by encouraging planned unit developments to achieve:

- 11.10.1 A maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks, and area requirements.
- 11.10.2 A more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of accessory commercial uses and services.
- 11.10.3 A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns.
- 11.10.4 A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets.
- 11.10.5 A development pattern in harmony with land use density, transportation facilities, and community facilities objectives of the Townships Land Use Plan.

The Township is also prepared to accept a greater population density in undeveloped areas than that reflected by present zoning provided the developer can demonstrate that any increment of public cost clearly attributable to increased densities will be compensated for by the private amenities and public benefits to be achieved by the plan of development.

SECTION 11.20 PROVISIONS GOVERNING PLANNED UNIT DEVELOPMENTS:

Because of the special characteristics of planned unit developments, special provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this Article and those of the other articles of this Ordinance, the provisions of this Article shall prevail. Subjects not covered by this Article shall be governed by the respective provisions found elsewhere in this Ordinance.

SECTION 11.30 APPLICATION AND PROCEDURE:

Upon approval by the Planning Commission and the Township Board, a planned unit development district may be applied to any existing residential district. Upon approval of a final development plan, the Official Zoning Map shall be annotated for the land area involved so that the district name includes the notation, "PUD". Planned unit development districts shall be approved by the Planning Commission and the Township Board in the manner provided in this Ordinance.

SECTION 11.40 USES PERMITTED:

Compatible residential, commercial, and public uses may be combined in PUD districts provided that the proposed location of the commercial or industrial uses will not adversely affect adjacent property, and/or the public health, safety, and general welfare. Building site area and other setback requirements of the residential districts shall apply except as modified in this ordinance.

The amount of land devoted to commercial use in a residential-commercial development shall be determined by the Planning Commission and approved by the Township Board.

SECTION 11.50 MINIMUM PROJECT AREA:

The gross area of a tract of land to be developed in a planned unit development district shall be a minimum of five (5) acres. Smaller parcels may be considered, provided that they meet the requirements of Section 11.10 of this article. Provisions for smaller parcels are also contained in this ordinance.

When the planned unit development proposes a mixture of residential uses with commercial uses, the Planning Commission may limit the development to not more than eight (8) percent of the tract to commercial uses.

SECTION 11.60 PROJECT OWNERSHIP:

The project land may be owners, leased, or controlled either by a single person or corporation, or by a group of individuals or corporations. Such ownership may be by a public or private corporation.

SECTION 11.70 COMMON OPEN SPACE:

A minimum of twenty (20) percent of the land developed in any planned unit development project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed. The open space shall be disposed of as required in this Ordinance.

SECTION 11.80 DISPOSITION OF OPEN SPACE:

The required amount of common open space land reserved under a planned unit development shall either be held in corporate ownership by owners of the project area for the use of each owner who buys property within the development or be dedicated to the Township and retained as common open space for parks, recreation, and related uses. All land dedicated to the Township must meet the Planning Commission's requirements as to size, shape, and location. Public utility and similar easements and rights-of-way for water courses and other similar channels are not acceptable for common open space dedication to the Township unless such land or right-of-way is usable as a trail or other similar purpose and approved by the Planning Commission.

The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan.

SECTION 11.90 UTILITY REQUIREMENTS:

Underground utilities, including telephone and electrical systems, are required within the limits of all planned unit developments. Appurtenances to these systems which can be effectively screened

may be excepted from this requirement if the Planning Commission finds that such exemption will not violate the intent or character of the proposed planned unit development.

SECTION 11.100 BUILDING SITE AREA PER SINGLE FAMILY DWELLING:

- 11.100.1 In platted area or site condominium projects, the building site area per dwelling unit may be reduced by not more than forty (40) percent of the minimum building site area required in the Schedule of Regulations.
- 11.100.2. Building site widths may be varied to allow for a variety of structural designs. It is also recommended that setbacks be varied.
- 11.100.3. Densities may not exceed 150% of that which is permitted in the existing zoning district.

SECTION 11.110 BUILDINGS SITES TO ABUT UPON COMMON OPEN SPACE:

Every property developed under the planned unit development approach should be designed to abut upon common open space or similar areas. A clustering of dwellings is encouraged. In areas where town houses are used, there shall be no more than eight (8) town house units in any contiguous group.

SECTION 11.120 YARD MODIFICATION:

For each foot of building height over the maximum height regulations, the distance between such buildings and the side and rear property lines of the planned unit development project area shall be increased by a one (1) foot addition to the side and rear yard required in the districts.

SECTION 11.130 PARKING:

Off-street parking, loading, and service areas shall be provided in accordance with Article IX of this Ordinance. However, off-street parking and loading areas shall not be permitted within fifteen (15) feet of any residential use.

SECTION 11.140 PERIMETER SETBACKS:

Except for the provisions of Section 11.120, every building site abutting the perimeter of the planned unit development district shall maintain all setback requirements for the applicable conventional zoning district.

SECTION 11.150 ARRANGEMENT OF COMMERCIAL USES:

When planned unit development districts include commercial uses, commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections with thoroughfares. Planting screens or fences shall be provided on the perimeter of the commercial areas abutting residential areas.

The plan of the project shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding noncommercial areas.

All areas designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner as specified by this ordinance.

SECTION 11.160 PROCEDURE FOR APPROVAL OF PUD DISTRICT:

Planned unit development districts shall be approved in accordance with the procedures in Sections 11.180 - 11.240.

SECTION 11.170 PRE-APPLICATION MEETING:

The developer shall meet with the Township Supervisor and Planning Commission prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss early and informally the purpose and effect of this Ordinance and the criteria and standards contained herein, and to familiarize the developer with the policies contained in the Townships Land Use Plan.

SECTION 11.180 CONTENTS OF APPLICATION FOR APPROVAL OF PRELIMINARY DEVELOPMENT PLAN:

An application for preliminary planned unit development shall be filed with the Township Clerk by at least one owner or lessee of property for which the planned unit development is proposed. At a minimum, the application shall contain the following information submitted with fifteen (15) copies:

- 11.180.1. Name, address, and phone number of applicant.
- 11.180.2. Name, address, and phone number of registered surveyor, registered engineer, and/or site designer assisting in the preparation of the preliminary development plan.
- 11.180.3. Legal description of property.
- 11.180.4. Description of existing use.
- 11.180.5. Zoning district(s).
- 11.180.6. A vicinity map at a scale approved by the Planning Commission, showing property lines, streets, existing and proposed zoning, and such other items as the Planning Commission may require to show the relationship of the planned unit development to the land use and to existing schools and other community facilities and services.
- 11.180.7. A preliminary development plan at a scale approved by the Planning Commission showing topography at two (2) foot intervals; location and type of residential, commercial, and industrial land uses; layout, dimensions, and names of existing and proposed streets, rights-of-way, utility easements, parks and community spaces; layout and dimensions of lots and building setback lines; preliminary improvement drawings showing water, sewer, drainage, electricity, telephone, and natural gas; and such other characteristics as the Planning Commission deems necessary.
- 11.180.8. Proposed schedule for the development of the site.
- 11.180.9. Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within two (2) years.

The application for preliminary planned unit development shall be accompanied by a written statement by the developer setting forth the reasons why the planned unit development would be in the public interest and would be consistent with the Township's statement of objectives for planned unit developments in Section 11.10 of this Ordinance.

SECTION 11.190 PUBLIC HEARING BY PLANNING COMMISSION:

Within thirty (30) days after receipt of the preliminary development plan, the Planning Commission shall hold a public hearing.

SECTION 11.200 NOTICE OF PUBLIC HEARING BY PLANNING COMMISSION IN NEWSPAPER:

Before holding the public hearing provided in Section 11.190, notice of such hearing shall be given in accordance with the Township Rural Zoning Act, as amended. The notice shall set forth the time and place of the public hearing and a general description of the planned unit development.

SECTION 11.210 NOTICE TO PROPERTY OWNERS BY PLANNING COMMISSION:

Before holding the public hearing required in Section 11.190, written notice of such hearing shall be sent by the Township Clerk by first class mail, at least twenty (20) days before the hearing, to all owners of property contiguous to or directly across the street from the area proposed to be included within the planned unit development district. The failure to deliver the notice, as provided in this section, shall not invalidate any such approval. The notice shall contain the same information as required of notices published in newspapers as specified in Section 11.200.

SECTION 11.220 APPROVAL IN PRINCIPLE BY PLANNING COMMISSION:

Within thirty (30) days after the public hearing required by Section 11.190, the Planning Commission shall review the preliminary development plan to determine if it is consistent with the intent and purpose of this Ordinance; whether the proposed development advances the general welfare of the community and neighborhood; and whether the benefits, combination of various land uses, and the interrelationship with the land uses in the surrounding area justify the deviation from standard district regulations. The Planning Commission's approval in principle of the preliminary development plan shall be necessary before an applicant may submit a final development plan. Approval in principle shall not be construed to endorse a precise location of uses, configuration of parcels, or engineering feasibility.

SECTION 11.230 FINAL DEVELOPMENT PLAN:

After approval in principle of the preliminary development plan, the developer shall submit a final development plan to the Planning Commission. The final development plan shall be in general conformance with the preliminary development plan approved in principle. Five (5) copies of the final development plan shall be submitted and may be endorsed by a qualified professional team which should include a registered land surveyor, registered civil engineer, and registered landscape architect.

SECTION 11.240 CONTENTS OF APPLICATION FOR APPROVAL OF FINAL DEVELOPMENT PLAN:

An application for approval of the final development plan shall be filed with the Township Clerk by at least one (1) owner or lessee of property for which the planned unit development is proposed. Each application shall be signed by the owner or lessee, attesting to the truth and exactness of all information supplied on the application for final development plan. Each application shall clearly state that the approval shall expire and may be revoked if construction on the project has not begun within two (2) years from the date of issuance of the approval. At a minimum, the application shall contain the following information:

- 11.240.1 A survey of the proposed development site, showing the dimensions and bearings of the property lines, area in acres, topography, existing features of the development site, including major wooded areas, structures, streets, easements, utility lines, and land uses.
- 11.240.2 All the information required on the preliminary development plan; the location and sizes of lots, location and proposed density of dwelling units, nonresidential building intensity, and land use considered suitable for adjacent properties.
- 11.240.3 A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of the number of acres in the proposed project for various uses, the number of housing units proposed by type, estimated residential population by type of housing; estimated nonresidential population; anticipated timing for each unit; and standards for height, open space, building density, parking areas, population density and public improvements proposed for each unit of the development whenever the applicant proposes an exception from standard zoning districts or other ordinances governing development.
- 11.240.4 Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity, telephone, and natural gas installations; waste disposal facilities; street improvements, and nature and extent of earth work required for site preparation and development.
- 11.240.5 Site plan, showing building(s), various functional use areas, circulation, and their relationship.
- 11.240.6 Preliminary building plans, including floor plans and exterior elevations.
- 11.240.7 Landscaping plans.
- 11.240.8 Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land and the improvements thereon, including those areas which are to be commonly owned and maintained.

SECTION 11.250 PUBLIC HEARING BY PLANNING COMMISSION:

Within thirty (30) days after submission of the final development plan, the Planning Commission may hold a public hearing. If a second public hearing is held, notice shall be given as specified in Sections 11.200 and 11.210.

SECTION 11.260 RECOMMENDATION BY PLANNING COMMISSION:

Within sixty (60) days after receipt of the final development plan, the Planning Commission shall recommend to the Township Board that the final development plan be approved as presented, approved with supplementary conditions, or disapproved. The Planning Commission shall then transmit all papers constituting the record and the recommendations to the Township Board.

SECTION 11.270 CRITERIA FOR RECOMMENDATIONS BY PLANNING COMMISSION:

Before making its recommendation as required in Section 11.260, the Planning Commission shall find that the facts submitted with the application and presented at the public hearing establish that:

- 11.270.1 The proposed development can be initiated within two (2) years of the date of approval.
- 11.270.2 Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under standard district regulations.
- 11.270.3 The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and emergency vehicles and increased densities will not generate traffic in such amounts as to overload the street network outside the planned unit development.
- 11.270.4 Any proposed commercial development can be justified at the locations proposed.
- 11.270.5 Any exception from standard district requirements is warranted by the design and other amenities incorporated in the final development plan, in accord with the planned unit development and the adopted policy of the Planning Commission and the Township Board.
- 11.270.6 The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
- 11.270.7 The planned unit development is in general conformance with the land use plan of the Township.
- 11.270.8 The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed.

SECTION 11.280 ACTION BY TOWNSHIP BOARD:

Within sixty (60) days after receipt of the final recommendation of the Planning Commission, the Township Board shall either approve, approve with supplementary conditions, or disapprove the application as presented. If the application is either approved or approved with conditions, the Township Board shall direct the Township Building Inspector to issue building permits only in accordance with the approved final development plan and the supplementary conditions attached thereto.

SECTION 11.290 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS:

In approving any planned unit development district, the Township Board may prescribe appropriate conditions and safeguards such as performance bonds or escrow accounts in conformity with this Ordinance. Violation of such conditions or safeguards, when made a part of the terms under which the final development plan is approved, shall be deemed a violation of this ordinance.

SECTION 11.300 EXPIRATION AND EXTENSION OF APPROVAL PERIOD:

The approval of a final development plan for a planned unit development district shall be for a period not to exceed two (2) years to allow for preparation and recording of the required subdivision plat and the development of the project. If no construction has begun within two (2) years after approval is granted, the approved final development plan shall be void and the land shall revert to the district regulations in which it is located. An extension of the time limit or modification of the approved final development plan may be approved if the Planning Commission finds that such extension or modification is not in conflict with the public interest.

No zoning amendment passed during the time period granted for the approved final development plan shall in any way affect the terms under which approval of the planned unit development was granted.

SECTION 11.310 CLUSTER HOUSING PROVISION FOR SMALL PARCELS:

On parcels less than five (5) acres, the PUD provision can be utilized. The purpose of this provision is to encourage innovative residential development on small, irregularly shaped parcels that have limited potential for platting. The development shall be limited to single family attached or detached dwellings and the density shall not exceed that which is permitted by the existing zoning district. The parcel under consideration for this Cluster Housing Provision shall have a minimum frontage of 66 feet on a public street.

The developer shall have a pre-application meeting as specified in Section 11.170. The developer shall submit an application the contents of which are specified in Section 11.180. The Planning Commission shall hold one public hearing in accordance with Section 11.190 and recommend to the Township Board, approval, approval with conditions, or denial of the application within 30 days of review. Criteria for the Planning Commission's recommendation shall be:

- 11.310.1. The area surrounding said development can be planned and developed in coordination and substantial compatibility with the proposed development; and
- 11.310.2. The planned development is in general conformance with the land use plan for the Township; and
- 11.310.3. The planned development will not generate traffic in such amounts as to have a significant negative impact on adjacent properties.

Within 60 days of receipt of the recommendation of the Planning Commission, the Township Board shall either approve, approve with conditions, or deny the application. Supplementary conditions and safeguards as specified in Section 11.290 may also apply.

ARTICLE XII

ADMINISTRATION AND ENFORCEMENT

SECTION 12.10 ENFORCEMENT:

The provisions of this Ordinance shall be administered and enforced by the Township Building Inspector or by such deputies of his department as the Township Building Inspector may delegate to enforce the provisions of this Ordinance.

SECTION 12.20 DUTIES OF TOWNSHIP BUILDING INSPECTOR:

The Township Building Inspector shall have the power to grant zoning compliance and occupancy permits, to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Township Building Inspector to approve any plans or issue any permits or certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform with this Ordinance.

Under no circumstances is the Township Building Inspector permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his duties as Township Building Inspector.

The Township Building Inspector shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit.

SECTION 12.30 PERMITS:

The following shall apply in the issuance of any permit:

- 12.30.1. Permits not to be Issued: No building permit shall be issued for the erection, alteration or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all provisions of this Ordinance.
- 12.30.2. Permits for New Use of Land: No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.
- 12.30.3. Permits for New Use of Buildings: No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.
- 12.30.4. Permits Required: No building or structure, or part thereof, shall be hereafter erected, altered, moved or repaired unless a building permit shall have been first issued for such work. The terms "altered" and "repaired" shall include any changed in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress, to other changes effecting or regulated by Raisin Charter Township, Building Code, Housing Law, or this Ordinance, except for minor repairs or changes not involving any of the aforesaid features.

SECTION 12.40 CERTIFICATES:

No land, building or part thereof, shall be occupied by or for any use unless and until a certificate of occupancy shall have been issued for such use. The following shall apply in the issuance of any certificate:

- 12.40.1. Certificates not to be Issued: No Certificates of Occupancy shall be issued for any building structure or part thereof, or from the use of any land which is not in accordance with all the provisions of this Ordinance.
- 12.40.2. Certificates Required: No building or structure, or parts thereof, which is hereafter erected, or altered, shall be occupied or used or the same caused to be done, unless and until a certificate of occupancy shall have been issued for such building or structure.
- 12.40.3. Certificates Including Zoning: Certificates of Occupancy as required by the Township Building Code for new buildings or structures, or parts thereof, or for alternations to or changes of use of existing buildings or structures, shall also constitute certificates of occupancy as required by this Ordinance.
- 12.40.4. Record of Certificates: A record of all certificates issued shall be kept on file in the office of the Township Building Inspector, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.
- 12.40.5. Certificates for Dwelling Accessory Buildings: Buildings or structures accessory to dwellings shall not require separate certificates of occupancy, but may be included in the certificate of occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwellings.
- 12.40.6. Application for Certificates: Application for certificates of occupancy shall be made in writing to the Township Building Inspector on forms furnished by that department, and such certificates shall be issued within five (5) days after receipt of such application if it is found that the building or structure, or part thereof, or the use of land is in accordance with the provisions of this Ordinance. If such certificate is refused for cause, the applicant therefore shall be notified of such refusal and cause thereof, within the aforesaid five (5) day period.

SECTION 12.50 FINAL INSPECTION:

The holder of every building permit for the construction, erection, alteration, repair, or moving of any building, structure or part thereof, shall notify the Township Building Inspector immediately upon the completion of the work authorized by such permit, for a final inspection.

SECTION 12.60 FEES:

The Township Board may from time to time establish, by resolution, fees that shall cover the cost of review, recommendation, inspection and supervision resulting from the enforcement of this Ordinance. Such fee shall be collected for the following:

- 12.60.1. Rezoning requests
- 12.60.2. Site plan review requests

12.60.3. Planned residential developments

12.60.4. Board of Appeals

12.60.5. Issuance of building permits and certificates of occupancy

12.60.6 Conditional uses

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ARTICLE XIII
BOARD OF APPEALS

SECTION 13.10 INTENT AND PURPOSE:

The purpose of this Article is to insure that the objectives of this Ordinance are fully and equitably achieved, that a means be provided for competent interpretation of this Ordinance, that flexibility be provided for the strict application of this Ordinance, that the spirit of the Ordinance be observed, public safety secured and substantial justice done.

SECTION 13.20 CREATION AND MEMBERSHIP:

A Board of Appeals is hereby established in accordance with Act 184 of the Public Acts of 1943, as amended.

SECTION 13.30 ORGANIZATION:

13.30.1. Rules of Procedure: The Board of Appeals may adopt rules of procedure for the conduct of its meetings and the implementation of its duties. The Board of Appeals shall annually elect a chairperson, a vice-chairperson, and a secretary.

13.30.2. Meetings and Quorum: Meetings of the Board of Appeals shall be held at the call of the chairperson and at such other times as the board in its Rules of Procedure may specify. A majority of the total membership of the Board of Appeals shall comprise a quorum. All meetings shall be open to the public.

13.30.3. Oaths and Witnesses: The chairperson may administer oaths and compel the attendance of any witness in order to insure a fair and proper hearing.

13.30.4. Records: The minutes of all meetings shall contain the grounds for every determination made by the Board and the final ruling on each case. The Board of Appeals shall file its minutes in the office of the Township Clerk.

SECTION 13.40 JURISDICTION:

The Board of Appeals shall act upon questions as they arise in the administration of this Ordinance. The Board shall perform its duties and exercise its powers as provided in Act 184 of the Public Acts of 1943, as amended. The Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor make any change in the terms or intent of this Ordinance, but does have the power to act on those matters for which this Ordinance provides and administrative review, interpretation, variance, or temporary use permit. Within this capacity the Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of the Township Building Inspector, Planning Commission or any official administering or enforcing the provisions of this Ordinance as set forth in Section 13.50.

SECTION 13.50 AUTHORIZED APPEALS

The Board of Appeals shall hear the following specified categories of appeals in accordance with the following standards:

13.50.1. Administrative Review: The Board of Appeals shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Township Building Inspector or by any other official in administering or enforcing the provisions of this Ordinance.

13.50.2. Interpretation of the Ordinance: The Board of Appeals shall hear and decide upon request to:

- a. Interpret the provisions of this Ordinance when it is alleged that certain provisions are not clear or that they could have more than one meaning. In deciding upon such request the Board of Appeals shall insure that its interpretation is consistent with the intent and purpose of the Ordinance and the article in which the language in question is contained.
- b. Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision made by the Township Building Inspector.
- c. Classify a use which is not specifically mentioned as part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district.
- d. Determine the parking space requirements of any use not specifically mentioned either by classifying it with one of the groups listed by an analysis of the specific needs.

13.50.3. Variance: The Board of Appeals shall have the power to authorize specific variance from site development requirements such as lot area and width regulations, building height and bulk regulations, yard width and depth regulations, off-street parking and loading space requirements, of this ordinance, provided that all the required findings listed below are met:

- a. That there are practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this Ordinance. These hardships or difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.
- b. That a genuine hardship exists because of unique circumstances or physical condition such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property uses in the same zoning district, and shall not be recurrent in nature.
- c. That the hardship or special conditions or circumstances do not result from actions of the applicant.
- d. That the variance will be in harmony with the general purpose and intent of this Ordinance and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood or district.
- e. That granting the variance will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings in the same district.

- f. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship.
- g. That the variance shall not permit the establishment, within a district, of any use which is not permitted by right within the zoning district, or any use for which a conditional permit or a temporary use permit is required.

In granting the variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and shall automatically invalidate the permit.

Each variance granted under the provisions of this Ordinance shall become null and void unless:

- i. The construction authorized by such variance or permit has commenced within six (6) months of granting of the variance.
- ii. The occupancy of land, premises or building has taken place within one (1) year after the granting of the variance. No application for the variance which has been denied, wholly or in part, by the Board of Appeals shall be resubmitted for a period of one (1) year from the date of the last denial, except on the ground of newly discovered evidence or proof of changed conditions found upon inspection by the Board of Appeals to be valid.

SECTION 13.60 APPEAL PROCEDURES:

13.60.1. **Notice of Appeal:** Appeals to the Board of Appeals may be made by any person aggrieved, or by an officer or department of the Township, filing a written Notice of Appeal with the Township Clerk. Upon receipt of a Notice of Appeal, the Township Clerk shall promptly transmit the records concerning the appealed action to the chairperson of the Board of Appeals. Any appeal from the ruling of the Township Building Inspector concerning the enforcement of the provisions of this Ordinance shall be filed within ten (10) days after the date of the Township Building Inspector's decision.

13.60.2. **Hearing:** Upon receipt of a Notice of Appeal, the chairperson of the Board of Appeals shall fix a reasonable time and date for a Public Hearing, not to exceed thirty (30) days from the date of filing of the Notice of Appeal. Upon determination of the date and time of the Public Hearing, the Township Clerk shall notify the following, by first class mail or by personal service, not more than fifteen (15) or less than eight (8) days before the Public Hearing:

- The appellant
- The Township Building Inspector
- 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 thirty (30) feet
- The Township Supervisor

13.60.3. **Notice of Hearing:** Where the hearing, in the opinion of the Township Clerk, concerns matters of general applicability in the Township and does not concern only individual lots

or parcels, such notice shall be given in a newspaper of general circulation in the Township not more than fifteen (15) or less than eight (8) days before the public hearing.

- 13.60.4. Appearance: Upon the hearing, any party may appear in person or by agent or attorney. The Board of Appeals may recess such hearing from time to time, and, if the time and place of the continued hearing are announced at the time of adjournment, no further notice shall be required.
- 13.60.5. Fee: A fee as established by the Township Board, shall be paid to the Township Clerk at the time the petitioner files an application with the Board of Appeals. The purpose of such fee is to cover the necessary advertisements, investigations, hearing records and other expense incurred by the Board of Appeals in connection with the appeal. No fee shall be charged if the Township or any official body of the Township is the moving party.
- 13.60.6. Decision: The Board of Appeals shall render its decision within thirty (30) days of filing of Notice of Appeal unless an extension of time is necessary to review new information pertinent to making the decision, and is agreed upon by the appellant and a majority of members of the Board of Appeals present. The vote of a majority of members of the Board of Appeals shall be necessary to take action on an appeal.
- 13.60.7. Bonding: In authorizing any variance, or in granting any conditional, temporary or special approval permits, the Board of Appeals may require that a cash deposit, certified check, irrevocable bank letter of credit or surety bond acceptable to the Township covering the estimated cost of improvements associated with a project for which zoning approval is sought, be deposited with the Township Clerk to insure faithful completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project. The Board of Appeals may not require the deposit of the performance guarantee before the date on which the permit is to be issued. The Board of Appeals shall establish procedures under which a rebate of any cash deposits in reasonable proportions to that ratio of work completed on the required improvements will be made as work progresses.

SECTION 13.70 ADMINISTRATIVE VARIANCE:

- 13.70.1. Procedure and Criteria: The Township Building Inspector is hereby authorized to grant an administrative variance to the provisions of this Ordinance in an amount not to exceed a five percent (5%) variation from the site development standards, parking and loading requirements, and the specific provisions and requirements contained in this Ordinance.

Upon receipt of a request for an administrative variance, the Township Building Inspector shall prepare a report of the situation and all factual data concerning the site in terms of the criteria stated in this Ordinance. Upon completion of the report, the Township Building Inspector shall determine whether or not the request meets the above stated criteria and shall approve or deny the request exclusively on that basis. Decisions rendered by the Township Building Inspector shall be in the form of a letter which states specifically the determination on each of the items contained in Section 13.05.3 of this Ordinance, with reference to the above mentioned report.

- 13.70.2. Appeals: The decision of the Township Building Inspector may be appealed to the Board of Appeals pursuant to Section 13.06 of this Ordinance.

SECTION 13.80 REVIEW BY CIRCUIT COURT:

Any party aggrieved by an order, determination or decision of any officer, agency, board, commission, Board of Appeals or legislative body of Raisin Charter Township which has acted pursuant to the provisions of Act 207 of the Michigan Public Acts of 1921 as amended may obtain a review thereof both on the facts and the law, in the Circuit Court of Lenawee County, provided that all other means of local appeal and review as provided in this Ordinance have first been exhausted. The Circuit Court shall review the record and decision of the Board of Appeals to insure that the decision:

- 13.80.1. Complies with the constitution and laws of the State.
- 13.80.2. Is based upon proper procedure.
- 13.80.3. Is supported by competent, material, and substantial evidence on the record.
- 13.80.4. Represents the reasonable exercise and discretion granted by the Board of Appeals.

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ARTICLE XIV

AMENDMENTS

SECTION 14.10 PURPOSE AND INTENT:

The purpose of this Article is to establish and maintain sound, stable and desirable development within the territorial limits of Raisin Charter Township.

SECTION 14.20 INITIATION OF AMENDMENTS:

Only the Township Board may amend this Ordinance. Proposals for amendments or changes may be initiated by the Planning Commission on its own motion, by the Township Board or by petition of one (1) or more owners of property to be affected by the proposed amendment.

SECTION 14.30 FILING FEE:

The Township Board shall establish by resolution, a fee to be paid in full at the time of receipt of any application to amend this Ordinance. Said fee shall be collected by the Township Clerk and no part shall be refundable to the applicant. No fee shall be charged when the applicant is a governmental body.

SECTION 14.40 PROCEDURES:

- 14.40.1. Application: A Petitioner shall submit a completed and signed application for Ordinance amendment, along with the appropriate fees, to the Township Clerk. An application shall be submitted for each parcel of land which is not contiguous to any adjacent parcel of land being proposed for the same amendment.
- 14.40.2. Action of Clerk: The Township Clerk shall review the application form to ensure it is complete. Any application not properly filed or complete shall be returned to the applicant. Complete applications shall be transmitted to the Planning Commission.
- 14.40.3. Notice of Hearing: The Clerk shall give notice of the public hearing in the following manner:
 - a. By two publications in a newspaper of general circulation in the Township, the first to be printed not more than 30 days nor less than 20 days and the second not more than 8 days before the date of the hearing.
 - b. For any proposed amendment to the zoning map, written notice will be delivered by mail, or personally, to all persons to whom any real property within three hundred (300) feet of the premises in question is assessed, and to the occupants of all dwelling units within three hundred (300) feet of the premises in question. The notice shall be made not less than 8 days prior to the hearing. Requirements of written notice to property owners shall not apply to a comprehensive revision to the Zoning Ordinance.

SECTION 14.50 APPLICATION INFORMATION:

When the petition involves a change in the Zoning Map, the applicant shall submit the following information to the Township Clerk:

- 14.50.1. A legal description of the property.
- 14.50.2. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
- 14.50.3. The name and address of the applicant.
- 14.50.4. The applicant's interest in the property, and if the applicant is not the owner, the name and address of the owner.
- 14.50.5. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.
- 14.50.6. The desired change and reasons for such change.

SECTION 14.60 PLANNING COMMISSION RECOMMENDATIONS:

- 14.60.1. Scope of Examination: In reviewing any application for an amendment to this Ordinance, the Planning Commission shall identify and evaluate all factors relevant to the application, and shall report its findings in full along with its recommendations for disposition of the application to the Township Board within a period of 60 days. The matters to be considered by the Planning Commission shall include, but shall not be limited to, the following:
 - a. What identifiable conditions related to the application have changed which justify the proposed amendment?
 - b. What are the precedents and the possible effects of such precedent which might result from the approval or denial of the petition?
 - c. What is the impact on the ability of the Township and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the proposed amendment is adopted?
 - d. Does the petitioned district change adversely affect environmental conditions or the value of the surrounding property?
 - e. What is the ability of the property in question to be put to a reasonable economic use in the zoning district in which it is presently located?
- 14.60.2. Findings of Fact: All findings of fact shall be made a part of the public records of the meetings of the Planning Commission. The Planning Commission shall transmit its findings of fact and a summary of comments received at the public hearing to the Township Board.

14.60.3. Outside Agency Review: In determining the above-mentioned findings of fact the Planning Commission may solicit information and testimony from officials of, but not limited to, the following agencies:

- a. Lenawee County Health Department
- b. Lenawee County Road Commission
- c. Lenawee County Drain Commission

SECTION 14.70 PUBLICATION OF NOTICE OF ORDINANCE AMENDMENTS:

Following adoption of amendments to this Ordinance, one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. The notice shall include the following information:

- 14.70.1. Either a summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment.
- 14.70.2. The effective date of the amendment.
- 14.70.3. The place and time where a copy of the amendment may be purchased or inspected.

SECTION 14.80 RESUBMITTAL:

No application for a rezoning which has been denied by the Township Board shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly-discovered evidence or proof of changed conditions found upon inspection by the Township Board to be valid.

SECTION 14.90 COMPREHENSIVE REVIEW OF ZONING ORDINANCE:

The Planning Commission shall, at intervals of not more than five (5) years, examine the provisions of this Ordinance and the location of zoning district boundary lines and shall submit a report to the Township Board recommending changes and amendments, if any, which are deemed to be desirable in the interest of public health, safety and general welfare.

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ARTICLE XV

INTERPRETATION, SEVERABILITY, VESTED RIGHT, REPEAL, PENALTIES, AND EFFECTIVE DATE

SECTION 15.10 INTERPRETATION AND CONFLICTS:

In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, prosperity and general welfare. Unless specifically provided for, it is not intended by this Ordinance to repeal, abrogate, annul or in any way to impair or interfere with the existing and unrepealed provision of law or ordinance or any rules, regulations or permits previously adopted or issued pursuant to law relating to the use of building or land, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or structures or required by such existing provisions of law or ordinance or by such rules, regulations or permits, the provisions of this Ordinance shall control.

SECTION 15.20 SEVERANCE CLAUSE:

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph or provision thereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any other part thereof, other than the part so declared to be unconstitutional or invalid. If any court shall declare invalid the application of any provision of this Ordinance to a particular parcel, lot use, building or structure, such ruling shall not affect the application of said provision to any other parcel, lot use, building or structure not specifically included in said ruling.

SECTION 15.30 VESTED RIGHT:

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

SECTION 15.40 REPEAL:

All ordinances and amendments thereto enacted and/or adopted by the Township by virtue of the Township Rural Zoning Act, PA 184 of 1943, as amended, and all ordinances and parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. The repeal of existing ordinances or parts of ordinances and their amendments does not affect or impair any act done, offense committed or right accrued or acquired, or liability, penalty forfeiture or punishment incurred prior to the time it was enforced, prosecuted or inflicted.

SECTION 15.50 PENALTIES AND REMEDIES:

1. Civil Law: Any building, structure or use constructed, altered, moved or maintained in violation of the provisions of this Ordinance is hereby declared to be a nuisance per se.
2. Criminal Law: Violations of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with

variances and conditional uses and violations of approved site plans, shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof, be fined not more than five hundred dollars (\$500) or imprisoned for not more than ninety (90) days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

3. Remedies: The Township Board may institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove any violations of this Ordinance. The rights and remedies provided herein are both civil and criminal in nature. The imposition of any fine, or jail sentence or both shall not exempt the violator from compliance with the provisions of this Ordinance.

SECTION 15.60 EFFECTIVE DATE:

Per Raisin Charter Township Board Resolution dated December 12, 1994.

ZONING ORDINANCE AMENDMENTS

Section Number	Section Title	Amendment Date	Comment
Section 4.30.19	Bed and breakfast facility	3/3/98	
Section 5.30.9	Bed and breakfast facility	3/3/98	
Section 6.30.8	Bed and breakfast facility	3/3/98	
Section 9.100.2 A & B	Signs in the A-1 District	10/13/98	
Section 9.50.1 C	Fences	12/14/99	
Section 9.90.9, 2.20.24-1, 4.30.20, 10.70.25	Phased Construction, communication towers	5/14/01	
Section 9.90	Add platted subdivisions and site condominiums to SPR	5/14/01	
Section 9.110	Add Site Condo Ord.	8/24/01	



RAISIN CHARTER TOWNSHIP

BUILDING AND ZONING DEPARTMENT

5525 Occidental Hwy.

Tecumseh, MI 49286

Phone: 517-423-3162 Fax: 517-423-6732

www.raisintownship.com

Chicken Permit Application

Fee: \$50.00

Please print or type

Applicant Information:

Name:	Phone #:
Address of location that chickens will be housed:	
Number of chickens to be kept (Maximum 4 hens - Roosters are not permitted):	
Single-family dwelling _____ Two-family dwelling _____	

Property Owner Information: (if property is not owner occupied)

Name:	Phone #:		
Address:	City:	State:	Zip:

THE FOLLOWING MUST BE ATTACHED: A description of all structures and enclosures constructed for keeping and housing of chickens; the distance of the location of all structures and enclosures from all adjacent property lines. A drawing with a scale should be attached with this application.

ALL PERMITS EXPIRE THREE (3) YEARS FROM THE DATE OF ISSUANCE.

PERMITS ARE NON-TRANSFERABLE AND MAY NOT BE SOLD OR ASSIGNED.

I UNDERSTAND THE RESTRICTIONS OF ORDINANCE 9.40.7, SECTION A AND AM SUBMITTING THIS APPLICATION IN ACCORDANCE AND COMPLIANCE WITH RAISIN CHARTER TOWNSHIP ORDINANCE 9.40.7.A.

Applicant Signature

Date

For Office Use Only	
Issue Date: _____	Expiration Date: _____
Approved by: _____	
Comments:	

9.40.7 Animals, Bees, Livestock, and Fowl – Use, Shelter, and Storage

Except as provided for in this Section of Ordinance, no animals, bees, livestock or fowls, or structures for the same, shall be permitted as an accessory use in residentially zoned or non-agriculturally zoned areas. This shall not apply to agriculturally zoned areas.

Common household animals shall be permitted as an accessory use in residentially zoned, non-agriculturally zoned or agriculturally zoned areas.

The keeping of chickens (Female - Hens) shall be permitted as an accessory use in a residentially zoned area as outlined in Section 9.40.7.A of this Ordinance.

9.40.7.A Keeping of Chickens (Female - Hens)

1. Any person who keeps chickens in the Township shall obtain a permit from the Township prior to acquiring the chickens and pay a permit fee set by Township Board. This permit shall be kept by the owner and presented upon demand by any Township official or police officer. Permits are non-transferable, site-specific and do not run with the land. Permits issued shall be valid for up to three (3) years and shall expire on the third anniversary date of when the permit was issued. A person who wishes to continue keeping chickens shall obtain a new permit prior to the expiration of the previous permit. Application for a new permit shall be pursuant to the procedures and requirements applicable at the time a person applies for a new permit. Permits shall provide a limited license for the activity, and no vested zoning rights shall arise from said permit issuance.
2. Notwithstanding the issuance of a permit by the Township, private restrictions on the use of property shall remain enforceable and take precedence over a permit. Private restrictions include, but are not limited to, deed restrictions, condominium master deed restrictions, neighborhood association by-laws and covenant deeds. A permit issued to a person whose property is subject to private restrictions that prohibit the keeping of chickens is void. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.
3. The Township may revoke a permit if a person's chickens become a nuisance, defined as two determined violations as pertaining to the keeping of chickens within a six (6) month period:

- a. Complaints about noise, specifically frequent, ongoing, or long-continued noise that disturbs the comfort of any persons in the vicinity;
 - b. Complaints about odor, specifically foul, noisome, or unpleasant odors that are frequent, ongoing, or long-continued and disturb the comfort of any persons in the vicinity;
 - c. Complaints about vermin, specifically the frequent, ongoing, or long-continued presence of such vermin as (but not limited to) mice, rats, raccoons, and possum;
 - d. Failure to comply with the provisions listed under Keeping of Chickens.
4. The Township may revoke a permit issued to a person convicted of animal cruelty in the State of Michigan.
5. A person who keeps or houses chickens on his or her property shall comply with the following requirements:
- a. Must obtain a permit pursuant to subsection (1) of this Section.
 - b. Keep no more than 4 hen chickens per parcel.
 - c. The principal use of the person's property must be for a single-family dwelling or two-family dwelling in a residentially zoned area.
 - d. No person shall keep a male chicken (rooster) and any other type of fowl or poultry.
 - e. No person shall slaughter any chickens.
 - f. Keeping of chickens shall be for personal use only and not for commercial activities.
 - g. The chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times to keep the chickens confined on the owner's property.
 - h. Waste materials (feed, manure, and litter) should be disposed of in an environmentally responsible manner. The materials can be composted or bagged and disposed of in the trash. It is not acceptable to pile waste materials on the property.

- i. Chickens shall not be kept in any location on the property other than in the backyard. For purposes of this section, "backyard" means that portion of a lot enclosed by the property's rear lot line and the side lot lines to the points where the side lot lines intersect with an imaginary line established by the rear of the single-family or two-family structure and extending to the side lot lines.
 - j. All structures and enclosures for the keeping of chickens shall have at a minimum a six (6) foot setback from the backyard lot lines.
 - k. All structures and enclosures for the keeping of chickens shall be constructed and maintained so as to prevent rats, mice, or other rodents or vermin from being harbored underneath or within the walls of the structure or enclosure.
 - l. All feed and other items associated with the keeping of chickens likely to attract rats, mice, or other rodents or vermin shall be secured and protected in sealed containers.
 - m. Chickens shall be kept in compliance with the Michigan Department of Agriculture Generally Accepted Agricultural and Management Practices for the Care of Farm Animals, as it relates to Laying Chickens, as amended, except as otherwise provided in this ordinance.
6. Any violation of any of these provisions may be prosecuted as provided for in Article XV, Section 15.50 of the Township zoning ordinance.

SECTION 9.90 SITE PLAN REQUIREMENTS AND PROCEDURES

The Raisin Charter Township Planning Commission shall have the authority to review and approve, approve with modifications or conditions, table or reject preliminary site plans as required in this Ordinance.

Each site is unique; it has physical features which are rarely duplicated precisely on another site. Portions of some sites may not be usable and, in certain instances, a minimum amount of buildable land should be retained for recreation or as open space. The purpose of this ordinance section is to provide the Raisin Charter Township Planning Commission with the opportunity to review the proposed use of a site in relation to surrounding uses, accessibility, pedestrian and vehicular circulation, spatial relationships, off-street parking, public utilities, general drainage, environmental characteristics, site vegetation, screening and buffering, developmental characteristics and other site elements which may have an effect upon the public health, safety, morals and general welfare, and its relationship and harmony with adopted Township ordinances and plans. Site improvements and development shall conform exactly to the approved site plans and supplemental drawings as approved by the Township Planning Commission.

9.90.1 DEVELOPMENTS AND USES REQUIRING SITE PLAN APPROVAL

- A. A site plan shall be submitted to the Raisin Charter Township Planning Commission for review whenever one or more of the following conditions apply:
1. Whenever a building permit is required for the erection or structural alteration of a building (other than one-family homes, farm buildings, or accessory structures to these uses).
 2. For the construction, use, or establishment of a new or additional parking or storage area that is not to the standards of this Ordinance.
 3. For all conditional land uses, new or modifications of existing uses.
 4. The erection of, or addition to, any major utility service facilities, including towers, substation, pump stations and similar facilities.

9.90.2 Where it is determined by the Planning Commission that certain requirements of this Section are not necessary to the review and understanding of a site, the Planning Commission may waive the requirements. Any and all waivers shall be recorded in the Planning Commission's minutes together with the unique circumstances and reasons for such waiver.

9.90.3

GUIDELINES FOR SITE PLANNING AND REVIEW

- A. The site plan shall present the proposed use of a site in relation to surrounding uses, accessibility, pedestrian and vehicular circulation, spatial relationships, off-street parking, public utilities, general drainage, environmental characteristics, site vegetation, screening and buffering, developmental characteristics and other site elements which may have an effect upon the public health, safety, morals, and general welfare and its relationship and harmony with adopted Township ordinances and plans.
- B. All the development features, including the principal building or buildings and any accessory buildings or uses, open space, and any service roads, driveways and parking areas, shall be so located and related as to minimize the possibility of any adverse effects upon adjacent property, such as, but not limited to, channeling excessive traffic onto local residential streets, lack of adequate screening or buffering or parking or service areas, the accumulation of litter, production of noise, light, smoke, fumes, or the piling of plowed snow. Building groupings and circulation routes of traffic shall be located so as not to interfere with police or fire equipment access. Public streets adjacent or through the proposed development shall be required when it is essential to promoting and protecting public health, safety and general welfare, and to provide continuity to the public road system.
- C. If recreation areas and facilities, such as playgrounds, swimming pools and community buildings, are to be provided to the extent necessary to meet the anticipated need of the residents of the project it is designed to serve shall be shown on site plan. Provision for separate adult and tot-lot recreation areas adequately landscaped is encouraged. Recreation facilities that might be provided in a central location and should be convenient to access. In larger development, however, recreation facilities could be decentralized, if more than one, or if made part of an open space area.
- D. The site plan shall show that attention has been given to the placement of proposed buildings, parking areas, driveways, landscaping and other physical improvements to the site in relation to existing on-site natural features and vegetation such as trees, wooded areas, natural groves, and terrain features.
- E. The Planning Commission may require further landscaping, fences, walls, and berms pursuant to the objectives of this Ordinance, and such improvements shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are associated.

- F. The site plan shall show that any proposed service roads, driveways, and parking areas are so related to each other within the site, and so related to the local streets bordering the site as to promote pedestrian and vehicular safety and to minimize the likelihood of accidents.
- G. During development, building, renovating, or razing operations, the developer shall erect and maintain suitable protective barriers around all trees specified to be maintained so as to prevent damage to said trees and shall not allow storage of equipment, materials, debris or fill to be placed in this area except as may be necessary for no more than thirty (30) days, if no other storage space is elsewhere available.
- H. All site plan reviews shall use the following procedures:
1. Review by an approved architect, planner, professional land surveyor, professional engineer, the appropriate County, State, or Federal agency, or Township attorney may be obtained or required by the Planning Commission or Township Board. The cost of review will be passed along to the applicant.
 2. Twenty one (21) days after Planning Commission receipt of the site plan application, checklist and materials; the site plan shall be reviewed by the Planning Commission at their next meeting.
 3. The Planning Commission shall have the authority to review and approve, approve with modifications, conditions, table or reject preliminary site plans as required in this Ordinance.
 4. Conditions or changes stipulated by the Planning Commission shall be recorded in the minutes of the meeting and made available to the applicant in writing, if requested.
 5. One (1) copy of an approved site plan containing the signature of the Planning Commission Chairperson and the appropriate date shall be kept on file by the Township. Of the thirteen (13) site plan applications submitted, one shall be kept on file by the Planning Commission, one retained by the Township Building Inspector and one returned to the applicant.

9.90.4 SITE PLAN SUBMISSION REQUIREMENTS

- A. The following information shall be provided on all site plans as applicable for the appropriate Township District when submitted for review by the Planning Commission:
1. The Site Plan Application and Checklist shall be furnished in the number of copies required by the Township, together with the same number of site plan and building drawings. Thirteen (13) copies for the site plan review process are required.
 2. The site plan shall be prepared by, and carry the seal of, the registered architect, landscape architect, community planner, professional land surveyor, or professional engineer who prepared it.
 3. The site plan shall contain the legal description, proposed address, and zoning of the particular site.
 4. The site plan shall have dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties. Front, side, and rear lot setback lines are to be shown with dimensions.
 5. The Schedule of Dimensional Requirements inclusive of Lot Width, Setback Requirements and Minimum Lot Size (Article 8) for the subject Site Plan's Zoning District is to be shown on the Site Plan.
 6. The site plan shall be drawn to a minimum scale of one inch equals twenty feet (1" = 20') for less than five (5) acres, and at one inch equals fifty feet (1" = 50') for five (5) acres or more, and shall contain scale, date, revisions, north point and size in acres. A general vicinity location map at a scale of four inches equals one mile (4" = 1 mile), giving site location, is also required on the site plan.
 7. Existing and proposed topography drawn to at least two-foot (2') contour intervals (five-foot [5'] contour intervals in areas of extreme topography) shall be shown on the site plan.
 8. Indications of trees and shrubs shall only be used on the site plan where trees and shrubs exist or where such vegetation will be planted prior to occupancy. All such trees and shrubs shall be labeled as to size and whether existing or proposed. Whenever a tree or group of trees of three (3") inch caliper or greater is to be removed as part of the planned improvements, its or their location shall be shown on the site plan in dotted outline and noted "to be removed."

9. Any site plan information as may be required by the Planning Commission or Township Board to assist in the consideration of the proposed development. Site plans may be required to provide the following information as applicable for the appropriate Township District:

- A. Net acreage figures.
- B. Designation of units by type of buildings.
- C. Interior sidewalks and sidewalks within right-of-way.
- D. Hydrant locations.
- E. Exterior lighting locations with height, intensity, type and method of shielding.
- F. Trash receptacle location, loading stops, and method of screening.
- G. Transformer pad location and method of screening.
- H. Front, side and rear yard dimensions.
- I. Building length and width dimensions.
- J. Parking spaces with typical dimensions, including handicapped parking spaces. (Section 9.40.1 through 9.40.6)
- K. Greenbelt, obscuring wall or berm locations, and cross-sections, where appropriate.
- L. A landscape plan for all unpaved areas. (Section 9.80)
- M. Dedicated road or service drive right-of-way and pavement widths and lengths.
- N. Drive or street approaches, including acceleration, deceleration and passing lanes.
- O. All utility lines serving the area located on the site.
- P. Soil borings, locations and summary report data shall be shown where soil quality may be in question.
- Q. Surface drainage and drainage plan.
- R. Location of storage, use and disposal areas, if any, for hazardous substances.
- S. List of hazardous substances used, stored or generated at the proposed facility, in accordance with procedures approved by the Planning Commission.
- T. For residential uses (Multiple-Family, Mobile Home Parks, PUD, and cluster developments), indicate the following additional information:
 - 1. Density calculations.
 - 2. Carport locations and details.
 - 3. Community building details and method of fencing the swimming pool, if applicable.
- U. In the case of nonresidential uses (i.e., Commercial, Industrial, Special Land Use), the following additional information shall be required:
 - 1. Loading and unloading area. (Section 9.40.1 through 9.40.6)
 - 2. Total and usable floor area.
 - 3. Designation of fire lanes.

4. Where large equipment or machinery is to be installed as part of the development, the location, type, horsepower, fuel, dimension, and other data of all such equipment and/or machinery shall be indicated.
- V. Significant environmental features (natural and man-made) such as wetlands, shorelines, streams, wood-lots, existing trees and vegetation.
- W. Proximity to airstrips or airports, private or public.

9.90.5 The location of all signs shall be shown on the site plan. (See ordinance section 9.100)

9.90.6 The Building Permit may be revoked in any case where the conditions of such permit have not been or are not being complied with, in which case the Building Inspector shall give the applicant notice of intention to revoke such permit at least ten (10) days prior to review of the permit by the Planning Commission. After conclusion of such review the Planning Commission may revoke such permit if it feels that a violation in fact exists and has not been remedied prior to such hearing.

9.90.7 SITE PLAN CHANGE

Any structure, use, or field change added subsequent to the initial site plan approval must be approved by the Planning Commission. Incidental and minor variations of the approved site plan with the written approval of the Township Building Inspector shall not invalidate prior site plan approval. (See Section 13.70 Administrative Variance). Any fees incurred shall be the responsibility of the applicant. See Township schedule of fees.

9.90.8 PHASED CONSTRUCTION AND EXPIRATION OF SITE PLAN APPROVAL

A. Phased Construction

Where phases or staged construction is contemplated for the development of a project, the site plan submitted must show the inter-relationship of the proposed project to the future stages, including the following:

1. Relationship and identification of future structures, roadways, drainage, water, and sewer.
2. Pedestrian and vehicular circulation.
3. Time schedule for completion of the various phases of the proposed construction.

4. Temporary facilities or construction of same as required to support the stated development.

B. Expiration of Site Plan Approval

A site plan shall expire, and be of no effect, three hundred and sixty-five (365) days after the approval thereof, unless within such time the building inspector has issued a building permit for proposed work authorized under the provisions of the Zoning Ordinance. If, following issuance of a building permit, work has not been commenced, or if work ceases for a period of one hundred eighty (180) days or more, site plan approval shall expire. The Planning Commission shall be permitted to extend the period of effectiveness of a site plan approval for a period not to exceed one hundred eighty (180) days upon application made by the property owner within the period of effectiveness of the original site plan approval. Such extension may be granted upon determination by the Planning Commission that, following site plan approval, there have been no zoning ordinance changes, an extension may nonetheless be granted by the Planning Commission upon agreement by the property owner to comply with such ordinance changes, and the site plan has been modified and approved accordingly. Any fees incurred shall be the responsibility of the applicant. See Township schedule of fees

Charter Township of Raisin Cemetery Ordinance

ORDINANCE No.

An ordinance to protect the public health, safety and general welfare by establishing regulations relating to the operation, control, maintenance and management of cemeteries owned, controlled or operated by the Charter Township of Raisin, in Lenawee County, Michigan; to provide penalties for the violation of said ordinance, and to repeal all ordinances or parts of ordinances in conflict therewith.

THE CHARTER TOWNSHIP OF RAISIN (“Township”), COUNTY OF LENAWEЕ, MICHIGAN ORDAINS:

Section 1. Title

This Ordinance shall be known and cited as the “Charter Township of Raisin Cemetery Ordinance.”

Section 2. Purpose and Intent

The Board of Trustees of the Charter Township of Raisin (“Board”) recognizes and concludes that the proper and reasonable maintenance, appearance and use of the cemetery or cemeteries owned or controlled by the Township is an important function of the government of the Township. It is also important that burials, disinterments and other matters associated with a municipal cemetery are handled in a respectful and proper way in order to promote the safety, public health and general welfare of the community. The Township Board finds that the adoption and enforcement of this Ordinance is in the best interests of the property owners and residents of the Township.

Section 3. Definitions

- (a) A “burial space” shall consist of an area in a Township cemetery sufficient to accommodate one burial space for one deceased person. Exceptions may be made with Township permission to accommodate infant burial or the burial of cremains.
- (b) “Infant” means someone who is two years or younger at the time of death.
- (c) “Township” means Charter Township of Raisin.
- (d) “Township cemetery” or “cemetery” means any cemetery owned, operated and/or controlled by the Township.
- (e) “Township Clerk” means the elected Township Clerk and/or other designee(s) of the township board.

Section 4. Sale of Cemetery Burial Spaces; Nontransferable

- (a) After the effective date of this Ordinance, cemetery burial spaces shall be sold by the Township for the purpose of burial for the purchaser of a burial space, or his or her immediate family. No sale shall be made to funeral directors or others, except for those acting as an agent for an eligible purchaser.
- (b) All sales and transfers of burial spaces shall be made on a form approved by the Township Board, which grants a right of burial only and does not convey any other title or right to the burial space sold. Such forms shall be signed by the Township Clerk, and shall then constitute a permit.
- (c) Burial spaces may be sold by the Township to any resident or taxpayer of the Township. The Township Clerk is hereby granted the authority to vary the aforesaid restriction on sales where the purchaser discloses sufficient personal reason for burial within the Township through previous residence in the Township or relationship to persons interred in the Township cemetery involved. Any such decision by the Township Clerk (either granting or denying such variance) may be overturned by the Township Board pursuant to Section 23 hereof.
- (d) At the time of purchase from the Township, each burial space shall be assigned the name of the specific person who shall be interred in that burial space upon death. Each such person must either be a resident or taxpayer of the Township, or be a member of the immediate family of a qualified purchaser. If the owner of a burial space desires to effectuate a name change regarding the assigned burial space, that person must request in writing such change to another eligible person and receive approval from the Township Clerk.
- (e) Ownership of burial spaces is nontransferable without prior written approval by the Township, but may be sold back to the Township at a price set by the Township Board (for resale by the Township) at the Township's sole discretion. Any approved transfer from a purchaser to a qualified assignee shall cost \$20.00 per burial space.
- (f) The Township Board shall have the authority to place a limit on the number of burial spaces sold to a particular person, as well as such person's family and relatives. Furthermore, the Township shall have the absolute right and discretion to determine whether a particular burial space or spaces will be sold to a specific person and where such burial space or spaces will be located and within which Township cemetery. Such decision shall be based upon reasonable factors, including, but not limited to, the number of vacant burial spaces available and whether family or relatives of the person seeking to purchase a burial space or spaces are buried adjacent or nearby the burial space or spaces requested.
- (g) The Township shall have the right to correct any errors that may be made concerning interments, disinterments, or in the description, transfer or conveyance of any burial space, either by canceling the permit for a particular vacant burial space or spaces and substituting and conveying in lieu thereof another vacant burial space or spaces in a similar location within the cemetery at issue or by refunding the money paid for the burial space to the purchaser or the successor of the purchaser. In the event that an error involves the interment

of the remains of any person, the Township shall have the right to remove and transfer the remains so interred to another burial space in a similar location in the same Township cemetery in accordance with law.

- (h) The owner of every burial space shall be responsible for notifying the Township whenever that person's mailing address changes.

Section 5. Purchase Price for Burial Spaces; Indigent Burials

- (a) Each burial space shall cost the sum as determined by the Township Board by resolution from time to time. Burial spaces for infants or cremains shall cost the sum as determined by the Township Board by resolution from time to time. The lawful owner of any burial space within the Township shall promptly provide the Township Clerk with any change in that owner's mailing address.
- (b) All charges shall be paid to the Township.
- (c) The Township Board may waive some or all fees for the burial of indigent persons. Furthermore, the Township Board may set aside a portion of a Township cemetery or cemeteries for the burial of indigent persons.
- (d) The Township Board may by resolution periodically alter the foregoing fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

Section 6. Grave Opening Charges

- (a) The Township may charge reasonable fees for the opening and closing of any burial space, prior to and following a burial therein, and including the interment of ashes. Such fees shall be set from time to time by resolution of the Township Board, payable to the Township.
- (b) No burial space shall be opened or closed except under the direction and control of the Township Sexton or such other individual as is designated by the Township Board. This subsection (b) shall not apply to any grave opening, disinterment, or similar matter which is done pursuant to a valid court order or under the supervision and direction of local or state health department authorities; however, even in such cases, the Township Sexton shall be given at least twenty-four (24) hours' prior notice of when such grave opening or closing will occur.

Section 7. Markers or Memorials; No Monuments

- (a) All markers and memorials must be comprised of stone or other equally durable composition and shall face the same direction as the markers and memorials around them.
- (b) Except for monuments that existed in a Township cemetery before the effective date of this Ordinance, no monument will be allowed or erected in a cemetery. For purposes of this Ordinance, "monument" shall be defined as any marker, memorial, statue or similar item which exceeds thirty (30) inches in height above normal ground level or which has a ground surface area exceeding thirty (30) inches in width (or forty-eight (48) inches in width for a double marker), with an overall height of no more than thirty (30) inches above ground level, including the foundation. Only one (1) marker or memorial shall be permitted per burial space, or one marker or memorial in total where two adjoining spaces share that

one marker or memorial. Markers shall be no more than thirty (30) inches in width (or forty-eight (48) inches in width for a double marker), with an overall height of no more than thirty (30) inches above ground level, including the foundation. Individual markers for cremains shall be flush with the ground and shall be no more than twelve (12) inches by twenty-four (24) inches in size.

- (c) The footing or foundation upon which any marker or memorial must be placed shall be constructed by the Township, or such person(s) as may be designated by the Township Board. Fees for such work shall be set from time to time by resolution of the Township Board, and shall be paid to the Township.
- (d) Should any monument or memorial (including any monument or memorial that was in place before this Ordinance became effective) become unsightly, broken, moved off its proper site, dilapidated or a safety hazard, the Township Board shall have the right, at the expense of the owner of the burial space, to correct the condition or remove the same. The Township shall make reasonable attempts to contact the owner of the burial space prior to any such work beginning.
- (e) The maintenance, repair and upkeep of a cemetery memorial, marker, urn or similar item is the responsibility of the heirs or family of the person buried at that location. The Township has no responsibility or liability regarding the repair, maintenance or upkeep regarding any such marker, memorial, urn or similar item.

Section 8. Interment Regulations

- (a) Only one (1) person shall be buried in a burial space, except for a parent and infant child or two (2) infants buried at the same time when approved by the Township.
- (b) The Township shall be given not less than 36 hours' prior notice in advance of any funeral to allow for the opening of the burial space. The opening and closing of burial spaces shall be done only by the Township or such person or persons as are designated by the Township.
- (c) The appropriate permit or form issued by the Township for the burial space involved, together with appropriate identification of the person to be buried therein and the burial-transit permit from the health department, shall be presented to either the Township Sexton or the Township Clerk prior to interment. Where such permit or form has been lost or destroyed, the Township Clerk must be satisfied, from his or her records, that the deceased person to be buried in the burial space is an authorized and appropriate person for that space before any interment is commenced or completed.
- (d) The surface of all graves shall be kept in an orderly and neat-appearing manner within the confines of the burial space involved.

Section 9. Disinterments

- (a) No disinterment or the digging up of an occupied grave shall occur without a Township disinterment permit.
- (b) No disinterment or digging up of an occupied grave shall occur until and unless any and all permits, licenses and written authorizations required by law for such disinterment or digging up of an occupied grave have been obtained from any applicable state or county

agency, governmental unit or official, and a copy of the same has been filed with the Township.

- (c) The Township Board shall have the authority to refuse to allow a disinterment or the digging up of an occupied grave (and to refuse to issue a Township disinterment permit for the same) if the disinterment or digging up of an occupied grave is not done pursuant to a court order (issued by a court of competent jurisdiction) or does not have a reasonable basis.
- (d) No disinterment permit shall be issued by the Township until the Township disinterment application form (as authorized by the Township Board) has been fully completed (and signed by a properly authorized person) and filed with the Township.

Section 10. Winter Burials

- (a) The Township may charge additional fees for winter burials.
- (b) If a winter burial cannot occur due to inclement weather, frozen ground or similar condition, the deceased person may be kept in winter storage until a spring burial can occur. Written permission by the next of kin or authorized agent must be obtained prior to winter storage. All such winter storage costs shall be paid by the estate of the deceased person or the person's next of kin.
- (c) No winter burials shall occur without the prior consent of the Township Sexton.

Section 11. Cremains

- (a) Cremains may be buried in a container approved by the Township in a burial space or in a columbarium that has been installed by the Township within a Township cemetery.
- (b) No cremains shall be scattered or dispersed within a Township cemetery.

Section 12. Grounds Maintenance

- (a) Flower pots, urns and grave blankets may be placed and maintained at the head stones of graves no earlier than May 1 and must be removed no later than October 1 of each year. Decorations will be permitted for holidays falling outside of these dates, but only for one (1) week prior and one (1) week following the holiday. Veteran flags and flag holders shall be governed by the Veteran's Administration rules and guidelines.
- (b) No grading, leveling or excavating within a cemetery shall be allowed without the prior permission of the Township Sexton or the Township Clerk. Furthermore, no tree, shrub, landscaping or similar plantings shall occur without the prior permission of the Township Sexton or the Township Clerk.
- (c) No flowers, shrubs, trees or vegetation of any type shall be planted outside of an urn. Any of the foregoing items planted without Township approval will be removed by the Township or the Township Sexton.
- (d) The Township Board reserves the right to remove or trim any existing trees, plants or shrubs located within a cemetery in the interest of maintaining proper appearance and the use of the cemetery.

- (e) Mounds, bricks, blocks and any borders that hinder the free use of a lawn mower or other gardening apparatus are prohibited.
- (f) The Township Sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays, containers and other items that through decay, deterioration, damage or otherwise become or are unsightly, a source of litter or a maintenance problem.
- (g) Surfaces other than earth or sod are prohibited.
- (h) All refuse of any kind or nature including, but not limited to, dried flowers, wreaths, papers and plastic flower containers must be removed from the cemetery within ten (10) days after a burial.
- (i) No glass containers or items are allowed.
- (j) Except for markers, memorials, flowers, and urns expressly allowed by this Ordinance, and veteran flags as authorized by law, no other item (including, but not limited to, ornaments, signs, trellises, statues, benches, landscaping, bricks, stones, grave border materials or other structures) shall be installed or maintained within a Township cemetery, nor shall any grading, digging, mounding or similar alteration of the ground or earth occur except as authorized by this Ordinance or by the Township.

Section 13. Disclaimer of Township Liability and Responsibility

Every person who enters, remains in and travels within a Township cemetery does so at their own risk. The Township is not responsible for any injury, accident or other calamity that might occur to any person present in a Township cemetery. Furthermore, the Township is not responsible for any damage or vandalism to, theft of or deterioration of any burial monument, headstone, flower urn or other item placed at or near a burial space, burial site or anywhere in a Township cemetery. The purchaser or transferee of any burial space or the equivalent (and all subsequent transferees, assigns, heirs, or beneficiaries) hereby releases, waives, indemnifies and holds harmless the Township for, from and against any injury, damages, causes of action, claims, costs and expenses associated with, relating to and/or involving the burial space or similar right, any headstone, monument or similar items, and any matter related to the cemetery involved. Such waiver, release and hold harmless provision shall apply not only to the Township, but also as to the Township Sexton and any Township employee, officer, official or agent.

Section 14. Forfeiture of Vacant Burial Spaces

Burial spaces sold after the effective date of this Ordinance and remaining vacant for forty (40) years or more from the date of their sale shall automatically revert to the Township upon the occurrence of the following events:

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

- (b) No written response to said notice indicating a desire to retain the burial spaces in question is received by the Township Clerk from the last owner of record of said spaces, or his/her heirs or legal representative, within sixty (60) days from the date of mailing of said notice.

Section 15. Repurchases of Burial Spaces

The Township may repurchase any burial space from the owner for a price set by the Township Board, upon the written request of said owner or his or her legal heirs or representatives.

Section 16. Records

The Township Clerk shall maintain records concerning all burials, burial spaces, issuance of burial permits and any other records of the Township related to Township cemeteries, and the same shall be open to public inspection at all reasonable business hours.

Section 17. Vaults

- (a) All burials shall be within a standard concrete vault (which meets all applicable laws) installed or constructed in each burial space before interment. Vaults of other suitable materials may be allowed at the discretion of the Township.
- (b) Cremains shall be in a container approved by the Township.

Section 18. Cemetery Hours

Unless otherwise specified by the Township Board by resolution, all Township cemeteries shall be closed from dusk until dawn the next morning. During those hours, no person shall be present in a Township cemetery. Such prohibition on being present in a Township cemetery during the time when a Township cemetery is closed shall not apply to the Township Sexton, any Township official, a person accompanied by the Township Sexton or other Township official, or any law enforcement or firefighting official when engaged in the lawful duties of any such office or position.

Section 19. Prohibited Uses and Activities

The following prohibitions shall apply within any Township cemetery:

- (a) No person shall destroy, deface, apply graffiti to or otherwise injure any monument, sign, tree or other lawful item located within a Township cemetery.
- (b) No person shall disturb the peace or unreasonably annoy, harass or disturb any other person who is lawfully present on the grounds of any Township cemetery.
- (c) No vehicles shall be permitted to drive on lawns or burial spaces in a cemetery.
- (d) There shall be no entry or presence in the cemetery by any person when the cemetery is closed or outside of authorized times.
- (e) There shall be no destruction of cemetery property.
- (f) There shall be no destruction, defacing, cutting, etc., of any tree or plant within a cemetery.
- (g) There shall be no headstones, ornaments, vases, plastic flowers, fences, benches, trellises, statues, signs or any other item placed, kept, installed or maintained in a cemetery except those expressly allowed by this Ordinance.
- (h) There shall be no disturbing of the peace or engaging in any loud or boisterous conduct.

- (i) There shall be no digging, grading or mounding unless expressly authorized by this Ordinance.
- (j) There shall be no driving of an automobile, truck or any vehicle on any portion of a cemetery except the designated roads or drives.
- (k) There shall be no motorcycles, snowmobiles, four-wheelers, go-carts or similar vehicles.
- (l) There shall be no gathering of persons in excess of 75 people without prior Township approval (except during or incidental to a funeral occurring concurrent with burial).
- (m) There shall be no disinterment or grave openings unless approved by the Township.
- (n) There shall be no possession or consumption of any alcoholic beverage.
- (o) There shall be no picnicking or consumption of food without prior Township approval.
- (p) There shall be no music, playing of any radio, or the use of any amplification device or similar item, except pursuant to a military ceremony or a funeral.
- (q) There shall be no solicitation or peddling of services or goods or any signs or placards advertising any goods or services.
- (r) There shall be no littering or dumping.
- (s) There shall be no unlawful interference with or disruption of a lawful funeral or funeral procession.
- (t) There shall be no private signs, lighting, moving displays or changeable copy on a sign.
- (u) There shall be no fires, candles or open flames.
- (v) No children under twelve (12) years of age shall be allowed in any Township cemetery unless accompanied by an adult and are properly supervised by an adult.
- (w) There shall be no exceeding of posted speed limits.
- (x) There shall be no domestic animals of any kind or pets allowed within the cemetery grounds. However, this prohibition shall not apply to service animals accompanying the person they are serving.
- (y) No firearms or archery arrows shall be discharged or shot except that military or other veterans organizations may carry arms for the purpose of firing over the grave at the burial of a member.
- (z) No person shall engage in any fight, quarrel or disturbance.
- (aa) Cremains or ashes of a deceased person shall not be scattered or dispersed.
- (bb) There shall be no dumping, vandalizing or tipping over of any lawful garbage container or receptacle.
- (cc) No person shall possess or consume any alcoholic beverage.

Section 20. Authority of the Township Sexton

- (a) The Township Board may appoint a Township Sexton, who shall serve at the discretion of the Township Board. The Township Sexton may be a Township employee or independent contractor for the Township at the discretion of the Township Board.
- (b) The Township Sexton shall assist other Township officials with the enforcement and administration of this Ordinance.
- (c) The Township Sexton shall have such duties and obligations with regard to Township cemeteries as may be specified from time to time by the Township Board.
- (d) In the absence of a Township Sexton, the duties and authority described in this Ordinance shall vest in the Township Supervisor or his or her designee.

Section 21. Fees

The Township Board shall have the authority to set fees pursuant to this Ordinance from time to time by resolution. Such fees can include, but are not limited to, a fee or fees for a burial permit, disinterment permit, grave opening, setting of foundations, grave closing, winter or holiday burial, the price for a new burial space, transfer fees for burial spaces, and other matters. Any check for fees pursuant to this Ordinance should be made out to the Township or the Township Treasurer and not to the Sexton or any other individual Township employee.

Section 22. Applicability of this Ordinance

- (a) This Ordinance shall apply only to cemeteries owned, controlled or operated by the Township.
- (b) The provisions of this Ordinance shall not apply to Township officials or their agents or designees involved with the upgrading, maintenance, administration or care of a Township cemetery.
- (c) The provisions of this Ordinance shall not apply to police officers or firefighting officials or officers involved in carrying out their official duties.

Section 23. Interpretation/Appeals to the Township Board

- (a) The Township Board shall have the authority to render binding interpretations regarding any of the clauses, provisions or regulations contained in this Ordinance and any rule or regulation adopted pursuant to this Ordinance, as well as their applicability. The Township Board (or its designee) is also authorized to waive application of the strict letter of any provision of this Ordinance or any rules or regulations promulgated under this Ordinance where practical difficulties in carrying out the strict letter of this Ordinance or any rules or regulations related thereto would result in hardship to a particular person or persons or the public. Any such waiver, however, must be of such a character as it will not impair the purposes and intent of this Ordinance.
- (b) Any party aggrieved by any interpretation or decision made by the Township Sexton or any Township official, agent or contractor pursuant to this Ordinance, as well as any matter relating to a Township cemetery, rights to a burial space, or other matter arising pursuant to this Ordinance, shall have the right to appeal that determination/decision or matter to the Township Board. Any such appeal shall be in writing and shall be filed with the Township within thirty (30) days of the date of the decision, determination or other matter

being appealed from. The Township shall give the aggrieved party who filed the written appeal with the Township at least ten (10) days' prior written notice of the meeting at which the Township Board will address the matter unless an emergency is involved, in which case the Township shall utilize reasonable efforts to notify the aggrieved party who filed the appeal of a special or emergency meeting of the Township Board at which the matter will be addressed. Pursuant to any such appeal, the decision of the Township Board shall be final.

- (c) The Township Board may set a fee or fees for any such appeal from time to time by resolution.

Section 24. Authority of the Township to Remove Unauthorized or Unlawful Items from a Township Cemetery

Any monument, marker, planting, trellis, personal item, urn, flowers or foliage (whether real or artificial), structure, flag (except for lawful veterans flags), or other item that has been placed, installed, left or maintained in any Township cemetery in violation of this Ordinance, any Township rule or regulation regarding Township cemeteries, or any county, state or federal law, statute or regulation may be removed by the Township from the Township cemetery at any time and destroyed or disposed of by the Township without any prior notice to, permission from, or liability or obligation to the person or persons who left, installed, maintained or kept such item in the Township cemetery. No such item (including, but not limited to, a monument, marker, planting, trellis, personal item, urn, flowers or foliage, structure, flag, or similar item) can be installed, placed, maintained or kept in a Township cemetery unless expressly authorized by this Ordinance or a written rule or policy of the Township. Even if such an item is authorized to be installed, kept, maintained or left in a Township cemetery, the Township shall still have the discretion to remove any such item at any time and dispose of the same without prior notice to, consent from or liability to the person or persons who installed, maintained or left such item in a Township cemetery.

Section 25. Penalties

A violation of this Ordinance (or of any rule or regulation adopted pursuant to this Ordinance) constitutes a municipal civil infraction. Any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance, or any permit or approval issued hereunder, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in violation of this Ordinance and shall be responsible for a civil infraction. The civil fine for a municipal civil infraction shall be not less than one hundred dollars (\$100) for the first offense and not less than two hundred dollars (\$200) for subsequent offenses, in the discretion of the court, in addition to all other costs, damages, expenses and remedies provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this Ordinance or similar provision of this Ordinance for which said person admitted responsibility or was adjudged to be responsible. Each day during which any violation continues shall be deemed a separate offense.

A violation of any permit or permit condition issued pursuant to this Ordinance shall also constitute a violation of this Ordinance.

Section 26. Township Officials Who Can Enforce this Ordinance

Unless otherwise specified by the Township Board by resolution, the following officials or officers shall have the authority to enforce this Ordinance and to issue municipal civil infraction citations/tickets pursuant to this Ordinance:

- Township Supervisor
- Township Clerk
- Township Sexton
- Members of the Township Police Department
- Township Ordinance Enforcement Officer
- Any deputy of the county sheriff's department
- Any State Police officer

Section 27. Severability

The provisions of this Ordinance are hereby declared to be severable and should any provision, section or part thereof be declared to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall only affect the particular provision, section or part thereof involved in such decision and shall not affect or invalidate the remainder of this Ordinance, which shall continue in full force and effect.

Section 28. Effective Date; Conflicts

This Ordinance shall become effective thirty (30) days after a copy of this Ordinance (or summary thereof) appears in the newspaper. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

The above Ordinance was offered for adoption by Township Board Member _____ and was seconded by Township Board Member _____, the vote being as follows:

YEAS:

NAYS:

ABSENT/ABSTAIN:

ORDINANCE DECLARED ADOPTED.

CERTIFICATION

I hereby declare that the above is a true copy of an ordinance adopted by the Board of Trustees of the Charter Township of Raisin at a _____ meeting held on _____, _____, at the Raisin Community Center, pursuant to the required statutory procedures.

Dated: _____, 20_____

Respectfully submitted,

By _____
Christy Low, Clerk, Charter Township of Raisin