

Zoning Ordinance

Ord. No. 7C

Adopted by the
Ash Township Board on
January 12, 1999

Ash Township
Monroe County, Michigan



**Ash Township Zoning Ordinance, Ord. No. 7C
Amendment History:**

Amendment Number	Sections/ Amendment Summary	Township Board Adoption Date
7C 1-8; 10; 12-15; 17-19; 29-36; 38-40; 42-53; 55-57; 61; 63; 65-66; 68; 70-71; 75; 76; 79; 82; 86-88; 91-95	3.02 Zoning Map Changes	Various
7C-9	16.01,58 Wireless Communication Facilities	April 11, 2000
7C-11	2.02 Hard Surface	May 9, 2000
7C-16	12.03,4 Gasoline Filling Stations	February 13, 2001
7C-20	16.01,30 Gasoline Filling Stations	December 11, 2001
7C-21	12.03,5 Restaurants	January 8, 2002
7C-22	2.02 Agricultural Buildings	April 9, 2002
7C-23	25.04 Agricultural Buildings	June 11, 2002
7C-24	15.16 Open Space Development Option	January 14, 2003
7C-26	Telecommunications Ordinance	August 12, 2003
7C-27	21.08 Home Occupations	December 9, 2003
7C-28	Article 23 Sign Ordinance	December 9, 2003
7C-37	10.03,15; 16.01,43 Manufacturer Vehicle Storage	March 8, 2005
7C-41	10.03 C-2 Special Land Uses	August 17, 2005
7C-54	21.32,1,d Wireless Communication Antennas	March 21, 2007
7C-60	Multiple Sections Michigan Zoning Enabling Act; C-2 and C-3 Districts; Administrative Procedures and Definitions; Design Guidelines; Conditional Rezoning	August 15, 2007
7C-58	21.05; 21.05,4; 21.05,7 Accessory Buildings	November 21, 2007
7C-59	21.08,9; 21.08,10; 21.34 Home Occupations and Outdoor Burning	January 16, 2008
7C-67	13.03; 14.03; 16.01,43 Manufacturer Vehicle Storage	May 20, 2009
7C-69	21.03; 21.20A; 21.20 Site Grading and Filling	August 18, 2010
7C-72	15.02,1; 15.02,2; 15.03,1; 15.03,2 Minimum Lot Size and Frontage	March 16, 2011
7C-73	2.02; 21.20 Extraction Operations	July 20, 2011
7C-74	15.02; 15.03 Side Setbacks	July 20, 2011

7C-77	4.03; 5.03; 6.03; 7.03; 9.03; 10.03, 11.03; 12.03, 13.03, 14.03; 16.01; 21.24; 21.35; 23.02; 23.04; 23.05; 24.07 Wireless, Signs, Temporary Uses	September 19, 2012
7C-78	18.01 Retail Store Parking	May 15, 2013
7C-80	21.35 Single Family Dwellings	May 21, 2014
7C-81	4.03 Group Day Care Homes Use Added	April 15, 2015
7C-84	23.02; 23.04; 23.05 Electronic Changeable Copy Signs	July 20, 2016
7C-85	24.07 Outdoor Events as a Temporary Use	July 20, 2016
7C-89	21.09 Private Swimming Pools	January 18, 2017
7C-90	15.02; 15.03; 21.05 Accessory Buildings and Structures	January 18, 2017
7C-96	2.02; 9.02; 9.03; 10.02; 10.03; 11.01; 11.02; 11.03; 11.04; 12.02; 12.03; 13.02; 13.03; 14.02; 14.03; 16.01; New Use Matrix; Commercial and Industrial Use Amendments	January 16, 2019

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**ZONING ORDINANCE
ASH TOWNSHIP, MONROE COUNTY, MICHIGAN**

THE TOWNSHIP OF ASH, MONROE COUNTY, MICHIGAN ORDAINS:

An Ordinance, enacted in accordance with and under the authority of Act No. 110 of the Public Acts of Michigan for 2006, as amended, known as the "Michigan Zoning Enabling Act," to provide for the establishment, in the unincorporated portions of Ash Township, Monroe County, Michigan, of zoning districts in such sizes, shapes and areas as are deemed best suited to carry out the provisions of this Ordinance; within which districts the proper use of land and natural resources is encouraged and regulated and the improper use of same prohibited; and within which districts the use of land for agriculture, forestry, recreation, residence, industry, trade, soil conservation, water supply conservation, and additional uses is encouraged, regulated or prohibited; and within which districts provisions are made designating the location of, height of, number of stories of, the uses that may be made of, the minimum open spaces, sanitary, safety, and protective measures that shall be required for, and the maximum number of families that may be housed in, dwellings, buildings, and structures, including tents and mobile homes that may be hereafter erected or altered; and, to provide for the uniformity of such provisions for each class of land or buildings, dwellings and structures, including tents and mobile homes throughout each district; and to provide for administering of this Ordinance; and, to provide for conflicts in other ordinances or regulations; and, to provide penalties for violations; and, to provide for the collection of fees for building permits; and, to provide for petitions and hearings; and, to provide for appeals; and, to provide for repeal of ordinances in conflict herewith; and, to provide for any other matters authorized by the above mentioned "Michigan Zoning Enabling Act."

(Ord. 7C-60; Amended Aug. 15, 2007)

Article 1
Title, Purposes and Legal Clauses

Section 1.01 Short Title.

This Ordinance shall be known and may be cited as the Ash Township Zoning Ordinance.

Section 1.02 Repeal of Ordinance.

The Ash Township Zoning Ordinance, effective February 9, 1979, and all amendments thereto, are hereby repealed effective coincident with the effective date of this Ordinance.

Section 1.03 Purposes.

The purpose of this Ordinance is to promote the public health, safety, morals, and general welfare; to encourage the use of lands in accordance with their character and adaptability; and to limit the improper use of land; to avoid the overcrowding of population; to provide adequate light and air; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate adequate provisions for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties, and with reasonable consideration among other things, to 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, as studied and recommended within a master plan by the Ash Township Planning Commission, and endorsed, and regulations adopted, therefore, by the Township Board.

Section 1.04 Validity and Severability Clause.

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

Section 1.05 Interpretation.

In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare.

Section 1.06 Conflict with Other Laws.

It is not intended by this Ordinance to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law or ordinance other than the above described Zoning Ordinance, or with any rules, regulations, or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises.

Provided, however, that where this Ordinance imposes a greater restriction than is required by existing Ordinance or by rules, regulations or permits, the provisions of this Ordinance shall control.

Section 1.07 Vested Rights.

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

Article 2 Interpretations and Definitions

Section 2.01 Interpretations.

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

1. The particular shall control the general.
2. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, (and the plural number shall include the singular) unless the context clearly indicates the contrary.
5. A "building" or "structure" includes any part thereof.
6. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
7. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
8. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - c. "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
9. Terms not herein defined shall have the meaning customarily assigned to them.
10. The terms his and her shall be used interchangeably and shall be considered to have the same meaning.

Section 2.02 Definitions.

Accessory: Refer to definition of accessory use.

Accessory Building: A building or portion of a building subordinate to a main building on the same lot occupied by, or denoted exclusively to, an accessory use.

Accessory Structure: A detached structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

Accessory Use: A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces) located on the same zoning lot as the principal use to which it is related. An accessory use includes, but is not limited to, the following:

1. Residential accommodations for 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. 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.
5. Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
6. Accessory off-street parking spaces, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.
7. Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.
8. Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.
9. Satellite dishes or television or radio antennae for the use of occupants of a residence, or place of business.
10. 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.

Acreeage: Any tract or parcel of land which has not been subdivided or plotted.

Addition: An extension or increase in floor area or height of a building or structure.

Adult: A person having arrived at the legal age of adulthood defined by the laws of the state of Michigan.

Adult Entertainment Uses: Any use of land, whether vacant or combined with structures or vehicles thereon, by which said property is devoted to displaying or exhibiting material for entertainment, a significant portion of which includes matter or actions depicting, describing, or presenting "Specified Sexual Activities" or "Specified Anatomical Areas." Adult entertainment uses shall include, but not be limited to, the following:

1. **An Adult Book Store** is a use which has a display containing books, magazines, periodicals, newspapers, slides, pictures, cassettes, videotapes, videodiscs, motion picture films, or other printed, recorded, or electronic material which has as a significant portion of its content or exhibit matter or actions depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" or an establishment with a substantial segment or section devoted to the sale or display of such material. Retail establishments which display, sell, distribute, provide, or rent such material within an enclosed area not greater than five (5) percent of the total usable retail space, which is limited to persons eighteen (18) years of age or older, shall not be included in this definition. "Usable Retail Space" is defined as that area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. The portion of the 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 the computation of "Usable Retail Space."

2. **An Adult Cabaret** is a nightclub, theater, or other establishment which features live performances by one or more topless and/or bottomless dancers, "go-go" dancers, exotic dancers, strippers, or similar entertainers, wait staff, or other persons, where a significant portion of such performances show, depict, or describe "Specified Sexual Activities" or "Specified Anatomical Areas."
3. **An Adult Mini-Motion Picture Theater** is an enclosed building with a capacity for less than fifty (50) persons used for presenting motion picture films, video cassettes or tapes, cable television, or other visual display depicting, describing, or presenting "Specified Sexual Activities" or "Specified Anatomical Areas."
4. **An Adult Model Studio** is any place where, for any form of consideration or gratuity, figure models who display "Specified Anatomical Areas" are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such considerations or gratuities, except that this provision shall not apply to any bona fide art school or similar educational institution.
5. **An Adult Motel** is a motel wherein matter, actions, or other displays are presented which contain a significant portion depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas."
6. **An Adult Motion Picture Arcade** is any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors, video machines, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where a significant portion of images so displayed depict, describe, or relate to "Specified Sexual Activities" or "Specified Anatomical Areas."
7. **An Adult Motion Picture Theater** is an enclosed building with a capacity of fifty (50) or more persons used for presenting motion picture films, videotapes or cassettes, cable television, or other visual display depicting or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons therein.
8. **An Adult Novelty Business** is any establishment which offers for sale devices which stimulate human genitals or devices designed for sexual stimulation.
9. **An Adult Personal Service Establishment** is any business, agency, or service which arranges, solicits, or provides for the benefit of its customers or clients, escorts, dates, models, unlicensed therapists, companions, or entertainers, either on or off the premises, for the purpose of engaging in "Specified Sexual Activities" or "Specified Acts of Violence," or displaying "Specified Anatomical Areas" as defined herein. These establishments include, but are not limited to: escort services, exotic rubs, modeling, tattoo parlors, body painting studios, wrestling studios, baths, and theatrical performances.
10. **An Adult Physical Culture Establishment** is any establishment, club, or business by whatever name designated, which provides, offers, or advertises, or is equipped or arranged so as to provide as part of its services, either on or off the premises, massages, body rubs, physical stimulation, baths, tattoos, or other similar treatment by any person. The following uses shall not be included within the definition of an adult physical culture establishment:

- a. Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed or certified physical or massage therapist, a licensed practical nurse, or any other similarly licensed medical professional.
 - b. Electrolysis treatment by a licensed operator of electrolysis equipment;
 - c. Continuing instruction in martial or performing arts or in organized athletic activities;
 - d. Hospitals, nursing homes, medical clinics, or medical offices; and,
 - e. Barber shops or beauty parlors, health spas and/or salons which offer massage to the scalp, face, the neck, or shoulders only.
11. **An Adult Sexual Encounter Center** is any business, agency, or person who, for any form of consideration or gratuity, provides a place where three or more persons, not all members of the same family may congregate, assemble, or associate for the purpose of engaging in "Specified Sexual Activities" or exposing "Specified Anatomical Areas."
12. **A Restricted Adult Business** is any of the defined adult entertainment uses, which are not customarily open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

Adult Foster Care Facility: A governmental or nongovernmental establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. Adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers, or residential centers for persons released from or assigned to a correctional facility.

- 1. **Adult Foster Care Family Home:** A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
- 2. **Adult Foster Care Large Group Home:** An adult foster care facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection, in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week and for two (2) or more consecutive weeks for compensation.
- 3. **Adult Foster Care Small Group Home:** An adult foster care facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection, in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week and for two (2) or more consecutive weeks for compensation.

Agricultural Equipment Sales and Service: An establishment for the repair or sale of equipment or machinery directly associated with the operation of a farm.

Agricultural Storage Facilities: A building or structure or part of a building or structure used for the storage of agricultural products to be later sold or distributed for use by other than the person producing the products. This definition shall include commercial grain elevator facilities but shall not include on-site storage facilities for individual farming operations.

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

Apartments: A suite of rooms or a room in a multiple-family building arranged and intended for a place or residence of a single-family or a group of individuals living together as a single housekeeping unit.

Arcade: Arcade shall mean any place of business or establishment whose principal use is amusement devices and which contains six (6) or more mechanical amusement devices. Mechanical amusement devices include any machine, which, upon the insertion of any coin, slug, token, plate or disc, or which, for a fee paid to the operator or owner, may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score. It shall include such devices as marble machines, skillball, mechanical grab machines, television display devices or machines and all games, operations or transactions similar thereto whether operated principally by mechanical means or electrical means or a combination thereof, under whatever name they may be indicated or called.

Architectural Features: Architectural features of a building or a structure shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

Automobile Repair: The general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles.

Basement and Cellar:

1. A basement is that portion of a building partly below the average grade and so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.
2. A cellar is that portion of a building partly below the average grade and so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling, with a ceiling height of less than 6.5 feet.

Bed and Breakfast Operations: A use which is subordinate to the principal use of a dwelling unit as a single-family dwelling unit and a use in which transient guests are provided a sleeping room and board in return for payment.

Block: The property abutting one (1) side of a street and lying between the two (2) 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 any other barrier to the continuity of development, or corporate boundary lines of the township.

Boarding House: A dwelling where meals, or lodging and meals, are provided for compensation and where one (1) or more rooms are occupied by persons by pre-arrangement for definite periods of not less than one (1) month. A boarding house is to be distinguished from a hotel, motel, bed and breakfast establishment, or a convalescent, nursing, or group home.

Building: A structure erected on or moved to a site, a premanufactured or precut structure, above or below ground, having a roof or walls and built for, or capable of, the shelter or enclosure of persons, animals, chattels, or property of any kind. For purposes of this Ordinance, building shall also be defined to include swimming pools.

Building Height: The vertical distance measured from the established grade to the highest point of the roof surface for flat or dome roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs.

Building Inspector: One of the administrative officials designated by the Township Board with the responsibilities of administering and enforcing this Ordinance.
(Ord. 7C-60; Amended Aug. 15, 2007)

Building Line: A line formed by the face of the building, and for the purposes of this Ordinance, a minimum building line is the same as a front setback line.

Cabin: Any structure or tent which is maintained, offered or used for dwelling or sleeping quarters for transients, or for temporary dwelling, but not including what are commonly designated as hotels, lodging houses, or tourist homes.

Certificate of Occupancy: A document issued by Ash Township allowing the occupancy or use of a building and/or land and certifying that the structure or use has been constructed and will be used in compliance with all the applicable codes and ordinances. For purposes of this Ordinance, a Certificate of Occupancy and Zoning Certificate shall be considered as one in the same.

Chief Enforcement Officer: The Administrative Official or Officials in charge of enforcing the Township Zoning Ordinance. The Chief Enforcement Officer shall include the Building Inspector and/or the Zoning Administrator.
(Ord. 7C-60; Amended Aug. 15, 2007)

Child Care Center: A facility, other than a private residence, receiving one (1) or more preschool or school age children for care for periods less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. The term 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 term also includes any facility referred to as day care center, day nursery, nursery school, drop-in center, and parent cooperative preschool.

A child care center does not include a Sunday school, vacation bible school, or religious instructional class operated by a religious organization where children are in attendance for not greater than three (3) hours per day for an indefinite period or not greater than eight (8) hours per day for a period not-to-exceed four (4) weeks during a twelve (12) month period.

Clinic: An establishment where human or animal patients are admitted for examinations and treatment by a physician(s), dentist(s), veterinarian(s), or similar professional(s).

Club: Any facility established to provide recreational or social activities for the exclusive use of its members, their families, and guests.

Congregate Care Facility: Refer to definition of Housing for the Elderly.

Convalescent Homes: A facility that provides, on a regular basis, personal care, including dressing and eating and health related care and services, to individuals who require such assistance but who do not require the degree of care and treatment that a hospital or skilled nursing center provides.

Corral: A pen or enclosure for confining animals or livestock, but not a grazing area.

Cul-de-sac: A street terminating at one end, with a turning radius.

Day Care Center: Refer to definition of Child Care Center.

Deck: Refer to definition of Patio.

Direct Access: Access not requiring trespass over adjacent property or rights-of-way.

Display: As used in connection with Adult Entertainment Use, the word display shall mean any single motion or still picture, presentation, dance or exhibition, live act, or collection of visual materials such as books, films, slides, periodicals, pictures, video cassettes, or any other printed or recorded matter which is open to view or available to the general population whether for free or otherwise.

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

Drive-In: A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.

Dwelling: A structure or portion thereof which is used exclusively for human habitation.

1. **Dwelling, Attached:** A one-family dwelling attached to two (2) or more one-family dwellings by common vertical walls.
2. **Dwelling, Detached:** A dwelling which is not attached to any other dwelling by any means.
3. **Dwelling, Multiple-Family:** A building containing three (3) or more dwelling units designed for residential use where each unit may have access to common hallways, stairs, and elevators, or in a low-rise building, where each unit may have individual access to a street or common courtyard.
4. **Dwelling, One-Family:** A building designed exclusively for one (1) family for residential use.
5. **Dwelling, Semi-Detached:** A one-family dwelling attached to one other one-family dwelling by a common vertical wall, and each dwelling located on a separate lot. The semi-detached dwelling is part of a two-family structure with the dwelling units side-by-side as opposed to one on top of the other.
6. **Dwelling, Townhouse:** A one-family dwelling in a row of two (2) but no more than four (4) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls.
7. **Dwelling, Two-Family:** A structure on a single lot containing two (2) dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

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

1. **Dwelling Unit, Efficiency:** A dwelling unit consisting of not more than one habitable room together with kitchen or kitchenette and sanitary facilities.

2. **Dwelling Unit, Manufactured:** A dwelling unit which is substantially built, constructed, assembled, and finished off the premises upon which it is intended to be located. Refer to definitions of Manufactured Home and Mobile Home.
3. **Dwelling Unit, Site Built:** A dwelling unit which is substantially built, constructed, assembled, and finished on the premises which are intended to serve as its final location. Site built dwelling units shall include dwelling units constructed of precut materials and panelized wall, roof and floor sections when such sections require substantial assembly and finishing on the premises which are intended to serve as its final location.

Earth Berm: A mound of earth of a minimum 18 inches in height, planted with ground cover, grass, trees, or other landscaping material intended to minimize the view of parking areas and reduce noise and dust from adjacent uses and passersby.

Easement: A grant of one (1) or more of the property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity.

Essential Services: The erection, construction, alteration, or maintenance by public utilities or any governmental department or commission of underground or overhead gas, electrical, steam, or water transmission or communication, supply or disposal system, including poles, wires, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police call boxes, traffic signals and hydrants and other similar equipment and accessories in connection with, but not including, buildings. For purposes of this Ordinance, essential services shall also be defined to include cable television facilities.

Establishment: Any business or enterprise which utilizes any building, structure, premises, parcel, place, or area.

Excavation Operation: See definition of Extraction Operation.
(Ord. 7C-73; Amended July 20, 2011)

Extraction Operation: Any pit, excavation, or mining operation for the purpose of searching for or removing from the premises materials including, but not limited to, sand, gravel, clay, aggregate, topsoil, minerals, coal or rock. This definition shall not include an oil well or excavation preparatory to the construction of a building, structure, roadway, pipeline, or common household gardening and general farm care.
(Ord. 7C-73; Added July 20, 2011)

Exotic Animals: For the purposes of this Ordinance, exotic animals shall be considered to be all animals not indigenous to Michigan.

Family: A single individual doing his own cooking, and living upon the premises as a separate housekeeping unit, or a collective body of persons doing their own cooking, and living together upon the premises or a separate housekeeping unit in a domestic relationship based upon birth, marriage, or other domestic bonds distinguished from a group occupying a boarding house, lodging house, club, fraternity, or hotel.

Family Day Care Home: A private home in which one (1) but not more than six (6) minor children are received for care and supervision for periods less than twenty-four (24) hours a day, unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage, or adoption. Family day care homes include homes that give care to an unrelated minor child for more than four (4) weeks during a calendar year.

Farm: All of the contiguous neighboring or associated land operated as a single unit on which farming is carried on directly by the owner operator, manager or tenant farmer, by his own labor or with assistance of members of his household or hired employees; provided, however, that the

land to be considered a farm hereunder shall be currently assessed on the tax rolls as agricultural property and/or provide documentation of the last (2) years income tax returns for filing 1040 schedule F. Farms may be considered as including cultivating of soil, growing and harvesting of any agriculture, horticulture or floriculture commodity; dairying; raising of livestock, bees, fish, fur-bearing animals or poultry; turf and tree farming; and performing any practices on a farm as an incidental to, or in conjunction with these farming operations. Commercial storage, processing, distribution, marketing, or shipping operations shall not be considered part of the farming operation.

(Ord. 7C-22; Amended April 9, 2002)

Farm Buildings: Any structure or building, other than a dwelling, used or built on a farm.

Farm, Hobby: A parcel of land not assessed on the tax rolls as agricultural property, however, upon which farming activities occur as an accessory to a principal residential structure and use.

(Ord. 7C-22; Amended April 9, 2002)

Farm Operation: A condition or activity which occurs on a farm in connection with the commercial production of farm products, and includes, but is not limited to, marketed produce at roadside stands or farm markets; related noise, odors, dust and fumes; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.

Farm Product: Those plants and animals useful to human beings and includes, but is not limited to, forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, including breeding and grazing, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur.

Feedlot: Any facility or enclosed area where farm animals are fed and maintained for more than four (4) hours out of twenty-four (24) hours at a density greater than four (4) heads per acre for cattle and horses, ten (10) heads per acre for smaller animals, or more than thirty (30) fowls per acre.

Fence: A wall composed of posts carrying boards, rails, pickets, or wire, or to iron structures consisting of a vertical or horizontal bars or of open work.

Fence, Decorative: An open or semi-open fence, ornamental in nature, not intended to provide a permanent barrier to passage or for screening. Decorative fencing does not include chain link fencing.

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 centerline of walls separating two (2) buildings. The "floor area" of a building shall not include the basement floor area except when more than one-half ($\frac{1}{2}$) of the basement height is above grade.

"Floor-area" shall include elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof), attic space having headroom of seven (7) feet, ten (10) inches or more, interior balconies, and mezzanines. Any space devoted to off-street parking or loading shall not be included in "floor area."

Floor Area, Ground: The horizontal area of the first floor of a building other than a cellar or basement measured from the exterior faces of the exterior walls. The floor area measurement is exclusive of attached garages, breezeways, and unenclosed porches.

Floor Area, 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 (2) dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

Floor Area, Usable: That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, 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.

Front Building Face Area: The facade of the building facing the front line calculated as its width multiplied by the building height.

Frontage: All property fronting on one (1) side of a street between intersecting or intercepting streets, or between a street and right-of-way, water-way, end of a dead-end street, or township boundary measured along the street line.

Garage, Private and Public: Any building for the storage of self-propelled vehicles or trailer coaches where no storage or servicing for hire is conducted, is a private garage. A public garage is one which is not a private garage.

Gasoline Filling Station: A place for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories, but not including any automotive service repair.

(Gasoline Service Station, Deleted by Ord. 7C-96; January 16, 2019)

Governmental Agency: Any department, commission, independent agency, or instrumentality of the United States, of a state, county, incorporated or unincorporated municipality, township, authority, district, or governmental unit.

Grade: The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building, measured at a distance of four (4) feet from the building.

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

Greenhouse: See definition of Nursery.

Group Day Care Home: A private home in which seven (7) but not more than twelve (12) 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, excepting children related to an adult member of the family by blood, marriage, or adoption. Group day care homes include homes that give care to an unrelated minor child for more than four (4) weeks during a calendar year.

Hard Surface: The use of blacktop, asphalt, concrete or other similar substance to create a smooth surface suitable for vehicular traffic.
(Ord. 7C-11; Added May 9, 2000)

Health Care Facility: A facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis and treatment of disease, pain, injury, deformity or physical condition allowing overnight stay, including, but not limited to, a general hospital, special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, tuberculosis hospital, chronic disease hospital.

Home for the Aged: A supervised personal care facility, other than a hotel, adult foster care facility, hospital, nursing home, or county medical care facility, that provides room, board, and supervised personal care to twenty-one (21) or more unrelated, nontransient, individuals sixty (60) years of age or older. Home for the aged includes a supervised personal care facility for twenty (20) or fewer individuals sixty (60) years of age or older if the facility is operated in conjunction with and as a distinct part of a licensed nursing home.

Home Occupation: A use conducted entirely within a residential dwelling unit which is clearly incidental and secondary to the use of the dwelling as a dwelling and does not change the character in any way.

Hotel: See definition of Motel.

Household: A household includes all persons who occupy a house, an apartment, a group of rooms, or a single room occupied as separate living quarters.

Housing for the Elderly: A building or group of buildings containing dwellings where the occupancy of the dwellings is restricted to persons sixty-two (62) years of age or older, or couples where either spouse is sixty-two (62) years of age or older. This does not include a foster care home, home for the aged, nursing home, or convalescent home.

Industrial Park: A planned industrial development on a tract of land containing an internal road network suitable for trucks and employee traffic and adequate utilities, including a sufficient water supply, sanitary and storm sewers, and electric and natural gas lines.

Junk Yard: The storage or keeping of junk, including scrap metals or other scrap materials or items commonly known as junk, or the dismantling, demolition, or abandonment of more than one automobile or other vehicle, or machinery or parts thereof, excluding tires.

Kennel: The keeping of four (4) or more dogs or cats at least four (4) months old by one (1) family or commercial establishment. For purposes of this Ordinance, a kennel shall not be considered a home occupation.

Livestock: Domestic animals, such as cattle, horses, sheep, hogs, chickens, geese, or goats raised and/or boarded for home use or for profit.

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

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

1. **Lot, Corner:** A lot where the interior angle of two (2) adjacent sides at the intersection of two (2) streets is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than 150 feet and the tangents to the curve, at the two (2) points where the lot

lines meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty-five (135) degrees.

2. **Lot, Double Frontage:** Any lot, excluding a corner lot, which fronts on two (2) streets which do not intersect.
3. **Lot, Flag:** A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway.
4. **Lot, Interior:** Any lot other than a corner lot.
5. **Lot, Through:** Any interior lot having frontage on two (2) more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.
6. **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 developed 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 (1) or more lots of record.

Lot Area: The total horizontal area within the lot lines of the lot.

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

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

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

1. **Front Lot Line:** In the case of an interior lot, is that line separating said lot from the street. In the case of a corner lot or double frontage lot it is those lines separating said lot from either street.
2. **Rear Lot Line:** That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long lying farthest from the front lot line and wholly within the lot.
3. **Side Lot Line:** Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

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. Whenever an owner has combined two (2) or more lots as contained on any recorded plat into a single building site, or combined two (2) or more lots contained on any recorded plat in the records of the Township Assessor or Treasurer, said combination of lots shall be deemed to be a single lot of record for the purposes of this Ordinance.

Lot Width: The horizontal straight line distance between the side lot lines, measured between the two (2) points where the front setback line intersects the side lot lines.

Main Building: A building in which is conducted the principal use of the lot upon which it is situated.

Main Use: Refer to definition of principal use.

Major Thoroughfare: A street which is intended to serve as a large volume trafficway for both the immediate area and the region beyond.

Manufactured Home: A factory built, single-family structure that meets the National Manufactured Home Construction and Safety Standards Act, commonly known as the HUD (United States Department of Housing and Urban Development) Code. This definition shall also apply to BOCA modular homes.

Manufactured Home Park: A parcel of land which has been planned and improved for the placement of manufactured and/or mobile homes for residential use.

Marginal Access Drive: A street that is parallel to and adjacent to a primary street and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the primary street and so that the flow of traffic on the primary street is not impeded by direct driveway access from a large number of abutting properties.

Master Plan: The Master Plan indicating the physical development of the township, as adopted by the Planning Commission, including any unit or part of such plan and any amendment to such plan or parts thereof.

Mezzanine: An intermediate floor in any story occupying not to exceed one-third (1/3) of the floor area of such story.

Mini-Warehouse: A facility consisting of a building or a group of buildings in a controlled-access compound, where individual stalls or lockers are rented out to different tenants for the dead storage of customers' goods and wares. The use of the premises shall be limited to storage only, and shall not be used for any auction, or sales, or storage and transfer business; for the servicing, repair, or fabrication of any vehicle, boat, trailer, appliance, or similar item; or for the operation of power tools, compressors, kilns, or similar equipment; except, that limited sales to tenants of products and supplies incidental to the principal use, such as packing materials, identification labels, rope, locks, tape, etc., shall be permitted on the site devoted to this use. The storage of combustible or flammable liquids, combustible fibers or explosive materials, as defined in the fire protection code, or toxic materials are expressly prohibited.

Mobile Home: A detached residential dwelling unit with a body width greater than eight (8) feet, of not less than thirty-five (35) feet in length, and designed for transportation, after fabrication, on streets or highways, on its own wheels, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks, or other temporary or permanent foundations, connections to utilities, and the like. For the purposes of this Ordinance, a mobile home shall be considered a manufactured home. However, a travel trailer, motorized home, or any other type of recreational vehicle shall not be considered a mobile home.

Mobile Home Park: Refer to definition of Manufactured Home Park.

Modular Home: Refer to definition of Manufactured Home.

Motel: A series of attached, semi-detached, or detached rental units containing a bedroom, bathroom and closet space which provide for overnight lodging and are offered to the public for compensation and cater primarily to the public traveling by motor vehicle.

Motor Home: Any house trailer, trailer home, trailer coach, or similar vehicle used, or so constructed as to permit its being used, as a conveyance upon the public streets or highways, and duly licensable as such, so designed, constructed, or added to by means of accessories in such manner, and will permit the occupancy thereof once stationed as a dwelling or sleeping place for one (1) or more persons.

Nonconforming Building: A building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto and that does not conform to the provisions of the Ordinance in the district in which it is located.

Nonconforming Lot: Any lot, outlot, or parcel of land which, through a change in regulation, no longer conforms to the provisions of this ordinance.

Nonconforming Structure: A structure which, through a change in regulation, no longer conforms to the provisions of this ordinance. conflicting

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

Nuisance: Any condition which is or may become injurious to health or public safety or that prevents or hinders control of disease.

Nuisance Factors: An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to:

- 1) sound, 2) dust, 3) smoke, 4) odor, 5) glare, 6) fumes, 7) flashes, 8) vibration, 9) shock waves, 10) heat, 11) electronic or atomic radiation, 12) objectionable effluent, 13) sound of congregation of people, particularly at night, 14) passenger traffic, 15) invasion of nonabutting street frontage by traffic, 16) junk.

Nursery: A building or structure, and lands associated therewith, for the growing of flowers, fruits, vegetables, plants, shrubs, trees or similar vegetation together with gardening tools and implements which are sold at retail from such building or lot to the general public.

Nursery School: Refer to definition of Child Care Center.

Nursing Home: A nursing care facility, including a county medical care facility, but excluding a hospital or a facility created by Act No. 152 of the Public Acts of 1985, as amended, being Sections 36.1 to 36.12 of the Michigan Compiled Laws, which provides organized nursing care and medical treatment to seven (7) or more unrelated individuals suffering or recovering from illness, injury, or infirmity.

Occupied: The word "occupied" includes arranged, designed, built, altered, converted to, rented or leased, or intended to be occupied.

Offensive: Any work in connection with an adult entertainment use in which the representations appear, taken as a whole, appeals to the prurient interest and patently depicts or portrays the sexually explicit material in a manner which, taken as a whole, lacks serious literary, artistic, political, or scientific value. In other instances, the term offensive shall mean any annoying, unpleasant, or obnoxious thing or practice, cause, or source of annoyance (see also Nuisance Factors).

Office: A place, such as a building, room, or suite, in which services, clerical work, professional duties or the like are carried out.

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.

Open Air Business Use: An open air business use, as used herein, shall be deemed to include any of the following businesses when said business is not conducted from a wholly enclosed building:

1. Bicycle or home equipment sale or rental services.
2. Outdoor display and sale of storage buildings, swimming pools and similar uses.
3. Sale of trees, fruits, vegetables, shrubbery, plants, seed, topsoil, humus, fertilizer, trellis, lawn furniture, playground equipment, and other home garden supplies and equipment.
4. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, children's amusement park, or similar recreation uses.

(Ord. 7C-96; Amended January 16, 2019)

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 or gasoline service stations.

Open Space: Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

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.

Pasture: A grazing area exclusive of front and side yards and that portion of the rear yard extending fifty (50) feet from the rear of the dwelling unit.

Patio: An uncovered courtyard or platform extending horizontally out from the main building or structure.

Pen: A fenced enclosure for animals, but not a grazing area.

Pond: A natural or manmade body of water used to provide water for livestock, fish and wildlife, recreation, fire control, crop and orchard spraying and irrigation, and other related uses for the personal use of the property owner and/or tenants.

Porch: A covered projection on a building or structure containing a floor, which may be either totally enclosed or open except for columns supporting the porch roof, and projects out from the main wall of said building or structure, and has a separate roof or an integral roof with the principal building or structure to which it is attached.

Principal Use: The principal use to which the premises are devoted and the principal purpose for which the premises exist.

Private Road: An area of road used for ingress and egress to serve more than one (1) parcel of property not part of a subdivision created under State Act 288, P.A. 1967, as amended.

Public Building: Buildings that are financed largely by public funding and are available for public use, as distinguished from buildings that are government financed, but are intended for private use; e.g., public housing.

Public Facility: Any facility other than a recreation area which is maintained by public funds, including, but not limited to, libraries, museums, administrative offices, and fire and police stations. This definition does not include schools, community hospitals or any facility involving outdoor storage.

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

Recovery Halfway House: A facility licensed by the Michigan Department of Public Health to provide substance abuse treatment and support services, in addition to room and board, to recovering alcoholics and drug abusers.

Recreation Animals: For the purposes of this Ordinance, horses, mules, donkeys, goats, sheep, cattle, cows, swine, chickens, turkeys or other similar domestic animals and fowl shall be considered domesticated pets/recreation animals.

Recreation Facility, Private: Any recreation facility which is privately owned and operated on a for profit basis. This definition shall include, but not necessarily be limited to, privately owned golf courses, riding stables, race courses, bowling alleys, private clubs and lodges.

Recreation Facility, Public: Any recreation facility which is publicly owned and maintained and available to the general public, with or without a fee.

Recreational Vehicle: A vehicle which moves one (1) or more persons over the ground, water, ice, or snow, and which is either self-propelled or connects to a vehicle which is self-propelled. This definition of "recreational vehicle" includes, but is not limited to, snowmobiles, camping vehicles, motorcycles, mini-bikes, go-carts, boats, and ice-boats.

Rehabilitation Halfway House: A facility licensed by the Michigan Department of Corrections or the Federal Bureau of Prisons which provides supervision and rehabilitation support services in addition to room and board to criminal offenders.

Residential District: As referenced within this Zoning Ordinance, a residential district shall be defined as the Single-Family Residential District and the Multiple-Family Residential District.

Residential Entranceway Structure: A building or structure placed at the principle opening(s) that afford entry into a residential development used to identify the project or to regulate access into the development. Such structures shall include, but not limited to, objects of art, gates, guard houses, signs, fencing, and similar barriers and structures.

Restaurant:

1. **Standard Restaurant:** A standard restaurant is any establishment whose principal business is the sale of foods, desserts, or beverages to the customer in a ready-to-consume state and whose design or principal method of operation includes one (1) or both of the following characteristics:

- a. Customers, normally provided with an individual menu, are served their foods, desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed.
 - b. A cafeteria type of operation where foods, desserts, or beverages generally are consumed within the restaurant building.
2. **Carry-Out Restaurant:** A carry-out restaurant is any establishment whose principal business is the sale of foods, 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:
- a. Foods, desserts, or beverages are usually served in paper, plastic, or other disposable containers.
 - b. The consumption of foods, desserts, or beverages within the restaurant building or within a motor vehicle parked upon the premises is prohibited. Food is intended primarily to be consumed off the premises.
3. **Fast-Food Restaurant:** A fast-food restaurant is any establishment whose principal business is the sale of foods, 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 of the following characteristics:
- a. Foods, desserts, or beverages are usually served in paper, plastic, or other disposable containers.
 - b. The consumption of foods, 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.
4. **Drive-in Restaurant:** A drive-in restaurant is any establishment whose principal business is the sale of foods, desserts, or beverages to the customer in a ready-to-consume state and whose design, method of operation, includes one (1) or both of the following characteristics:
- a. Foods, desserts, or beverages are served directly to the customer in a motor vehicle, either by a carhop or by other means which eliminate the need for the customer to exit the motor vehicle.
 - b. 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 permitted.

Roads: Refer to definition of Streets.

Roadside Stand: A structure used solely by the owner, manager, or tenant of the land on which it is located for the sale of produce grown on said land. This does not allow the sale of produce or other commodities on state or county road right-of-way.

Room: For the purpose of determining lot area requirements and density in a multiple-family district, a room is a living room, dining room or bedroom equal to at least seventy (70) square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, stairways, hallways, and storage. Plans presented showing one (1), two (2), or three

(3) bedroom units and including a "den," "library," or other extra room shall count such extra room as a bedroom for the purpose of computing density.

Self-Storage Facility: Refer to definition of Mini-Warehouse.

Service Area: An outdoor area used, in connection with a nonresidential use, for loading and unloading operations and for the receipt and temporary storage of goods, materials, and equipment.

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

Sign: A sign is any announcement, declaration, display, billboard, illustration, and insignia when designed and placed so as to attract general public attention and shall include the use of any words, numerals, figures, devices, designs, or trademarks by which anything is made known and visible to the general public such as are used to show an individual firm, profession, business, or business location, and also any banner, bulbs, or other lighting devices, streamer, pennant, balloon, propeller, flag (other than the official flag of any nation or state) and any similar device of any type or kind whether bearing lettering or not.

Significant Portion: As used in connection with Adult Entertainment Use, the phrase "significant portion" shall mean and include:

1. Any one (1) or more portions of the display having continuous duration in excess of five (5) minutes; and/or
2. The aggregate of portions of the display having a duration equal to ten (10) percent or more of the display.
3. The aggregate of portions of the collection of any materials or exhibits composing the display equal to ten (10) percent or more of the display.

Special Land Use: Any use of land listed as a Principal Use Permitted Subject to Special Conditions which, due to its potential effect on adjacent lands, in particular, and the overall community in general, requires approval according to the standards as provided in this Ordinance.

Specified Acts of Violence: The graphic depiction, whether real or simulated, of human or animal decapitation, dismemberment, physical torture, stabbing, shooting, strangulation, drowning, electrocution, aggravated assault (whether accomplished by human contact, instruments, or weapons), rape, disfigurement, mutilation, burning, or disembowelment.

Specified Anatomical Areas:

1. Less than completely and opaquely covered: a) human genitals, pubic region, b) buttock, and c) female breast below a point immediately above the top of the areola; and,
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse, or sodomy;

3. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

Story: That part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A basement or cellar shall not be counted as a story.

Streets: A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles. For purposes of this Ordinance, streets shall be defined to also include the term roads. Streets are further classified by the functions they perform.

1. **Local (Minor) Streets:** Streets primarily designed to provide access to immediately adjacent properties. Through movement may be possible but is not encouraged by operational controls; it may be impossible in the case of cul-de-sacs. Part of the street width is usually allocated to vehicle parking without restrictions, although special snow emergency parking prohibitions may be necessary. Each abutting property may have a driveway connection to the street.
2. **Collector (Secondary) Streets:** Streets primarily designed to provide access to abutting land parcels and also enable moderate quantities of traffic to move expeditiously between local streets and the major street network.
3. **Major (Primary) Streets:** Streets primarily designed for the efficient movement of through traffic at speeds which are as high as can be reasonably allowed in view of safety considerations and the amount of access also being provided. Capacity is obtained by provision of wide street cross sections and high capacity controls at intersections, or by elimination of intersections by grade separation. Speed results from provision of good horizontal and vertical alignments and removal of potential safety hazards, especially access friction.

Structure: A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

Temporary Use: A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

Travel Trailer: See Motor Home.

Motor Home Park: A licensed park being designed specifically to permit the parking of travel trailers. Also may be commonly referred to as a travel trailer park or RV park.

Usable Floor Area: Refer to "Floor Area, Usable."

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.

Variance: Permission to depart from the literal requirements of the Zoning Ordinance.

Wall: An artificially constructed upright barrier of any material or combination of materials erected to enclose, divide, screen, or protect areas of land.

Wall, Obscuring: A wall which creates a visual barrier.

Wild Animal: An animal not bred or raised by humans.

Wireless Communication Antenna (WCA): Any antenna used for the transmission or reception of wireless communication signals excluding those used for public emergency systems, television, ham radio, satellite antennas and video programming services.

Wireless Communication Support Facility (WCSF): A monopole, guyed or lattice type tower designed for the attachment of or as support for wireless communication antennas or other antennas.

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

1. **Front Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building. In the case of corner lots, front yard shall be deemed to exist along each street frontage.
2. **Rear Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard shall be opposite the front lot line used as the street address.
3. **Side Yard:** An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

Zoning Administrator: One of the Administrative Officials designated by the Township Board with the responsibilities of administering and enforcing this Ordinance.
(Ord. 7C-60; Added Aug. 15, 2007)

Zoning District: A zoning district is a portion of the Township within which, on a uniform basis, certain uses of land and buildings are permitted and within which, are contained, yards, open spaces, lot area, and other requirements are established by this Ordinance.

Article 3 Zoning Districts and Map

Section 3.01 Districts Established.

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

AG, Agricultural District

RE, Rural Estates District

R, Residential Single-Family District

RM, Residential Multi-Family District

MHP, Manufactured Home Park District

C-1, Local Commercial District

C-2, General Service District

C-3, Heavy Commercial District

FS, Freeway Service District

I-1, Light Industrial District

I-2, General Industrial District

Section 3.02 District Boundaries.

The boundaries of these districts are hereby established as shown on the Zoning Map, which accompanies this Ordinance. Said Zoning Map, with all notations, references, and other information shown thereon, shall be as much a part of this Ordinance as if fully described herein.

Section 3.03 District Boundaries Interpreted.

Where uncertainty exists with respect to the boundaries of the various districts as shown on the official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerline of streets, roads, or highways shall be construed to follow such centerline.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following corporate limits shall be construed as following corporate limits.
4. Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.
5. Boundaries indicated as approximately following the centerline of streams or other bodies of water shall be construed to follow such centerline.

6. Boundaries indicated as parallel to or extensions of features indicated in Subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the map.
7. Where physical or natural features existing on the ground are at variance with those shown on the official Zoning Map, or in other circumstances not covered by Subsections 1 through 6 above, the Board of Appeals shall interpret the district boundaries.
8. Insofar as some or all of the various districts may be indicated on the Zoning Map by patterns which, for the sake of map clarity, do not cover public rights-of-way it is intended that such district boundaries do extend to the center of any public right-of-way.

Section 3.04 Zoning of Vacated Areas.

Whenever any street or other public way within Ash Township shall be vacated, such street, alley or other public way, or portion thereof, shall automatically be classified in the same zoning district as the property to which it attaches.

Article 4 AG, Agricultural District

Section 4.01 Statement of Purpose.

This district is composed of those areas of the Township whose principal use is and ought to be farming. The regulations of this district are designed to conserve, stabilize, enhance and develop farming and related resource utilization activities, to provide for non-farm development in a manner harmonious to the preservation of farming activities, to minimize conflicting uses of parcels, lots, buildings and structures detrimental to or incompatible with these farming and related resource utilization activities, and to prohibit uses of parcels, lots, buildings and structures which require public facilities and services of a different type and quantity than those normally required by these farming and related resource utilization activities. The district, in preserving areas for agricultural uses, is also designed to prevent proliferation of residential subdivision and urban sprawl.

Section 4.02 Principal Permitted Uses.

No building or structure or part thereof shall be erected, altered, or used and no land shall be used except for one or more of the following:

1. Adult foster care family homes.
2. Adult foster care small group homes that provide supervision or care, or both, to six (6) or fewer persons.
3. Boarding stables/riding academies.
4. Recreation animals, as defined herein but not including boarding stables, riding academies, exotic animals, and the commercial breeding and raising of domesticated animals
5. Facilities used in the research and testing of agricultural products and techniques.
6. Family day care homes.
7. Farms of twenty (20) acres or more, including the raising or growing of forages and sod crops; grains and feed crops; dairy and dairy products; livestock, including breeding and grazing; fruits; plants, trees, shrubs and nursery stock; vegetables; and similar bona fide agricultural enterprises or use of land and structure. On farms devoted to the housing or breeding of cattle, horses, swine, sheep or goats, no pens, corrals, or barns shall be closer than one hundred (100) feet to any side property line or less than one hundred fifty (150) feet to any existing right-of-way. Provided further that the minimum side yard setback shall be reduced one (1) foot for each additional foot that the barn, pen, pasture, or corral is set back from the existing right-of-way over one hundred fifty (150) feet; provided further that the side yard setback shall not be reduced below a minimum of fifty (50) feet.
8. Nurseries.
9. Home occupations.
10. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations (but not including service or storage yards) when operating requirements necessitate the location of such facilities within the district.

11. Roadside stands.
12. Single-family detached dwellings.
13. Tree and shrub nurseries.
14. Truck gardening, involving the growing of fruits and vegetables that are intended to be distributed and sold to consumers as fresh produce.
15. Any other use which is determined by the Planning Commission, to be of the same general character as, and compatible with, the above permitted uses.
16. Accessory buildings and uses customarily incidental to any of the above permitted uses.

Section 4.03 Special Land Uses.

The following Special Land Uses shall be permitted subject to review by the Planning Commission and approval by the Township Board and further subject to any and all reasonable conditions which may be imposed in accordance with the Michigan Zoning Enabling Act, as amended, Article 16, "Special Land Use Conditions, Review, and Approval," and Article 17, "Site Plan Review Procedures" of this Zoning Ordinance.

(Ord. 7C-60; Amended Aug. 15, 2007; Ord. 7C-77; Amended September 19, 2012; Ord. 7C-81; Amended April 15, 2015)

1. Adult day care centers.
2. Agricultural equipment sales and service.
3. Agricultural storage facilities.
4. Airports/landing fields.
5. Auction sales establishments.
6. Bed and breakfast operations.
7. Cider mills.
8. Kennels.
9. Migratory workers housing facilities.
10. Parks and recreation facilities.
12. Tenant houses for on-site agricultural employees
13. Feedlots or other intensive animal operations as defined in this Ordinance
14. Group day care homes.
15. Wireless communications support facilities.

Section 4.04 Area and Size Requirements.

Height, bulk, density, and area requirements, unless otherwise specified, are as provided in Article 15, "Schedule of Regulations."

Article 5

RE, Rural Estates District

Section 5.01 Statement of Purpose.

The specific intent of the Agricultural Preservation and Rural Estates District is to provide open land area for orderly residential growth; to permit continued agricultural use and residential activities of a semi-rural character in areas that are presently without public water and sewerage facilities and are likely to remain without such services for an extended period of time; to protect and stabilize the essential characteristics of these areas in order to promote and encourage suitable environments for low density, family life; and to maintain and preserve the semi-rural character of the Township.

Section 5.02 Principal Permitted Uses.

No building or structure, or part thereof, shall be erected, altered, or used, and no land shall be used, except for one or more of the following:

1. Adult foster care family homes.
2. Adult foster care small group homes that provide supervision or care, or both, to six (6) or fewer persons.
3. Recreation animals, not including boarding stables, riding academies, exotic animals, and the commercial breeding and raising of domesticated animals.
4. Farms of ten (10) acres or more, including the raising or growing of forages and sod crops; grains and feed crops; dairy and dairy products; livestock, including breeding and grazing; fruits; plants, trees, shrubs and nursery stock; vegetables; and similar bona fide agricultural enterprises or use of land and structure.

On farms devoted to the housing or breeding of cattle, horses, swine, sheep or goats, no pens, corrals, or barns shall be closer than one hundred (100) feet to any side property line or less than one hundred fifty (150) feet to any existing right-of-way; provided further that the minimum side yard setback shall be reduced one (1) foot for each additional foot that the barn, pen, pasture, or corral is set back from the existing right-of-way over one hundred fifty (150) feet; provided further that the side yard setback shall not be reduced below a minimum of fifty (50) feet.

5. Family day care homes.
6. Home occupations.
7. Publicly owned and operated buildings, not requiring outdoor storage of materials or vehicles.
8. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, (but not including service or storage yards) when operating requirements necessitate the location of such facilities within the district.
9. Roadside stands.
10. Single-family detached dwellings.
11. Any other use which is determined by the Planning Commission, to be of the same general character as, and compatible with, the above permitted uses.

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

Section 5.03 Special Land Uses.

The following Special Land Uses shall be permitted subject to review by the Planning Commission and approval by the Township Board and further subject to any and all reasonable conditions which may be imposed in accordance with the Michigan Zoning Enabling Act, as amended, Article 16, "Special Land Use Conditions, Review, and Approval," and Article 17, "Site Plan Review Procedures" of this Zoning Ordinance.

(Ord. 7C-60; Amended Aug. 15, 2007; Ord. 7C-77; Amended September 19, 2012)

1. Adult day care centers.
2. Adult foster care small group homes that provide supervision or care, or both, to more than six (6) but less than thirteen (13) persons.
3. Bed and breakfast operations.
4. Boarding stables/riding academies.
5. Campgrounds.
6. Cemeteries.
7. Churches, synagogues, temples, and other places of worship.
8. Cider mills.
9. Cluster housing (refer to Section 15.15).
10. Colleges, schools and universities.
11. Educational facilities (excluding colleges and universities).
12. Golf courses and driving ranges
14. Nurseries.
15. Group day care homes.
16. Hospitals.
17. Kennels.
18. Migratory workers housing facilities.
20. Parks and recreation facilities
21. Penal institutions.
22. Tenant houses for on-site agricultural employees.
23. Veterinary clinics.
24. Wireless communications support facilities.

Section 5.04 Area and Size Requirements.

Height, bulk, density, and area requirements, unless otherwise specified, are as provided in Article 15, "Schedule of Regulations."

Article 6
R, Residential Single-Family District

Section 6.01 Statement of Purpose.

The Residential Single-Family District is established as a district in which the principal use of land is for one-family dwellings. The specific intent is to encourage the construction of, and the continued use of the land for one-family dwellings; to discourage business, commercial, or industrial use of the land, and to prohibit any other use which would substantially interfere with development or continuation of one-family dwellings in the district; to not encourage the continuance of existing uses that would not be permitted as new uses under the provisions of this Ordinance; to discourage any land use which would generate traffic on local (minor) streets other than normal traffic to serve the residences on those streets; and to discourage any use which, because of its character or size, would create requirements and costs for public services, such as fire and police protection, water supply and sewerage, substantially in excess of such requirements and costs if the district were developed solely for one-family dwellings.

Section 6.02 Principal Permitted Uses.

In a Residential Single-Family District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. Adult foster care family homes and adult foster care small group homes that provide supervision or care, or both, to six (6) or fewer persons.
2. Agriculture on those parcels of land separately owned outside the boundaries of either a proprietary or supervisor's plat, having an area of not less than ten (10) acres, except that this shall not be construed to include an animal feedlot or establishments for the keeping or raising of farm animals. Generally, agriculture as used in this context shall mean the growing of crops, vegetables, or fruit. Nothing herein contained shall be construed to prohibit the growing of vegetables, crops, or fruit as a private garden for the household residing on the parcel. Leasehold land, when contiguous to a bona fide farm may similarly be farmed even though the parcel of land by itself may be less than ten (10) acres, except that said leasehold land may not be used for an otherwise prohibited farming.
3. Recreation animals, not including boarding stables, riding academies, exotic animals, and the commercial breeding and raising of domesticated animals
4. Family day care homes.
5. Home occupations.
6. One-family detached dwellings.
7. Publicly owned facilities, including parks
8. Any other use which is determined by the Planning Commission, to be of the same general character as, and compatible with, the above permitted uses.
9. Accessory buildings and uses, customarily incidental to any of the above permitted uses.

Section 6.03 Special Land Uses.

The following Special Land Uses shall be permitted subject to review by the Planning Commission and approval by the Township Board and further subject to any and all reasonable conditions which may be imposed in accordance with the Michigan Zoning Enabling Act, as amended, Article 16, "Special Land Use Conditions, Review, and Approval," and Article 17, "Site Plan Review Procedures" of this Zoning Ordinance.

(Ord. 7C-60; Amended Aug. 15, 2007; Ord. 7C-77; Amended September 19, 2012)

1. Adult day care centers.
2. Adult foster care small group homes that provide supervision or care, or both, to more than six (6) but less than thirteen (13) persons.
3. Bed and breakfast operations.
4. Cemeteries.
5. Child day care centers/day nurseries/nursery schools, not including dormitories.
6. Churches, synagogues, temples, and other places of worship.
7. Clubs and fraternal organizations.
8. Cluster housing (refer to Section 15.15).
9. Convalescent homes/nursing homes/homes for the aged (congregate care facilities)
10. Schools, excluding colleges, universities, and commercial trade schools.
11. Golf courses.
12. Group day care homes.
13. Hospitals.
14. Housing for the Elderly.
15. Private recreation facilities.
16. Public utility buildings, not including storage yards.
17. Two-family residences.
18. Wireless communications support facilities.

Section 6.04 Area and Size Requirements.

Height, bulk, density, and area requirements, unless otherwise specified, are as provided in Article 15, "Schedule of Regulations."

Article 7
RM, Multi-Family Residential District

Section 7.01 Statement of Purpose.

The RM, Multi-Family Residential District is designed to provide sites for multiple-family dwelling structures, and related uses, which will generally serve as zones of transition between the lower density single-family district and the nonresidential districts. The Multi-Family District is further provided to serve the limited needs for the apartment type of unit in an otherwise low density, one-family community.

Section 7.02 Principal Permitted Uses.

In the Multi-Family Residential district, no building or land shall be used and no building shall be erected except for one or more of the following specified use unless otherwise provided in this Ordinance:

1. Adult foster care family homes and adult foster care small group homes that provide supervision or care, or both, to six (6) or fewer persons.
2. Two-family dwellings
3. Boarding houses, fraternities, sororities, and similar uses.
4. Multiple-family dwellings.
5. Any other use which is determined by the Planning Commission, to be of the same general character as, and compatible with, the above permitted uses.
6. Accessory buildings and uses customarily incidental to any of the above permitted uses.

Section 7.03 Special Land Uses.

The following Special Land Uses shall be permitted subject to review by the Planning Commission and approval by the Township Board and further subject to any and all reasonable conditions which may be imposed in accordance with the Michigan Zoning Enabling Act, as amended, Article 16, "Special Land Use Conditions, Review, and Approval," and Article 17, "Site Plan Review Procedures" of this Zoning Ordinance.

(Ord. 7C-60; Amended Aug. 15, 2007; Ord. 7C-77; Amended September 19, 2012)

1. Adult foster care small group homes that provide supervision or care, or both, to more than six (6) but less than thirteen (13) persons and adult foster care large group homes.
2. Convalescent homes
3. Nursing homes
4. Homes for the aged.
5. Schools, excluding commercial trade schools.
6. Hospitals.
7. Wireless communications support facilities.

Section 7.04 Area and Size Requirements.

Height, bulk, density, and area requirements, unless otherwise specified, are as provided in Article 15, "Schedule of Regulations."

Article 8
MHP, Manufactured Home Park District

Section 8.01 Statement of Purpose.

The purpose of the Manufactured Home Park (MHP) District is to encourage a suitable environment for persons and families that, by preference, choose to live in a manufactured home rather than a conventional single-family structure. In keeping with the occupancy characteristics of contemporary manufactured homes, this article establishes low-density standards and permitted uses that reflect the needs of residents in the district. Development is limited to manufactured homes when located in a subdivision designed for that purpose or a manufactured home park with recreational facilities, churches, schools, and necessary public utility buildings.

Section 8.02 Principal Permitted Uses.

No building or structure, or part thereof shall be erected, altered or used, and no land shall be used except for one or more of the following:

1. Adult foster care family homes.
2. Adult foster care small group homes that provide supervision or care, or both, to six (6) or fewer persons.
3. Manufactured home parks, subject to the requirements of the Mobile Home Commission Act, Act 96 of 1987, as may be amended.

Section 8.03 Special Land Uses.

The following Special Land Uses shall be permitted subject to review by the Planning Commission and approval by the Township Board and further subject to any and all reasonable conditions which may be imposed in accordance with the Michigan Zoning Enabling Act, as amended, Article 16, "Special Land Use Conditions, Review, and Approval," and Article 17, "Site Plan Review Procedures" of this Zoning Ordinance.

(Ord. 7C-60; Amended Aug. 15, 2007)

1. Adult foster care small group homes that provide supervision or care, or both, to more than six (6) but less than thirteen (13) persons.
2. Child day care centers/day nurseries/nursery schools, not including dormitories.
3. Churches,
4. Schools, excluding commercial trade schools.
5. Housing for the elderly.
6. Public and Private recreation facilities.
7. Public utility buildings, not including storage yards.
8. Accessory buildings and uses customarily incidental to any of the above uses.

Section 8.04 Area and Size Requirements.

Height, bulk, density, and area requirements, unless otherwise specified, are as provided in Article 15, "Schedule of Regulations."

Article 9
C-1, Local Commercial District

Section 9.01 Statement of Purpose.

The C-1, Local Commercial District, as herein established, is designed to meet the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas and to encourage the planned concentration of such activities in locations where analysis of the residential population demonstrates a need for such a facility.

Section 9.02 Principal Permitted Uses.

No building or structure, or part thereof shall be erected, altered, or used, and no land shall be used except for one or more of the following:
(Ord. 7C-96; Amended January 16, 2019)

1. Banks, credit unions, savings and loan associations, and similar uses.
2. Business service establishments such as typing services, photocopying services, quick-printing establishments, and similar establishments.
3. Catering business.
4. Dry cleaning establishments, or pick-up stations, dealing directly with the consumer. Central dry cleaning plants serving more than one retail outlet shall be prohibited.
5. Generally recognized retail businesses which supply commodities on the premises, such as but not limited to: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing and notions or hardware, with the exception of any establishment selling liquor, beer, or wine.
6. Medical, dental, and optical facilities that provide testing services or provide medical or dental devices such as artificial limbs, teeth, eye glasses, etc.
7. Personal service establishments which perform services on the premises, such as but not limited to: repair shops (watches, radio, television, shoe and etc.), tailor shops, beauty parlors or barber shops, photographic studios, and self-service laundries and dry cleaners.
8. Professional services and office buildings. All activities, except permitted outdoor parking and servicing, shall be conducted entirely within an enclosed building. The outdoor storage of goods or materials shall be prohibited. Warehousing or indoor storage of goods or materials, beyond that normally incident to the above permitted uses, shall also be prohibited.
9. Professional services by medical practitioners, such as but not limited to: doctors, dentists, and similar or allied members of the medical community.
10. Standard restaurants, with the exception of any restaurant serving liquor, beer, or wine.
11. Vehicle parts sales.
12. Veterinary clinics.
13. Any other use which is determined by the Planning Commission, to be of the same general character as, and compatible with, the above permitted uses.

14. Accessory structures and uses customarily incidental to the above permitted uses.

Section 9.03 Special Land Uses.

The following Special Land Uses shall be permitted subject to review by the Planning Commission and approval by the Township Board and further subject to any and all reasonable conditions which may be imposed in accordance with the Michigan Zoning Enabling Act, as amended, Article 16, "Special Land Use Conditions, Review, and Approval," and Article 17, "Site Plan Review Procedures" of this Zoning Ordinance.

(Ord. 7C-60; Amended Aug. 15, 2007; Ord. 7C-77; Amended September 19, 2012; Ord. 7C-96; Amended January 16, 2019)

1. Banquet halls.
2. Business and technical schools.
3. Carry-out restaurant, fast-food establishment, or drive-in restaurant.
4. Child day care centers/day nurseries/nursery schools.
5. Churches, synagogues, temples and other places of worship.
6. Clubs and fraternal organizations.
7. Establishments selling or serving liquor, beer, or wine.
8. Gasoline filling stations, including convenience sales, but not including automobile repair.
9. Mortuary establishments.
10. Public utility buildings.
11. Theaters, auditoriums, concert halls, or similar places of assembly when conducted within a completely enclosed building.
12. Vehicle wash establishments.
13. Wireless communications support facilities.
14. Accessory structures and uses customarily incidental to the above special land uses.

Section 9.04 General Regulations.

1. Merchandise may be displayed or stored only within enclosed buildings. The Planning Commission, upon application of the property owner, may modify this requirement to permit, during business hours, limited displays immediately adjacent to the building, upon finding the display is customarily found in connection with the nature of the operation or use.
2. The outdoor storage of goods and materials shall be prohibited.
3. The warehousing or indoor storage of goods and materials, beyond that normally incidental to the above permitted uses, shall be prohibited.

Section 9.05 Area and Size Requirements.

Height, bulk, density, and area requirements, unless otherwise specified, are as provided in Article 15, "Schedule of Regulations."

Article 10
C-2, General Service District

Section 10.01 Statement of Purpose.

The C-2, General Service District is designed to cater to the needs of a larger consumer population that is served by the Local Commercial uses. These use are designed to cater to the needs of "passer-by" traffic and comparison shopping needs. Many of the business types are generally located within an integrated or planned cluster of establishments served by a common parking area.

Section 10.02 Principal Permitted Uses.

In a General Service District, no building or land shall be used and no building shall be erected except for one or more of the following uses unless otherwise provided in this Ordinance:
(Ord. 7C-96; Amended January 16, 2019)

1. All Permitted Principal Uses in the C-1 District.
2. Any retail business whose principal activity is the sale of merchandise in an enclosed building, with the exception of any establishment selling liquor, beer, or wine.
3. Any service establishment of an office, showroom, or workshop nature including an electrician, decorator, dressmaker, tailor, baker, painter, upholster, or an establishment doing radio or home appliance repair, photographic reproduction, and similar establishment requiring a retail adjunct.
4. Banquet halls.
5. Child day care centers/day nurseries/nursery schools.
6. Clubs, fraternal organizations, and lodge halls.
7. Health and athletic clubs.
8. Indoor commercial recreation facilities, such as but not limited to bowling alleys and skating rinks. Billiard parlors shall be permitted only as Special Land uses (see Section 10.03).
9. Medical clinics.
10. Professional services and office buildings.
11. Shopping centers.
12. Standard restaurants, with the exception of restaurants serving liquor, beer, or wine.
13. Theaters, auditoriums, concert halls, or similar places of assembly when conducted within a completely enclosed building.
14. Vehicle wash establishments.
15. Any other use which is determined by the Planning Commission, to be of the same general character as, and compatible with, the above permitted uses.
16. Accessory structures and uses customarily incidental to the above permitted uses.

Section 10.03 Special Land Uses.

The following Special Land Uses shall be permitted subject to review by the Planning Commission and approval by the Township Board and further subject to any and all reasonable conditions which may be imposed in accordance with the Michigan Zoning Enabling Act, as amended, Article 16, "Special Land Use Conditions, Review, and Approval," and Article 17, "Site Plan Review Procedures" of this Zoning Ordinance.

(Ord. 7C-41; Added Aug. 17, 2005; Ord. 7C-60; Amended Aug. 15, 2007; Ord. 7C-77; Amended September 19, 2012; Ord. 7C-96; Amended January 16, 2019)

1. Arcades, billiard parlors, and card rooms.
2. Automobile, recreational vehicle, boat, truck and trailer sales lots.
3. Automobile repair.
4. Business and technical schools.
5. Carry-out restaurant, fast-food establishment, or drive-in restaurant.
6. Churches, synagogues, temples and other places of worship.
7. Establishments selling or serving liquor, beer, or wine.
8. Gasoline filling stations, including convenience sales, including automobile repair.
9. Golf courses.
10. Golf driving ranges.
11. Manufacturer vehicle storage
12. Mini-warehouses/self-storage facilities.
13. Modular home sales.
14. Mortuary establishments.
15. Motels, hotels, and conference centers.
16. Open air businesses.
17. Par 3 golf courses.
18. Public utility buildings.
19. Recreational vehicle storage facilities.
20. Recreational vehicle, boat, and semi-trailer repair.
21. Restaurants serving liquor, beer, or wine.
22. Wireless communications support facilities.

23. Any other use which is determined by the Planning Commission to be of the same general character as and compatible with the above permitted uses.
24. Accessory structures and uses customarily incidental to the above special land uses.

Section 10.04 General Regulations.

1. Merchandise may be displayed or stored only within enclosed buildings. The Planning Commission, upon application of the property owner, may modify this requirement to permit, during business hours, limited displays immediately adjacent to the building, upon finding the display is customarily found in connection with the nature of the operation or use.
2. The outdoor storage of goods and materials, except as may otherwise be provided for in this Article, shall be prohibited.
3. The warehousing or indoor storage of goods and materials, beyond that normally incidental to the above permitted uses, shall be prohibited.

Section 10.05 Area and Size Requirements.

Height, bulk, density, and area requirements, unless otherwise specified, are as provided in Article 15, "Schedule of Regulations."

Article 11
C-3, Heavy Commercial District

Section 11.01 Statement of Purpose.

The C-3, Heavy Commercial District is designed to provide sites for land use activities that are more intensive in character than those allowed in the C-2 District. In addition to office, service and retail uses, this District may accommodate such activities as repair services, assembly of manufactured products, contracting, warehousing and storage. The businesses tend to be small in that employment is typically less than ten (10) persons; they are generally unoffensive by virtue of an absence of noise, dust, smoke, vibration, or other emissions; and there is a normal work day.

(Ord. 7C-60; Amended Aug. 15, 2007; Ord. 7C-96; Amended January 16, 2019)

Section 11.02 Principal Permitted Uses.

No building or structure, or part thereof shall be erected, altered, or used, and no land shall be used except for one or more of the following:

(Ord. 7C-96; Amended January 16, 2019)

1. All Permitted Principal Uses in the C-1 and C-2 Districts.
2. Automobile repair.
3. Recreational vehicle, boat, and semi-trailer repair.
4. Any other use which is determined by the Planning Commission, to be of the same general character as, and compatible with, the above permitted uses.
5. Accessory structures and uses customarily incidental to the above permitted uses.

Section 11.03 Special Land Uses.

The following Special Land Uses shall be permitted subject to review by the Planning Commission and approval by the Township Board and further subject to any and all reasonable conditions which may be imposed in accordance with the Michigan Zoning Enabling Act, as amended, Article 16, "Special Land Use Conditions, Review, and Approval," and Article 17, "Site Plan Review Procedures" of this Zoning Ordinance.

(Ord. 7C-60; Amended Aug. 15, 2007; Ord. 7C-77; Amended September 19, 2012; Ord. 7C-96; Amended January 16, 2019)

1. Arcades, billiard parlors, and card rooms.
2. Automobile, recreational vehicle, boat, truck and trailer sales lots.
3. Building materials sales yards, including but not limited to rock, sand, gravel (but excluding concrete mixing).
4. Business and technical schools.
5. Carry-out restaurant, fast-food establishment, or drive-in restaurant.
6. Churches, synagogues, temples and other places of worship.
7. Contractor's equipment storage yards, including incidental processing.

8. Establishments selling or serving liquor, beer, or wine.
9. Gasoline filling stations, including convenience sales, including automobile repair.
10. General contractors.
11. Golf courses.
12. Golf driving ranges.
13. Machine tools, metal cutting, and grinding facilities.
14. Manufacturer vehicle storage.
15. Mini-warehouses/self-storage facilities.
16. Modular home sales.
17. Mortuary establishments.
18. Motels, hotels, and conference centers.
19. Open air businesses.
20. Par 3 golf courses.
21. Public utility buildings.
22. Recreational vehicle storage facilities.
23. Restaurants serving liquor, beer, or wine.
24. Retail lumber yards including incidental millwork.
25. Semi-truck and trailer storage.
26. Trucking facilities and distribution centers.
27. Warehousing and material distribution centers, provided all products are enclosed within a building.
28. Wholesale of goods, such as, but not limited to, pharmaceuticals, bakery, and dairy products, clothing, dry goods, hardware, household appliances, office and business machinery, industrial machines.
29. Wireless communications support facilities.
30. Accessory structures and uses customarily incidental to the above special land uses.

Section 11.04 General Regulations.

1. All outdoor storage shall be located within an area not closer than seventy-five (75) feet from any street right-of-way line. The storage of any combustible material shall not be less than twenty (20) feet from any interior lot line, and a roadway shall be provided, graded, surfaced, and maintained from the street to the rear of the property to permit free access of fire trucks at any time. All such outdoor storage shall be screened from all

streets, and on all sides which abut any residential or lower-intensity commercial district, by a solid wall, fence or vegetative screen with a minimum height of six (6) feet, and all stored materials shall not be piled to a height extending beyond the height of the wall.
(Ord. 7C-96; Added January 16, 2019)

Section 11.05 Area and Size Requirements.

Height, bulk, density, and area requirements, unless otherwise specified, are as provided in Article 15, "Schedule of Regulations."

Article 12

FS, Freeway Service District

Section 12.01 Statement of Purpose.

The FS, Freeway Service District is designed to provide for servicing the needs of businesses requiring ready access to major highways and freeway facilities. Such businesses produce significant volumes of traffic at various periods due to a large number of employees or guests arriving or departing at the same time. Also included are industrial or research parks, which would have associated truck traffic secondary to the operations of the businesses contained therein.

The avoidance of undue congestion on feeder roads; the promotion of smooth traffic flow at the interchange area and on the freeway; the protection of adjacent properties in other zones from adverse influences of traffic; and the protection of adjacent properties from other factors which would negatively influence the surrounding districts are prime considerations in the application of the District.

Section 12.02 Principal Permitted Uses.

No building or structure, or part thereof shall be erected, altered, or used, and no land shall be used except for one or more of the following:
(Ord. 7C-96; Amended January 16, 2019)

1. Banks, credit unions, savings and loan associations, and similar uses.
2. Professional services and office buildings. All activities, except permitted outdoor parking and servicing, shall be conducted entirely within an enclosed building. The outdoor storage of goods or materials shall be prohibited. Warehousing or indoor storage of goods or materials, beyond that normally incident to the above permitted uses, shall also be prohibited.
3. Motels, hotels, and conference centers.
4. Standard restaurants, with the exception of restaurants serving liquor, beer, or wine.
5. Vehicle parts sales.
6. Vehicle wash establishments.
7. Any other use which is determined by the Planning Commission, to be of the same general character as, and compatible with, the above permitted uses.
8. Accessory structures and uses customarily incidental to the above permitted uses.

Section 12.03 Special Land Uses.

The following Special Land Uses shall be permitted subject to review by the Planning Commission and approval by the Township Board and further subject to any and all reasonable conditions which may be imposed in accordance with the Michigan Zoning Enabling Act, as amended, Article 16, "Special Land Use Conditions, Review, and Approval," and Article 17, "Site Plan Review Procedures" of this Zoning Ordinance.

(Ord. 7C-16; Added Feb. 13, 2001; Ord. 7C-21; Added Jan. 8, 2002; Ord. 7C-60; Amended Aug. 15, 2007; Ord. 7C-77; Amended September 19, 2012; Ord. 7C-96; Amended January 16, 2019)

1. Automobile, recreational vehicle, boat, truck and trailer sales lots.
2. Automobile repair.
3. Light industrial parks.
4. Research facilities.
5. Restaurants serving liquor, beer, or wine.
6. Recreational vehicle, boat, and semi-trailer repair.
7. Trucking facilities and distribution centers.
8. Gasoline filling stations, including convenience sales, including automobile repair.
9. Fast-Food restaurants, Carry-Out restaurants, and Drive-In restaurants.
10. Wireless communications support facilities.
11. Accessory structures and uses customarily incidental to the above special land uses.

Section 12.04 General Regulations.

1. All development shall be physically separated from the feeder road by a curb and planting strip or other suitable barrier. Such barrier shall effectively eliminate unchanneled vehicle ingress and egress except for authorized accessways.
2. Each separate use, grouping of buildings, or grouping of uses as part of a single planned development shall not have more than two (2) accessways from a feeder road. Such accessways shall not be located closer than three hundred (300) feet from the point of tangency of the ramp baseline and the feeder road pavement. In those instances where properties fronting on a feeder road are of such width or are in multiple ownerships and accessways to property cannot be provided in accord with the minimum three hundred (300) feet distance from the intersection of the feeder road and entrance or exit ramps, a marginal access road shall be provided to service such properties.
3. Signs shall be limited to advertisement of the business on the premises or products for sale on the premises. No sign, except directional signs, shall be located closer than one hundred (100) feet to any abutting residential zone. The lighting of highway service areas shall be shielded from all abutting residential districts.

Section 12.05 Area and Size Requirements.

Height, bulk, density, and area requirements, unless otherwise specified, are as provided in Article 15, "Schedule of Regulations."

Article 13
I-1, Light Industrial District

Section 13.01 Statement of Purpose.

The I-1, Light Industrial District is composed of those areas of the Township whose principal use is or ought to be light manufacturing and other limited industrial uses. These uses generate a minimum of noise, glare, odor, dust, vibration, air and water pollutants, fire, explosive and radioactive hazards, and other harmful or obnoxious matter. This district has been located within the Township to permit the development of these industrial uses, to protect adjacent agricultural, residential, and commercial areas against the encroachment of incompatible uses, and to lessen congestion on public streets and highways. To these ends, certain uses which would function more effectively in other districts and would interfere with the operation of these industrial activities and the purpose of this district, have been regulated as special land uses or excluded.

Section 13.02 Principal Permitted Uses.

No building or structure or part thereof shall be erected, altered, or used and no land shall be used except for one or more of the following:
(Ord. 7C-96; Amended January 16, 2019)

1. Assembly of merchandise such as electrical appliances, electronic or precision instruments and articles of similar nature.
3. Building materials sales yards, including but not limited to rock, sand, gravel (but excluding concrete mixing).
3. Building materials storage yards, including incidental processing.
4. Contractor's equipment storage yards, including incidental processing.
5. General contractors.
6. Light industrial parks.
7. Light manufacturing industrial uses which by the nature of the materials, equipment and processing utilized are to be considered clean, quiet, and free from objectionable or dangerous nuisance or hazard, including any of the following uses when conducted within a completely enclosed building.
 - a. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts, such as condensers, transformers, crystal holders, and the like.
 - b. Blacksmith shop, machine shop or wrought iron shop.
 - c. Central dry cleaning or laundry plants, cleaning, and dyeing works, and carpet or rug cleaning.
 - d. Laboratories, experimental or testing.
 - e. Manufacturing, compounding, assembling, or treatment of articles or merchandise from the following prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood (excluding planing mill), yarns, and paint not requiring a boiling process.

- f. Manufacturing, compounding, processing, and packaging or treatment of bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, toiletries, condiments, (except fish, sauerkraut, vinegar, and yeast).
 - g. Manufacturing of and maintenance of electric and neon signs, billboards, commercial advertising structures, sheet (light) metal products, including heating and ventilating ducts and equipment, cornices, eaves, and the like.
 - h. Manufacturing of musical instruments, toys, novelties, rubber or metal stamps.
 - i. Manufacturing of pottery, figurines or similar ceramic products, using previously pulverized clay.
 - j. Public utility service yard or electrical receiving transforming station.
- 8. Industrial printing, lithographic, blueprinting and similar uses.
 - 9. Machine tools, metal cutting, and grinding facilities.
 - 10. Manufacturer vehicle storage.
 - 11. Mini-warehouses/self-storage facilities.
 - 12. Municipal uses such as water treatment plants, public works garages, and all other municipal buildings and uses, including outdoor storage.
 - 13. Packaging of previously prepared materials, but not including the bailing of discards, old iron or other metal, wood, lumber, glass, paper, rags, cloth or other similar materials.
 - 14. Recreational vehicle storage facilities.
 - 15. Research facilities.
 - 16. Research oriented and light industrial park uses.
 - 17. Retail lumber yards including incidental millwork.
 - 18. Semi-truck and trailer storage.
 - 19. Stadium, athletic arena, or similar sports complex.
 - 20. Trucking facilities and distribution centers.
 - 21. Warehousing and material distribution centers, provided all products are enclosed within a building.
 - 22. Wholesale of goods, such as, but not limited to, pharmaceuticals, bakery, and dairy products, clothing, dry goods, hardware, household appliances, office and business machinery, industrial machines.
 - 23. Any other use which is determined by the Planning Commission, to be of the same general character as, and compatible with, the above permitted uses.
 - 24. Accessory buildings and uses customarily incidental to any of the above permitted uses.

Section 13.03 Special Land Uses.

The following Special Land Uses shall be permitted subject to review by the Planning Commission and approval by the Township Board and further subject to any and all reasonable conditions which may be imposed in accordance with the Michigan Zoning Enabling Act, as amended, Article 16, "Special Land Use Conditions, Review, and Approval," and Article 17, "Site Plan Review Procedures" of this Zoning Ordinance.

(Ord. 7C-60; Amended Aug. 15, 2007; Ord. 7C-77; Amended September 19, 2012; Ord. 7C-96; Amended January 16, 2019)

1. Adult entertainment uses.
2. Automobile, recreational vehicle, boat, truck and trailer sales lots.
3. Juvenile runaway shelters.
4. Natural resource extraction operations.
5. Wireless communications support facilities.
6. Accessory structures and uses customarily incidental to the above special land uses.

Section 13.04 Required Conditions.

1. All activities and uses within the District shall conform to, and demonstrate compliance with at the time of site plan review, the performance standards of Section 21.19 of this Ordinance. However, whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern.

2. Outdoor Storage

All outdoor storage of building, contracting, or plumbing materials, sand, gravel, stone, lumber, equipment, and other supplies, shall be located within an area not closer than one hundred fifty (150) feet from any street right-of-way line. The storage of lumber, coal, or other combustible material shall not be less than twenty (20) feet from any interior lot line, and a roadway shall be provided, graded, surfaced, and maintained from the street to the rear of the property to permit free access of fire trucks at any time. All such open storage shall be screened from all streets, and on all sides which abut any residential or commercial district, by a solid wall or fence with a minimum height of six (6) feet, and all stored materials shall not be piled to a height extending beyond the height of the wall.

Section 13.05 Area and Size Requirements.

Height, bulk, density, and area requirements, unless otherwise specified, are as provided in Article 15, "Schedule of Regulations."

Article 14
I-2, General Industrial District

Section 14.01 Statement of 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 semi-finished or finished products from raw materials as well as from previously prepared material.

Section 14.02 Principal Permitted Uses.

No building or structure, or park thereof shall be erected, altered, or used, and no land shall be used except for one or more of the following:

(Ord. 7C-96; Amended January 16, 2019)

1. All Permitted Principal Uses in the I-1 District.
2. Establishments containing punch presses over twenty (20) ton rated capacity, drop hammers, and automatic screw machines.
3. Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant.
4. Any other use which is determined by the Planning Commission, to be of the same general character as, and compatible with, the above permitted uses.
5. Accessory buildings and uses customarily incidental to the above permitted uses.

Section 14.03 Special Land Uses.

The following Special Land Uses shall be permitted subject to review by the Planning Commission and approval by the Township Board and further subject to any and all reasonable conditions which may be imposed in accordance with the Michigan Zoning Enabling Act, as amended, Article 16, "Special Land Use Conditions, Review, and Approval," and Article 17, "Site Plan Review Procedures" of this Zoning Ordinance.

(Ord. 7C-60; Amended Aug. 15, 2007; Ord. 7C-77; Amended September 19, 2012; Ord. 7C-96; Amended January 16, 2019)

1. Adult entertainment uses.
2. Blast furnace, steel furnace, or rolling mill.
3. Composting facilities.
4. Electric power generating plants/resource recovery operations/waste to energy conversion plants.
5. Junkyards/salvage yards.
6. Juvenile runaway shelters.
7. Manufacture of corrosive acid or alkali, cement, lime, gypsum, or plaster of paris.
8. Natural resource extraction operations.

9. Petroleum facilities.
10. Smelting of copper, iron, or zinc ore.
11. Wireless communications support facilities.
12. Accessory structures and uses customarily incidental to the above special land uses.

Section 14.04 Required Conditions.

1. All activities and uses within the District shall conform to, and demonstrate compliance with at the time of site plan review, the performance standards of Section 21.19 of this Ordinance. However, whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern.

2. Outdoor Storage

All outdoor storage of building, contracting, or plumbing materials, sand, gravel, stone, lumber, equipment, and other supplies, shall be located within an area not closer than one hundred fifty (150) feet from any street right-of-way line. The storage of lumber, coal, or other combustible material shall not be less than twenty (20) feet from any interior lot line, and a roadway shall be provided, graded, surfaced, and maintained from the street to the rear of the property to permit free access of fire trucks at any time. All such open storage shall be screened from all streets, and on all sides which abut any residential or commercial district, by a wall or fence with a minimum height of six (6) feet, and all stored materials shall not be piled to a height extending beyond the height of the wall.

Section 14.05 Area and Size Requirements.

Height, bulk, density, and area requirements, unless otherwise specified, are as provided in Article 15, "Schedule of Regulations."

Article 15
Schedule of Regulations

Section 15.01 Schedule Limiting Height, Bulk, Density, and Area by Zoning District.

The following regulations regarding lot sizes, building heights, lot coverage, yards, setbacks, building size, and densities apply within the Zoning Districts as indicated. No building shall be erected, nor shall an existing building be altered, enlarged, or rebuilt nor shall any open spaces surrounding any building be encroached upon or reduced in any manner, except in conformity with the regulations hereby established for the district in which such building is located. No portion of lot used in complying with the provisions of this Ordinance for yards, courts, lot area occupancy, in connection with an existing or projected building or structure, shall again be used to qualify or justify any other building or structure existing or intended to exist at the same time.

Section 15.02 AG, Agricultural District.

1. Minimum size per zoning lot (not including public road right-of-way or private road easement) shall be 1.5 acres. This minimum shall be contingent on the issuance of required Monroe County Health Department permits. If public sewer service is available, the minimum size per zoning lot (not including public road right-of-way or private road easement) shall be 1 acre. The creation of new building sites in the Agricultural Zoning District shall be determined through a sliding scale approach which will increase the number of sites allowed as the size of the parent parcel increases. The schedule of permitted building sites shall be as follows:

Size of Parent Parcel	Number of building sites allowed
Up to 10 acres	2
10.01-20 acres	3
20.01-30 acres	4
30.01-40 acres	5
40.01-50 acres	6
50.01-60 acres	7

See Section 21.05 for requirements pertaining to accessory buildings.
(Ord. 7C-72; Amended March 16, 2011)

2. Minimum width per zoning lot shall be 200 feet. If public sewer service is available, the minimum width per zoning lot shall be 150 feet. See Section 15.13, Averaged Lot Size, Section 15.14, Cross District Averaging, Section 15.15, Single-Family Cluster Option, and Article 20, Planned Unit Developments, for flexibility allowances. See Section 21.05 for requirements pertaining to accessory buildings.
(Ord. 7C-72; Amended March 16, 2011)
3. Maximum building height shall be 2-1/2 stories or 30 feet. Requirements relative to limiting height apply only to non-farm residential structures, non-farm residential accessory buildings, special land use structures, and special land use accessory buildings.
4. Minimum landscaped area of lot shall be 25 percent. Requirements apply only to special land use structures and special land use accessory buildings. All required yards not used for access driveways or sidewalks shall be landscaped. Landscaping shall be construed to include areas devoted solely to pedestrian use and, unless for aesthetic purposes, shall not consist of any impervious ground cover with the exception of areas devoted to patios.

5. Maximum building lot coverage shall be 35 percent. Building lot coverage applies only to special land use structures and special land use accessory buildings. In-ground or at-grade structures are not deemed structures for computing maximum allowable building lot coverage.
6. Minimum front yard setback per zoning lot shall be 75 feet. Minimum front yard setback shall be measured from the edge of the abutting right-of-way of public roads, based upon information and standards set forth by the Monroe County Road Commission, or from the edge of the abutting ingress/egress easement for private roads. All yards abutting upon a public or private road shall be considered as a front yard for setback purposes, except as may otherwise be required by this Ordinance. Front yard setback requirement includes and applies to main and accessory buildings.

The required front yard setback 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.

7. Minimum side yard setback per zoning lot shall be 15 feet. Side yard setback requirement includes and applies to main and accessory buildings.
(Ord. 7C-74; Amended July 20, 2011)
8. Minimum rear yard setback per zoning lot shall be 75 feet. Rear yard setback requirement includes and applies to principal buildings. In the case of a corner lot, the rear yard may be opposite either front yard, but there shall be only one rear yard. *(7C-90; Amended January 18, 2017)*
9. The minimum residential floor area for single-family residential structures shall be as follows:

1 story	1,000 square feet
1½ story	1,150 square feet
2 story	1,500 square feet

10. No parcel created after the adoption of this Ordinance shall have a depth more than four times the width.
11. Development of the remaining parent parcel shall be limited to planned developments which maintain at least 50% of the remaining parent parcel as open space. Special use requests for such developments shall, at a minimum:
 - a. Include a plan for the open space;
 - b. Present a detail of the method proposed to ensure open space maintenance;
 - c. Comply with all requirements of Ordinance Section 15.15, Single Family Cluster Housing;
 - d. Result in an overall density not greater than .4 units per acre;
 - e. Be in compliance with the Michigan Land Division Act (formerly the subdivision control law), PA 288 of 1967, as amended;
 - f. Comply with Health Department regulations for well and septic use, and,
 - g. Comply with the Rural Estates Zoning District provisions for permitted and special approval uses.

Section 15.03 RE, Rural Estates District.

1. Minimum size per zoning lot (not including public road right-of-way or private road easement) shall be 1 acre. If public sewer service is available, the minimum size per zoning lot (not including public road right-of-way or private road easement) shall be 32,670 square feet (3/4 acre). See Section 15.13, Averaged Lot Size, Section 15.14, Cross District Averaging, Section 15.15, Single-Family Cluster Option, and Article 20, Planned Unit Developments, for flexibility allowances. See Section 21.05 for requirements pertaining to accessory buildings.
(Ord. 7C-72; Amended March 16, 2011)
2. Minimum width per zoning lot shall be 150 feet. If public sewer service is available, the minimum width per zoning lot shall be 125 feet. See Section 15.13, Averaged Lot Size, Section 15.14, Cross District Averaging, Section 15.15, Single-Family Cluster Option, and Article 20, Planned Unit Developments, for flexibility allowances. See Section 21.05 for requirements pertaining to accessory buildings.
(Ord. 7C-72; Amended March 16, 2011)
3. Maximum building height shall be 2-1/2 stories or 30 feet. Requirements relative to limiting height apply only to non-farm residential structures, non-farm residential accessory buildings, special land use structures, and special land use accessory buildings.
4. Minimum landscaped area of lot shall be 25 percent. Requirements apply only to special land use structures and special land use accessory buildings. All required yards not used for access driveways or sidewalks shall be landscaped. Landscaping shall be construed to include areas devoted solely to pedestrian use and, unless for aesthetic purposes, shall not consist of any impervious ground cover with the exception of areas devoted to patios.
5. Maximum building lot coverage shall be 35 percent. Building lot coverage applies only to special land use structures and special land use accessory buildings. In-ground or at-grade structures are not deemed structures for computing maximum allowable building lot coverage.
6. Minimum front yard setback per zoning lot shall be 50 feet. Minimum front yard setback shall be measured from the edge of the abutting right-of-way of public roads, based upon information and standards set forth by the Monroe County Road Commission, or from the edge of the abutting ingress/egress easement for private roads. All yards abutting upon a public or private road shall be considered as a front yard for setback purposes, except as may otherwise be required by this Ordinance.

Front yard setback requirement includes and applies to main and accessory buildings. The required front yard setback 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.
7. Minimum side yard setback per zoning lot shall be 15 feet. Side yard setback requirement includes and applies to main and accessory buildings.
(Ord. 7C-74; Amended July 20, 2011)
8. Minimum rear yard setback per zoning lot shall be 50 feet. Rear yard setback requirement includes and applies to principal buildings. In the case of a corner lot, the rear yard may be opposite either front yard, but there shall be only one rear yard. *(7C-90; Amended January 18, 2017)*

9. The minimum residential floor area for single-family residential structures shall be as follows:

1 story	1,000 square feet
1½ story	1,150 square feet
2 story	1,500 square feet

10. No parcel created after the adoption of this Ordinance shall have a depth more than four times the width.

Section 15.04 R, Residential Single-Family District.

1. The minimum lot area (not including public road right-of-way or private road easement) and the minimum lot width for single family detached and two-family dwellings shall be as follows, except as otherwise provided:

Minimum Lot Area Required	Minimum Lot Width Required	Utility Service Available
20,000	100	None
12,000	80	Public Water Only
10,000 square feet	80	Public Sewer Only
8,750 square feet	70	Public Sewer and Water

See Section 15.13, Averaged Lot Size, Section 15.14, Cross District Averaging, Section 15.15, Single-Family Cluster Option, and Article 20, Planned Unit Developments, for flexibility allowances.

2. Maximum building height shall be 2-1/2 stories or 30 feet.
3. Minimum landscaped area of lot shall be 20 percent. All required yards not used for access driveways or sidewalks shall be landscaped. Landscaping shall be construed to include areas devoted solely to pedestrian use and, unless for aesthetic purposes, shall not consist of any impervious ground cover with the exception of areas devoted to patios.
4. Maximum building lot coverage shall be 30 percent. Building lot coverage applies to all main and accessory buildings and structures, except that in-ground or at-grade structures are not deemed structures for computing maximum allowable building lot coverage.
5. Minimum front yard setback per zoning lot shall be 25 feet. Minimum front yard setback shall be measured from the edge of the abutting right-of-way of public roads, based upon information and standards set forth by the Monroe County Road Commission, or from the edge of the abutting ingress/egress easement for private roads.

All yards abutting upon a public or private road shall be considered as a front yard for setback purposes, except as may otherwise be required by this Ordinance. No accessory building shall project beyond the required front yard setback. The required front yard setback 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.

When a front yard of lesser depth than specified in the Schedule of Regulations exists in front of dwellings on more than fifty (50) percent of the lots of record on one side of the

street in any one block, the depth of the front yard for any building thereafter erected or placed on any lot in such block need not be greater than the average depth of front yards of such existing structures in the block. The front yard setback requirement shall be increased to fifty (50) feet if the lot or parcel abuts a quarter section line road or a section line road.

6. Minimum side yard setback per zoning lot shall be nine (9) feet.
7. Minimum rear yard setback per zoning lot shall be 35 feet. In the case of a corner lot, the rear yard may be opposite either front yard, but there shall be only one rear yard.
8. The minimum residential floor area per unit for single-family and two-family residential structures shall be as follows:

1 story	1,000 square feet
1½ story	1,150 square feet
2 story	1,500 square feet

Section 15.05 RM, Residential Multi-Family District.

1. Minimum size per multiple-family zoning lot (not including public road right-of-way or private road easement) shall be 1.0 acre. The minimum lot area for two-family dwellings not including public road right-of-way or private road easement) shall be as follows, except as otherwise provided:

Minimum Lot Area Required	Utility Service Available
20,000	None
12,000	Public Water Only
10,000 square feet	Public Sewer Only
8,750 square feet	Public Sewer and Water

In the RM Districts, the number of dwelling units per acre shall be dependent upon the availability of community facilities and public utilities. The number of dwelling units shall be determined by a maximum allowable number of bedrooms. The following shall apply:

Utility Service Available	Maximum Number of Bedrooms per Acre
None	8
Public Water Only	19
Public Sewer Only	24
Public Sewer and Water	30

2. Minimum width per multiple-family zoning lot shall be 150 feet. The minimum lot width for two-family dwellings shall be as follows, except as otherwise provided:

Minimum Lot Width Required	Utility Service Available
100	None
80	Public Water Only
80	Public Sewer Only
70	Public Sewer and Water

The future subdividing of an existing multiple-family development shall be permitted provided that, for each parcel created, there shall be maintained direct access to a paved public street with a minimum frontage on said street of one hundred fifty (150) feet.

3. Maximum multiple-family building height shall be three (3) stories or 35 feet. Maximum two-family building height shall be 2-1/2 stories or 30 feet.
4. Minimum landscaped area for two-family residential zoning lots shall be 20 percent, with required front yard not used for access driveways or sidewalks to be landscaped. Landscaping shall be construed to include areas devoted solely to pedestrian use and, unless for aesthetic purposes, shall not consist of any impervious ground cover with the exception of areas devoted to patios.

Minimum landscaped area for multiple-family developments shall be as follows. Within any side and rear yard setback or area between buildings, an area equivalent to seventy (70) percent of the required yard or any required minimum area between buildings must be landscaped and developed as usable open space or recreation area available to the residents of the development, and further, said areas shall be kept free of all vehicular uses.

5. Maximum building lot coverage shall be 30 percent for two-family residential zoning lots and 50 percent for multiple-family developments. Building lot coverage applies to all main and accessory buildings and structures, except that in-ground or at-grade structures are not deemed structures for computing maximum allowable building lot coverage.
6. Minimum front yard setback per two-family residential zoning lot shall be 30 feet. Minimum front yard setback shall be measured from the edge of the abutting right-of-way of public roads, based upon information and standards set forth by the Monroe County Road Commission. All yards abutting upon a public or private road shall be considered as a front yard for setback purposes, except as may otherwise be required by this Ordinance. No accessory building shall project beyond the required front yard setback. On a corner lot abutting a residential district, there shall be provided a front yard setback equal to the required front yard setback of the abutting residential zoning district.

The minimum front yard setback for multiple-family developments shall be equal to the height of the structure, but in no instance shall any front yard setback be less than one hundred (100) feet when abutting a section line road or fifty (50) feet from a quarter section line road. Minimum front yard setback shall be measured from the edge of the abutting right-of-way of public roads, based upon information and standards set forth by the Monroe County Road Commission, or from the edge of the abutting ingress/egress easement for private roads.

All yards abutting upon a public or private road shall be considered as a front yard for setback purposes, except as may otherwise be required by this Ordinance. No accessory building shall project beyond the required front yard setback.

The required front yard setback for a multiple-family residential development 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.

The minimum distance between any two multiple-family buildings on the same parcel shall be regulated according to the length and height of such buildings and in no instance be less than thirty-five (35) feet. The formula for regulating the required minimum distance between two multiple-family buildings is as follows:

$$S = \frac{LA + LB + [2 (HA + HB)]}{6}$$

where;

S equals required minimum horizontal distance between any wall of building A and any wall of building B or the vertical extension of either.

LA equals Total length of building A. The total length of building A is the length of that portion or portions of a wall or walls of building A from which, when viewed directly from above, lines drawn perpendicular to building A will intersect any wall of building B.

LB equals Total length of building B. The total length of building B is the length of that portion or portions of a wall or walls of building B from which, when viewed directly from above, the lines drawn perpendicular to building B will intersect any wall of building A.

HA equals Height of building A. The height of building A at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of building A. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

HB equals Height of building B. The height of building B at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of building B. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

(Refer also to Section 7.04 for additional requirements.)

7. Minimum side yard setback per two-family residential zoning lot shall be 12 feet. The minimum side yard setback for multiple-family developments shall be equal to the height of the structure, but in no instance shall any yard setback be less than one hundred (100) feet when abutting a Single-Family Residential District. No accessory building shall project beyond the required side yard setback.
8. Minimum rear yard setback per two-family residential zoning lot shall be thirty (30) feet. The minimum rear yard setback for multiple-family developments shall be equal to the height of the structure, but in no instance shall any yard setback be less than one hundred (100) feet when abutting a Single-Family Residential District. In the case of a corner lot, the rear yard may be opposite either front yard, but there shall be only one rear yard.

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 other screening as required by the Planning Commission.

9. The minimum residential floor area per unit for two-family residential structures shall be as follows:

1 story	1,000 square feet
1½ story	1,150 square feet
2 story	1,500 square feet

The minimum residential floor area per unit for all multiple-family residential structures shall be as follows:

Efficiency	450 square feet
One (1) Bedroom	600 square feet
Two (2) Bedroom	720 square feet
Three (3) Bedroom	850 square feet
Four (4) Bedroom	1,000 square feet

For the purpose of computing the minimum allowable floor area in a multiple-family residential structure, the horizontal areas of each dwelling unit shall be measured from the centerline of the exterior walls and walls separating two (2) dwelling units. The floor area measurement for multiple-family residential structures shall be exclusive of any common hallways, utility and storage areas, basements, garages, patios, porches, and balconies.

10. The maximum floor area ratio in the RM District shall be 0.5.

Section 15.06 MHP, Manufactured Home Park District.

1. The minimum size per zoning lot (not including public road right-of-way or private road easement) shall be fifteen (15) acres. Mobile home park developments are subject to the minimum requirements and standards as established in the Mobile Home Commission Act, Act 419, PA 1976, and any and all rules and regulations promulgated pursuant to Act 419, as may be amended.
2. The minimum zoning lot width shall be subject to the minimum requirements and standards as established in the Mobile Home Commission Act, Act 419, PA 1976, and any and all rules and regulations promulgated pursuant to Act 419, as may be amended.
3. The maximum building height shall be 2 1/2 stories or thirty (30) feet.
4. The maximum percent of building lot coverage and minimum yard setbacks shall be subject to the minimum requirements and standards as established in the Mobile Home Commission Act, Act 419, PA 1976, and any and all rules and regulations promulgated pursuant to Act 419, as may be amended.

Section 15.07 C-1, Local Commercial District.

1. The minimum zoning lot area (not including public road right-of-way or private road easement) and minimum lot width shall be determined on the basis of required off-street parking, loading, screening, and yard setbacks as provided herein for the respective uses.
2. The maximum building height shall be 2 1/2 stories or 30 feet.

3. Landscaping shall be construed to include areas devoted solely to pedestrian use and, unless for aesthetic purposes, shall not consist of any impervious ground cover with the exception of areas devoted to patios.

The amount of land area devoted to landscaping shall be a function of the size of the commercial development of land area occupied, as follows:

Land Area Occupied by Development	Percentage Landscaping Required
Less than 20,000 square feet	5.0 Percent
20,001 to 40,000 square feet	7.5 Percent
40,001 to 60,000 square feet	10.0 Percent
60,001 to 100,000 square feet	7.5 Percent
100,001 to 200,000 square feet	5.0 Percent
200,001 to 400,000 square feet	3.0 Percent
Over 400,000 square feet	2.0 Percent

4. The maximum building lot coverage shall be fifty (50) percent. Building lot coverage applies to all main and accessory buildings and structures, except that in-ground or at-grade structures are not deemed structures for computing maximum allowable building lot coverage.
5. The minimum front yard setback per zoning lot shall be twenty (20) feet. Minimum front yard setback shall be measured from the edge of the abutting right-of-way of public roads, based upon information and standards set forth by the Monroe County Road Commission. All yards abutting upon a public or private road shall be considered as a front yard for setback purposes, except as may otherwise be required by this Ordinance. No accessory building shall project beyond the required front yard setback. On a corner lot abutting a residential district, there shall be provided a front yard setback equal to the required front yard setback of the abutting residential zoning district.

Off-street parking shall be permitted to occupy a required front yard, provided there shall be maintained a minimum landscaped setback of twenty (20) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest point of the public right-of-way line or private ingress/egress easement.

6. Side yard minimum setbacks per zoning lot shall be ten (10) feet. Off-street parking shall be permitted in a required side yard setback when said side yard abuts a nonresidential district. Where a commercial district abuts a residential district, the minimum distance between a commercial structure and said common district line shall be fifty (50) feet and off-street parking shall be permitted to occupy the required side yard, provided there shall be maintained a minimum landscaped setback of twenty (20) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest point of the common district line.
7. Rear yard minimum setback per zoning lot shall be twenty (20) feet. In the case of a corner lot, the rear yard may be opposite either front yard, but there shall be only one rear yard. Where a commercial district abuts a residential district, the minimum distance between a commercial structure and said common district line shall be fifty (50) feet. Loading space shall be provided in the rear yard in accordance with Section 1709. No outside storage shall be permitted.

Off-street parking shall be permitted in a required rear yard setback when said rear yard abuts a nonresidential district. Where a commercial district abuts a residential district, off-street parking shall be permitted to occupy the required rear yard, provided there shall be maintained a minimum landscaped setback of twenty (20) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest point of the common district line.

8. The maximum floor area ratio in the C-1 District is 0.5.

Section 15.08 C-2, General Service District.

1. The minimum zoning lot area (not including public road right-of-way or private road easement) and minimum lot width shall be determined on the basis of required off-street parking, loading, screening, and yard setbacks as provided herein for the respective uses.
2. The maximum building height shall be 30 feet.
3. Landscaping shall be construed to include areas devoted solely to pedestrian use and, unless for aesthetic purposes, shall not consist of any impervious ground cover with the exception of areas devoted to patios.

The amount of land area devoted to landscaping shall be a function of the size of the commercial development of land area occupied, as follows:

Land Area Occupied by Development	Percentage Landscaping Required
Less than 20,000 square feet	5.0 Percent
20,001 to 40,000 square feet	7.5 Percent
40,001 to 60,000 square feet	10.0 Percent
60,001 to 100,000 square feet	7.5 Percent
100,001 to 200,000 square feet	5.0 Percent
200,001 to 400,000 square feet	3.0 Percent
Over 400,000 square feet	2.0 Percent

4. The maximum building lot coverage shall be fifty (50) percent. Building lot coverage applies to all main and accessory buildings and structures, except that in-ground or at-grade structures are not deemed structures for computing maximum allowable building lot coverage.
5. The minimum front yard setback per zoning lot shall be twenty (20) feet. Minimum front yard setback shall be measured from the edge of the abutting right-of-way of public roads, based upon information and standards set forth by the Monroe County Road Commission. All yards abutting upon a public or private road shall be considered as a front yard for setback purposes, except as may otherwise be required by this Ordinance. No accessory building shall project beyond the required front yard setback. On a corner lot abutting a residential district, there shall be provided a front yard setback equal to the required front yard setback of the abutting residential zoning district.

Off-street parking shall be permitted to occupy a required front yard, provided there shall be maintained a minimum landscaped setback of twenty (20) feet between the nearest

point of the off-street parking area, exclusive of access driveways, and the nearest point of the public right-of-way line or private ingress/egress easement.

6. Side yard minimum setbacks per zoning lot shall be ten (10) feet. Off-street parking shall be permitted in a required side yard setback when said side yard abuts a nonresidential district. Where a commercial district abuts a residential district, the minimum distance between a commercial structure and said common district line shall be fifty (50) feet and off-street parking shall be permitted to occupy the required side yard, provided there shall be maintained a minimum landscaped setback of twenty (20) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest point of the common district line.
7. Rear yard minimum setback per zoning lot shall be twenty (20) feet. In the case of a corner lot, the rear yard may be opposite either front yard, but there shall be only one rear yard. Where a commercial district abuts a residential district, the minimum distance between a commercial structure and said common district line shall be fifty (50) feet. Loading space shall be provided in the rear yard in accordance with Section 1709. No outside storage shall be permitted.

Off-street parking shall be permitted in a required rear yard setback when said rear yard abuts a nonresidential district. Where a commercial district abuts a residential district, off-street parking shall be permitted to occupy the required rear yard, provided there shall be maintained a minimum landscaped setback of twenty (20) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest point of the common district line.

8. The maximum floor area ratio in the C-2 District is 0.5.

Section 15.09 C-3, Heavy Commercial District.

1. The minimum zoning lot area (not including public road right-of-way or private road easement) and minimum lot width shall be determined on the basis of required off-street parking, loading, screening, and yard setbacks as provided herein for the respective uses.
2. The maximum building height shall be 30 feet.
3. Landscaping shall be construed to include areas devoted solely to pedestrian use and, unless for aesthetic purposes, shall not consist of any impervious ground cover with the exception of areas devoted to patios.

The amount of land area devoted to landscaping shall be a function of the size of the commercial development of land area occupied, as follows:

Land Area Occupied by Development	Percentage Landscaping Required
Less than 20,000 square feet	5.0 Percent
20,001 to 40,000 square feet	7.5 Percent
40,001 to 60,000 square feet	10.0 Percent
60,001 to 100,000 square feet	7.5 Percent
100,001 to 200,000 square feet	5.0 Percent
200,001 to 400,000 square feet	3.0 Percent
Over 400,000 square feet	2.0 Percent

4. The maximum building lot coverage shall be fifty (50) percent. Building lot coverage applies to all main and accessory buildings and structures, except that in-ground or at-grade structures are not deemed structures for computing maximum allowable building lot coverage.

5. The minimum front yard setback per zoning lot shall be twenty (20) feet. Minimum front yard setback shall be measured from the edge of the abutting right-of-way of public roads, based upon information and standards set forth by the Monroe County Road Commission. All yards abutting upon a public or private road shall be considered as a front yard for setback purposes, except as may otherwise be required by this Ordinance. No accessory building shall project beyond the required front yard setback. On a corner lot abutting a residential district, there shall be provided a front yard setback equal to the required front yard setback of the abutting residential zoning district.

Off-street parking shall be permitted to occupy a required front yard, provided there shall be maintained a minimum landscaped setback of twenty (20) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest point of the public right-of-way line or private ingress/egress easement.

6. Side yard minimum setbacks per zoning lot shall be ten (10) feet. Off-street parking shall be permitted in a required side yard setback when said side yard abuts a nonresidential district. Where a commercial district abuts a residential district, the minimum distance between a commercial structure and said common district line shall be fifty (50) feet and off-street parking shall be permitted to occupy the required side yard, provided there shall be maintained a minimum landscaped setback of twenty (20) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest point of the common district line.

7. Rear yard minimum setback per zoning lot shall be twenty (20) feet. In the case of a corner lot, the rear yard may be opposite either front yard, but there shall be only one rear yard. Where a commercial district abuts a residential district, the minimum distance between a commercial structure and said common district line shall be fifty (50) feet. Loading space shall be provided in the rear yard in accordance with Section 1709. All outside 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 other screening as required by the Planning Commission.

Off-street parking shall be permitted in a required rear yard setback when said rear yard abuts a nonresidential district. Where a commercial district abuts a residential district,

off-street parking shall be permitted to occupy the required rear yard, provided there shall be maintained a minimum landscaped setback of twenty (20) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest point of the common district line.

8. The maximum floor area ratio in the C-3 District is 0.5.

Section 15.10 FS, Freeway Service District.

1. The minimum size per zoning lot (not including public road right-of-way or private road easement) shall be five (5.0) acres.
2. Minimum width per zoning lot shall be 250 feet.
3. Maximum building height shall be four (4) stories or forty-five (45) feet.
4. Minimum landscaped area shall be ten (10) percent of the lot. Landscaping shall be construed to include areas devoted solely to pedestrian use and, unless for aesthetic purposes, shall not consist of any impervious ground cover with the exception of areas devoted to patios.

The amount of land area devoted to landscaping shall be a function of the size of the commercial development of land area occupied, as follows:

Land Area Occupied by Development	Percentage Landscaping Required
Less than 20,000 square feet	5.0 Percent
20,001 to 40,000 square feet	7.5 Percent
40,001 to 60,000 square feet	10.0 Percent
60,001 to 100,000 square feet	7.5 Percent
100,001 to 200,000 square feet	5.0 Percent
200,001 to 400,000 square feet	3.0 Percent
Over 400,000 square feet	2.0 Percent

5. The maximum building lot coverage shall be fifty (50) percent. Building lot coverage applies to all main and accessory buildings and structures, except that in-ground or at-grade structures are not deemed structures for computing maximum allowable building lot coverage.
6. The minimum front yard setback per zoning lot shall be fifty (50) feet. Minimum front yard setback shall be measured from the edge of the abutting right-of-way of public roads, based upon information and standards set forth by the Monroe County Road Commission. All yards abutting upon a public or private road shall be considered as a front yard for setback purposes, except as may otherwise be required by this Ordinance. No accessory building shall project beyond the required front yard setback. On a corner lot abutting a residential district, there shall be provided a front yard setback equal to the required front yard setback of the abutting residential zoning district.

Off-street parking shall be permitted to occupy a required front yard, provided there shall be maintained a minimum landscaped setback of twenty (20) feet between the nearest

point of the off-street parking area, exclusive of access driveways, and the nearest point of the public right-of-way line or private ingress/egress easement.

7. Side yard minimum setbacks per zoning lot shall be fifty (50) feet. Off-street parking shall be permitted in a required side yard setback when said side yard abuts a nonresidential district. Where a commercial district abuts a residential district, the minimum distance between a commercial structure and said common district line shall be fifty (50) feet and off-street parking shall be permitted to occupy the required side yard, provided there shall be maintained a minimum landscaped setback of twenty (20) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest point of the common district line.
8. Rear yard minimum setback per zoning lot shall be fifty (50) feet. In the case of a corner lot, the rear yard may be opposite either front yard, but there shall be only one rear yard. Where a commercial district abuts a residential district, the minimum distance between a commercial structure and said common district line shall be fifty (50) feet. Loading space shall be provided in the rear yard in accordance with Section 1709. No outside storage shall be permitted.

Off-street parking shall be permitted in a required rear yard setback when said rear yard abuts a nonresidential district. Where a commercial district abuts a residential district, off-street parking shall be permitted to occupy the required rear yard, provided there shall be maintained a minimum landscaped setback of twenty (20) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest point of the common district line.

9. There is no maximum floor area ratio in the FS District.

Section 15.11 I-1, Light Industrial District.

1. The minimum zoning lot area (not including public road right-of-way or private road easement) and minimum lot width shall be determined on the basis of required off-street parking, loading, screening, and yard setbacks as provided herein for the respective uses, except that the minimum size per zoning lot of a platted industrial subdivision (not including public road right-of-way or private road easement) shall be a minimum of ten (10) acres.
2. Maximum building height shall be forty-five (45) feet.
3. Landscaping shall be construed to include areas devoted solely to pedestrian use and, unless for aesthetic purposes, shall not consist of any impervious ground cover with the exception of areas devoted to patios.

The amount of land area devoted to landscaping shall be a function of the size of the commercial development of land area occupied, as follows:

Land Area Occupied by Development	Percentage Landscaping Required
Less than 20,000 square feet	5.0 Percent
20,001 to 40,000 square feet	7.5 Percent
40,001 to 60,000 square feet	10.0 Percent
60,001 to 100,000 square feet	7.5 Percent
100,001 to 200,000 square feet	5.0 Percent
200,001 to 400,000 square feet	3.0 Percent
Over 400,000 square feet	2.0 Percent

4. The maximum building lot coverage shall be fifty (50) percent. Building lot coverage applies to all main and accessory buildings and structures, except that in-ground or at-grade structures are not deemed structures for computing maximum allowable building lot coverage.
5. The minimum front yard setback per zoning lot shall be fifty (50) feet. Minimum front yard setback shall be measured from the edge of the abutting right-of-way of public roads, based upon information and standards set forth by the Monroe County Road Commission. All yards abutting upon a public or private road shall be considered as a front yard for setback purposes, except as may otherwise be required by this Ordinance. No accessory building shall project beyond the required front yard setback. On a corner lot abutting a residential district, there shall be provided a front yard setback equal to the required front yard setback of the abutting residential zoning district.

The required front yard setback 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.

6. Side yard minimum setbacks per zoning lot shall be thirty (30) feet. Off-street parking shall be permitted in a required side yard setback when said side yard abuts a nonresidential district. Where an industrial district abuts a residential district, the minimum distance between an industrial structure and said common district line shall be fifty (50) feet and off-street parking shall be permitted to occupy the required side yard, provided there shall be maintained a minimum landscaped setback of twenty (20) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest point of the common district line.
7. Rear yard minimum setback per zoning lot shall be fifty (50) feet. In the case of a corner lot, the rear yard may be opposite either front yard, but there shall be only one rear yard. Where an industrial district abuts a residential district, the minimum distance between an industrial structure and said common district line shall be fifty (50) feet. Loading space shall be provided in the rear yard in accordance with Section 1709. All outside 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 other screening as required by the Planning Commission.

Off-street parking shall be permitted in a required rear yard setback when said rear yard abuts a nonresidential district. Where an industrial district abuts a residential district, off-street parking shall be permitted to occupy the required rear yard, provided there shall be maintained a minimum landscaped setback of twenty (20) feet between the nearest point

of the off-street parking area, exclusive of access driveways, and the nearest point of the common district line.

8. The is no maximum floor area ratio in the I-1 District.

Section 15.12 I-2, General Industrial District.

1. The minimum zoning lot area (not including public road right-of-way or private road easement) and minimum lot width shall be determined on the basis of required off-street parking, loading, screening, and yard setbacks as provided herein for the respective uses, except that the minimum size per zoning lot of a platted industrial subdivision (not including public road right-of-way or private road easement) shall be a minimum of ten (10) acres.
2. Maximum building height shall be sixty (60) feet.
3. Landscaping shall be construed to include areas devoted solely to pedestrian use and, unless for aesthetic purposes, shall not consist of any impervious ground cover with the exception of areas devoted to patios.

The amount of land area devoted to landscaping shall be a function of the size of the commercial development of land area occupied, as follows:

Land Area Occupied by Development	Percentage Landscaping Required
Less than 20,000 square feet	5.0 Percent
20,001 to 40,000 square feet	7.5 Percent
40,001 to 60,000 square feet	10.0 Percent
60,001 to 100,000 square feet	7.5 Percent
100,001 to 200,000 square feet	5.0 Percent
200,001 to 400,000 square feet	3.0 Percent
Over 400,000 square feet	2.0 Percent

4. The maximum building lot coverage shall be fifty (50) percent. Building lot coverage applies to all main and accessory buildings and structures, except that in-ground or at-grade structures are not deemed structures for computing maximum allowable building lot coverage.
5. The minimum front yard setback per zoning lot shall be fifty (50) feet. Minimum front yard setback shall be measured from the edge of the abutting right-of-way of public roads, based upon information and standards set forth by the Monroe County Road Commission.

All yards abutting upon a public or private road shall be considered as a front yard for setback purposes, except as may otherwise be required by this Ordinance. No accessory building shall project beyond the required front yard setback. On a corner lot abutting a residential district, there shall be provided a front yard setback equal to the required front yard setback of the abutting residential zoning district.

The required front yard setback 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.

6. Side yard minimum setbacks per zoning lot shall be thirty (30) feet. Off-street parking shall be permitted in a required side yard setback when said side yard abuts a nonresidential district. Where an industrial district abuts a residential district, the minimum distance between an industrial structure and said common district line shall be fifty (50) feet and off-street parking shall be permitted to occupy the required side yard, provided there shall be maintained a minimum landscaped setback of twenty (20) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest point of the common district line.
7. Rear yard minimum setback per zoning lot shall be fifty (50) feet. In the case of a corner lot, the rear yard may be opposite either front yard, but there shall be only one rear yard. Where an industrial district abuts a residential district, the minimum distance between an industrial structure and said common district line shall be fifty (50) feet.

Loading space shall be provided in the rear yard in accordance with Section 1709. All outside 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 other screening as required by the Planning Commission.

Off-street parking shall be permitted in a required rear yard setback when said rear yard abuts a nonresidential district. Where an industrial district abuts a residential district, off-street parking shall be permitted to occupy the required rear yard, provided there shall be maintained a minimum landscaped setback of twenty (20) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest point of the common district line.

8. There is no maximum floor area ratio in the I-2 District.

Section 15.13 Lot Size Averaging.

Lot size averaging may be permitted by the Planning Commission, upon application from the property owner, if it determines that it will provide a better relationship of lots to the topography, vegetation or other natural or man-made features. Lot size averaging is the allowance for a change in lot area and width in a development, but with the average lot area meeting the minimum area as required in Article 15 for that particular zoning district.

In the case where lot size averaging is permitted, the following conditions shall be met:

1. Reduction of lot area or width below the minimum required for the zoning district shall not be permitted for more than one-third (1/3) of the total number of lots in the development.
2. No lot shall have an area or width more than ten (10) percent below that area or width required in the Schedule of Regulations.
3. All computations showing lot area and the average resulting through this technique shall be indicated on the print of the preliminary plat.
4. The submittal shall be reviewed and approved in accordance with terms, conditions, and standards of the State Subdivision Control Act, PA 288 of 1967, as amended.

Section 15.14 Cross-District Averaging.

When two (2) or more zoning districts are involved within the boundaries of one parcel of land which is under consideration for development of one-family residential use pursuant to Act 288 of

1967, as amended, known as Subdivision Control Act of 1967, the Planning Commission, upon application from the property owner, may grant a change from the minimum requirements of the several zoning districts so involved, so as to provide cross-district lot size and density averaging within the boundaries for such parcel of land.

In the case where cross district averaging is permitted, the following conditions shall be met:

1. The relocation of lot lines shall generally conform with the existing topography, vegetation, and other natural or manmade features.
2. No single lot in any individual zoning district shall have an area or width which is less than the minimum required for the higher density zoning district part of the cross district development project.
3. All computations showing the total number of lots permitted and average lot size allowed resulting from this technique shall be indicated on the print of the preliminary plat.
4. The submittal shall be reviewed and approved in accordance with the terms, conditions, and standards of the State Subdivision Control Act, PA 288 of 1967, as amended.

Section 15.15 Single-Family Cluster Housing.

The intent of this Section is to permit the development of single-family residential patterns which, through design innovation, will introduce flexibility so as to provide for a more appropriate development in situations where the normal subdivision approach would otherwise be restrictive owing to the presence of environmentally sensitive lands on the site, or the configuration of the site.

1. The Planning Commission may approve the clustering and/or attaching of single-family dwelling units on parcels of land ten (10) acres or more in size, under single ownership and control. In approving an area for the cluster housing option, the Planning Commission shall find at least one of the following to exist:
 - a. The parcel to be developed has frontage on a major or collector street and is generally parallel to said thoroughfare and is of shallow depth as measured from the thoroughfare.
 - b. The parcel has frontage on a major or collector street and is of a narrow width as measured along the thoroughfare which makes platting difficult.
 - c. The parcel is shaped in such a way that it contains acute angles which would make a normal subdivision difficult to achieve and has frontage on a major or secondary thoroughfare.
 - d. A substantial part of the parcel's perimeter is bordered by a major thoroughfare which would result in a substantial proportion of the lots of the development abutting the major thoroughfare.
 - e. The parcel contains a floodplain or poor soil conditions which result in a substantial portion of the total area of the parcel being unbuildable. Soil test borings, floodplain maps or other documented evidence must be submitted to the Planning Commission in order to substantiate the parcel's qualification for cluster development under this subsection.
 - f. The parcel contains natural assets which could be preserved through the use of cluster development.

Such assets may include natural stands of large trees, land which serves as a natural habitat for wildlife, unusual topographic features, or other natural assets which, in the opinion of the Planning Commission, should be preserved. Requests for qualification under these conditions must be supported by documented evidence which indicates that the natural assets would qualify the parcel under this option and will be preserved.

- g. The parcel contains natural land forms which are so arranged that the change of elevation within the site includes slopes in excess of ten (10) percent between these elevations. These elevation changes and slopes shall appear as the typical features of the site rather than the exceptional or infrequent features of the site.
 - h. The topography is such that achieving road grades of less than six (6) percent would be impossible unless the site were mass graded. The providing of single-family clusters will, in the opinion of the Planning Commission, allow a greater preservation of the natural setting.
 - 2. The Planning Commission may, at its discretion, convene a public hearing held in accordance with PA 110 of 2006, as amended, as part of its review, study, and approval of an area for the cluster housing option.
(Ord. 7C-60; Amended Aug. 15, 2007)
 - 3. In areas meeting one or more of the above criteria, the minimum yard setbacks, heights, and minimum lot sizes per unit as required by the Schedule of Regulations may be waived and the attaching of dwelling units may be accomplished subject to the following:
 - a. The minimum floor area for all units constructed under this option shall be at least equal to the minimum floor area requirements for the R-1, Single-Family Residential District in which the cluster is to be constructed.
 - b. The attaching of single-family dwelling units, one to another, may be permitted when said homes are attached by means of one or more of the following:
 - (1) Through a common party wall which does not have over seventy-five (75) percent of its area in common with an abutting dwelling unit wall.
 - (2) By means of an architectural wall detail which does not form interior room space.
 - (3) Through a common party wall in only the garage portion of an abutting structure.
 - c. The maximum number of units attached in the above described manner shall not exceed four (4).
 - d. In a single-family cluster housing development, the dwelling unit density shall be no greater than if the gross land area were to be developed in the minimum square foot lot areas as required for each single-family district under the Schedule of Regulations.
 - 4. Yard requirements shall be provided as follows:
 - a. Spacing between any grouping of four (4) or less one-family units and another grouping of such structures shall be equal to at least twenty (20) feet, measured between the nearest point of the two groupings. A grouping may include a single, freestanding unit.

- b. All such groupings shall be so situated as to have one side of the building abutting onto a common open space.
 - c. That side of a building adjacent to a dedicated street shall not be nearer to said street than twenty-five (25) feet; however, this yard setback requirement shall be increased to fifty (50) feet if the street is a quarter section line or section line road.
 - d. This nature of development, when abutting a front yard of an existing recorded subdivision which is not a part of the site plan submitted under this Section, shall cause all dwelling units facing such subdivision to relate through its front or entrance facade and shall treat said side of the grouping as a front yard.
 - e. No building shall be located closer than thirty (30) feet to the outer perimeter (property line) of the site.
5. The building height shall not exceed 2.5 stories or twenty-five (25) feet. In computing the building height of an individual unit in a cluster on a slope in excess of ten (10) percent and when the unit is constructed on posts, the first ten (10) feet of the height of the posts shall not be computed. Application of the definition of "Building Height" shall apply over and above this ten (10) feet of post height.
6. In reviewing the plans and approving the application of this Section to a particular site, the Planning Commission shall require a landscaped berm, at least five (5) feet high, or a ten (10) foot landscaped greenbelt shall be provided along the entire property line abutting the major thoroughfare. This berm may be included within a required side or rear yard. The Planning Commission shall find that the slopes on said berms are gentle enough so as not to erode when planted in grass; and they shall review the design of the berm as it relates to street intersections, finding that the horizontal view of oncoming traffic is not obscured.
7. In submitting a proposed layout under this Section, the sponsor of the development shall include, along with the site plan, typical building elevations and floor plans, topography drawn at two (2) foot contour intervals, main floor grade elevations relative to the existing topography, all computation relative to acreage and density, details relative to the proposed berm or greenbelt and any other details which will assist in reviewing the proposed plan.
8. Site plans submitted under this option shall be accompanied by information regarding the following:
 - a. The proposed manner of holding title to open land.
 - b. The proposed method of regulating the use of open land.
 - c. The proposed method of maintenance of property and financing thereof.
9. All land not intended to be conveyed to individual dwelling unit owners shall be set aside for the use of all occupants of the development. All such lands shall be protected by restrictions or covenants running with the land and must be approved by the Township Attorney to assure the following:
 - a. That title to the open space is held in common by the owners of all dwelling units in the detached single family cluster development.
 - b. A permanent organization for maintenance and management of all such areas shall be assured by legal documents prior to the issuance of the building permit.

Section 15.16 Open Space Preservation and Development Option.

(Ord. 7C-24; Added Jan. 14, 2003)

1. Purpose.

The purpose of this section is to provide an alternative means of development to the landowner on land whose zoning classification permits residential development that would create the same number of home sites, but cluster the homes on no more than 50 percent of the land, while leaving the unused land perpetually in an undeveloped state by means of a construction easement, plat dedication, restrictive covenant or other legal means that runs with the land as required by Public Act 110 of 2006 , as amended. (Ord. 7C-60; Amended Aug. 15, 2007)

These regulations are intended to provide flexibility in certain zoning requirements to preserve the natural features in open space that might be lost through more traditional subdivision development. Only land that is zoned at a density equivalent to two or fewer dwelling units per acre, or, if the land is served by a public sewer system, three or fewer dwelling units per acre, are eligible for application of the provisions of this Section.

2. Definitions.

For purposes of this Section, the following terms shall apply.

- a. *Adjusted parcel acreage:* Net parcel area after the acreage of all lakes, ponds, streams, 50% of regulated wetlands, property within a 100 year floodplain, public rights-of-way, and utility easements are deducted.
- b. *Density:* Equals the number of dwellings units situated on or to be developed on the adjusted acreage parcel. Density of a site shall be based upon the total dwelling unit count achieved from a concept layout plan prepared by the applicant and accepted by the Township showing the subject site as a single-family detached development meeting the design requirements established for the zoning district in which it is located (please refer to XVIII, Schedule of Regulations). Actual density shall also be determined by compliance with all setbacks, parking, open space, and other site design requirements. The resulting development yield, determined through such computation, shall be distributed throughout not more than 50 percent of the subject site's buildable area. All remaining land area shall perpetually remain in an undeveloped state pursuant to Section 400-1805.2(C) below.
- c. *Open Space Preservation Area:* Any undeveloped land area within the boundaries of the parcel within an open space residential development, which is designed and intended to conserve on a permanent basis environmental features for the common use or enjoyment of the residence of the development or the public or dedicated to an agricultural use. Such open space may contain accessory structures and improvements appropriate for recreational purposes, as provided by ordinance, such as recreational trails, picnic areas, children's play areas, greenways, or lineal parks. The following are not to be considered open space by this definition:
 - (1) Golf courses
 - (2) The area of any street right-of-way proposed to be dedicated to the public
 - (3) Access easements for private roads or underground or overhead utilities

- (4) The required setback surrounding an existing residential structure that is not located on an individual lot or condominium site
- (5) Parking and loading areas
- (6) Airports or airstrips

3. Eligibility Criteria

In selecting the open space development option, the applicant must present a proposal for residential development that meets each of the following:

- a. *Open Space:* To be eligible for open space overlay option, the proposed development shall contain no less than 50% of the land area that will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restricted covenant, or other legal means that runs with the land.
- b. *Unified Control:* The proposed development shall be under single ownership or control such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.
- c. *Protection From Development in Perpetuity:* The applicant shall guarantee to the satisfaction of the Township that all open space preservation areas will remain perpetually in their undeveloped state as required. Further, subdivision open space lands or their use for other than recreation, conservation, or agricultural shall be prohibited.
- d. *Density Impact:* The proposed type and density use shall not result in an unreasonable increase in the need for or impact upon public services, facilities, roads, and utilities in relation to the use or uses otherwise permitted in this zoning ordinance, and shall not place an unreasonable impact upon the subject site and surrounding land, surrounding property owners and occupants, and/or the natural environment.
- e. *Community Master Plan:* The proposed development shall be consistent with and further the implementation of the Township Master Plan, as may be amended.
- f. *Public Sewer or Public Water:* The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the option provided by this Section would also depend upon such an extension.
- g. *Prior Requests:* The option provided pursuant to this Section has not previously been exercised with respect to the land.

4. Flexibility Allowances

- a. Subject to the limitations specified below, the Planning Commission may grant specific departure from their requirements of the Zoning Ordinance for yard setback, lot area and/or width, and bulk standards as part of the approval process to encompass flexibility and creativity consistent with the open space preservation concept, provided such modification results in enhanced buffering from adjacent land uses or public rights-of-way, or further preservation of natural features.

Regulatory modifications are not subject to variance approval by the Zoning Board of Appeals. No part of an open space community plan may be appealed to the Zoning Board of Appeals. Any deviation of an approved plan shall require approval from the Planning Commission. This provision shall not preclude an individual lot or dwelling unit owner from seeking a variance following final approval of an open space community, provided such variance does not involve alterations to open space areas as shown on the approved open space plan.

- b. A plan submitted in connection with the Section shall be subject to the following limitations:
- (1) The minimum floor area for all units constructed under this option shall be at least equal to the minimum floor area requirements for the single-family residential district in which the project is to be constructed.
 - (2) The maximum number of units attached shall not exceed four (4) units per building. The maximum number of buildings allowed in any one (1) cluster shall not exceed four (4) buildings.
 - (3) The exterior design of the structures shall be compatible with existing single family structures located in the general area of the project in regards to architectural style, size, overall floor area and heights. Variety in the design of individual units shall be provided by the use of design details that do not appear to be continuous or repetitious. An exterior design pattern that is repetitious throughout the project shall not be permitted.
 - (4) Yard requirements shall be provided under this option as follows:
 - (a) Spacing between groups of attached or between unattached buildings shall be equal to at least 20 feet measured between the nearest points of adjacent buildings. A grouping may include a single unit.
 - (b) All such groupings shall be so situated as to have one side of the building abutting onto a common open space.
 - (c) Any side of a building adjacent to a private road shall not be nearer to such road than fifteen (15) feet.
 - (d) Any side of a building adjacent to a dedicated public right-of-way shall not be nearer to such public right-of-way than twenty-five (25) feet. This requirement shall be increased to fifty (50) feet if the street is a quarter section line or section line road.
 - (e) This nature of development, when abutting a front yard of an existing recorded subdivision which is not a part of the project plan submitted under this section, shall cause all dwelling units facing such subdivision to relate through its front or entrance façade and shall treat such side of the groupings as front yards.
 - (f) No building shall be located closer than thirty (30) feet to the outer perimeter (property line) of the site.
 - (5) The maximum height of buildings under this option shall be thirty-five (35) feet.

- (6) The location of open space preservation areas shall meet the following standards to the greatest extent feasible:
 - (a) The open space is provided along a public street right-of-way to provide additional buffering from the traffic and enhance views from the roadway provided the open space along such right-of-way shall generally have a depth of at least 50 feet.
 - (b) The open space provides an ecological link to permanent open space in the surrounding lands and is located to connect open spaces, public parks or bicycle/pedestrian paths throughout the community, when feasible.
 - (c) The open space is designed and located to be contiguous to all or most of the dwelling units. Open access to required open space under the provisions of this section shall be provided, when feasible.
 - (d) All sensitive environmental feature areas, natural features and animal and plant habitats of significant value are included in the open space preservation areas and are adequately protected.
- (7) Where the proposed development abuts an existing conventional single-family use, an orderly transition shall occur, if sufficient area exists within the parcel to allow it, using one or more of the following techniques:
 - (a) Detached single-family dwellings subject to the schedule of regulations;
 - (b) Open or recreation space;
 - (c) Changes in topography which provide an effective buffer;
 - (d) A major or secondary thoroughfare.
 - (e) A landscaped, earthen berm in accordance with Section 21.15.
- (8) Open space areas shall represent at least 50 percent of the subject site's adjusted parcel acreage.

5. Plan Review Procedures

- a. Review by the Planning Commission shall follow the standards, procedures and submittal requirements adopted by the Township for approval of site plans, condominiums, platted subdivisions or land divisions, as may be applicable, and the criteria of Section 15.16, 6 below.
- b. In submitting a proposed layout under this section, the sponsor of the development shall include, along with the project plan, master deed documents, floor plans, topography drawn at two (2) foot intervals, main floor grade elevations relative to the existing topography, all computations relative to acreage and density, and any other details which will assist in reviewing the proposed plan.
- c. The applicant shall provide a copy of the legal instrument that would run with the land and that would have the legal effect of preserving in perpetuity in an

undeveloped state the open space required by this Section. Such legal instrument shall be reviewed and approved by the Township Attorney prior to recording. Examples of such legal instrument include, but are not limited to, a conservation easement established per the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended, (MCLA 399.251), deed restrictions, or restrictive covenants. The legal instrument shall outline, at a minimum, the following:

- (1) The proposed allowable use(s) of the open space and any necessary access easements;
- (2) Require that the open space be maintained in perpetuity in an undeveloped state, without buildings, structures or other improvements, except as recommended by the Planning Commission and approved by the Township Board;
- (3) Require that the open space be maintained by parties who have an ownership interest in the open space;
- (4) Provide standards for scheduled maintenance of the open space; and
- (5) Provide for maintenance to be undertaken by Ash Township in the event that the open space is inadequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon the property owners.

d. The Township may require the inclusion of open space restrictions that prohibit the following:

- (1) Dumping or storing of any materials or refuse.
- (2) Activity that may cause a risk of soil erosion or threaten any living plant material.
- (3) Cutting or removal of live plant material except for removal of dying or diseased vegetation.
- (4) The use of motorized off-road vehicles.
- (5) Cutting, filling or removal of vegetation from wetland areas.
- (6) Use of pesticide, herbicides, or fertilizers within or adjacent to wetlands.

6. Approval Criteria

Approval of a proposed development shall be predicated upon a positive finding that all of the following criteria have been met:

- a. The design shall promote the goals, objectives, and policies of the Township Master Plan;
- b. Open space areas shall be provided in suitable locations that offer convenient access by residents and adequate screening from nearby dwelling units;
- c. Natural assets, wildlife habitat areas, or sites having historic archaeological or cultural value shall be protected;

- d. Individual lots, buildings, and roadways, and open space areas shall be designed to minimize the alteration of environmental site features;
- e. The design of structures shall be compatible with existing single-family structures located in the general area in terms of architectural style, size, overall floor area, building height and neighboring building orientation.
- f. Clustering of the dwelling units shall occur in a manner which preserves the basic amenities and qualities normally associated with single-family living (such as, but not limited to, privacy, personal open space, and adequate natural lighting and ventilation) while allowing for innovative site layout and open space areas.

7. Severability

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction such declarations shall not affect the validity of the Ordinance, as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

8. Repeal

All ordinance or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

The Development of land under this Section is subject to all other applicable ordinances, laws and rules, including, but not limited to, the following:

- a. All of the provisions of the Zoning Ordinance of Ash Township that are not in conflict with and preempted by Public Act 110 of 2006, as amended (MCL 125.3101 et seq).
(Ord. 7C-60; Amended Aug. 15, 2007)
- b. The Land Division Act (formerly known as the Subdivision Control Act)(MCL 560.101 et seq).
- c. Any ordinance or statute regulating the division of land, the platting of the land into subdivisions or the creation of a site condominium.
- d. Rules and regulations relating to the suitability of ground water for on-site water supply for land that is not served by public water.
- e. Rules relating to the suitability of soils for on-site sewage disposal for land that is not served by public sanitary sewers.

Article 16

Special Land Use Conditions, Review, and Approval

Section 16.01 Special Land Uses

The uses identified as special land uses are recognized as possessing characteristics of such unique and special nature (relative to location, design, size, public utilities needs, and other similar characteristics) as necessitate individual standards and conditions in order to safeguard the general health, safety, and welfare of the community.

The Ash Township Board, as provided herein, shall have the authority to approve special land use permits, subject to such conditions of design, operation, and appropriate and reasonable safeguards as the Township may require for any special land use included in the various provisions of this Zoning Ordinance.

The Board of Zoning Appeals shall have the power to authorize, upon appeal, a variance from the individual standards and conditions required by the special land use. To obtain a variance, the applicant must submit an affidavit indicating why the requested variance will not adversely affect the general health, safety, and welfare of the community and will not be contrary to the spirit and intent of this Zoning Ordinance.

1. Adult Entertainment Uses

It is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several such uses are concentrated under certain circumstances thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse affects will not contribute to the blighting or downgrading of property values of the surrounding neighborhood.

It is the intent and purpose of Ash Township to adopt reasonable regulations for adult entertainment uses in the Township, so as to minimize the adverse affects caused by this activity on the public health, safety, and welfare of persons and property within the Township. Further, the purpose of the locational requirements is to prevent crime, protect and preserve the quality of life in the Township's retail trade, maintain property values, protect and preserve the quality of life in the Township, preserve areas frequented by children from increased criminal activity and increased blight or other neighborhood deterioration, and prevent the blighting, downgrading, and deterioration of residential neighborhoods in commercial districts.

The operation or expansion of any and all adult entertainment uses, whether conducted as a separate business activity or in conjunction with another use, may be permitted as a special land use in the C-2 General Service District and C-3 Heavy Commercial District and only in conformance with the following restrictions:

- a. No adult entertainment use shall be located within one thousand (1,000) feet of any other adult entertainment use nor within five hundred (500) feet of any of the following uses:
 - (1) All Class "C" establishments licensed by the Michigan Liquor Control Commission.
 - (2) Pool or billiard halls.
 - (3) Coin-operated amusement centers or video arcades.

- (4) Teenage discos or dance halls.
 - (5) Ice or roller skating rinks.
 - (6) Pawn shops.
 - (7) Indoor or outdoor movie theaters.
 - (8) Any public park, public playground, public library, or public building.
 - (9) Any church, place of worship, or other religious facility.
 - (10) Any public or private school having a curriculum including kindergarten or any one or more of the grades one (1) through twelve (12).
 - (11) Any restaurant that does not serve alcohol.
 - (12) Any preschool or day nursery.
 - (13) Any indoor or outdoor public, private, or commercial recreational facility. A "recreational facility" is a place designed and equipped for the conduct of sports and leisure time activities. A public recreational facility is defined as a recreational facility open to the general public. A private recreational facility is defined as a recreational facility operated by a non-profit organization and open only to bona fide members and guests of such non-profit organization. A commercial recreational facility is defined as a recreational facility operated as a business and open to the public for a fee.
 - (14) A single-family dwelling used or designed for residential purposes within the AG/RE Agricultural and Rural Estate zoning district.
 - (15) Uses like or similar to the above.
- a. Such distance shall be measured along the centerline of the street between two (2) fixed points on the centerlines determined by projecting straight lines at right angles from the part of the above listed use nearest to the contemplated location of the structure containing the adult entertainment use and from the contemplated location of the structure containing the adult entertainment use nearest to a use listed above.
 - b. No adult entertainment use shall be located within five hundred (500) feet of any area zoned residential (i.e., R Residential, RM Residential, or MHP Residential Mobile Home Park). Such required distances shall be measured by a straight line between a point on the boundary line of a zoned residential area nearest to the contemplated structure or contemplated location of the structure containing the adult entertainment use to a point on the contemplated structure or contemplated location of the structure containing the adult entertainment use nearest to the boundary lines of a zoned residential area.
 - c. All adult entertainment uses shall be contained in a free-standing building. Enclosed malls, commercial strip stores, common wall structures, and multi-uses within the same structure do not constitute a freestanding building.
 - d. No adult use shall be conducted in any manner that permits the observation of any material depicting, describing, or relation to specified sexual activities or

specified anatomical areas from any public way or from any property not regulated as an adult entertainment use. This provision shall apply to any display, decoration, sign, show window, or other opening.

2. **Adult Day Care Centers**

- a. One (1) on-site parking space shall be provided for each employee in addition to the parking required for the dwelling unit or other accessory uses. When located within a one-family or two-family dwelling unit, the driveway may be used for this purpose.
- b. The property (architecture and landscaping) shall be maintained in a manner that is consistent with the character of the neighborhood.
- c. A designated passenger loading/unloading area of adequate dimensions shall be provided near a barrier-free entrance to the facility.

3. **Adult Foster Care Large Group Homes**

- a. All ingress and egress to the site shall be directly from a hard surfaced road.
- b. One (1) on-site parking space shall be provided for each employee in addition to the parking required for the dwelling unit or other accessory uses.
- c. A designated passenger loading/unloading area of adequate dimensions shall be provided near a barrier-free entrance to the facility.
- d. A loading/unloading area of adequate dimensions shall be provided for delivery vehicles servicing the facility.
- e. A landscaped buffer shall be provided along all property lines that abut a less intense land use and around the visible perimeters of all parking and loading/unloading areas.

4. **Adult Foster Care Small Group Homes**, receiving more than six (6) adults

- a. One (1) on-site parking space shall be provided for each employee in addition to the parking required for the dwelling unit and other accessory uses. When located within a one-family or two-family dwelling unit, the driveway may be used for this purpose.
- b. The property (architecture and landscaping) shall be maintained in a manner that is consistent with the character of the neighborhood.

5. **Agricultural Centralized Bulk Collection, Storage, and Distribution** of agricultural products to wholesale and retail markets

- a. The project shall have no negative impacts on surrounding land uses.
- b. The Township shall establish reasonable measures to mitigate any such adverse impacts.

6. **Agricultural Machinery Sales and Service** of machinery used in agricultural production.

- a. The project shall have no negative impacts on surrounding land uses.

- b. The Township shall establish reasonable measures to mitigate any such adverse impacts.
7. **Agricultural Storage and Sale Facilities** for the storage and sale of seed, fertilizer, and other products essential to agricultural production
- a. The project shall have no negative impacts on surrounding land uses.
 - b. The Township shall establish reasonable measures to mitigate any such adverse impacts.
8. **Airports/Landing Fields**
- a. Airports shall be used only for small commercial or public aircraft.
 - b. Minimum area required for the airport shall not be less than one hundred sixty (160) acres.
 - c. The area shall have its principal means of access to a major street.
 - d. The Planning Commission shall be assured that there is a clear and unobstructed 50:1 glide slope approach to all landing strips and that no obstruction falls within the required approach zones.
9. **Arcades, Billiard Parlors, and Card Rooms**, and similar uses
- a. The building shall not be located within one hundred (100) feet of a residential dwelling or district, church, or school.
 - b. The site shall be so located as to abut a major street right-of-way.
 - c. All ingress and egress to the site shall be directly from said major street.
 - d. No exterior loudspeaker or public address system shall be used.
 - e. For purposes of this section, a pool room or billiard parlor shall be an establishment in which three (3) or more pool tables and/or billiard tables are operated or maintained.
10. **Auction Sales Establishments**
- a. All ingress and egress to the site shall be directly from a hard surfaced road.
 - b. All parking shall be provided as off-street parking within the boundaries of the development.
 - c. There shall be maintained a minimum landscaped green space of twenty (20) feet between any part of the development and any residential development or district.
11. **Automobile Repair**
(Ord. 7C-96; Amended January 16, 2019)
- a. All ingress and egress to the site shall be directly from a hard surfaced road.

- b. Any repair and/or replacement activity shall be conducted within a totally enclosed building.
- c. All new, used and/or discarded parts shall be stored within a completely enclosed building.
- d. Any such activity shall be located not less than twenty-five (25) feet from a property line.
- e. The parking of vehicles on site shall be limited to those which may be serviced within a twenty-four (24) hour period.
- f. There shall be no outside parking and/or storage or any partially dismantled or inoperative vehicles.
- h. There shall be no releasing of toxic gasses, liquids or materials in any form into the atmosphere, the water or sewer systems of the Township, or on, or into the earth and further, no adverse affects shall be created by any activity on adjacent property or development.

12. **Banquet Halls**
(Ord. 7C-96; Added January 16, 2019)

- a. Such uses shall front upon and have direct access to a major street.
- b. A minimum site size of one (1) acre shall be required.

13. **Bed and Breakfast Operations**

- a. A bed and breakfast operation shall not be allowed to be located in a platted subdivision or within a site condominium project.
- b. A bed and breakfast operation shall have direct access to and from a public road and, in no case, shall such an operation have access to or from a private road.
- c. Bed and breakfast operations, including rooms for guest sleeping, shall be part of the principle place of residence of the owner. Rooms for guest sleeping shall not have been specifically constructed for rental purposes.
- d. There shall be no separate kitchen facilities for use by bed and breakfast guests.
- e. Bed and breakfast operations may have up to four (4) sleeping rooms and an additional full bathroom facility for a third and/or fourth sleeping room.
- f. The maximum period of continuous occupancy for any bed and breakfast guest shall be three (3) weeks in any calendar month.
- g. A bed and breakfast operation shall provide off-street parking spaces in accordance with the requirements for a single-family dwelling plus one (1) space for each guest sleeping room. Off-street parking shall be located in a side or rear yard and shall be prohibited from being located in a front yard. Parking spaces shall be setback a minimum of fifteen (15) feet from any property line. The Planning commission may require landscaping to screen required parking areas, if such areas are deemed to impact adjacent properties.

- h. All sleeping rooms and areas shall have a fully functional smoke detector approved by the Township Building Official.
 - i. A bed and breakfast operation shall provide a minimum of two (2) exits to the outdoors.
 - j. The application for a bed and breakfast operation shall be accompanied by the following:
 - (1) A site plan subject to the requirements for site plan review.
 - (2) A floor plan of the residence showing those rooms and/or areas that will be used by guests (i.e., sleeping rooms, bathrooms, dining areas, etc.), including dimensions and floor area calculations, and the location of required exits and smoke detectors.
14. **Boarding Stables/Riding Academies**
- a. The minimum area shall be ten (10) acres.
 - b. Where adjoining existing non-farm residential uses, buffering shall be provided for the control of noise and odor.
15. **Building Materials Sales Yards.**
(Ord. 7C-96; Added January 16, 2019)
- a. All ingress and egress to the site shall be directly from a hard surfaced road.
 - b. All outdoor sales abutting any residential zoning district or existing residential development shall maintain an obscuring greenbelt buffer between the outdoor sales area and the abutting residential area.
16. **Business and Technical Schools**
- a. All ingress and egress to the site shall be directly from a major street.
 - b. Necessary steps shall be taken to ensure that any resulting dust, flushing, fumes, gas, noise, odor, smoke, vapor, or vibration do not create a condition detrimental to the surrounding area.
 - c. Any outdoor storage of rubbish, junked equipment, or parts is prohibited unless it is screened with a six (6) foot masonry wall. The material being stored shall not be stacked higher than the wall.
 - d. In the case of vehicle mechanics, any temporary outdoor storage of vehicles for repair shall not be located within fifty (50) feet of a public right-of-way or a residential district.
17. **Campgrounds**, including accessory structures and uses customarily incidental thereto
- a. All campgrounds shall be used solely for the temporary placement of tents, travel trailers, and recreational vehicles and shall be developed in accordance with Act 368 of 1978 (Public Health Code), as may be amended and Administrative Rules and Regulations promulgated subsequent to the Act, as may be amended.

- b. No year-round residency shall be permitted, except within a dwelling unit as herein defined.
- c. The minimum area shall be twenty (20) acres.
- d. All campsites shall have a central water supply system with potable water under pressure located within three hundred (300) feet.
- e. Where a public water supply system is available within one hundred fifty (150) feet of any portion of the campground, the water supply system shall be connected thereto.
- f. All campsites shall have a fire extinguisher or fire hydrant located within three hundred (300) feet.
- g. An enclosed toilet and sewage facility approved by the state and county health departments with hot and cold running water available therein shall be located within three hundred (300) feet of each campsite.
- h. Where a public sewer is available within five hundred (500) feet of any portion of the campground, the sewer system shall be connected thereto.
- i. Each campground shall be provided with at least one (1) public telephone.
- j. Sewer, water, fuel, electrical, and telephone installations and connections shall be in accordance with plans approved by the appropriate utility, public agency, and the Township Board, upon recommendation from the Planning Commission.
- k. Access to all campsites shall be by means of a roadway suitably surfaced to prevent rutting and erosion for a minimum width of twenty (20) feet. Parking shall be prohibited on such roadways, except when an additional ten (10) feet of roadway is provided as a parking lane.
- l. If a parking lane is not provided, an adequately sized parking stall (suitably surfaced to prevent rutting and erosion) shall be provided on each campsite. This provision may be modified for those sites designed for a more natural outdoor experience. In such case, an adequately sized off-roadway parking stall (suitably surfaced to prevent rutting and erosion) shall be provided for each such campsite at an alternate site on the property.
- m. Each campsite shall be not less than one thousand two hundred (1,200) square feet in area.
- n. The Planning Commission may vary the requirements of items k through m to permit the development of a portion of the total campground for a less structured outdoor experience, except that not more than fifteen (15) percent of the total area allocated to campsites may be so varied.
- o. No building, structure, accessory use, or campsite shall be located closer than one hundred fifty (150) feet to any interior property line.
- p. Fences and/or greenbelts may be required when recommended by the Planning Commission.
- q. No business of any kind shall be conducted on the premises, except for a store selling items customarily incidental to camping.

18. **Cemeteries**
- a. The minimum area shall be ten (10) acres.
 - b. All ingress and egress to newly established cemeteries shall be directly from a hard surfaced road.
 - c. No building shall be closer than one hundred fifty (150) feet to any interior property line.
19. **Child Day Care Centers/Day Nurseries/ Nursery Schools**, not including dormitories
- a. There shall be provided and maintained a minimum of one hundred fifty (150) square feet of open space for each child cared for.
 - b. Such open space shall have a total minimum area of not less than five thousand (5,000) square feet and shall be fenced and screened from any adjoining lot is any residential district.
20. **Churches, Synagogues, Temples, and Other Places of Worship**, including other facilities normally incidental thereto
- a. The minimum area shall be three (3) acres.
 - b. All ingress and egress to the site shall be directly from a hard surfaced road.
 - c. No building shall be closer than one hundred (100) feet to any interior lot line.
 - d. A continuous and obscuring wall not less than four feet six inches (4' 6") in height or other screening, as approved by the Planning Commission, shall be provided along the sides of the off-street parking area adjacent to residentially zoned land. The wall shall further be in accordance with the General Provisions article of this Zoning Ordinance.
21. **Cider Mills**
- a. All ingress and egress to the site shall be directly from a hard surfaced road.
 - b. Cider mills shall be permitted for the processing and retail sale of apple cider and incidental and accessory sales.
 - c. A cider mill shall be an adjunct to a legitimate apple orchard.
22. **Clubs and Fraternal Organizations**
- a. Such uses shall front upon and have direct access to a major street.
 - b. A minimum site size of three (3) acres shall be required.
 - c. Land not utilized for buildings, parking, etc., shall be landscaped.
 - d. All parking shall be located in the side or rear yard.

23. **Colleges and Universities**, including other such institutions of higher learning
- a. The minimum area for public and private colleges, universities, and other such institutions of higher learning offering courses in general, technical, or religious education shall be forty (40) acres.
 - b. All ingress and egress shall be directly onto a major street.
 - c. No buildings or other use of land, except landscaped passive areas, shall be situated within one hundred (100) feet of any private residence not a part of the institution of higher learning.
 - d. Land not utilized for buildings, parking, etc., shall be landscaped.
 - e. All parking shall be located in the side or rear yard.

24. **Contractors Equipment Storage Yards**

(Ord. 7C-96; Added January 16, 2019)

- a. Minimum area shall be five (5) acres.
- b. The premises shall not be used for the outdoor servicing, repair, or fabrication of any vehicle, equipment or similar item.
- c. The premises shall not be used for the operation of power tools, compressors, kilns, or similar equipment.
- d. The storage of combustible or flammable liquids or explosive materials shall be prohibited.
- e. At least one property line shall abut a major street.
- f. All ingress and egress shall be directly onto a major street.
- g. The area shall be graded and drained as to properly dispose of all surface water accumulated within the area. Storm water detention shall be provided as required by Monroe County.
- h. Where adjacent to a residential district, storage areas shall be screened by a decorative masonry screen wall at least six (6) feet high or a chain-link fence with intense evergreen shrub planting and a landscaped berm no less than 5 feet in height.
- i. Access drives, parking areas, and maneuvering lanes shall be maintained and located so as to provide access for emergency vehicles at all times.

25. **Composting Facilities**

- a. Size and Location.
 - (1) The minimum size of a composting facility shall be 80 acres.
 - (2) A Level I Environmental Assessment of the site shall be conducted prior to site plan review:

There are several phases to a site environmental assessment. The first phase is called a Level I Environmental site assessment. During this phase, a team of scientists walk the site in a systematic grid pattern to visually inspect for signs of adverse environmental activity. This includes a search for stressed vegetation, strained geologic structures, obvious placement of fill/debris, or the excavation of earth. Aerial photographs are reviewed from a historical perspective over the last few decades. Property ownership records and permit activities from the regulating agencies are researched and reviewed. Also, selected neighboring landowners are interviewed for their knowledge of any activity on the site. Based upon the site inspection and data review, a chronological description of activity on the site can be established.

- (3) A composting facility shall not be allowed in any 100-year or 500-year floodplain unless the Michigan Department of Environmental Quality (MDEQ) has approved the area of operations. A sign-off from the MDEQ stating where composting operations will be allowed in the floodplain shall be necessary before site plan review.
- (4) A composting facility shall not be allowed in any protected wetlands. A wetlands determination shall be made by the MDEQ prior to site plan review.

b. Ground and Surface Water Quality.

- (1) To ensure that ground or surface waters are not contaminated, monitoring wells must be installed by the owner/operator and/or lessee on site prior to construction of the composting facility. The location of such wells shall be determined on a site by site basis, subject to review and approval by a professional acceptable to the Township. All review costs shall be assumed by owner/operator and/or lessee.
- (2) If any stream or swale is present on the site, it shall be buffered by a 20-foot unoccupied setback measured from the outer edge of the floodplain or all alluvial soils. Approval from the designated agent responsible for the enforcement of the Soil Erosion Control Act shall be required ensuring the stream is adequately protected from pollution.
- (3) The surface and ground waters at a composting facility shall comply with the water quality requirements of Act 245 of Public Acts of 1929, as amended, being Section 323.1 et. seq. of the Michigan Compiled Laws and the State Administrative Rules promulgated thereunder, being Section 323.1001 et. seq. of the Michigan Administrative Code.
- (4) Sampling of groundwater monitoring wells must start before operations begin, continue quarterly during the active life of operations, and quarterly for a two-year period after operations cease for compliance with Act 255 of Public Acts of 1929, as amended. The monitoring shall be done by a professional acceptable to the Township. All costs for such monitoring shall be assumed by owner/operator and/or lessee.
- (5) Should test wells reveal violation of the water quality requirements of Act 245 of Public Acts of 1929, as amended, the petitioner shall be required to install a groundwater remediation system. The system shall be subject to review and approval by a professional acceptable to the

Township. All costs shall be assumed by owner/operator and/or lessee.

- (6) Surface water monitoring shall be also required in addition to groundwater monitoring to assess the adequacy of leachate containment and runoff control and for compliance with Act 255 of Public Act of 1929, as amended. Such monitoring shall be required quarterly. The monitoring shall be done by a professional acceptable to the Township. All costs for such monitoring shall be assumed by the owner/operator and/or lessee.
- (7) Analysis for all ground and surface water monitoring events shall be submitted to the Township within sixty (60) days after analyses.
- (8) Discharge of water collected in an on-site retention basin shall only be handled in the following ways:
 - (a) Reintroduced into the compost pile.
 - (b) Directed into a sanitary sewer.
 - (c) Transported by a liquid industrial waste hauler.

c. Composting Facilities.

- (1) This section establishes the requirements and procedures for operation of composting facilities for all facilities to be operated in Ash Township.
- (2) All composting facilities shall submit to the Ash Township Planning Commission for approval, as part of the site plan review, the following:
 - (a) Site plans sealed by a professional engineer including:
 - (i) A vicinity map and legal description.
 - (ii) Distances to the nearest adjacent residence and commercial and industrial facilities.
 - (iii) Proposed storage areas; interior and exterior. Interior storage facilities shall be identified as a "support services facility."
 - (iv) Utility locations including storm and sanitary sewers and water mains.
 - (v) Fire hydrant locations.
 - (vi) Access route traffic patterns as well as on-site traffic patterns.
 - (vii) All visual screening measures.
 - (viii) Drainage patterns. Property used for a composting facility shall contain a minimum 2% - 3% slope which permits surface water runoff from the composting process to be collected in an on-site retention basin.

- (b) Written documentation addressing the following:
 - (i) Hours of operation.
 - (ii) Methods of controlling fugitive dust, noxious odors, noise, vibration, light, and blowing debris.
 - (iii) Fencing and other means of limiting access.
 - (iv) Method of receiving compost materials.
 - (v) Method of sorting and handling composting materials on-site.
 - (vi) Measures to be taken should anaerobic conditions arise.
 - (vii) Expected frequency of removal of composted materials.
 - (viii) Expected frequency for turning of composting windrows.
 - (ix) Fire protection.
 - (x) Description of daily cleanup procedures.
 - (xi) Measures to be taken should surface or groundwater contamination take place.
 - (xii) The capacity of the composting facility in terms of cubic yards, and the maximum amount of compost material to be accepted annually.
 - (xiii) Maintenance Plan for all outdoor areas where compost materials are received, processed, cured, or stored to prevent rutting which allows on-site ponding/puddling of water in places other than a retention basin.
- (3) Composting facilities shall comply with the requirements of subsections d and f of this section.
- (4) All facilities covered under this section must notify the Ash Township Chief Enforcement Officer and the Monroe County Health Department that actual operations have begun.
- (5) The site shall be closed when anaerobic conditions arise, and the only operations taking place must be concerned with correcting conditions. If anaerobic conditions arise more than two times in a one month period, the facility must: a) pay a fine-set by Township Board; and, b) close for a one month period of time. After three one month closures in a year, the Township may order the site to be closed permanently subject to provisions of subsection h,(2). Also, corrective actions must begin immediately upon determination of anaerobic conditions. Determination of anaerobic conditions may be made by the Township Chief Enforcement Officer.
- (6) Compost materials shall not be accepted on site in an anaerobic condition. If inspections reveal acceptance of anaerobic materials the

owner/operator and/or lessee shall be subject to the conditions of subsection c,(5).

d. Landscaping Requirements.

(1) To ensure proper buffering of the composting facility from nearby land uses which may be adversely affected by the facility, the following requirements shall apply.

(a) An isolation distance shall be maintained between the beginning of the program area designated to the composting facility and residential land uses. No composting facility shall be constructed as close to the center of the property as possible, but in no case shall be located within 1,200 feet of an existing residential district lot line, nor within 1,500 feet of the nearest existing residential dwelling in other zoning districts. The isolation distance shall be measured from the beginning of the program area designated to the composting facility to the residential lot line in residential districts. In other zoning districts, the isolation distance shall be measured from the beginning of the program area designated to the composting facility to the existing residence.

(b) If a residence is within 1,200 feet to 2,250 feet of a composting facility, there shall be established along the composting facility's lot line a six-foot high seeded earthen berm or dense evergreen landscape buffer strip. The evergreen landscape buffer shall be provided with a double row of evergreen trees, a minimum of six (6) feet high, landscape grade, planted in staggered rows 30 feet apart on center. The plant materials selected shall be in accordance with the American Standards for Nursery Stock, published by the American Association of Nurserymen.

(2) If the property fronts on a public road, the earthen berm or evergreen plantings in subsection d,(1),(b) shall be required.

e. Off-Site Road Maintenance.

(1) This section is enacted to assure that tracking of mud and/or compost materials from composting areas onto public off-site roads will be minimized and to assure that mud and/or compost materials which are tracked off-site are adequately removed.

(2) At the time of site plan approval, the operator of the composting facility shall submit on Off-Site Road Maintenance Plan which addresses, at a minimum, the following:

(a) Method of dislodging mud and/or composting materials from the vehicles or undercarriage.

(b) An on-site traffic control pattern, including a by-pass road around the truck cleaning area if applicable.

(c) Method for removing soil, dust, and/or compost materials attributable to the composting operations from public off-site

roads within 2,500 feet of the composting area entrance and exits.

- (d) Trucks and off-site roads shall be cleaned as described in the plan cited in subsection e,(2) as often as necessary to prevent the occurrence of nuisances resulting from the tracking of mud and/or compost materials.

f. Fugitive Dust, Noxious Odors, Noise, Vibration, Light, and Blowing Debris.

- (1) The operation of a composting facility shall not result in unreasonable off-site deterioration of air quality, cause unreasonable interference with the comfortable enjoyment of life and property, or cause injurious effects to human health, safety, and welfare. All compost facilities shall be designed, constructed and operated so that fugitive dust, noxious odors, noise, vibration, light, and blowing debris are controlled and do not cause off-site problems or nuisances.

- (2) The following performance standards shall be enacted in an effort to control noxious odors, noise, vibration, and light so that they do not cause off-site problems and nuisances:

- (a) Odors.

- (i) The emission of noxious odors, odorous matter in such quantities as to be readily detectable at any point along lot lines, when diluted in the ratio of one volume of odorous air to produce a public nuisance or hazard beyond lot lines, is prohibited.

- (ii) All water used by the composting facility shall be drawn from streams, wells, ponds, or the municipal supply, and be otherwise free from sulfur or agents which will cause odor.

- (b) Noise. The pressure level of sounds shall not exceed the following decibel levels when adjacent to the following types of uses:

<u>SOUND</u>	<u>LEVEL ADJACENT USE</u>	<u>WHERE MEASURED</u>
65dBA	Residential/ Agricultural	BoundaryProperty Line*
75dBA	Commercial/Office	Boundary Property Line
80dBA	Industrial/Other	Boundary Property Line

*Except normal street traffic noise levels exceed 65dBA, the use noise level may equal but not exceed the traffic noise level.

The sound levels shall be measured using a weighted decibel measurement and with a type of audio out meter approved by the National Institute of Standards and Technology. Objectionable noise as determined by the Board, of an intermittent nature, or high frequency sounds, even if falling below the aforementioned decibel readings, shall be muffled so as not to become a nuisance to adjacent uses.

- (c) Vibration. All machinery shall be so mounted and operated as to prevent transmission of ground vibration exceeding a displacement of 0.003 inches as measured at any property line of its source.
 - (d) Light. Exterior lighting shall be so installed that the surface of the source light shall not be visible from any bedroom window, and shall be so arranged as to reflect light away from any residential use. In no case shall more than one foot candle power of light cross a lot line five feet above ground into a residential district.
- (3) The applicant shall submit with the site plan an operations plan to minimize the off-site occurrences of fugitive dust, noxious odors, vibrations, light, and blowing debris. This plan may include such measures as: restricting the daily work area, refusing to accept certain compost materials, or other appropriate measures. This plan shall be approved by the Planning Commission.
 - (4) If there is evidence that performance standards have not been met and/or that a problem or nuisance condition exists as determined by the Chief Enforcement Officer, despite compliance with the operation plan, then a contingency plan shall be developed by the operator. This contingency plan shall be submitted within ten working days from the date that the Chief Enforcement Officer notifies the operator. This plan shall demonstrate to the satisfaction of the Chief Enforcement Officer that the problem will be abated within two weeks.
 - (5) In the preparation of the operations plan required by subsection f,(3) or the contingency plan which may be required by subsection f,(4), the applicant or operator shall comply with the requirements of the Air Quality Rules promulgated under Act 348 of 1965 as amended.
- g. Compost Storage.
- (1) Storage of any material, other than compost, shall not be allowed on-site.
 - (2) Height of compost material shall not exceed eight (8) feet.
 - (3) No sludge of any kind shall be stored or deposited on composting facility property.
 - (4) No bagged materials containing grass shall be accepted at a composting facility. Grass contained in bags shall be de-bagged at the original point of collection before being hauled to the composting facility.

h. Closure Plan.

- (1) A closure plan shall be submitted which shall detail the final end use of the property should use of the facility be discontinued for more than twelve (12) months. The plan should describe:
 - (a) How the existing site will be cleaned up.
 - (b) How and where the existing surface debris will be disposed.
 - (c) What the final disposition of the land will be.

The petitioner shall, prior to commencement of operations, deposit with the Township an amount sufficient to ensure site clean up should operations cease. The deposit shall be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond in an amount to be determined acceptable by the Township Board.

- (2) Violation of any of the provisions of this ordinance or inability to meet the requirements of these provisions will result in the Township having the right to close and/or clean up the composting facility and operation at the expense of the owner and/or operator and/or lessee of the composting facility.

The Township may, at such time, direct the owner and/or operator and/or lessee to close and/or clean up the composting facility and/or operation at the owner and/or operator and or lessee's expense.

i. Right of Entry and Inspection.

- (1) To determine compliance with this Ordinance, the Township Board shall appoint three persons, in addition to the Chief Enforcement Officer, who will be prepared to act as Township representatives for purposes of site inspections. All composting areas are subject to inspection by the Chief Enforcement Officer or Township representative during reasonable hours. This includes all site inspections made during the preparation, construction, operation, and closure periods. Should entry to a premise for an inspection be refused, the Chief Enforcement Officer or Township representative may obtain a warrant authorizing premise entry and inspection pursuant to Section 2446 of Act 368 of Public Acts of 1978, being Section 333.2446 of the Michigan Compiled Laws.

The Chief Enforcement Officer or Township representative is empowered to collect and examine samples as deemed necessary to perform the duties prescribed herein, and to take photographic, video tape, or other representation of conditions existent at the composting area. No person shall hinder, obstruct, delay, resist, or prevent any inspection made or any sample collected and examined by the Chief Enforcement Officer or a Township representative. Nor shall any person molest, intimidate, harass, or impede the Chief Enforcement Officer or a representative of the Township in the lawful discharge of his or her powers and duties.

- (2) Based on an alleged violation of this Ordinance, specifically designated employees or officers of the Township may enter the disposal area when accompanied by a representative of the facility.

The governing body of the Township shall designate by resolution no more than three employees or officers to be given this responsibility and shall transmit copies of the resolution to the Chief Enforcement Officer and to the compost area operator. If the designated employee or officer of the Township confirms the alleged violation, the Chief Enforcement Officer shall be contacted immediately.

26. **Convalescent Homes/Nursing Homes/Homes for the Aged**
- a. All ingress and egress to the site shall be directly from a hard surfaced road.
 - b. The building height of a convalescent home or nursing home shall be no more than two (2) stories.
 - c. There shall be provided not less than fifteen hundred (1,500) square feet of open space for each one (1) bed in the home. The fifteen hundred (1,500) square feet of open space per bed shall provide for landscaping, off-street parking, service drives, loading space, yard requirements, and required accessory uses but shall not include the area covered by main or accessory buildings.
27. **Educational Facilities**, including public, parochial, and private elementary, intermediate, and secondary schools, and special secondary vocational facilities
- a. The minimum area shall be ten (10) acres.
 - b. All ingress and egress to the site shall be directly from a hard surfaced road.
 - c. No building shall be closer than three hundred (300) feet to any interior property line.
 - d. The subject site shall be fenced or screened from any adjoining residential subdivision lot. Said fencing or screening shall be in accordance with the General Provisions article of this Zoning Ordinance.
28. **Electric Power Generating Plants/Resource Recovery Operations/Waste to Energy Conversion Plants**
- a. Electric power generating plants, resource recovery operations, and waste to energy conversion plants shall be determined to be essential to the economic development interest of Monroe County. Any agency proposing such a facility shall have completed a cost/benefit studying showing, to the satisfaction of the Township, that the facility shall be an economic asset to Ash Township.
 - b. Environmental impact review shall be made of the proposed project development by persons qualified to conduct environmental studies and who have no conflict of interest in the matter. Said environmental impact review shall show that the project will have no negative impacts or that mitigating measures can be taken to eliminate said adverse impact at no cost to the Township.
29. **Establishments Selling or Serving Liquor, Beer, or Wine.**
- a. Points of vehicular ingress and egress shall be limited to an adjacent major road only.

- b. The entire parking area must be paved with a permanent surface of concrete or asphalt. Any unpaved area of the site shall be landscaped with lawn or other horticultural materials, maintained in a neat and orderly fashion at all times and separated from the paved parking or driveway areas by a raised curb or other equivalent barrier.
- c. Each establishment shall be separated from another establishment selling or serving liquor, beer, or wine by five hundred (500) feet, such distance to be measured in a straight line from the closest property lines.
- d. The minimum width of driveways at the right-of-way line shall be not less than twenty-four (24) feet and not greater than thirty (30) feet.
- e. The minimum distance between driveways on the site shall be seventy-five (75) feet measured at the right-of-way line.
- f. The minimum distance that a driveway on the site shall be from a street intersection shall be one hundred (100) feet measured from the right-of-way line.
- g. Liquor consumption upon the premises of any establishment selling packaged liquor, beer, or wine shall be prohibited and shall be properly posted with signs stating such.

30. **Feedlots**

Feedlots or other intensive animal operations as defined in Article 2 of this Ordinance and regulated by Special Use approval shall comply with the following provisions:

- a. Feedlot must be located on at least eighty (80) acres;
- b. The property shall have direct access to a county primary road or state highway;
- c. All structures or yards which are used to confine animals shall be located at least 300 feet from adjoining properties and roads;
- d. There shall be one-half mile of distance between any feedlot and the nearest residential zoned property;
- e. There shall be a 20 foot fenced buffer strip between any stream, creek or other naturally occurring waterway and any animal confinement area, and
- f. Manure is to handled according to the Michigan Agricultural Commission's Generally Accepted Agricultural and Management Practices for Manure Management and Utilization, published June, 1997.

30. **Gasoline Filling Stations**

(Ord. 7C-96; Amended January 16, 2019)

- a. No repair work shall be permitted within the C-1 District, other than incidental service.
- b. No steam cleaning or undercoating shall be permitted.
- c. All ingress and egress to the site shall be directly from a hard surfaced road.

- d. 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 Planning Commission, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.
 - e. No more than one (1) curb opening shall be permitted for every seventy-five (75) feet of frontage (or major fraction thereof) along any street.
 - f. Ingress and egress drives shall not be more than thirty (30) feet in width.
 - g. Minimum lot area shall be twenty thousand (20,000) square feet
 - h. Minimum lot width shall be not less than one hundred fifty (150) feet
 - i. No outside storage of oil drums, trailers, or equipment for rent, sale, or display, shall be permitted.
 - j. No gasoline filling stations shall be located or no property used as such nearer than four hundred (400) feet, in any direction as measured from any point on the property line of any church, school (public or parochial), public playground or park, public library, police station, fire station, post office, hospital, theater.
(Ord. 7C-20; Amended Dec. 11, 2001)
 - k. 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 twenty (20) feet from any lot line, and shall not 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.
 - l. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a six (6) foot masonry wall and shall comply with requirements for location of accessory buildings. No storage may be extended above the height of the wall. Outside storage or parking of disabled, wrecked, or partially dismantled vehicles shall not be permitted unless ordered by a law enforcement agency.
32. **General Contractors**, including other special trade contractors
- a. All ingress and egress to the site shall be directly from a hard surfaced road.
 - b. Required outdoor storage of motorized vehicles, generators, or other equipment used in connection with the business shall be contained within a screened area of the lot.
 - c. Materials used in connection with the business shall be confined to a screened area or within an enclosed building.
 - d. No outside work in connection with the business shall be permitted except for emergency conditions, for which approval by the Chief Enforcement Officer is required.
33. **Golf Courses**, including public and private facilities but not including "par 3" golf courses
- a. The minimum area shall be sixty (60) acres.

- b. All ingress and egress shall be directly onto a major street.
- c. No building shall be located closer than three hundred (300) feet to any interior property line.
- d. A shelter building with toilet facilities shall be provided which meets all requirements of the County Health Department.
- e. Development features, including the principal and accessory buildings and structures, shall be so located and related as to minimize the possibilities of any adverse affects upon adjacent property.
- f. The minimum number of off-street parking spaces to be provided shall be the number required for the golf course in addition to the number required for each accessory use.
- g. When a swimming pool is included in the project, said pool shall be provided with a protective fence five (5) feet in height, and entry shall be by means of a controlled gate.

34. **Golf Driving Ranges**

- a. The minimum area shall be twenty (20) acres.
- b. All ingress and egress to the site shall be directly from a hard surfaced road.
- c. No building shall be located closer than three hundred (300) feet to any interior property line.
- d. A shelter building with toilet facilities shall be provided which meets all requirements of the County Health Department.
- e. Development features, including the principal and accessory buildings and structures, shall be so located and related as to minimize the possibilities of any adverse affects upon adjacent property.
- f. The minimum number of off-street parking spaces to be provided shall be the number required for the driving range in addition to the number required for each accessory use.

35. **Greenhouses/Nurseries**, including sale of plant materials to the public

- a. The minimum area shall be five (5) acres.
- b. All ingress and egress to the site shall be directly from a hard surfaced road.
- c. The storage or display of any materials shall conform to all building setback requirements of a structure.
- d. The total square footage of all impervious surfaces shall not exceed three (3) percent of the total area.
- e. All parking and loading shall be provided off-street.

- f. The parking area shall be designed so as not to disrupt abutting residences with noise or headlights.
36. **Group Day Care Homes**, licensed or registered under Act 116 of the Public Acts of 1973, as may be amended
- a. It is not located closer than one thousand five hundred (1,500) feet to any of the following:
 - (1) Another licensed group day care home.
 - (2) Another adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act, Act No. 218 of the Public Acts of 1979, being Sections 400.701 to 400.737 of the Michigan Compiled Laws.
 - (3) A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed under Article 6 of the Public Health Code, Act No. 368 of the Public Acts of 1978, being Sections 333.6101 to 333.6523 of the Michigan Compiled Laws.
 - (4) A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.
 - b. It has appropriate fencing for the safety of the children in the group day care home as determined by the Ash Township Planning Commission.
 - c. It maintains the property consistent with the visible characteristics of the neighborhood. It does not exceed sixteen (16) hours of operation during a twenty-four (24) hour period.
 - d. One (1) sign, in addition to the sign indicating the address and/or name of the occupant, may be permitted provided it is nonilluminated, mounted flush to the exterior of the structure, and not exceeding four (4) square feet in area.
 - e. The group day care home operator shall provide off-street parking for his or her employees in the ratio of one (1) parking space for each employee.
 - f. Adequate vehicular maneuvering area shall be provided off-street for the arrival and departure of children.
37. **Hospitals (for human care)**
- a. The minimum area shall be ten (10) acres.
 - b. The proposed site shall have at least one property line abutting a major street. All ingress and egress shall be directly onto a major street.
 - c. In the event one (1) or more property lines of the proposed site lie opposite from or adjacent to a residential district, the minimum distance between any hospital structure or accessory use and the residential district boundary shall be at least one hundred (100) feet for buildings containing two (2) stories or less. For buildings above two (2) stories, the building shall be set back an additional one (1) foot for each foot of height above two (2) stories.

- d. The building height of a hospital shall be no more than four (4) stories or forty-five (45) feet.
- e. The minimum distance from any road right-of-way line shall not be less than forty (40) feet for buildings containing two (2) stories or less. For buildings above two (2) stories, the building shall be set back an additional one (1) foot for each foot of height above two (2) stories.
- f. The minimum distance from any non-residential interior property line shall not be less than twenty-five (25) feet.
- g. Ambulance and delivery areas shall be obscured from all residential view with a wall at least six (6) feet in height. Said wall shall further be in accordance with the General Provisions article of this Zoning Ordinance.

38. Housing for the Elderly

- a. All housing complexes for the elderly shall be constructed on parcels of at least three (3) acres and may provide for the following:
 - (1) Cottage type one-story dwellings and/or low-rise (three (3) stories or less) apartment type dwelling units.
 - (2) Common service containing, but not limited to, central dining rooms, recreational rooms, central lounge, and workshops.
- b. All ingress and egress to the site shall be directly from a hard surfaced road.
- c. Minimum dwelling unit size shall be four hundred (400) square feet of living area per unit.
- d. Total coverage of all buildings (including dwelling units and related service buildings) shall not exceed twenty-five (25) percent of the total site not including any dedicated public right-of-way.

39. Junkyards/Salvage Yards, including vehicles, farm implements, and construction equipment

- a. All ingress and egress to the site shall be directly from a hard surfaced road.
- b. Junkyards and salvage yards shall comply with the licensing requirements of the Township for "junkyards."
- c. Salvage parts are not visually discernable from any public street or residential district.

40. Juvenile Runaway Shelters

- a. One (1) on-site parking space shall be provided for each employee in addition to the parking required for the dwelling unit or other accessory uses. When located within a one-family or two-family dwelling unit, the driveway may be used for this purpose.
- b. The property (architecture and landscaping) shall be maintained in a manner that is consistent with the character of the neighborhood.

- c. All exterior lighting of entryways, parking spaces, or loading/unloading areas shall not reflect onto adjacent properties.
- d. A minimum of one hundred fifty (150) feet of outdoor play area is provided and maintained for each child housed within the shelter. Such play space shall have a total minimum area of at least five thousand (5,000) square feet and shall be fenced or screened from any adjoining residences.

41. Kennels

- a. All ingress and egress to the site shall be directly from a hard surfaced road.
- b. The minimum area shall be ten (10) acres.
- c. Buildings wherein animals are kept, animal runs, and/or exercise areas shall not be located closer than two hundred (200) feet to any property line.

42. Light Industrial Parks

- a. All ingress and egress to the site shall be directly from a major street.
- b. Light industrial parks, which by the nature of the materials, equipment and processing utilized are to be considered clean, quiet, and free from objectionable or dangerous nuisance or hazard, including any of the following uses when conducted within a completely enclosed building.
 - (1) The manufacturing, compounding, processing, and packaging or treatment of bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, toiletries, condiments, (except fish, sauerkraut, vinegar, and yeast).
 - (2) The manufacturing, compounding, assembling, or treatment of articles or merchandise from the following prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood (excluding planing mill), yarns, and paint not requiring a boiling process.
 - (3) The manufacturing of musical instruments, toys, novelties, rubber or metal stamps.
 - (4) The manufacturing of pottery, figurines or similar ceramic products, using previously pulverized clay.
 - (5) The manufacturing of and maintenance of electric and neon signs, billboards, commercial advertising structures, sheet (light) metal products, including heating and ventilating ducts and equipment, cornices, eaves, and the like.
 - (6) Blacksmith shop, machine shop or wrought iron shop.
 - (7) Central dry cleaning or laundry plants, cleaning, and dyeing works, and carpet or rug cleaning.

- (8) Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts, such as condensers, transformers, crystal holders, and the like.
 - (9) Laboratories, experimental or testing.
 - (10) Public utility service yard or electrical receiving transforming station.
43. **Machine Tools, Metal Cutting, and Grinding Facilities**, limited to sharpening and reconditioning of machine tools
- a. All ingress and egress to the site shall be directly from a hard surfaced road.
 - b. The activity shall not have a detrimental effect on nearby residents by virtue of noise, smoke, or other emissions.
 - c. The Township shall establish reasonable measures to mitigate any such adverse impacts.

44. **Manufacturer Vehicle Storage**

(Ord. 7C-37; Added March 8, 2005; Ord. 7C-67; Amended May 20, 2009; Ord. 7C-96; Amended January 16, 2019)

A manufacturer vehicle storage area shall consist of a controlled-access compound for storage of vehicles or boats with boat trailers owned by the original manufacturer or a subsidiary, including new or off-lease vehicles, while in transfer, and a caretaker's building, provided:

- a. Minimum area shall be five (5) acres.
- b. The premises shall not be used for the outdoor servicing, repair, or fabrication of any vehicle, boat, boat trailer or similar item.
- c. The premises shall not be used for the operation of power tools, compressors, kilns, or similar equipment.
- d. The storage of combustible or flammable liquids or explosive materials shall be prohibited.
- e. At least one property line shall abut a major street.
- f. All ingress and egress shall be directly onto a major street.
- g. The area shall be graded and drained as to properly dispose of all surface water accumulated within the area. Storm water detention shall be provided as required by Monroe County.
- h. Where adjacent to a residential district, storage areas shall be screened by a decorative masonry screen wall at least six (6) feet high or a chain-link fence with intense evergreen shrub planting and a landscaped berm no less than 5 feet in height.
- i. Access drives, parking areas, and maneuvering lanes shall be maintained and located so as to provide access for emergency vehicles at all times.

45. **Migratory Workers Housing Facilities**

- a. Housing facilities shall be for the lodging of migratory farm workers and their immediate families during the season in which they are employed in the planting, harvesting, or processing of crops or other essential agricultural related employment.
- b. Housing facilities shall meet all state sanitation and health codes but shall clearly not be used for permanent year-round housing.

46. **Mini-Warehouses/Self-Storage Facilities**

- a. Building separation between self-storage buildings on the same site shall be a minimum of twenty-four (24) feet or equal to the building height, whichever is greater.
- b. The total lot coverage of all structures shall be limited to thirty-five (35) percent of the total lot area.
- c. A ten (10) foot landscaped greenbelt shall be provided between the property line and wall required along all street frontages. A five (5) foot landscaped greenbelt shall be provided between the property line and wall where the site abuts any residential district. All materials shall be planted in conformance with the General Provisions article of this Zoning Ordinance.
- d. Parking shall be provided in accordance with the following: two (2) spaces for the resident manager, one (1) additional space for each additional employee, and two (2) additional spaces for customers shall be provided adjacent to the rental office.
- e. Internal driveway aisles shall be a minimum of twenty-four (24) feet in width.
- f. All off-street parking areas and driveways shall be hard surfaced and drained so as to preclude drainage onto adjacent property.
- g. All ingress and egress from this site shall be onto a major street.
- h. Building height shall not exceed one (1) story or fourteen (14) feet except that a caretaker or resident manager's unit may be allowed a building height of two (2) stories or twenty-five (25) feet.
- i. No single storage building shall exceed seventy-five hundred (7,500) square feet.
- j. All storage on the property, with the exception of item k below, shall be kept within an enclosed building.
- k. The outdoor storage of recreational vehicles, motorized homes, and travel trailers may be permitted. All such areas shall be on an aggregate treated surface, or better. Such storage shall be completely screened from view from all adjacent residential areas.

47. **Modular Home Sales** (salesrooms and sales lots for new and/or used mobile homes and modular homes)

- a. All ingress and egress to the site shall be directly from a major street.

- b. The lot or area shall be graded and drained as to dispose of all surface water accumulated within the area.
- c. The area upon which new and/or used mobile homes and modular homes are displayed shall be hard surfaced or shall be grassed with a hard surfaced pedestrian access to each of the mobile homes and modular homes on display.
- d. Ingress and egress shall be at least sixty (60) feet from the intersection of any two (2) streets.
- e. No major repair shall be conducted on the subject site. All minor repair facilities shall be located within an enclosed building. There shall be no outdoor storage of materials.
- f. Lighting shall be located and designed to reflect away from adjacent residential districts.

48 Mortuary Establishments

- a. All ingress and egress to the site shall be directly from a hard surfaced road.
- b. Adequate assembly area shall be provided off-street for vehicles to be used in the funeral procession.
- c. Such assembly area will be in addition to required off-street parking.
- d. A caretakers residence may be provided within the main building of the mortuary establishment.
- e. All parking shall be located in the side or rear yard.

49. Motels, hotels and conference centers

(Ord. 7C-96; Added January 16, 2019)

- a. All ingress and egress to the site shall be directly from a hard surfaced road.
- b. The minimum area shall be two (2) acres.
- c. Each living unit shall contain not less than 250 square feet of floor area.
- d. No guest shall establish permanent residence for more than thirty (30) days in any one (1) calendar year.

50. Natural Resource Extraction Operations

- a. All natural resource extraction operations shall comply with the Township's licensing provisions.
- b. All natural resource extraction operations shall comply with the terms, conditions, and regulations of the Ash Township Natural Resource Recovery and Rehabilitation Ordinance and the Ash Township Waste Landfill Ordinance.

51. Open Air Businesses

- a. Open air businesses for the sale of manufactured products, such as similar to garden furniture, earthenware, hardware items, or the rental of manufactured

products or equipment, small tools, trailers, and similar products and equipment shall be permitted.

- b. All sides of an open air businesses use abutting any residential zoning district or existing residential development shall maintain an obscuring greenbelt buffer between the residential area and the proposed development.

52. **Par 3 Golf Courses**

- a. The minimum area shall be twenty (20) acres.
- b. All ingress and egress to the site shall be directly from a hard surfaced road.
- c. No building shall be located closer than three hundred (300) feet to any interior property line.
- d. A shelter building with toilet facilities shall be provided which meets all requirements of the County Health Department.
- e. Development features, including the principal and accessory buildings and structures, shall be so located and related as to minimize the possibilities of any adverse affects upon adjacent property.
- f. The minimum number of off-street parking spaces to be provided shall be the number required for the driving range in addition to the number required for each accessory use.

53. **Parks and Recreation Facilities**

- a. Active recreation areas, including accessory buildings and parking lots, shall not be located closer than three hundred (300) feet to any interior property line.
- b. The project shall have no negative impacts on surrounding land uses or mitigating measures shall be taken to eliminate said adverse impacts.

54. **Penal Institutions**

- a. Minimum area shall be one hundred sixty (160) acres.
- b. All ingress and egress to the site shall be directly from a major street.
- c. No building shall be located closer than one thousand (1,000) feet to any interior property line or road right-of-way.

55. **Petroleum Facilities**, including production, refining, or storage of petroleum or other inflammable liquids

- a. All ingress and egress to the site shall be directly from a major street.
- b. An adequate separation zone shall be established between this use and industrial uses permitted by right.
- c. No part of the site is contiguous to a residential district.

56. **Private Recreation Facilities**, including swimming pool clubs and community recreation centers
- a. Membership in non-profit private recreation facilities located within a recorded subdivision shall consist of members residing within the immediate area or owners of lots within the recorded subdivision in which the recreation facility is situated.
 - b. Said recreation facility shall be for the exclusive use of the membership as conditioned above and their guests.
 - c. Provision for the land and/or buildings shall have been identified in the original platting of the land so that all subsequent lot purchasers were duly placed on notice. Prior to approval of the special land use, the Township shall determine that such affected area residents were able to determine that such facilities were a part of the original development scheme. Evidence to this effect would include a provision in the recorded plat.
 - d. In those instances where the proposed facility is intended to serve areas beyond the recorded subdivision, the proposed site shall have one (1) property line abutting a major street, and the site shall be so planned as to provide ingress and egress directly onto or from said major street.
 - e. Front, side, and rear yards shall be at least eight (80) feet on those sides adjacent to residential districts. Front, side, and rear yards shall not less than ten (10) feet on those sides adjacent to non-residential districts. Such required yard setback shall be landscaped in trees, shrubs, grass, and terrace areas. All such landscaping shall be maintained in a healthy condition.
 - f. Off-street parking shall be provided so as to accommodate not less than one-half of the family and individual membership or as otherwise provided. Prior to the approval of a special land use, bylaws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. Off-street parking shall be screened from adjacent residential districts in accordance with the General Provisions article of this Zoning Ordinance.
 - g. There shall be no parking or structures permitted in the required front, side, and rear yards, except for required entrance drives and screening walls used to obscure the use from abutting residential districts.
 - h. All lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from all residential lands which adjoin the site.
 - i. When a swimming pool is constructed under this section of the Zoning Ordinance, said pool area shall be provided with a protective fence five (5) feet in height, and entry shall be provided by means of a controlled gate.
 - j. All plans for storm sewers, sanitary sewers, water, and other utilities shall be reviewed and approved by the Township Engineer.

57. **Public Utility Buildings**, not including storage yards
- a. Public utility and service buildings and uses (without storage yards) shall be permitted when operating requirements necessitate the location of said building within the district in order to serve the immediate vicinity.
 - b. No building and/or structure shall be located in any required yard.
58. **Recreational Vehicle, Boat, and Semi-Trailer Repair**
(Ord. 7C-96; Added January 16, 2019)
- a. All ingress and egress to the site shall be directly from a hard surfaced road.
 - b. Any repair and/or replacement activity shall be conducted within a totally enclosed building.
 - c. All new, used and/or discarded parts shall be stored within a completely enclosed building.
 - d. Any such activity shall be located not less than twenty-five (25) feet from a property line.
 - e. The parking of vehicles on site shall be limited to those which may be serviced within a twenty-four (24) hour period.
 - f. There shall be no outside parking and/or storage or any partially dismantled or inoperative vehicles.
 - g. There shall be no releasing of toxic gasses, liquids or materials in any form into the atmosphere, the water or sewer systems of the Township, or on, or into the earth and further, no adverse affects shall be created by any activity on adjacent property or development.
59. **Recreational Vehicle Storage Facilities**
(Ord. 7C-96; Amended January 16, 2019)
- a. Minimum area shall be five (5) acres.
 - b. The premises shall not be used for the outdoor servicing, repair, or fabrication of any recreational vehicle or similar item.
 - c. The premises shall not be used for the operation of power tools, compressors, kilns, or similar equipment.
 - d. Limited sale of products and supplies incidental to the principal use, such as ropes, locks, tape, etc., to tenants shall be permitted within an enclosed building.
 - e. The storage of combustible or flammable liquids or explosive materials shall be prohibited.
 - f. No vehicle shall have a fixed connection to electricity, water, gas, or sanitary facilities.
 - g. No person, individual, group, or family shall be allowed to occupy any vehicle during non-business hours.

- i. At least one property line shall abut a major street.
- j. All ingress and egress shall be directly onto a major street.
- k. Storage areas shall meet all yard setback requirements applicable to any building in the district.
- l. The area shall be graded and drained as to properly dispose of all surface water accumulated within the area.
- m. All recreational vehicles, boats, and trailers contained herein shall be locked or secured at all times when not being claimed or moved by the owner so as to prevent access thereto and to prevent accidental release that would permit movement onto abutting property.
- n. Where adjacent to a residential district, storage areas shall be screened by an obscuring wall at least six (6) feet high or a chain-link fence with intense evergreen shrub planting.
- o. Access drives, parking areas, and maneuvering lanes shall be maintained and located so as to provide access for emergency vehicles at all times.

60. Research Facilities

- a. High technology research facilities shall be, by their nature, considered clean, quiet, and free from objectionable or dangerous nuisance or hazard.
- b. Such high technology research facilities shall be conducted within a completely enclosed building.

61. Restaurant, Carry Out, Fast Food, or Drive In
(Ord. 7C-96; Added January 16, 2019)

- a. No drive in, fast food, or carry out restaurant shall be located within five hundred (500) feet from an elementary, junior, or senior high school.
- b. Points of vehicular ingress and egress shall be limited to an adjacent major street only.
- c. The minimum width of driveways at the property line shall be twenty four (24) feet, and not greater than thirty (30) feet.
- d. The minimum distance between driveways on the site shall be seventy five (75) feet measured from the two (2) closest driveways' curbs, measured along the right of way.
- e. The minimum distance a driveway into the site shall be from a street intersection shall be sixty (60) feet measured from the intersection of the street right of way to the nearest end of the curb radius.
- f. Motor vehicle oriented businesses adjacent to or integrated in a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center.
- g. The entire parking area shall be paved with a permanent surface of concrete or asphalt and shall be graded and drained in accordance with standards specified

by Monroe County. Any unpaved area of the site shall be landscaped with lawn or other horticultural materials, maintained in a neat and orderly fashion at all times and separated from the paved parking or driveway area by a raised curb or other equivalent barrier.

- h. Concrete curbing, six (6) inches in height, shall be properly placed and maintained along or parallel to all property lines, except where bumper guards are required and except across approved driveways, so as to prevent vehicular encroachment onto or over the public right of way and to prevent vehicular encroachment onto or over the adjoining property, or vehicular damage to the adjoining buildings.

The Planning Commission, upon application of the property owner, may modify or waive the curbing requirement where unusual site characteristics exist or in instances where landscaping or other natural or manmade features would produce the same effect.

- i. All outside trash receptacles, except those intended for use by the customer, shall be enclosed by a six (6) foot masonry wall. The material being stored shall not be stacked higher than the wall.
- j. During the period when a drive in restaurant, fast food restaurant, or carry out restaurant is vacated, closed, or otherwise not opened for business for more than thirty (30) consecutive days, the owner, franchise holder, or lessee shall be subject to complying with the following regulations:

- (1) Vehicular parking and storage shall be prohibited at all times anywhere on the premises and the owner, franchise holder, or lessee shall post a sign or signs on the premises, giving notice that all parked or stored vehicles are subject to ticketing and removal by the Township at vehicle owner's expense. In addition, the owner, franchise holder, or lessee, whoever is in possession, is subject to ticketing if unlawfully parked or stored vehicles are permitted on the premises by consent of owner, franchise holder, or lessee. The Township shall have the right of entry to subject property for the purpose of accomplishing said ticketing and removal.
- (2) The ground shall be kept free of rubbish and debris, and the grass, if any shall be well kept and cut as necessary so as to present a neat and attractive appearance at all times.
- (3) Within sixty (60) days of such closing, all curb cuts across driveway entrances and all other points of ingress and egress to the premises shall be closed to vehicular traffic by properly placed and secure precast concrete wheel stops or the equivalent.

62. **Restaurants Serving Beer, Wine or Liquor.** Any restaurant serving beer, wine or liquor shall comply with all of the following standards:
(Ord. 7C-96; Added January 16, 2019)

- a. The sale of beer, wine or liquor shall be clearly incidental to the principal restaurant use.
- b. The establishment shall not be located within 500 feet of any religious institution, school or public park.

- c. The establishment shall not be located within 100 feet of any property designated for residential use.
 - d. The establishment shall not be located within 1000 feet of any other establishment selling beer, wine or liquor for on-premise consumption.
63. **Retail Lumber Yards.**
(Ord. 7C-96; Added January 16, 2019)
- a. All ingress and egress to the site shall be directly from a hard surfaced road.
 - b. All outdoor sales abutting any residential zoning district or existing residential development shall maintain an obscuring greenbelt buffer between the outdoor sales area and the abutting residential area.
64. **Sales Lots** (salesrooms and/or sales lots for new and/or used automobiles, recreation vehicles, trucks, and trailers)
- a. All ingress and egress to the site shall be directly from a hard surfaced road.
 - b. The lot or area shall be graded and drained as to dispose of all surface water accumulated within the area.
 - c. The lot or area upon which new and/or used automobiles, recreation vehicles, trucks, and trailers are placed shall be hard surfaced.
 - d. Ingress and egress shall be at least sixty (60) feet from the intersection of any two (2) streets.
 - e. No major repair or major refinishing shall be conducted on the subject site. All service and minor repair facilities shall be located within an enclosed building. Damaged vehicles and/or vehicles waiting for repair may be stored outside provided such storage area is screened by an obscuring wall six (6) feet in height. There shall be no outdoor storage of materials.
 - f. Lighting shall be located and designed to reflect away from adjacent residential districts.
65. **Semi-Truck and Trailer Storage**
(Ord. 7C-96; Added January 16, 2019)
- a. Minimum area shall be five (5) acres.
 - b. The premises shall not be used for the outdoor servicing, repair, or fabrication of any semi-truck, trailer or similar item.
 - c. The premises shall not be used for the operation of power tools, compressors, kilns, or similar equipment.
 - d. The storage of combustible or flammable liquids or explosive materials shall be prohibited.
 - e. At least one property line shall abut a major street.
 - f. All ingress and egress shall be directly onto a major street.

- g. The area shall be graded and drained as to properly dispose of all surface water accumulated within the area. Storm water detention shall be provided as required by Monroe County.
- h. Where adjacent to a residential district, storage areas shall be screened by a decorative masonry screen wall at least six (6) feet high or a chain-link fence with intense evergreen shrub planting and a landscaped berm no less than 5 feet in height.
- i. Access drives, parking areas, and maneuvering lanes shall be maintained and located so as to provide access for emergency vehicles at all times.

66. Tenant Houses

- a. The single-family detached dwellings shall be for the sole use of individuals and their immediate families engaged in agricultural employment on the same lot.
- b. One (1) dwelling unit per full time employee is permitted, with a maximum of three (3) dwelling units per one hundred (100) acres.

67. Theaters, auditoriums, concert halls, or similar places of indoor assembly.
(Ord. 7C-96; Added January 16, 2019)

- a. The minimum area shall be three (3) acres.
- b. All ingress and egress to the site shall be directly from a hard surfaced road.
- c. No building shall be closer than one hundred (100) feet to any interior lot line.

68. Trucking facilities and distribution centers.
(Ord. 7C-96; Added January 16, 2019)

- a. The minimum area shall be five (5) acres.
- b. A building containing a distribution center shall be located not less than two hundred fifty (250) feet from any residential zoning district and any residential dwelling.
- c. Truck docks, overhead doors and trailer staging areas accessory to a distribution center shall be located not less than three hundred fifty (350) feet from any residential district. Truck docks, overhead doors, and trailer staging areas accessory to a distribution center shall be oriented away from, or shall be reduced in number and sufficiently screened where oriented toward, all residential districts and public rights-of-way. Where building layouts incorporate multiple buildings, buildings shall be designed and oriented such that truck docks, overhead doors and trailer staging areas in adjacent building face one another.
- d. All other off-street parking and loading areas, access drives and paved surfaces accessory to such a use, shall be located not less than fifty (50) feet from any residential district.

69. Wireless Communication Facilities
(Ord. 7C-9; Amended April 11, 2000; Ord. 7C-77; Amended September 19, 2012)

- a. Wireless Communication Support Facilities (WCSF)

- (1) All WCSF shall be constructed in compliance with all applicable construction codes, which include the Electronic Industries Association/Telecommunications Industry Association (EIA/TIA) Structural Standards of Steel Antenna Towers and Antenna Supporting Structures.
- (2) The WCSF shall comply with all applicable Federal Aviation Administration (FAA) requirements.
- (3) The WCSF shall not be used for advertising purposes and shall not contain any signage except signage which shall show the identity of the service provider and emergency telephone numbers.
- (4) The WCSF may be located on a zoning lot containing other principal uses. The WCSF may be located within an area smaller than the minimum lot size of the applicable zoning district provided the zoning lot complies with the applicable minimum lot size for the existing principal use or is a legal nonconforming or grandfathered lot. The area within which the WCSF is located shall be the area subject to the requirements of this section, rather than the entire zoning lot, unless otherwise provided herein.
- (5) The WCSF shall meet all requirements of the zoning district in which it is located which are not inconsistent with this section. Minimum yard requirements shall be measured from the boundary of the zoning lot to the closest portion of the WCSF or the accessory equipment structure or storage area, whichever is closer.
- (6) The WCSF shall have a landscaped buffer so that the base of the WCSF and accessory equipment structure or storage area shall be screened from any right-of-way, residential use, or residential zoning district. Such landscaped buffer may be placed on the site in a manner which will maximize the aesthetic and environmental benefits, while at the same time providing the visual buffer required hereby. Such landscaped buffer shall consist of hedges planted leaf to leaf which shall reach a height of not less than six (6) feet at maturity and conifer trees planted on fifteen (15) foot centers along the approved buffer of a species approved by the Planning Commission unless safety requirements of the principal use requires otherwise (i.e., utility substations).
- (7) The construction of the WCSF shall be of monopole design unless it can be demonstrated that such design is not feasible to accommodate the user or co-location.
- (8) The application shall contain information showing the geographic search area within which the proposed WCSF must be located and shall also provide locations of all structures of similar height within and adjacent to the search area.
- (9) If co-location is not part of the application, then the applicant must demonstrate in the application as to why co-location is not possible.
- (10) This section shall not exempt the applicant from such other government review and permitting procedures (i.e., FCC, FAA, etc.).

- (11) WCSFs shall not have a shiny or metallic finish.
- (12) The applicant is required to disclose whose wires will be connecting proposed towers so the Township can assess any separate franchise fees.

b. Replacement of Existing WCSF

An existing WCSF which was lawful at the time of its construction may be replaced for purposes of accommodating co-location of additional WCAs or otherwise provided that:

- (1) The replacement WCSF shall not exceed a total height of 150 feet or, if the existing WCSF has an approved height greater than 150 feet, the replacement WCSF shall not exceed the approved height.
- (2) The replacement WCSF shall be located within the same zoning lot as the existing WCSF and shall be located so as to maximize compliance with existing minimum yard requirements.
- (3) The applicant shall cause the existing WCSF to be removed within 90 days of completion of the replacement WCSF and the relocation or installation of the WCA. In any event, the existing WCSF shall be removed within 180 days of the Township's final construction inspection of the replacement WCSF.
- (4) If the location of the replacement WCSF is such that the existing WCSF must be moved before the replacement WCSF is constructed, temporary portable antennae support facilities may be used, but must be removed within 30 days of the completion of the replacement WCSF and the relocation or installation of the WCA. In any event, the temporary portable antennae facilities must be removed within 60 days of the Township's final construction inspection of the replacement WCSF.
- (5) The replacement WCSF shall meet all criteria and requirements in subsection c.(1). hereof.
- (6) The installation of a replacement WCSF in any zoning district must be reviewed by the Planning Commission which shall approve such requests that meet the requirements of this section.

c. Review Criteria for all new WCSFs, except replacement WCSFs

- (1) A new WCSF shall not be approved unless it can be demonstrated by the applicant that there is a need for the new WCSF which cannot be met by placing WCA on an existing WCSF or on other structures or replacement of an existing WCSF. Information concerning the following factors shall be considered in determining that such need exists:
 - (a) Insufficient structural capacity of existing WCSFs or other suitable structures and infeasibility of reinforcing or replacing an existing WCSF;
 - (b) Unavailability of suitable locations to accommodate system design or engineering on existing WCSF or other structures;

- (c) Radio frequency interference or other signal interference problems at existing WCSF or others structures;
 - (d) The cost of using an existing WCSF or other structure exceeds the costs of permitting and constructing a new WCSF;
 - (e) Other factors which demonstrate the reasonable need for the new WCSF;
 - (f) The denial of the application for a proposed WCSF will result in unreasonable discrimination among providers of functionally equivalent personal wireless communication services and/or will have the effect of prohibiting the provision of personal wireless communication services;
 - (g) The refusal of owners or parties who control WCSFs or other structures to permit a WCA to be attached to such WCSFs or structures.
- (2) The applicant must include a statement in the application of its good faith intent to allow the co-location of the WCA of other entities, provided that the cost of modifying the WCSF to accommodate the co-location WCA is borne by the co-locating entity.
- (3) The applicant shall send a written notice to all potential users of the new WCSF offering an opportunity for co-location. The list of potential users shall be provided by the Township based on those entities who have requested approval of WSCF in the past, current FCC license holders, and any other entities requesting to be included on the list. Copies of the notice letters shall be provided to the Township at the time the application is filed. If, during a period of 30 days after the notice letters are sent to potential users, a user or users request, in writing, to co-locate on the new WCSF, the applicant shall accommodate the request(s), unless co-location is not reasonably possible based on the criteria of this subsection.
- (4) New WCSFs shall meet the following additional criteria:
- (a) The WCSF shall not exceed 150 feet in height;
 - (b) All WCSF's over one hundred (100) feet in height shall be designed for co-location;
 - (c) All WCSFs which are located within 250 feet of a lot used for a residential use or a residential zoning district as measured from the base of the WCSF shall be subject to Special Use Permit approval provisions of this Ordinance specified in Article 16 of this ordinance.
 - (d) The installation of a WCSF must be reviewed by the Planning Commission which shall approve such WCSFs that meet the requirements of this section. Such review by the Planning Commission shall be without notice.

- (5) Application Requirements for New WCSFs
- (a) A site plan prepared in accordance with Article 17 of this ordinance (Site Plan Review Procedures) shall be submitted, showing the location, size, screening and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping.
 - (b) The site plan shall also include a detailed landscaping plan where the support structure is being placed at a location which is not otherwise developed. The purpose of landscaping is to provide screening for the structure base, accessory buildings and enclosure. In all cases, there shall be shown on the plan fencing which is required for protection of the support structure and security from children and other persons who may otherwise access facilities which may be unsafe.
 - (c) The application shall include a certification by a State of Michigan licensed and registered professional engineer of the applicant with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulation for the district in question, in determining the appropriate setback to be required for the structure (WCSF) and other facilities.
 - (d) The application shall include a description of security to be posted at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in subsection e below. In this regard, the security shall be in the form of cash, surety bond, letter of credit, or an agreement in a form approved by the Township Board establishing the land in question as security for removal.
 - (e) The application shall include a map showing existing and known proposed WCFs within the Township, and further showing existing and know WCFs within areas surrounding the borders of the Township in the location, and in the area, which are relevant in terms of potential co-location or in demonstrating the need for the proposed facility.
 - (f) 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 WCF is on the premises.

d. Additional Criteria for Special Approval Condition Use and Review

The installation of a WCSF in any residential zoning district shall be subject to the following:

- (1) WCSFs shall also meet all criteria and requirements of subsections c.(1) and c.(4) of this section;
- (2) WCSFs shall be located on lots or parcels of not less than two acres;

- (3) If the WCSF is not entirely surrounded by commercial or industrial uses, a written justification of the need for this site showing why other non-residential sites are not suitable;
 - (4) The Planning Commission may require a visual/line of site analysis to enable the Township to assess impacts. Such analysis may require the applicant to provide visualization of the WCSF on-site which may include graphic representations or other acceptable methods to demonstrate the visualization.
- e. Time Period for Action
(Ord. 7C-77; Added September 19, 2012)
- (1) In accordance with Public Act 110 of 2006, after an application for a special land use is filed with the Township, the Chief Enforcement Officer shall determine whether the application is administratively complete within fourteen (14) business days. If the application is not administratively complete, the Chief Enforcement Officer shall notify the applicant and specify the information necessary to make the application administratively complete.
 - (2) In accordance with Public Act 110 of 2006, the Township Board shall approve or deny the application for a special land use not more than ninety (90) days after the application is considered to be administratively complete.
- f. Removal of Abandoned WCSFs
- Any WCSF which is abandoned shall immediately be removed or demolished. For the purposes of this section, abandoned shall mean that no WCA or other commercial antenna has been operational and located on the WCSF for 180 days or more. Where the removal or demolition of an abandoned WCSF has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least 30 days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected from the security posted at the time application was made for establishing the WCF or the Township may place a lien on the property to cover costs for the removal of the WCF. A lien on the property shall be superior to all other liens except taxes.
- g. Variances and Appeals
- Variances from this section may be requested from the Board of Appeals. Requests for additional height to any permitted or previously approved WCSF may be granted by the Planning Commission to provide for co-location of additional WCA so long as such additional height does not exceed 30 feet. Appeals of a Planning Commission decision shall be taken to the Board of Appeals.

70. Two-Family Residences

- a. The architecture and landscaping of two-family residential structures, when in the same recorded plat with single family detached structures, shall be maintained in a manner that is consistent with the character of the neighborhood.

- b. Generally, lots within a recorded plat used for two-family purposes, shall have been indicated on the recorded plat so that lot purchasers would be advised of the likelihood of two-family residences.
- c. Generally, two-family residential structures should front up on a section line road.
- d. When not located within a recorded plat, prior single family detached housing shall be given preferential consideration prior to authorizing a two-family residence.

71. Vehicle Wash Establishments

- a. All ingress and egress to the site shall be directly from a hard surfaced road.
- b. Minimum lot size shall be ten thousand (10,000) square feet.
- c. All washing activities must be carried on within a building.
- d. Vacuuming activities shall be at least fifty (50) feet distant from any adjoining residential zone.
- e. The entrances and exits of the facility shall be from within the lot and not directly to or from an adjoining street. A street shall not be used as maneuvering or parking spaces for vehicles to be serviced by the subject facility.
- f. Provision shall be made for the drying of the automobiles undercarriage during subfreezing weather prior to entering the public thoroughfare.
- g. There shall be provided two (2) vehicle stacking spaces for each self-serve wash stall, not containing the vehicle wash or vacuum area.
- h. There shall be provided fifteen (15) stacking spaces for each automatic wash lane.
- i. All off-street parking areas and maneuvering lanes shall be drained so as to preclude drainage of water onto adjacent property and public rights-of-way.

72. Veterinary Clinics, including small animal hospitals

- a. All ingress and egress to the site shall be directly from a hard surfaced road.
- b. The minimum area shall be two (2) acres.
- c. No buildings wherein animals are kept, animal runs, and/or exercise areas shall not be located closer than one hundred (100) feet to any interior property line.

Section 16.02 Application.

Every application for a special condition use permit shall be accompanied by a processing fee in an amount established by resolution of the Township Board. No portion of such fee shall be reimbursable to the applicant.

Section 16.03 Data Required.

An application for a special land use permit shall contain the following:

1. Applicant's name, address, and telephone number.
2. Address and tax description number of the subject site.
3. A signed statement that the applicant is the owner of the subject site, or is acting as the owner's representative.
4. A complete site plan containing all of the applicable data outlined in Article 17, Site Plan Review.
5. Supporting statements, evidence, data, information and exhibits which address those standards and requirements for assessing special land use permit applications outlined in Section 16.05, following.

Section 16.04 Public Hearing Requirements.

1. Upon receipt of an application requiring special land use approval, one (1) notice that a request for special land use approval has been received shall be published in a newspaper which circulates in the Township. The publication shall occur not less than fifteen (15) days before the date the application will be considered.
(Ord. 7C-60; Amended Aug. 15, 2007)
2. A notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet. The notice to such persons shall also be given not less than fifteen (15) days before the date the application will be considered.
(Ord. 7C-60; Amended Aug. 15, 2007)

If the name of the occupant is not known, the term "occupant" may be used in making notifications. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice.

In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

3. The notice shall:
 - a. Describe the nature of the special land use request.
 - b. Adequately describe the property in question.
 - c. State the date, time, and place of the public hearing.
 - d. Indicate when and where written comments concerning the request will be received.

Section 16.05 Standards for Approval.

1. The Planning Commission shall review the particular circumstances and facts applicable to each proposed special land use in terms of the following standards and requirements

and shall make a determination as to whether the use proposed to be developed on the subject site meets the following standards and requirements:

- a. Will be harmonious with and in accordance with the general objectives of the Future Land Use Plan.
 - b. Will be designed, constructed, operated, maintained, in harmony with existing and intended character of the general vicinity and so that such use will not change the essential character of that area.
 - c. Will not be hazardous or disturbing to existing or future neighboring uses.
 - d. Will represent a substantial improvement to property in the immediate vicinity and to the community as a whole.
 - e. Will be served adequately by necessary public services and utilities, such as highways, streets, drainage structures, sanitary sewers, water, police and fire protection, and refuse disposal, or persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for such services.
 - f. 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.
 - g. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration or odors.
 - h. Will be consistent with the intent and purposes of this Ordinance in general, and Section 16.04, Basis for Approval of site plans in particular.
2. If the facts regarding the special land use being reviewed do not establish by a preponderance of the evidence that the standards and requirements set forth in this Zoning Ordinance will be met by the proposed use, the Planning Commission shall not recommend special land use approval to the Township Board.

The Planning Commission may recommend denial, approval, or approval with conditions of a request for special land use approval. The recommendation on a special land use shall be incorporated in a statement containing the conclusions relative to the special land use under consideration, which specifies the basis for the decision and any conditions recommended.

In recommending approval of a special land use permit, the Planning Commission may recommend such reasonable conditions of use as it deems necessary to protect the best interests of the Township and the general vicinity, to achieve the objectives of this Ordinance, and to assure that the general public health, safety, and welfare will not be infringed upon.

3. Upon holding a public hearing and review of the special land use request, the Planning Commission shall forward its finding and recommendation to the Township Board. The finding shall include those conditions which are recommended to be imposed. The Township Board, upon receipt of the finding and recommendation, may deny, approve, or approve with conditions any request for a special land use permit. Any decision on such a request shall state the finding or fact and specify the conclusions drawn therefrom and any conditions imposed thereon.

4. Any conditions imposed shall remain unchanged, except upon the mutual consent of a majority of the Township Board and the landowner. The Township shall maintain a record of all conditions that are changed. All records of proceedings hereunder shall be kept and made available to the public.
5. Any special condition use permit granted under this Zoning Ordinance shall become null and void and all fees forfeited unless construction and/or use is commenced within twelve (12) months of the date of issuance of said special condition use permit, except that the Township Board may at its discretion, upon application by the owner and for cause shown, provide for up to two (2) successive twelve (12) month extensions.
6. A violation of any requirement, condition, or safeguard imposed hereunder shall be considered a violation of this Zoning Ordinance and constitute grounds for termination of a previously granted special land use permit.
7. The special condition use review and site plan review shall occur concurrently.

Article 17
Site Plan Review Procedures

Section 17.01 Application.

1. Prior to the establishment of a new use, change of use, addition to an existing use, reoccupancy of an existing use, or the erection of any building in a zoning district, subject to the conditions listed below, a site plan shall be submitted and approved, approved with conditions, or disapproved by the Planning Commission in accordance with the Ordinance requirements of this Article.
 - a. Site plan reviews are required for all permitted principal uses and structures in all zoning districts (except for single-family detached dwellings and their accessory uses, two-family dwellings and their accessory uses, and agricultural structures) and all Special Land Uses in all zoning districts.
 - b. Every site plan submitted for review shall be in accordance with the requirements of this Ordinance. Administrative review procedures are not intended to modify any ordinance, regulation, or development standard.

Section 17.02 Fees Required.

Fees for the review of site plans shall be established by resolution of the Ash Township Board.

Section 17.03 Information Required.

1. The following information shall be included on the site plan:
 - a. Scale of not less than one (1) inch equals fifty (50) feet, if the subject site is less than three (3) acres in size, or one (1) inch equals one hundred (100) feet, if the subject site is three (3) acres or more in size.
 - b. North arrow.
 - c. Date of site plan preparation and subsequent revisions.
 - d. Vicinity map showing the site in relationship to streets, drainage courses, bodies of water, and railroad lines.
 - e. Legal description of the subject site.
 - f. Location and right-of-way widths of all abutting streets and public rights-of-way.
 - g. Dimensions of all property lines.
 - h. Relationship of the subject site to abutting properties and buildings within one hundred (100) feet. If the proposed site is part of a larger site, indicate the boundaries of the total site and the intended use of the remaining portions of the site.
 - i. Existing zoning and land use within the boundaries of the site and of properties abutting the site.
 - j. Specific activities proposed for the subject site.

- k. Location and dimensions of all existing and proposed principal and accessory buildings on the subject site.
- l. Front, rear, and side yard requirements for the zoning district in which the site is located.
- m. Actual front, rear, and side yard setbacks to all existing and proposed structures to be retained or constructed on the site.
- n. Height of proposed structures to be constructed on the site.
- o. Front, rear, and side elevations of proposed building.
- p. Schedule of parking needs. Separate drawings or additional information may be required for computation of parking needs.
- q. Location of all existing and proposed parking areas.
- r. Location and typical dimensions of regular and handicapped parking spaces.
- s. Location and dimensions of drives and maneuvering lanes.
- t. Internal traffic circulation pattern.
- u. Location, height, and type of all existing and proposed walls or fences.
- v. Location and height of all existing and proposed berms.
- w. Cross-section drawings of proposed walls, berms, or fences.
- x. Location and width of existing and proposed sidewalks on or bordering the subject site.
- y. Location and detail of screened trash storage area.
- z. Location and type of existing and proposed exterior lighting.
- aa. Location and dimensions of off-street loading spaces.
- bb. Location and dimensions of outdoor storage areas.
- cc. Estimated number of employees.
- dd. Hours of operation.
- ee. Note indicating that all signage will be in compliance with the requirements of Ash Township.
- ff. Inventory of existing and proposed vegetation on the site.
- gg. Detailed planting plan and schedule of plant materials.
- hh. Location of all existing and proposed utilities and utility easements.
- ii. Location and nature of any streams, drains, wetlands, or unstable soils.

- jj. Existing and finished grade elevations using two (2) foot contours.
- kk. Indication of basic existing and proposed drainage patterns, including any structures, retention basins, and soil erosion fencing.
- ll. General description of method and location of storm water detention.
- mm. Any changes anticipated in terms of dust, odor, smoke, fumes, noise, lights, etc.
- nn. Any ancillary improvements that the applicant proposes to remedy or prevent problems created by the development.
- oo. Estimated costs of proposed site improvements not covered in the Building Permit cost estimates.
- pp. Name and address of the proposed project and of the developer.
- qq. Name, address, and telephone number of the person responsible for preparation of the site plan. All site plans shall be prepared by a registered architect, registered engineer, or registered land surveyor.
- rr. Any additional information necessary for review of the site plan relative to compliance with the requirements of this Ordinance, as requested by the Chief Enforcement Officer.

The Planning Commission may waive site plan information, when such concerns are obviously not pertinent to the proposed development.

2. In lieu of the site plan information requirements enumerated above, the following information is required for those cases receiving site plan review solely as a result of building reoccupancy, provided no variances to the Ordinance are required; such use is conducted within a completely enclosed building; and reoccupancy does not create additional parking demands beyond ten (10%) percent of that which exists.
 - a. Accurate description of the subject property.
 - b. Description of the proposed use including number of employees, nature of the proposed use, floor plan sketch, and other general information describing the use.
 - c. Description of existing and proposed parking serving the site, including parking area improvements (paving, landscaping, etc.).
3. One (1) copy of all materials provided shall be maintained by the Chief Enforcement Officer in a project file for the subject site.

Section 17.04 Basis for Approval.

1. In the process of reviewing the site plan, the Planning Commission shall consider:
 - a. The location and design of driveways providing vehicular ingress to, and egress from, the site in relation to streets giving access to the site and in relation to pedestrian traffic.

- b. The traffic circulation features within the site and location of automobile parking areas; and may make such requirements with respect to any matters as will assure:
 - (1) Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets;
 - (2) Satisfactory and harmonious relations between the development of the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
 - c. The Planning Commission may further require landscaping, fences, and walls in pursuance of these objectives and same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.
 - d. In approving the site plan, the Planning Commission may recommend marginal access drives. For a narrow frontage, which will require a single outlet, the Planning Commission may recommend that money in escrow be placed with the Township so as to provide for a marginal service drive equal in length to the frontage of the property involved. Occupancy permits shall not be issued until the improvement is physically completed or a cash bond or irrevocable letter of credit is posted with the Township Clerk.
2. The Planning Commission, as part of the site plan review process, shall seek input from the Township's planner and engineer prior to approving, approving with conditions, or disapproving the site plan.
 3. All approvals for site plans reviewed in companion with a special land use application shall be conditioned upon the approval of the special land use by the Ash Township Board.
 4. Nothing herein shall prevent the Township from reconsidering a submitted site plan upon a subsequent finding that the original submittal by the applicant was incomplete, in error, or falsely portrayed as to existing or proposed conditions.

Section 17.05 Administrative Review.

(Ord. 7C-60; Added Aug. 15, 2007)

Except for a site plan submitted in connection with a special land use application, the Chief Enforcement Officer may administratively review and approve the following site plans in lieu of a more formal review by the Township Planning Commission as required by Section 17.01. The fee for an administrative review shall be set by the Township Board. Such review and approval shall not occur until such time as the following conditions have been met: 1) the applicant so requests; 2) notification of such intent is provided by the Chief Enforcement Officer to the Planning Commission as part of a regularly scheduled Planning Commission meeting; and, 3) the Planning Commission authorizes such administrative review and approval:

1. Building reoccupancy applications pursuant to Section 17.03,2.
2. Wireless Communication Antenna (WCA) co-location applications pursuant to Section 21.32.
3. Minor amendments to approved site plans provided no such change results in any of the following:

- a. A change in the use originally approved by the Planning Commission.
 - b. An increase in overall coverage of structures.
 - c. A significant increase in the intensity of use. For the purposes of this section, an "increase in intensity" of use shall be considered to include, but not necessarily be limited to, significant additions to hours of operation, employment, intensity of site lighting, or loading/unloading operation.
 - d. A reduction in required open space.
 - e. A reduction in required off-street parking and loading.
 - f. A reduction in required pavement widths or utility pipe sizes.
 - g. A significant increase in traffic on public streets or an increase in the burden on public utilities or services in a manner which materially impedes their capacity to operate at an acceptable level of service.
 - h. The elimination of any site plan amenity approved by the Planning Commission.
4. If the Chief Enforcement Officer determines after the Administrative Review the applicant's request requires a more formal review or exceeds the scope of this section, the matter shall be referred by the Chief Enforcement Officer to the Planning Commission for a more formal review.

Section 17.06 Revocation.

1. Any site plan approval shall be revoked when construction of said development is not in conformance with the approved plans, in which case the Planning Commission shall give the applicant notice of intention to revoke such approved plans at least ten (10) days prior to review of the violation by the Planning Commission. After conclusion of such review, the Planning Commission shall revoke its approval of the development if the Commission feels that a violation in fact exists and has not been remedied prior to such hearing.
2. The approval by the Planning Commission of any site plan under the provisions of this Ordinance shall expire and be considered automatically revoked one (1) year after the date of such approval unless actual construction has commenced and is proceeding in accordance with the issuance of a valid building permit. If such construction activity ceases for any reason for a period of more than one (1) year, any subsequent use of said land shall be subject to review and approval of a new site plan for said property in conformance with the regulations specified by this Ordinance, except that the Planning Commission may, at its discretion, upon application by the owner and for cause shown, provide for up to two (2) successive twelve (12) month extensions.

Section 17.07 Performance Guarantees.

To ensure compliance with the Zoning Ordinance and any condition imposed thereunder, the Planning Commission may require that a cash deposit, certified check, or irrevocable bank letter of credit acceptable to the Township Supervisor covering the estimated cost of improvements associated with a project for which site plan approval is sought, be deposited with the Clerk of the Township to ensure faithful completion of the improvements and also be subject to the following:

1. The performance guarantee shall be deposited at the time of the issuance of the building permit authorizing the activity of the project. The Township may not require the deposit

of the performance guarantee prior to the time when the Township is prepared to issue the permit.

The Township shall establish procedures whereby a rebate of any cash deposits in reasonable proportion to the ratio of work completed on the required improvements will be made as work progresses. This does not relieve the applicant from satisfying all applicable maintenance warranties and/or guarantees necessary to ensure the proper functioning of said public improvements.

2. This section shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited pursuant to Act 288 of the Public Acts of 1967, as amended.
3. As used in this section, "improvements" mean those features and actions associated with a project which are considered necessary by the body or official granting zoning approval, to protect natural resources, or the health, safety, and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, landscaping, and surface drainage. Improvements do not include the entire project which is the subject of zoning approval.

Article 18

Off-Street Parking and Loading Requirements

Section 18.01 Off-Street Parking Requirements.

There shall be provided in all districts at the time of erection or enlargement of any main building or structure, except as otherwise provided, automobile off-street parking space with adequate access to all spaces. All automobile off-street parking spaces shall be accessible from a common approach land. The number of off-street parking spaces, in conjunction with all land or building uses, shall be clearly available for use prior to the issuance of a certificate of occupancy, as hereinafter prescribed.

1. Off-street parking spaces may be located within a nonrequired side yard or rear yard and within the required rear yard setback, unless otherwise provided in this Ordinance. Off-street parking shall not be permitted within a front yard or a required side yard setback, unless otherwise provided in this Ordinance.
2. Off-street parking for other than residential uses shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.
3. Required residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve. Garages shall further be subject to the provisions of Section 21.04, Accessory Buildings, of this Ordinance.
4. Any area once designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere.
5. Off-street parking existing at the effective date of this Ordinance, in connection with the operation of an existing building or use, shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
6. Two (2) or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately. In the instance where off-street parking spaces are shared by two (2) or more establishments whose operating hours do not overlap, the Planning Commission may grant an exception. A written agreement shall be drawn to the satisfaction of the Township Attorney and executed by all parties concerned assuring the continued availability of the off-site parking facilities for the use they are intended to serve.
7. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited within off-street parking areas.
8. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Planning Commission considers is similar in type.
9. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half shall be disregarded, and fractions over one-half shall require one parking space.
10. The definition of usable floor area shall govern for the purpose of computing the number of parking spaces required, unless otherwise specified.

11. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

a. Residential Uses

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| (1) | Boarding Houses, Bed and Breakfast Operations | One (1) space per each rooming unit |
| (2) | Detached or Attached One- and Two-Family Structures | Two (2) spaces per each dwelling unit |
| (3) | Housing for the Elderly | One (1) space per each unit |
| (4) | Manufactured Home Parks | Two (2) spaces per site, plus one (1) for each four (4) sites for visitor parking, plus management, rental, or sales office space pursuant to office space requirements |
| (5) | Migratory Workers Housing, Fraternity Houses, Dormitories, etc. | One (1) space per bed or each one hundred (100) square feet of gross floor area, whichever will require the larger number of parking spaces |
| (6) | Multiple-Family Structures | Two (2) spaces per each dwelling unit plus 0.5 per unit for visitor parking |
| (7) | Travel Trailer Parks | One (1) space per site |

b. Institutional, Recreational, and Public Assembly Uses

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|-----|---|--|
| (1) | Assembly Halls, Auditoriums, or Theaters | One (1) space per three (3) seats or per twenty-one (21) square feet of assembly space, whichever will require the largest number of parking spaces plus five (5) spaces |
| (2) | Child Day Care Centers/ Day Nurseries/Nursery Schools | One (1) space for each one hundred fifty (150) square feet of usable floor space |
| (3) | Churches | One (1) space per three (3) seats or six (6) feet of pew space in the main unit of worship |

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| (4) | Colleges with Dormitory | 4.5 spaces per classroom, or one (1) Facilities one space per every three (3) permanent seats or twenty-one (21) square feet of assembly space, whichever will require the largest number of parking spaces |
| (5) | Colleges without Dormitory Facilities | Ten (10) spaces per classroom plus one (1) space per every three (3) permanent seats or twenty-one (21) square feet of assembly space, whichever will require the largest number of parking spaces |
| (6) | Convalescent Homes, Homes for the Aged | One (1) space for each four (4) beds |
| (7) | Elementary and Junior High Schools | One (1) space per classroom plus one (1) space per administrative office plus the requirements of any assembly hall |
| (8) | Fraternities/Sororities | One (1) space for each five (5) members or one (1) for each two (2) beds, whichever is greater |
| (9) | Golf Courses, Except "Par 3" and Miniature Courses | Six (6) spaces per hole plus one (1) for each employee plus spaces as required for incidental uses (i.e., proshop, restaurant, bar, banquet room, etc.) |
| (10) | High Schools | One (1) space per classroom plus one (1) space per administrative office plus one (1) space per each ten (10) students plus the requirements of any assembly hall |
| (11) | Hospitals | 2.25 spaces per bed |

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| (12) | Outdoor Recreation Areas | One (1) space per two hundred (200) or Fairgrounds square feet of gross floor area within enclosed buildings, plus one (1) space for every (3) persons that the outdoor facilities are designed to accommodate when used to the maximum capacity |
| (13) | Private Clubs or Lodge Halls | One (1) space for each three (3) persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes |
| (14) | Private or Semi-Private Recreation Clubs | One (1) space for each two (2) member families or individuals plus space as required for incidental uses (i.e., restaurant, bar, etc.) |
| (15) | Stadiums, Sports Arenas, or Similar Places of Outdoor Assembly | One (1) space per three (3) seats or six (6) feet of bench space |
| (16) | Swimming Pools | One (1) space per forty (40) square feet of pool surface area |
| c. Commercial Uses | | |
| (1) | Auto Washes (Automatic) | One (1) space for each employee plus five (5) stacking spaces (each stacking space being twenty (20) feet in length) for each automatic wash lane |
| (2) | Auto Washes (Self-Service) or Coin Operated) | Five (5) spaces for each washing stall, not including the stall itself or vehicle work area or vacuum area |
| (3) | Banks | One (1) space per one hundred (100) square feet of gross floor area |
| (4) | Beauty Parlors or Barber Shops | 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 |

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| (5) | Bowling Alleys | Five (5) for each one (1) bowling lane plus the requirements for each accessory use, such as a restaurant or bar |
| (6) | Business or Professional Offices
Except as indicated below | One (1) space per one hundred (100) square feet of gross floor area |
| (7) | Dance Halls, Pool or Billiard Parlors, Roller or Skating Rinks, Exhibition Halls, and Assembly Halls without Fixed Seats | One (1) for each two (2) persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes |
| (8) | Establishments for Sale and Consumption on Premises Of Beverages, Food, or Refreshments | One (1) space for each two (2) persons allowed within the maximum occupancy load as established by local, county, or state fire, building or health codes, or one (1) space for each fifty (50) square feet of usable floor area, whichever is greater. |
| (9) | Grocery Stores | One (1) space for each two hundred fifty (250) square feet of gross floor area |
| (10) | Furniture and Appliance Sales, Household Equipment Sales, Repair Shops, Showroom of Plumbers, Decorators, Electricians, or Similar Trades, Shoe Repair, and Other Similar Uses | One (1) space for each eight hundred (800) square feet of gross floor area plus one (1) space for each two (2) employees |
| (11) | Gasoline Service Stations or Filling Stations | Two (2) for each lubrication stall, rack, or pit plus one (1) space for each fueling station plus stacking space for vehicles awaiting fuel based on one (1) space for each fueling station plus one (1) parking space for each fifty (50) square feet of usable floor area in the cashier and office area plus one (1) for each one hundred fifty (150) square feet of usable floor area devoted to retail sales area. In no instance shall a required parking space or its maneuvering area conflict with vehicles being fueled or awaiting fuel. |

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| (12) | Laundromats and Coin Operated Dry Cleaners | One (1) for each two (2) washing and dry-cleaning machines |
| (13) | Medical Center | One (1) space for each two hundred fifty (250) square feet of gross floor area or the sum of individual medical offices, whichever is greater |
| (14) | Medical, Dental, or Similar Professional Offices | One (1) space for each fifty (50) square feet of gross floor area in waiting room plus one (1) space for each examining room, dental chair, or similar use area |
| (15) | Miniature or "Par-3" Golf Courses | Three (3) spaces for each one (1) hole plus one (1) for each employee |
| (16) | Mortuary establishments | One (1) space for each fifty (50) square feet of usable floor area, plus one (1) space for each vehicle maintained on the premises, plus one (1) space for each employee. |
| (17) | Motels/Hotels | One (1) space per rooming unit plus one (1) for each employee |
| (18) | Motor Vehicle Sales and Service | One (1) for each two hundred (200) square feet of gross floor space of sales room and one (1) for each auto service stall in the service room |
| (19) | Planned Commercial or Shopping Center with Supermarket or Department Store as Prime Tenant | One (1) space for each one hundred (100) square feet of gross floor area. When a restaurant, lounge, or other establishment, whose primary business offers prepared food for sale or consumption on the premises or as carry out, is part of a planned commercial or shopping center, the parking for such use shall be computed separately based on the need for a freestanding use of this nature, and the resulting increase shall be added to the other uses in the center. |

- (20) Planned Commercial or Shopping Center without Supermarket or Department Store as Prime Tenant One (1) space for each two hundred (200) square feet of gross floor area. When a restaurant, lounge, or other establishment, whose primary business offers prepared food for sale or consumption on the premises or as carry out, is part of a planned commercial or shopping center, the parking for such use shall be computed separately based on the need for a freestanding use of this nature, and the resulting increase shall be added to the other uses in the center.
- (21) Retail Stores, except as otherwise specified herein One (1) space per one hundred (150) square feet of usable floor area
(Ord. 7C-78; Amended May 15, 2013)

d. Industrial Uses

Parking space requirements for all industrial uses shall equal the maximum employee load factor (as proposed in the application for site plan review) at a rate of three (3) spaces plus one (1) space for each employee for single-shift operations or three (3) spaces plus 0.75 spaces per each employee of the combined maximum employment of the two (2) largest successive shifts for multiple-shift operations.

12. Each parking lot that services a building entrance, except single or two-family residential or temporary structures, shall have a number of level parking spaces for the physically handicapped, as set forth in the following table, and identified as being reserved for physically handicapped persons by above grade signs and painted pavement.

<u>TOTAL SPACES IN PARKING LOT</u>	<u>REQUIRED NUMBER OF ACCESSIBLE SPACES</u>
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	8
301 to 400	12
401 to 700	14
701 to 1,000	One (1) per fifty (50) parking spaces or fraction thereof
Over 1,000	Twenty (20) plus one (1) per one hundred (100) exceeding one thousand (1,000)

Parking spaces for the physically handicapped shall be a minimum of twelve (12) feet wide or, as an alternative, be a minimum of an eight (8) foot space with an adjacent

access aisle of five (5) feet and must meet all other applicable requirements as to size as set forth in Section 18.02 (see attached diagram).

Section 18.02 Off-Street Parking Space Layout, Standards, Construction, and Maintenance.

Whenever the off-street parking requirements in Section 18.01 require the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations.

1. No parking lot shall be constructed unless and until approved by the Planning Commission pursuant to Article 17, Site Plan Review Procedures, and until a permit for the parking lot is issued by the Ash Township Building Official. Applications for a permit shall be submitted to the Building Official in such form as may be determined by the Township and shall be accompanied with two (2) sets of plans for the development and construction of the parking lot showing that the provisions of this Section will be fully complied with. Said plans may be included as part of the site plan review process.
2. Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements (see the Parking Layouts diagram shown on the following page):

<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'	8'	23'	20'	28'
1° to 53°	12'	9' 6"	20'	32'	52'
54° to 74°	15'	9' 6"	20'	36' 6"	58'
75° to 90°	20'	10'	20'	40'	60'

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

The Planning Commission, upon application by the property owner of the off-street parking area, may modify the wall requirements where, natural or manmade barriers exist that would accomplish the same obscuring effect and, due to these in circumstances, find that no good purpose would be served by compliance with the requirements of this Section.

8. The entire permanent parking area, including parking spaces and maneuvering lanes, required under this Section shall be provided with asphaltic or concrete surfacing. The base and sub-base preparation, including surface, shall be constructed utilizing proper standards or in accordance with adopted local construction standards. Adequate analysis of soil conditions shall be made to prevent the parking lot surface from premature deterioration.

Off-street parking areas shall be drained so as to dispose of surface water in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings. Where it is impractical to direct drainage to a public storm sewer or drain system or in the absence of the availability of one, drainage tile beds and retention ponds shall be constructed.

9. All off-street parking in connection with any multi-family, commercial, or industrial land use activity without security protection shall be artificially lighted. All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only and be of such intensity as to provide a minimum of one (1) foot candle throughout the parking lot area. The parking lot construction plan set shall include a lighting plan.
10. In all cases where a wall extends to an alley which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than ten (10) feet from such alley line in order to permit a wider means of access to the parking area.
11. Parking aisles shall not exceed three hundred (300) feet without a break in circulation. For purposes of this provision, a break in circulation shall be defined as alternative traffic lane(s) affording a vehicle the opportunity to change their direction of forward motion.
12. Except for those serving single and two-family dwellings, all parking lots shall be provided with curbing, wheel stops, or bumper guards so located that no part of parked vehicles will extend beyond the property line or into required landscaped areas or pedestrian ways.
13. No parking lot shall have more than one (1) attendant shelter building. All shelter buildings shall conform to setback requirements for structures in the district in which it is located.
14. The Planning Commission may modify the wall requirements where, in unusual circumstances, no good purpose would be served by compliance with the requirements of this Section.

Section 18.03 Off-Street Loading and Unloading.

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

USE CATEGORY	GROSS FLOOR AREA OF THE BUILDING	OFF-STREET LOADING SPACE REQUIREMENTS
Office Use	0 - 10,000 sq. ft.	0
	10,001 - 50,000 sq. ft.	One (1) Usable Loading Space
	Over 50,000	Two (2) Usable Loading Spaces
Commercial and Industrial Uses	0 - 1,400 sq. ft.	0
	1,401 - 20,000 sq. ft.	One (1) Usable Loading Space
	20,001 - 100,000 sq. ft.	One (1) Usable Loading Space plus one (1) space for each 20,000 square feet in excess of 20,000 square feet
	Over 100,000 sq. ft.	Five (5) Usable Loading Spaces

1. All loading spaces and all access drives, shall be in addition to the off-street parking area requirements.
2. Off-street loading space, shall have the following minimum dimensions: fifty (50) feet long, ten (10) feet wide, with a fourteen (14) foot high clearance. Loading dock approaches shall be provided with pavement having an asphaltic or Portland Cement binder so as to provide a permanent, durable, and dustless surface. The Planning Commission may vary or waive this requirement when, in its judgement, an establishment will not require deliveries by duo axle vehicles.
3. The size of the required loading space for retailing facilities less than 20,001 square feet in gross floor area may be reduced by the Planning Commission upon a showing that deliveries shall be by single axle vehicles.
4. Off-street loading space may be completely enclosed within a building, or may occupy a portion of the site outside of the building, provided that where any portion of a loading space is open to public view, said space shall be screened in accordance with Section 21.13, Screening Walls.
5. All loading and unloading in an industrial district shall be provided off-street in the rear yard or interior side yard, and shall in no instance be permitted in a front yard. In those instances where exterior side yards have a common relationship with an industrial district across a public thoroughfare, loading and unloading may take place in said exterior side yard when the setback is equal to at least fifty (50) feet.
6. The Board of Zoning Appeals may permit a waiver or modification of the foregoing requirements where there are unusual practical difficulties or unnecessary hardships in the carrying out of these provisions due to irregular shape lot, topography, or other extraordinary conditions.

Article 19

Regulation of Condominium Developments

Section 19.01 Application.

The following regulations shall apply to all condominium developments within Ash Township.

Section 19.02 Initial Information.

Concurrently with notice required to be given Ash Township, pursuant to Section 71 of PA 59 of 1978, as amended (the Condominium Act), a person, firm, or corporation intending to develop a condominium development in the Township shall provide the following information:

1. The name, address, and telephone number of:
 - a. All persons, firms, or corporations with an ownership interest in the land on which the condominium development will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee, or land contract vendee).
 - b. All engineers, attorneys, architects, or registered land surveyors associated with the project.
 - c. The developer or proprietor of the condominium development.
2. The legal description of the land on which the condominium development will be developed together with any proposed expansion plans and appropriate tax identification numbers.
3. The acreage content of the land on which the condominium development will be developed.
4. The purpose of the development (for example, residential, commercial, industrial, etc.).
5. Approximate number of condominium units to be developed on the subject parcel.
6. Whether or not a public water system is contemplated.
7. Whether or not a public sewer system is contemplated.

Section 19.03 Information to be Kept Current.

The information shall be furnished to the Ash Township Chief Enforcement Officer and shall be kept updated until such time as a Certificate of Occupancy has been issued.

Section 19.04 Site Plans for New Projects.

Prior to recording of the Master Deed required by Section 72 of PA 59 of 1978, as amended, the condominium development shall undergo site plan review and approval pursuant to Article 17 of this Ordinance. In addition, the Township shall require appropriate engineering plans and inspections prior to the issuance of any Certificates of Occupancy.

Section 19.05 Site Plans for Expandable or Convertible Projects.

Prior to expansion or conversion of a condominium development to additional land, the new phase of the project shall undergo site plan review and approval pursuant to Article 17 of this Ordinance.

Section 19.06 Master Deed, Restrictive Covenants, and "As Built" Survey to be Furnished.

The condominium development developer or proprietor shall furnish the Ash Township Chief Enforcement Officer with the following: one (1) copy of the recorded Master Deed, one (1) copy of all restrictive covenants, and two (2) copies of an "as built" survey. The "as built" survey shall be reviewed by the Township Chief Enforcement Officer for compliance with Township Ordinances. Fees for this review shall be established by resolution of the Township Board.

Section 19.07 Monuments Required.

All condominium developments, which consist in whole or in part of condominium units which are building sites, mobile home sites, or recreational sites, shall be marked with monuments as provided in this subsection.

1. All monuments used shall be made of solid iron or steel bars at least one-half ($\frac{1}{2}$) inches in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.
2. Monuments shall be located in the ground at all angles in the boundaries of the condominium development; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium development and at the intersection of alleys with the boundaries of the condominium development; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys and at all angles of an intermediate traverse line. It is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium development if the angle points can be readily re-established by reference to monuments along the sidelines of the streets.
3. If the required location of a monument is an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.
4. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one half ($\frac{1}{2}$) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
5. All required monuments shall be placed flush with the ground where practicable.
6. All units corners and the intersection of all limited common elements and all common elements shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one-half ($\frac{1}{2}$) inch in diameter, or other approved markers.
7. The Township Board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on the condition that the proprietor deposits with the Township Clerk cash or a certified check, or irrevocable bank letter of credit to Ash Township, whichever the proprietor selects in an amount to be established by the Township Board. Such cash, certified check, or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

Section 19.08 Compliance with Federal, State, and Local Law.

All condominium developments shall comply with federal and state statutes and local ordinances.

Section 19.09 Occupancy of Condominium Development.

The Chief Enforcement Officer may allow occupancy of the condominium development before all improvements required by this Ordinance are installed provided that cash, a certified check, or an irrevocable bank letter of credit is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the Temporary Occupancy Permit without expense to the Township.

Section 19.10 Single-Family Detached Condominiums.

1. Single-family detached condominium developments shall be located in a Single-Family Residential District and shall be subject to all requirements and standards of the Single-Family Residential District.
2. The design of a single-family detached condominium project shall be subject to the design layout and engineering standards, as provided below, except as may otherwise be provided by this Ordinance:
 - a. Location, Arrangement, and Design of Streets.
 - (1) The street layout shall provide for the continuation of collector streets in the adjoining subdivisions or of the proper projection of streets when adjoining property is not subdivided; or conform to a plan for a neighborhood unit drawn up and adopted by the Planning Commission.
 - (2) The street layout shall include minor streets so laid out that their use by through traffic shall be discouraged.
 - (3) Should a proposed development border on or contain an existing or proposed major thoroughfare, the Planning Commission may require marginal access streets, reverse frontage, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation and reduction of traffic hazards.
 - (4) Should a proposed development border on or contain a railroad, expressway, or other limited access highway right-of-way, the Planning Commission may require the location of a street approximately parallel to and on each side of such right-of-way at a distance suitable for the development of an appropriate use of the intervening land, such as for parks, in residential districts.
Such distances shall be determined with due consideration of the minimum distance required for approach grades to future grade separation.
 - (5) The minimum street grade shall not be less than 0.5 percent. The maximum street grade shall be 5.0 percent, except that the Planning Commission may modify this standard on the recommendation of the Township Engineer.
 - (6) Streets shall be laid out so as to intersect as nearly as possible to ninety (90) degrees.
 - (7) Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.
 - (8) The maximum length for residential cul-de-sac streets shall generally be five hundred (500) feet; however, the Planning Commission may approve a distance of up to one thousand (1,000) feet.

(9) All pavements shall be asphalt or concrete pavement with concrete curb and gutter on each side in accordance with the standards prescribed by the Monroe County Road Commission pertaining, but not limited to, materials, right-of-way width and pavement width.

b. Blocks.

(1) Maximum length for blocks shall not exceed one thousand three hundred (1,300) feet in length, except where, in the opinion of the Planning Commission, conditions may justify a greater distance.

(2) Widths of blocks shall be determined by the condition of the layout and shall be suited to the intended layout.

c. Natural Features.

The natural features and character of lands must be preserved wherever possible. Due regard must be shown for all natural features such as large trees, natural groves, water courses, and similar community assets that will add attractiveness and value to the property, if preserved. The preservation of drainage and natural stream channels must be considered by the proprietor and the dedication and provision of adequate barriers, where appropriate, shall be required.

d. Walkways.

Walkways shall be installed in all single-family detached condominium developments. Such walkways shall be a minimum of three (3) feet in width and be so located as to provide access to all general common areas. Upon review of the site plan, the Planning Commission may approve alternate locations for the walkways or may waive the walkway requirement if it would not serve the purpose of providing adequate pedestrian circulation.

e. Landscaping.

All unimproved surface area of the site shall be planted with grass, ground cover, shrubbery, or other suitable landscape materials, except that patios, terraces, decks, and similar site features may be allowed.

f. Utilities.

(1) An adequate storm drainage system including necessary storm sewers, catch basins, manholes, culverts, bridges, and other appurtenances shall be required in all developments.

(2) A sanitary sewer system shall be required as regulated by the State of Michigan.

(3) A water supply system shall be required as regulated by the State of Michigan.

(4) The proprietor shall make arrangements for all lines for telephone, electric, television and other similar services distributed by wire or cable to be placed underground entirely throughout the development area, and such conduits or cable shall be placed within private easements provided to such service companies by the developer or within dedicated public ways, provided only that overhead lines may be permitted upon written recommendation of the Chief Enforcement Officer and the approval of

the Planning Commission at the time of site plan approval where it is determined that overhead lines will not constitute a detriment to the health, safety, general welfare, design, and character of the development.

All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission. All drainage and underground utility installations which traverse privately held property shall be protected by easements granted by the proprietor.

Section 19.11 Final Documents to be Provided.

After submittal of the condominium plan and by-laws as part of the Master Deed, the proprietor shall furnish to the Township a copy of the site plan on a mylar sheet of at least 13" x 16" with an image not to exceed 10-12" x 14".

Article 20 Planned Unit Developments

Section 20.01 Intent

The planned unit development (PUD) provisions of this Ordinance are intended to allow flexibility in the design of residential neighborhoods to encourage the conservation of natural features such as, but not limited to, woodlots, slopes, meadows, floodplains, and wetland areas and achieve economies of design related to vehicular and pedestrian circulation ways, utility construction, and dwelling unit siting. This Article provides for a mix of housing types provided that the overall project density does not exceed the density permitted by the underlying zoning district, based on the formula provided by this Article. Further, under certain circumstances and based on a comprehensive plan for the entire development, this Article allows for a mix of residential and compatible non-residential uses oriented toward the planned unit development residents but not exclusively for the residents of the planned unit development.

Section 20.02 Application of Planned Unit Development Provisions

1. The provisions of this Article may be applied to any parcel of land twenty (20) acres or greater, located in any single-family or multiple-family residential district, which is under single ownership and for which an application for a planned unit development is made as provided herein. In addition to the required residential land area, property zoned for commercial use, which is under the same ownership as the aforementioned residentially zoned property, may be included as a part of the overall planned unit development proposal.
2. Notwithstanding the provisions of paragraph 1, an application for a planned unit development on a parcel of land of less than twenty (20) acres may be submitted if the Planning Commission finds, based upon information provided by the landowner, that the minimum area requirement should be waived because a planned unit development is in the public interest and that one (1) or more of the following conditions exist:
 - a. The parcel of land, or the neighborhood in which it is located, has an unusual physical feature(s) that will be conserved by employing the provisions of this Article;
 - b. The parcel of land has an historical character of importance to the Township that will be protected by employing the provisions of this Article; or
 - c. The parcel of land is adjacent to, or across the road from, a parcel which has been developed as a planned unit development and such will contribute to the maintenance of the amenities and values of the neighboring development.
3. An applicant for planned unit development must demonstrate all of the following:
 - a. Application of the planned unit development provisions will result in one of the following:
 - (1) A recognizable and material benefit to the future residents of the project as well as the community, where such benefit would otherwise be unfeasible or unlikely without application of the planned unit development provisions; or
 - (2) The long-term conservation of natural features and the environmental character to the Township will be achieved; or
 - (3) A nonconforming use shall be rendered more conforming to the zoning district in which it is situated.

- b. The proposed type and density of use shall not result in an unreasonable increased burden upon public services, facilities, and/or utilities in comparison to the use or uses otherwise permitted by the underlying zoning district.
- c. The proposed planned unit development shall not result in any unreasonable negative economic impacts on the surrounding properties.

Section 20.03 Planned Unit Development Design Standards

A planned unit development proposal shall be consistent with the statement of purpose of this Article as well as the following general standards for the use of land, the type, bulk, design, and location of buildings, the density of use, common open space and public facility requirements, and the development of geographic divisions of the site.

- 1. The plan may provide for a variety of permanent housing types, including both detached and attached single-family dwellings, cluster housing as a means of conserving natural features and providing additional common open space, manufactured homes, and multiple-family dwellings.

- 2. The permitted residential density shall be determined based on the maximum density permitted by the underlying zoning district, as modified by the following formula:

Gross parcel area minus the area occupied by proposed or existing dedicated public right-of-ways, and minus eighty (80) percent of the area occupied by any wetlands, and floodplain areas. The resulting land area shall be divided by the minimum lot size of the underlying zoning district to establish the maximum number of permitted dwelling units.

The minimum permitted lot size for a detached single-family dwelling in areas not served by public sewer and water shall be determined the Monroe County Health Department standards. The minimum permitted lot size for a detached single-family dwelling in areas served by public sewer and water shall not be less than eleven thousand (11,000) square feet.

- 3. All planned unit developments shall maintain a minimum of thirty (30) percent of the parcel as common open space which is readily accessible and available to the residents of the planned unit development. A portion of the common open space requirement may be fulfilled by wetland, floodplain, and/or open water areas, provided that not more than twenty-five (25) percent of the designated common open space area is wetland area, floodplain area, and/or open water.

- 4. Both public and private nonresidential uses of an educational or recreational nature, including but not limited to golf courses, tennis clubs, swim clubs, riding stables, and necessary accessory uses and structures, designed as an integral part of the overall planned unit development, may occupy appropriate portions of the site. The area so occupied may be applied, at the discretion of the Planning Commission and Township Board, to satisfy a percentage of the total common open space requirement. Developed recreational uses such a tennis clubs, swim clubs, riding stables, and the like, may be used to satisfy twenty-five (25) percent of the common open space requirement. Golf courses may be used to satisfy up to sixty (60) percent of the common open space requirement, provided such use is integrated into the overall development.

- 5. Commercial uses permitted by right in the C-1, Local Commercial District, together with such other uses deemed consistent with the overall development plan, may occupy up to ten (10) percent of the gross area of a parcel greater than twenty (20) acres. Adjacent property which is zoned commercial and included as part of the planned unit development proposal shall not be applied to this provision.

Planned commercial uses shall be accessed by public roads and sited in such a manner as to not encourage through traffic within the planned unit development or adjacent residential areas.

Approval of commercial uses shall be dependent upon the market potential or demand for the uses in the area. The developer shall submit sufficient evidence to justify the need for commercial uses within the planned unit development.

6. Off-street parking and loading/unloading spaces shall be provided in accordance with Article 18 of this Ordinance.
7. Signage, lighting, landscaping, exterior building materials, and other features of the project shall be designed and constructed with the objective of creating an integrated and controlled development, consistent with the character of the community, the surrounding developments, and the site's natural features.
8. The proposed location and arrangement of structures shall not be materially detrimental to existing or prospective adjacent structures or to existing or prospective development of the neighborhood. There shall be a perimeter setback and landscaping and/or berming, as recommended by the Planning Commission, for the purpose of buffering the adjacent properties from the planned unit development. The setback distance and buffering treatment need not be uniform at all points on the perimeter of the development.

However, in cases where non-residential uses in the planned unit development are adjacent to residentially zoned property, such uses shall be visually screened by a landscape berm, evergreen screen, or a decorative wall.

9. Each residential development phase shall be designed to stand alone and provide a residential environment which is compatible with the surrounding existing development. Deviations from the number of dwelling units per acre established for the entire planned unit development may be permitted within certain development phases as long as the number of dwelling units authorized per acre is not affected. Further, each development phases shall be designed to provide a proportional amount of common open space in each proposed phase.

A minimum of fifty (50) percent of the total number of residential dwelling units in any planned unit development must be constructed and be ready for sale prior to the construction of any commercial portion of the planned unit development, except that site grading, road construction, and utility installations related to the commercial portions of the planned unit development may be undertaken concurrent with the development of residential units and public or private recreation uses. However, based on supportive evidence provided by a professional market study, the Planning Commission may authorize the construction of commercial uses prior to the completion of fifty (50) percent of the total number of residential dwelling units.

10. The plan shall contain such proposed covenants, deed restrictions, easements, and other provisions relating to the bulk, location, and density of such residential units, nonresidential uses and public facilities, and provisions for the ownership and maintenance of the common open space as are necessary for the welfare of the planned unit development and are not inconsistent with the best interests of the Township. Said covenants, deed restrictions, easements, and other provisions, which are a part of the plan as finally approved, may be modified, removed, or released only in accordance with regulations and standards as may be subsequently set forth by the Township Board. The enforcement of covenants, deed restrictions, and easements shall be carried out by an association formed by the residents of the planned unit development. Further, the bylaws of such association shall provide for the assessment of fees to finance enforcement actions undertaken by the association.

The landowner shall make such easements, covenants and other arrangements, and shall furnish such performance bond or bonds, as may be required, to assure performance in accordance with the plan and to protect the public interest in the event of abandonment of proposed development before completion.

11. All portions of the planned unit development, including single-family lots, multiple-family dwellings, commercial areas, and public and private recreational uses, and common open space areas shall be platted in conformance with the requirements of the state of Michigan Subdivision Control act, PA 288 of 1967, as amended; or prepared in conformance with the requirements of the state of Michigan Condominium Act, PA 59 of 1978 and the condominium provisions of this Ordinance.

Section 20.04 Procedure for Review and Approval

1. Optional Conceptual Planned Unit Development Submittal.

An applicant for planned unit development approval may prepare a conceptual planned unit development submittal to provide the Planning Commission with a general overview of the proposed planned unit development. The conceptual submittal shall be processed in accordance with the following procedures.

- a. The applicant shall provide twenty (20) copies of the conceptual submittal to the Chief Enforcement Officer at least fourteen (14) days prior to the meeting at which the submittal is to be presented.

The Chief Enforcement Officer shall review the submittal to determine that all the required information has been provided. Upon finding that the submittal is complete, the Chief Enforcement Officer shall place the conceptual submittal on the Planning Commission's agenda.

- b. The following minimum information must be provided as part of the concept submittal.

Statement of purpose, objectives, and development program including:

- (1) Discussion of the rationale for employing the planned unit development provisions rather than developing the project conventionally.
- (2) Total project area.
- (3) Description of existing site characteristics.
- (4) Description of proposed character of the development.
- (5) Densities, areas and setbacks for various residential types.
- (6) Area and percent of developed and undeveloped open spaces.
- (7) Discussion of proposed means of serving the development with water, sanitary waste disposal, and storm water drainage.
- (8) Proposed project phasing and estimated timing schedule by phase to completion.
- (9) Statement of anticipated impact on natural features, public facilities and services such as but not limited to police and fire protection, roads, and schools.

Generalized development plan and program, including:

- (10) Overall map at a minimum scale of 1 inch equals 2,000 feet showing the relationship of the proposed planned unit development to its surroundings, including section lines, parcel boundaries, major roads, collector streets, among other landmarks.
 - (11) Generalized graphic depiction at a scale of 1 inch equals 200 feet showing the following:
 - (a) Major access roads serving the site, including right-of-way widths, and existing and proposed road surfacing.
 - (b) Existing utility lines including, sanitary sewer, storm sewer, water main, and gas and electric service.
 - (c) Existing adjacent land uses and structures within 200 feet of the proposed planned unit development boundary.
 - (d) Proposed internal pedestrian and vehicular circulation system.
 - (e) Areas to be developed for residential, commercial, recreational, and common open space uses and structure locations.
 - (f) Areas to be preserved in a natural state.
 - (g) Other data or graphics which will serve to further describe the proposed planned unit development.
- c. The Planning Commission shall review the concept plan with the applicant, shall inform the applicant of the Township's development policies, and shall make comments and suggestions about the proposed concept plan. The Planning Commission may refer the submittal to the Township Attorney, Engineer, Planner and/or appropriate county agencies for review and comment, prior to making a comments and suggestions to the applicant. The Planning Commission shall report the final results of this review in writing to the Township Board.

2. Preliminary Planned Unit Development Submittal.

A preliminary planned unit development submittal shall be processed in accordance with the following procedures:

- a. The applicant shall provide twenty (20) copies of the preliminary planned unit development submittal to the Chief Enforcement Officer at least fourteen (14) days prior to the meeting at which the submittal is to be presented. The Chief Enforcement Officer shall review the submittal to determine that all the required information has been provided. Upon finding that the submittal is complete, the Chief Enforcement Officer shall place the preliminary submittal on the Planning Commission's agenda.
- b. The following minimum information must be provided by the preliminary planned unit development submittal. If the applicant did not prepare a conceptual submittal, the preliminary planned unit development submittal shall also include the information required by Section 20.04.1.b.

Existing Site Features.

- (1) An overall area map at a scale of not less than 1 inch equals 2,000 feet showing the relationship of the planned unit development to its surroundings such as section lines and/or major roads or collector streets.
- (2) Physical development plan prepared at a minimum scale of 1 inch equals 100 feet.
- (3) Boundaries of proposed planned unit development, section or corporation lines within or adjacent to the tract, and overall property dimensions.
- (4) Property lines of adjacent tracts of subdivided and unsubdivided land shown in relation to the proposed planned unit development site, including those of areas across abutting roads.
- (5) Location, widths, and names of existing or prior platted streets and private streets, and public easements within or adjacent to the proposed planned unit development site, including those located across abutting roads.
- (6) Location of existing sewers, water mains, storm drains and other underground facilities within or adjacent to the proposed planned unit development site.
- (7) Topography drawn at a two (2) foot contour interval. Topography must be based on USGS datum and be extended a minimum distance of two hundred (200) feet outside the proposed planned unit development boundaries.

Proposed Development Features

- (8) Layout of internal roads indicating proposed road names, right-of-way widths, and connections to adjoining platted roads, and also the widths and location of alleys, easements, and pedestrian ways.
- (9) Layout, numbers, and dimensions of single-family lots, including building setback lines.
- (10) Layout of proposed multiple-family dwellings, including setbacks, buildings, drives, parking spaces, pedestrian ways, and landscaping.
- (11) Location and function of both developed and undeveloped open spaces, as well as the layout of facilities to be included on developed open spaces.
- (12) Depiction of major wooded areas and description of means to be employed to preserve them.
- (13) An indication of ownership, and existing and proposed use of any parcels identified as "excepted."
- (14) An indication of the proposed sewage, water supply, and storm drainage system. If county drains are involved, the proposed drainage shall be acceptable to the Monroe County Drain Commissioner.

- (15) Conceptual site grading and conceptual landscaping plans.
- (16) Depiction of proposed development phases.
- (17) Architectural renderings of typical structures and landscape improvements, in detail sufficient to depict the basic architectural intent of the improvements.

Tabulations.

- (18) Total site acreage and percent of total project in various uses, including developed and undeveloped open space.
- (19) Total site density of single-family and multiple-family dwellings and percent of ground area covered by structures other than detached single-family dwelling units.
- (20) Acreage and numbers of single-family lots, multiple-family dwellings (including number of bedrooms) to be included in development phases.

Planned Unit Development Agreement.

- (21) Legal description of the total site.
 - (22) Statement of developer's interest in the land proposed for development.
 - (23) Statement regarding the manner in which open space is to be maintained.
 - (24) Statement regarding the developer's intentions regarding sale and/or lease of all or portions of the planned unit development, including land areas, units, and recreational facilities.
 - (25) Statement of covenants, grants of easements (including easements for public utilities), and other restrictions to be imposed upon the uses of the land and structures.
 - (26) Statement of required modifications (variances) to the regulations which are otherwise applicable to the site.
 - (27) Schedule indicating the time within which applications for final approval of each phase of the planned unit development are intended to be filed.
- c. Planning Commission accepts the submittal and refers it to the Township Attorney, Engineer, Planner, and appropriate county agencies for review and recommendation.
- d. The Planning Commission reviews preliminary planned unit development submittal as well as the comments from the Township Attorney, Engineer, Planner and appropriate state and county agencies and then sets a public hearing to receive citizen input on the proposed planned unit development. Notice of such public hearing shall be given in accordance with the following notification procedures:
- (1) One (1) notice of the public hearing shall be published in a newspaper of general circulation in the Township.

- (2) Notice of the Public Hearing also shall be sent by first class mail to the owners of the property for which planned unit development approval is being considered; to the owners of record of all real property and to the occupants of all structures located within three hundred (300) feet of the boundaries of the property in question. (If the name of the occupant is not known, the term "occupant" may be used in making notification.)

Notifications need not be given to more than one (1) occupant of a structure, except if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice.

In case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

- (3) Notice of the public hearing shall be made not less than fifteen (15) days prior to the public hearing date.
(Ord. 7C-60; Amended Aug. 15, 2007)

- (4) The public hearing notice shall:

- (a) Describe the nature of the planned unit development proposal.
- (b) Adequately describe the property in question.
- (c) State the date, time, and place of the public hearing.
- (d) Indicate when and where written comments concerning the request will be received.

- e. Planning Commission holds a public hearing. After the public hearing, the Planning Commission submits a report on the public hearing and the Commission's recommendation to the Township Board. Before recommending preliminary approval to the Township Board, the Planning Commission shall determine that the stated purpose of the Planned Unit Development and the specific conditions of Section 20.02 exist and the requirements of Section 20.03 have been met.
- f. The Township Board reviews the public hearing report and the Planning Commission recommendation and either approves, approves with modifications, or denies the preliminary planned unit development submittal.
- g. Following approval of the preliminary planned unit development submittal, the Township Board authorizes the developer to prepare the planned unit development agreement and the final planned development submittal.
- h. The developer prepares a planned unit development agreement which is reviewed by the Township Attorney, Planner, and Engineer.
- i. The Township Board reviews the planned unit development agreement and either approves, approves with conditions, or denies the planned unit development agreement.

- j. A final planned unit development submittal for some portion of the planned unit development must be submitted within twenty-four (24) months following approval of the preliminary planned unit development. If no final planned unit development submittal is accepted within that period, approval of the preliminary planned unit development is automatically rescinded and the underlying zoning will take effect. However, the Township Board, upon written application by the developer, may extend the designation for successive two (2) year periods; except that no more than two such twenty-four (24) month extensions may be granted.

3. Final Planned Unit Development Submittal

The final planned unit development submittal for all or a portion of the total planned unit development is reviewed by the Planning Commission and acted upon by the Township Board to assure substantial compliance with the preliminary planned unit development submittal.

- a. The final planned unit development submittal must be prepared as one of the following:

- (1) Subdivision Plat as Defined by the Subdivision Control Act

The final planned unit development submittal must be prepared in the form of a preliminary plat in detail sufficient to be granted tentative preliminary plat approval in conformance with the state of Michigan Subdivision Control Act and the conditions established in the preliminary planned unit development submittal and planned unit development agreement.

Construction of the initial phase of the planned unit development shall be completed within two (2) years following final preliminary plat or condominium plan approval by the Township Board. This limit may be extended for a reasonable period to be determined by the Township Board, upon written application by the developer for cause shown. If, however, this time limit is not met and an extension is not granted, the planned unit development agreement is automatically rescinded.

- (2) Condominium Plan as Defined by the Condominium Act

The final planned unit development submittal must be prepared in the form of a condominium plan pursuant to the requirements of the Condominium Act in detail sufficient to be granted approval in conformance with the condominium provisions of this Ordinance and the conditions established in the preliminary planned unit development submittal and planned unit development agreement.

- b. The following minimum information must be provided by the developer at the time of filing of a final planned unit development submittal for all or a portion (phase) of a planned unit development:

- (1) Detailed grading plan.
- (2) Detailed landscaping plan.
- (3) Detailed utilities layout.

Tabulations showing

- (4) Total phase acreage and percent of total planned unit development.
- (5) Acreage and percent of portion of phase and total planned unit development occupied by single-family, multiple-family, and developed and undeveloped open space.
- (6) Total phase density and percent of total planned unit development.
- (7) Number of bedrooms per multiple-family dwelling unit by type (i.e., efficiency, one bedroom).
- (8) Percent of ground area covered by structures other than detached single-family dwelling units.

Supporting materials

- (9) Legal description of the total phase, each use area, and dedicated open space.
- (10) Copies of covenants, easements, and other restrictions to be imposed.
- (11) Proposed dates of construction start and completion of phase.

c. The final planned unit development submittal shall not:

- (1) Vary the proposed gross residential density or intensity of use in any portion of the planned unit development by more than ten (10) percent; or
- (2) Involve a reduction of the area set aside for common space; or
- (3) Increase by more than ten (10) percent the floor area proposed for nonresidential use; or
- (4) Increase by more than five (5) percent the total ground area covered by buildings.

d. The final planned unit development submittal shall be processed in accordance with the following procedures:

- (1) The applicant shall provide twenty (20) copies of the final planned unit development submittal to the Chief Enforcement Officer at least fourteen (14) days before the meeting at which the submittal will be presented.

The Chief Enforcement Officer shall review the submittal to determine that all the required information has been provided. Upon finding that the submittal is complete, the Chief Enforcement Officer shall place the preliminary submittal on the Planning Commission's agenda.

- (2) The Planning Commission accepts plan and refers it to the Township Attorney, Engineer, Planner as well as the appropriate state and county agencies for review and recommendation.
- (3) The Planning Commission reviews the final planned unit development submittal to assure conformance with the approved preliminary planned unit development submittal and planned unit development agreement.

Within thirty (30) days following receipt of the final planned unit development submittal, the Planning Commission shall approve or, if the final planned unit development submittal deviates from the preliminary planned unit development submittal by more than the limits prescribed in this Ordinance, require modifications to assure conformance.

- e. Before either the Planning Commission recommends final approval or the Township Board grants final approval to any planned unit development, the Planning Commission and Township Board shall, respectively, determine that:
 - (1) Provisions, satisfactory to the Township Board, have been made to provide for the financing of any improvements shown on the plan for open spaces and common areas which are to be provided by the applicant, and that maintenance of such improvements is assured by a means satisfactory to the Township Board.
 - (2) The cost of installing all streets and necessary utilities has been assured by a means satisfactory to the Township Board.
 - (3) The final plan for any phase is in conformity with the overall comprehensive plan of the entire neighborhood acreage. Any changes or amendments requested shall terminate the overall planned unit development approval until such changes and/or amendments have been reviewed and approved as in the instance of the preliminary submittal.
 - (4) Proceeding with a planned unit development should only be permitted if it is mutually agreeable to the Township Board and the developer.
- f. Following approval of a final planned unit development submittal by the Planning Commission, the developer begins processing the plat through the Township Board in conformance with the Subdivision Control Act or the condominium plan through the Planning Commission and Township Board in conformance with the Condominium Act and condominium provisions of this Ordinance.

Section 20.05 Appeals

No decision or condition related to a planned unit development submittal shall be taken to the Board of Appeals.

Section 20.06 Fees

Fees for the review of a conceptual, preliminary or final planned unit development submittal shall be in accordance with the schedule of fees adopted by resolution of the Township Board. Before final approval is granted, the cost of reviews fees shall be paid for by the applicant/developer.

Article 21 General Provisions

Section 21.01 Conflicting Regulations.

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

Section 21.02 Scope.

Except as otherwise provided, the following general regulations apply to buildings, structures, and uses of land, buildings, and structures.

1. No building or structure, or part thereof, shall hereafter be erected, constructed, renovated, or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this Ordinance.
2. No building shall be erected, converted, enlarged, reconstructed, or structurally altered and no land shall be used, filled, or excavated which does not comply with all the district regulations established by this Ordinance for a district in which the building or land is located.
3. No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height or percentage of building lot coverage herein established for the district in which such building is located.
4. No building shall be erected, converted, enlarged, reconstructed, or structurally altered so as to intrude upon the area required for the front, side, and rear yards as herein established; provided further that no yard or open space on adjoining property shall be considered as providing a yard or open space for a lot whenever a building is to be erected, except in conformity with the provisions of this Ordinance.
5. No lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed by this Ordinance nor shall the density of population be increased in any manner except in conformity with the area regulations as hereinafter provided nor shall the area of any lot be reduced below the minimum requirements herein established.
6. Every building hereafter erected or structurally altered shall be located on a lot as herein defined.

Section 21.03 Building Regulations.

1. Unlawful Building

In case any building, or part thereof, is used, erected, occupied or altered contrary to law or the provisions of this Ordinance, such building shall be deemed an unlawful structure and 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 made to conform to the provisions of this Ordinance. Public expenditures toward abating such nuisance shall become a lien upon the land.

2. Temporary Building

No temporary building shall be erected unless a building permit has been issued for a permanent building or a new use of land on the same site. Any temporary building shall be removed from the site within thirty (30) days of issuance of a certificate of occupancy for the permanent building.

3. Building Occupancy

No basement shall be used or occupied as a dwelling unit at any time, nor shall a dwelling be erected in a commercial or industrial district, except for the sleeping quarters of a watchman or caretaker, or as the homestead of a resident manager for uses found by the Planning Commission to customarily require 24-hour site management.

4. One Lot, One Principal Building

In all districts, only one (1) principal building shall be placed on a single lot of record, except in the case of a farm of twenty (20) acres or more, where there may be migratory workers housing facilities or tenant houses on the same recorded lot as the principal dwelling.

5. Lot Grades

All structures shall be constructed or located with a ground elevation such as to provide a sloping grade to cause the surface drainage to flow away from the walls of such structures.

Grades on any lot upon which new construction or earth movement is to be carried out shall be related to existing grades and drainage systems as will prevent the accumulation of surface water on the lot and not increase the natural runoff of surface water onto adjacent properties.

(Ord. 7C-69; Amended Aug. 18, 2010)

6. On-Site Sewage Disposal Systems

Before any building permit shall be issued under the terms of this Ordinance, the applicant shall obtain the endorsement in writing from the Monroe County Health Department or Michigan State Department of Health approving his or her plan for any on-site sewage disposal system in accordance with state law, county regulations, or Township ordinance, whichever is the most restrictive.

7. Water Supply

Every building or structure hereafter erected or moved upon any premises and used in whole, or in part, for dwelling, recreational, business, commercial or industrial purposes shall be provided with a safe, adequate, sanitary, and independent water supply. All plumbing work relating to the water supply system shall conform to the standards of material and installations set forth by the Michigan State Plumbing Code, a copy of which is on file in the Township Clerk's office.

Where a public water system is not available, each fixture from which water for human consumption may be obtained shall be supplied from a system which meets the minimum requirements of the Monroe County Health Department or the state of Michigan. Before any building permit shall be issued under the terms of this Ordinance, the applicant shall obtain the endorsement in writing from the Monroe County Health Department or

Michigan State Department of Health approving his or her plan for any on-site water supply system.

8. Division of Unplatted Land for Building Sites

A parcel of unplatted land (acreage) may be divided subject to the restrictions of P.A. 288 of 1967 (the State Land Division Act), as amended.

Section 21.04 Nonconforming Uses, Buildings, and Lots.

1. Intent

It is the intent of this Section to provide for the regulation of legally nonconforming structures, lots of record, and uses, and to specify those circumstances and conditions under which such nonconformities shall be permitted to continue. It is necessary and consistent with the regulations prescribed by this Ordinance that those nonconformities which adversely affect orderly development and the value of nearby property not be permitted to continue without restriction.

The zoning regulations established by this Ordinance are designed to guide the future use of land by encouraging appropriate groupings of compatible and related uses and thus to promote and protect the public health, safety, and general welfare. The continued existence of nonconformities is frequently inconsistent with the purposes of which such regulations are established, and thus the gradual elimination of such nonconformities is generally desirable. The regulations of this Section permit such nonconformities to continue without specific limitation of time but are intended to restrict further investments which would make them more permanent.

2. Authority to Continue

Except as otherwise provided in this Section, any nonconforming lot, use, or structure lawfully existing on the effective date of this Ordinance or subsequent amendment thereto may be continued so long as it remains otherwise lawful. There may be a change of tenancy, ownership, or management of any existing nonconforming use of land, structure and land in combination.

The approval by the Planning Commission of any site plan for any use and/or structure made prior to the effective date of this Ordinance may be continued in accordance with the plan(s) and application(s) on which site plan approval was granted, for a period of not longer than one (1) year after the effective date of this Ordinance, provided actual construction has commenced and is proceeding in accordance with the issuance of a valid building permit.

3. Nonconforming Uses or Structures

a. In the event that any nonconforming structure or use is destroyed by any means to the extent of more than fifty-one (51) percent of the cost of replacement of such structure or use, as determined by the Building Official, said structure or use shall not be rebuilt, restored, or re-occupied for any purpose unless it shall thereafter conform to all regulations of this Ordinance. When such a nonconforming structure or use is damaged or destroyed to the extent of fifty-one (51) percent or less of the replacement cost, repairs or rebuilding shall be permitted.

b. When a nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for six (6) consecutive months, or for eighteen

(18) months during any three (3) year period, the structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.

- c. Any structure, or structure and land in combination, in or on which a nonconforming use is later replaced by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- d. Nothing in this Section shall be deemed to prevent an extension for the exclusive purpose of providing required off-street parking or loading spaces in conformance with other applicable provisions and involving no structural alteration or enlargement of such structure.
- e. Nothing in this Section shall be deemed to prevent the strengthening or restoration to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition, provided that such restoration is not otherwise in violation of the various provisions of this section prohibiting the repair or restoration of partially damaged or destroyed structures or signs.
- f. No nonconforming use or structure shall be moved, in whole or in part, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.
- g. Notwithstanding any other provision of this Section to the contrary, no use, structure, or sign which is accessory to a principal nonconforming use or structure shall continue after such principal use or structure shall have ceased or terminated, unless it shall thereafter conform to all regulations of this Ordinance.

4. Minor Nonconforming Uses or Structures

A minor nonconforming use or structure is considered to be any commercial or industrial use or structure located within a nonresidential district, or any residential use or structure located within a residential district.

- a. A minor nonconforming structure may be expanded or enlarged by a maximum of twenty (20) percent of the total existing structure size at the time of adopting this Ordinance. Such expansion shall meet all other requirements of the Ordinance.
- b. If no structural alterations are made, any minor nonconforming use of a structure, or structure and land in combination, may be changed to another nonconforming use of the same or a more restricted classification.
- c. A minor nonconforming residence may construct an accessory building in accordance with Section 21.05, Accessory Buildings.

5. Major Nonconforming Uses or Structures

A major nonconforming use or structure is considered to be any nonresidential use or structure located in a residential district, industrial use in a business district, or any residential use in a nonresidential district.

- a. No structure or use shall be changed unless the new structure or use conforms to the regulations for the district in which such structure or use is located.
- b. No major nonconforming use or structure shall be enlarged upon, expanded, or extended, including extension of hours of operation. Normal maintenance and incidental repair of a major nonconforming use shall be permitted, provided that this does not violate any other section of this Ordinance.
- c. A major nonconforming residence may construct an accessory building in accordance with Section 21.05, Accessory Buildings.

6. Nonconforming Lots

- a. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area, or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area, or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.
- b. Any non-residentially zoned lot, which was legally established in accordance with the regulations of Ash Township at the time this Ordinance became effective, may be used for any principal permitted use in the district in which such lot is located, whether or not such lot complies with the lot area requirements of this Ordinance; provided that all yard dimensions and other requirements not involving area, or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.

7. Nonconforming Site Requirements

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

a. Expansion

No such structure may be enlarged or altered in a way which increases its nonconformity. Such structures may be enlarged or altered in a way which does not increase its nonconformity.

b. Termination

Should such structure be destroyed by any means to an extent of more than fifty-one (51) percent of its replacement costs, exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of this Ordinance and with the requirements of the prevailing structural building codes.

c. Relocation

Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

8. Special Land Use Interpretation

Any special land use, as provided for in this Ordinance, shall not be deemed a nonconforming use but shall, without further action, be deemed a conforming use in such district.

9. Change of Use

A change of land use from one type of occupancy to another or from a non-conforming use to a conforming use is subject to the provisions of Article 17 "Site Plan Review Procedures."

Section 21.05 Accessory Buildings.

Accessory buildings, except those in conjunction with legally defined farms or specifically stated as being exempt from this Section, shall be subject to the following regulations:
(Ord. 7C-58; Amended November 21, 2007)

- 1. The number of accessory buildings permitted, in addition to one attached or detached garage used for the storage of automobiles used for the personal use of the occupant's on a given parcel of land, shall be regulated by the following table according to the size of the parcel:

<u>Parcel Size</u>	<u>Maximum Number of Accessory Buildings Permitted</u>
2 acres or less	1
2.01 acres to 5 acres	2
5.01 to 10 acres	3
10.01 to 15 acres	4
Over 15 acres	5

In addition to this limitation, accessory buildings shall be subject to the lot coverage requirements of Article 15.

- 2. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to main building. (Refer to Article 15.)
- 3. Accessory buildings shall not be allowed within front yards or required side yards. Accessory buildings may be allowed within rear yards or nonrequired side yards. (7C-90; Amended January 18, 2017)
- 4. Accessory buildings shall not occupy more than forty (40) percent of any rear yard. On parcels up to and including two (2) acres, the total of all accessory buildings shall not exceed two hundred (200) percent of the gross floor area of the main building. On parcels greater than two (2) acres up to and including five (5) acres, the total of all accessory buildings shall not exceed two hundred and fifty (250) percent of the gross floor area of the main building. On parcels greater than five (5) acres up to and including ten (10) acres, the total of all accessory buildings shall not exceed three (300) percent of the gross floor area of the main building. (Refer also to Section 2.02 for the definition of floor area, gross, and floor area, residential.)
(Ord. 7C-58; Amended November 21, 2007; 7C-90; Amended January 18, 2017)
- 5. No detached accessory building shall be located closer than ten (10) feet to any main building. No detached accessory building shall be located closer than nine (9) feet to any

property line within the R District or ten (10) feet to any property line in any other district. No accessory building will be permitted in the front yard. (7C-90; Amended January 18, 2017)

6. In no instance shall an accessory building be located within a dedicated easement right-of-way.
7. No detached accessory building in any district shall exceed one (1) story or eighteen (18) feet in height, except as provided below in subsections a. and b. (Refer also to Section 2.02 for the definition of building height.)
(Ord. 7C-58; Amended November 21, 2007; 7C-90; Amended January 18, 2017)
 - a. In any AG or RE District, an accessory building may be constructed to a maximum height of thirty (30) feet on a parcel at least three (3) acres in size.
 - b. In any C-2, C-3, FS or I District, an accessory building may be constructed to equal the permitted maximum height of structures in said district.
8. No accessory building shall be erected unless a building permit has been issued for a main building or a new use of land on the same site. Any building permit issued for an accessory building prior to construction of the main building shall be accompanied by a security deposit payable to the Ash Township Clerk in the amount of five-thousand dollars (\$5,000). Such security deposit shall be returned to the property owner at the time of issuance of an occupancy permit for the main building or use of land.

Such security deposit shall be used to remove the accessory building, if an occupancy permit for the main building or use of land is not issued within eighteen months (18) from the date of issuance of the building permit for the main building or use. Any portion of the security deposit not used for costs incurred for removal of the accessory building, including those incurred by the Township, shall be refunded to the property owner by the Township.

In the event the cost of demolition exceeds the amount of the security deposit, the applicant shall be liable for the additional cost. Such additional cost shall be invoiced by and payable to Ash Township. (7C-90; Amended January 18, 2017)

9. Nothing contained herein shall be construed to take precedence over private deed restrictions that are more restrictive than the above described regulations. (7C-90; Amended January 18, 2017)

Section 21.06 Residential Entranceway Structures.

In all Residential Districts, so called entranceway structures including, but not limited to, walls, columns, and gates marking entrances to single-family subdivisions or multiple-housing projects may be permitted and may be located in a required yard, provided that such entranceway structures shall comply to all codes and ordinances of the Township, and shall be approved by the Building Official and a permit issued.

Section 21.07 Residential Occupancy By Unrelated Individuals.

The collective number of unrelated individuals domiciled together in one-family dwelling unit in Residential Districts, whose relationship is of a continuing nontransient domestic character and who are cooking and living as a single nonprofit housekeeping unit shall not exceed five (5) persons. This requirement is intended to avoid the occupation of one-family dwelling units in single-family neighborhoods by any society, coterie, club, fraternity, sorority, association, or other

assembly of persons that may appreciably effect the low density and residential character of such zoning districts.

Section 21.08 Home Occupations.

(Ord. 7C-27; Amended Dec. 9, 2003)

1. No more than two persons, either dispatched to off-premises locations to conduct work or engaged on the premises, other than those residing on the premises, shall be engaged in such occupation.
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and be conducted entirely within the dwelling unit, except that the outside yard may be used for day-care activities. Not more than twenty-five (25) percent of the area, or five hundred (500) square feet, whichever is less, of the dwelling unit shall be used for purposes of the home occupation.
3. There shall be no change in the outside appearance of the structure or premises, or other visible evidence of the conduct of such home occupation, other than one (1) non-illuminated sign no more than one and one-half (1.5) square feet in area. This sign shall be mounted to the dwelling unit in which the home occupation is located.
4. The outdoor storage of goods and materials shall be prohibited. No interior display shall be visible from the exterior of a dwelling unit used for purposes of a home occupation.
5. No more than one (1) home occupation per dwelling unit shall be permitted.
6. No traffic shall be generated by such home occupation in greater volumes or type than would be expected in a residential neighborhood. In addition, a home occupation shall provide additional off-street parking area adequate to accommodate all needs generated by the home occupation, without changing the residential character of the premises. This required parking may not also satisfy the required parking for the principal residential use.
7. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses of persons off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio or television receivers off the premises, or causes fluctuations in the line voltage off the premises.
8. Wholesale or retail sale of products from shelves or similar display on the premises, indoors or outdoors, shall be prohibited. This provision shall not prohibit the sale of retail products to consumers off the premises for Internet or mail order sales businesses, nor shall it prohibit the limited sale of products that are incidental to and are intended to support the primary home occupation.
9. Delivery of freight to and from the home occupation by a truck-tractor or semi-tractor with two or more rear axles shall not occur more than once per week. Furthermore, loading and unloading activities shall not occur within the road right-of-way. This provision shall not prohibit delivery to and from the home occupation of freight delivered via trucks with single rear axles that traditionally service the regular needs of residential dwelling units.
(Ord 7C-59; Amended January 16, 2008)
10. Accessory buildings or accessory structures shall not be used for any purposes connected to the home occupation, other than the storage of a home occupation related vehicle.
(Ord 7C-59; Amended January 16, 2008)

11. Vehicles and trailers related to a home occupation must be stored within an enclosed building when on the premises and not in use. In no case shall the gross vehicle weight for vehicles and trailers in combination exceed 24,000 pounds. No other commercial vehicle will be parked overnight on the premises.
12. Hours of operation for home occupations shall be limited to 7:00 a.m. to 8:00 p.m.
13. Home occupations shall not require an increase in the use of any public utility beyond the limits of a single-family residential unit.
14. No refuse will be generated or stored on the premises in connection with a home occupation that exceeds the normal quantity for a single-family residential dwelling. No commercial refuse receptacles or dumpsters will be used on the premises in connection with a home occupation.
15. No interior structural alteration in connection with a home occupation will be permitted that would negatively impact the ability of the space to be reused as residential dwelling area should the home occupation be discontinued.
16. The following occupations and occupations similar in nature, shall not be permitted as home occupations:
 - a. Automobile repair or manufacture.
 - b. Food service establishments or restaurants, not including catering businesses.
 - c. Medical or veterinary offices.
 - d. Refuse hauling.
 - e. Small engine or appliance repair.
 - f. Trade shops for contractors, such as but not limited to, electricians, plumbers, and welders.
17. No portable toilets shall be located on the premises for the purpose of accommodating a home occupation. This provision shall not prohibit the employment of portable toilets for special events within residential districts, such as, but not limited to, weddings, graduation celebrations, etc.
18. Home occupations and persons engaged in home occupations shall be licensed by applicable State of Michigan agencies pertaining regulating the home occupation or profession being undertaken on the premises.
19. A permit must be obtained from the Building Official prior to the establishment of any home occupation. Fees for such permits shall be established by resolution of the Township Board.

Section 21.09 Private Swimming Pools.

1. For permanent above or below ground swimming pools and for portable pools with a diameter exceeding twelve (12) feet or an area exceeding one hundred (100) square feet, a building permit must be obtained for its alteration, erection, and construction. Before a permit is issued, an application shall be approved by the Building Official. An application is not required for a wading pool. An application for a permit shall provide the following

information: name of the owner, plot plan specifying dimensions, site location of the pool, as well as nearby fences, buildings, gates, septic tanks, tile fields, public utilities, and easements. The application for a below ground pool must include plans and specifications to scale of the pool walls, slope, bottom, walkway, diving boards, type and rating of auxiliary equipment, piping, and valve layout.

2. Rear and side lot line setbacks shall not be less than ten (10) feet between the pool outside wall and the side or rear property line and not less than ten (10) feet between pool wall and any building on the lot.
3. Overhead electrical or telephone wires shall be not less than ten (10) feet horizontally from the waters edge. Under no circumstances shall wire of any kind cross over the water surface.
4. A swimming pool shall not be nearer than twenty-five (25) feet horizontally to any water well, unless a shorter distance is approved by the Monroe County Health Department.
5. A distance of at least three (3) feet horizontally must be maintained from a permanent pool to any sewer. There shall be maintained no less than ten (10) feet horizontally to a septic tank and tile field or other treatment facility.
6. A distance of three (3) feet shall be provided from any portion of the pool to any underground water, electrical, telephone, gas, or other pipes and conduits, except for parts of the swimming pool system.
7. All swimming pools and wading pools shall be constructed and maintained in compliance with applicable Building Code requirements.
(Ord. 7C-89; Amended January 18, 2017)
8. A private swimming pool shall be located only in the rear yard.
9. The provisions contained herein are not intended to cover farm ponds or water storage areas constructed for consumption purposes.

Section 21.10 Corner Clearance.

No fence, wall, shrubbery, sign, or other obstruction to vision above a height of two (2) feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.

Section 21.11 Open Parking and Storage.

1. Intent

The regulations set forth in this section are intended to prevent the storage or accumulation of unusable, inoperable, or unsightly motor vehicles, machinery, or building materials, etc., that could be hazardous to the safety of children, encourage the propagation of rats or rodents, or detract from the orderly appearance of the Township.

2. General Requirements

a. Motor Vehicle Parking and Storage

No motor vehicle shall be kept, parked, or stored in any district permitting residential uses, unless the vehicle is in operating condition and properly licensed or is kept inside a building.

b. Machinery, Building Materials, and Agricultural Equipment Storage

Unusable or inoperable machinery, equipment, or parts of machines not suited for use upon the premises, or old and/or used building materials and other materials either discarded, unsightly, or showing evidence of a need for repair shall not be kept or stored outside of a building. However, building materials intended to be used to improve the premises may be stored outside if piled off the ground so as not to become a suitable environment for rats or rodents. The temporary storage of building materials to be used for the purpose of new construction shall also be permitted. In no case shall usable or unusable machinery, building materials, or other items be stored on a permanent basis in a truck trailer or other type of trailer, with or without its wheels.

c. Enforcement

The use of land contrary to the provisions above under Section 21.11 shall be declared to be a nuisance.

If such nuisance is not abated within ten (10) days after the owner of such land is notified by the Building Official, the Township may: 1) perform the necessary work to eliminate the nuisance at the expense of the property owner; and in the event the property owner fails to reimburse the Township within thirty (30) days after receiving notice of the amount due from the Township Treasurer, then the amount shall become a lien upon said property; 2) cite owner and or occupant to appear in court; and, 3) both of the above.

Section 21.12 Recreational Vehicle Storage.

1. The open parking or storage of recreational trailers, boats, campers, snowmobiles, jet skis, motor homes, airplanes, antique cars, racing cars, general utility trailers, or similar vehicles not owned by a resident of the Township on lands not specifically designated for such parking and storage shall be permitted for a period of up to twenty-four (24) hours. However, a camper, motor home, or travel trailer owned by a nonresident may be parked in the rear yard of a single-family lot for a period of up to four (4) weeks provided a permit has first been secured from the Building Official.
2. In no instance shall any vehicle or apparatus referenced above, which is over thirty-one (31) feet in length be stored on lands other than those specifically designated for such parking and storage elsewhere in this Ordinance.
3. Residents of the Township may store their own trailer, boats, and similar vehicles on their own property for an indefinite period of time, provided the vehicles are properly licensed or registered and in operable condition and are not stored within any front yard or required side yard setback. Such vehicles shall be registered in the name of a member of the family of the property owner, tenant, or lessee and shall be subject to applicable provisions concerning accessory buildings as set forth in Section 21.05.
4. A travel trailer, camper, or motor home parked or stored on a residential lot shall not be connected to sanitary facilities and shall not be occupied.

5. All such vehicles and apparatus shall be locked or secured at all time to prevent access thereto by children and accidental release that would permit movement onto abutting property or roadway.

Section 21.13 Fences.

1. Residential Fences

Residential fences are permitted or required, subject to the following:

- a. Fences on all lots of record in all residential districts which enclose property and/or are within a side or rear yard shall not exceed six (6) feet in height, measured from the surface of the ground. No fence, wall, or hedge shall rise over three (3) feet in height in front of the house or in the required minimum front yard, whichever is greater. In addition, no fence, wall, or hedge shall be located within a public right-of-way, occupy a clear vision zone established by Section 21.10, or interfere with visibility from a driveway. The Chief Enforcement Officer is hereby empowered to cause all such obstructions to be removed in the interest of public safety.
- b. No obscuring fence or wall shall be located within the front yard. Decorative fencing which does not materially impede vision shall be permitted in a front yard provided it does not exceed a height of three (3) feet. Nonobscuring decorative fencing does not include chain-link fencing.
- c. Fences not used for farm operations shall not contain barbed wire, electric current, or charge of electricity.
- d. All fences shall comply with the requirements of the Building Code.
- e. Nothing contained herein shall be construed to take precedence over private deed restrictions where more restrictive than the above described regulations.

2. Nonresidential Fences

- a. Fences located in other than residential districts or on the boundary between such districts shall not exceed eight (8) feet in height, measured from the surface of the ground.
- b. Fences which enclose public or institutional parks, playgrounds, or public landscaped areas, situated within an area developed with recorded lots shall not obstruct vision to an extent greater than twenty-five (25) percent of their total area.
- c. No fence, wall, or hedge shall be located within a public right-of-way, occupy a clear vision zone established by Section 21.10, or interfere with visibility from a driveway. The Chief Enforcement Officer is hereby empowered to cause all such obstructions to be removed in the interest of public safety.
- d. Fences located within twenty-five (25) feet of an intersection shall not exceed thirty (30) inches in height.
- e. Fences shall not contain barbed wire, electric current, or charge of electricity. In the case where the security of industrial and commercial property is concerned, the Planning Commission may approve a fence eight (8) feet in height with

barbed wire attached to the top of such fence as part of the site plan review process.

- f. All fences shall comply with the requirements of the Building Code.

Section 21.14 Screening Walls.

- 1. For the use districts and uses listed below, there shall be provided and maintained on those sides abutting a residential district, an obscuring wall. Required walls shall be located adjacent to the lot line, except where underground utilities interfere and except in instances where this Ordinance requires conformance with yard setback lines. Upon review of the site plan, the Planning Commission may approve an alternate location for the wall or may modify the wall requirement by approving either an earth berm or evergreen screen in its place.

The Planning Commission may also waive the wall requirement in specific cases where natural or manmade barriers exist that would accomplish the same obscuring effect or where the Planning Commission finds that no good purpose would be served by compliance with the requirements of this Section.

- 2. The height of the screening shall be in accordance with the following schedule measured from the surface of the parking area or land on the nonresidential side of the wall:

<u>USE</u>	<u>HEIGHT REQUIREMENTS</u>
a. RM (adjacent to R-1 Districts)	4'-6" to 6'-0" high
b. C-1, C-2, C-3, and FS Districts	4'-6" to 6'-0" high
c. I-1 and I-2 Districts	5'-6" to 8'-0" high (height shall provide the most complete obscuring possible)
d. Off-Street Parking Area (other than the above districts)	4'-6" high
e. Hospital-Ambulance and Delivery Areas	6'-0" high
f. Public Utility Buildings, Stations, and/or Substations	6'-0" high

- 3. In the case of variable screening height requirements such as in (a), (b), and (c) above, the extent of obscuring wall shall be determined by the Planning Commission on the basis of land usage, provided further that no wall or berm shall be less than the above required minimum nor greater than the above required maximum height.
- 4. Required walls shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this Ordinance and except such openings as may be approved by the Planning Commission. All walls herein required shall be constructed of materials approved by the Building Official to be durable, weather resistant, and easily maintained.
- 5. The requirement for an obscuring wall between off-street parking areas, outdoor storage areas, and any abutting residential district shall not be required when such areas are located more than two hundred (200) feet distant from abutting residential district(s).

6. Masonry walls shall be erected on a concrete or cement block foundation which shall have a minimum depth of forty-two (42) inches below a grade approved by the Building Official and shall be not less than the width of the wall to be erected.

Section 21.15 Landscaping.

1. Intent

Landscaping, greenbelts, and screening are necessary for the protection and enhancement of the environment and for the continued vitality of all land uses in the Township. Landscaping and greenbelts are capable of enhancing the visual environment, preserving natural features, improving property values, and alleviating the impact of noise, traffic, and visual disruption related to intensive uses.

Screening is important to protect less-intensive uses from the noise, light, traffic, litter and other impacts of intensive nonresidential uses. The purpose of this section is to set minimum standards for the protection and enhancement of the environment through requirements for the design and use of landscaping, greenbelts, and screening.

2. Scope of Application

The requirements set forth in this section shall apply to all uses, lots, sites, and parcels requiring site plan review which are developed or expanded following the effective date of this Ordinance. No site plan shall be approved unless said site plan shows landscaping consistent with the provisions of this Section. Furthermore, where landscaping is required, a building permit shall not be issued until the required landscape plan is submitted and approved, and a certificate of occupancy shall not be issued unless provisions set forth in this section have been met or a performance bond has been posted in accordance with the provisions set forth in Section 17.07.

In cases where the use of an existing building changes or an existing building is changed or otherwise altered or re-occupied, all of the standards set forth herein shall be met.

The requirements of this Section are minimum requirements and nothing herein shall preclude a developer and the Township from agreeing to more extensive landscaping.

3. Landscaping Standards

Except as otherwise specified in the general requirements for each Zoning District, all landscaping shall conform to the following standards:

- a. All developed portions of the site shall be landscaped. All portions of the landscaped area shall be planted with grass, ground cover, shrubbery, or other suitable plant material except that paved patios, terraces, sidewalks and similar site features may be incorporated with Planning Commission approval.
(Ord. 7C-60; Amended Aug. 15, 2007)
- b. In consideration of the overall design and impact of the landscape plan, the Planning Commission may reduce or waive the requirements outlined herein, provided that any such adjustment is in keeping with the intent of the Ordinance and upon a finding the existing vegetation to be maintained on the site generally accomplishes the same effect.
- c. A mixture of evergreen and deciduous trees shall be planted at a rate of one (1) tree for each three thousand (3,000) square feet or portion thereof of landscaped open space area. *(Ord. 7C-60; Added Aug. 15, 2007)*

- d. Evergreen trees shall not be less than five (5) feet in height. Large deciduous canopy trees shall not be less than two and one-half (2 ½) inches in trunk caliper, measured at a height of four and one-half (4 ½) feet above the natural grade (Diameter at Breast Height, D.B.H.). Small deciduous ornamental trees shall not be less than two (2) inches in trunk caliper (D.B.H.).
(Ord. 7C-60; Added Aug. 15, 2007)
- e. Required front yard setbacks shall conform to the following standards:
(Ord. 7C-60; Added Aug. 15, 2007)
 - (1) Front yard landscaping may be interrupted only to provide for roads or driveways for vehicular access.
 - (2) A minimum of one (1) deciduous tree or evergreen tree shall be planted for each forty (40) lineal feet or portion thereof of road frontage, plus a minimum of one (1) ornamental tree shall be planted for each one hundred (100) lineal feet or portion thereof of road frontage, plus a minimum of eight (8) shrubs shall be planted for each forty (40) lineal feet or portion thereof of road frontage. Required trees may be planted at uniform intervals, at random, or in groupings.

4. Earth Berms

Earth berms shall conform to the following standards:

- a. The berm shall be at least three (3) feet above the grade elevation, and shall be constructed with slopes no steeper than one (1) foot vertical for each four (4) feet horizontal with at least a two (2) foot flat area on the top. For the purposes of this provision, grade elevation shall be the ground elevation at the property line adjacent to the proposed berm
- b. The berm area shall be planted with grass or other suitable ground cover to ensure that it withstands wind and weather and retains its height and shape.

5. Evergreen Screening

Evergreen screening shall consist of closely-spaced plantings which form a complete visual barrier that is at least six (6) feet above grade level within five (5) years of planting.

6. Off-Street Parking Areas

Off-street parking areas shall be landscaped as follows:

- a. In off-street parking areas containing greater than twenty (20) spaces, at least five (5) percent of the total parking lot shall be used for interior landscaping. Whenever possible, parking lot landscaping shall be arranged to improve the safety of pedestrian and vehicular traffic, guide traffic movement, and improve the appearance of the parking area.
- b. The landscape plan shall designate the sizes, quantities, and types of plant material to be used in parking lot landscaping.
- c. A minimum of one (1) deciduous tree shall be planted in each landscaped area.
- d. Regulations Pertaining to Landscaping Areas Used for Sight Distance

When a driveway intersects a public right-of-way or when the subject property abuts the intersection of public rights-of-way, all landscaping within the corner triangular areas described below shall permit unobstructed cross-visibility. Shrubs located in the triangular area shall not be permitted to grow to a height of more than thirty (30) inches above the centerline elevation of abutting pavement. Portions of required berms located within sight distance triangular areas shall not exceed a height of thirty (30) inches above the centerline elevation of abutting pavement. Trees may be maintained in this area provided that all branches are trimmed to maintain a clear vision for a vertical height of eight (8) feet above the roadway surface, except that trees with trunks of more than thirty (30) inches in diameter may be located within such area only if permitting unobstructed cross-visibility. Landscaping, except grass or ground cover, shall not be located closer than three (3) feet from the edge of a driveway.

The triangular areas referred to above are:

- (1) The area formed at the corner intersection of a public right-of-way or edge of a private road easement and a driveway, two (2) sides of the triangle area being ten (10) feet in length measured along the right-of-way or easement line and driveway line and the third side being a line connecting these two sides.
- (2) The area formed at a corner intersection of two (2) public rights-of-way and/or private road easement lines, the two (2) sides of the triangular area being twenty-five (25) feet in length measured along the abutting public rights-of-way lines and the third side being a line connecting these two (2) sides.

Section 21.16 Plant Materials.

Landscaping shall be completed prior to the issuance of an occupancy permit, except that the Planning Commission may allow an extension of not more than six (6) months, if for reason of weather such planting is not able to be done at the time of occupancy. Landscaping required by this Ordinance shall be maintained in a healthy, neat, and orderly appearance, free from refuse and debris. All unhealthy and dead plant material shall be replaced immediately upon notice from the Chief Enforcement Officer, unless the season is not appropriate for planting, in which case such plant material shall be replaced at the beginning of the next planting season. All constructed or manufactured landscape elements, such as but not limited to benches, retaining walls, edging, and so forth, shall be maintained in good condition and neat appearance. Rotted, deteriorated, or damaged landscape elements shall be repaired or replaced. The Planning Commission may also require a performance guarantee in accordance with Section 17.07 to ensure the installation of plant materials.

(Ord. 7C-60; Amended Aug. 15, 2007)

If existing plant material is labeled "to be saved" on site plans, protective techniques, such as (but not limited to) fencing placed at the drip-line around the perimeter of the plant material, shall be installed. No vehicle or other construction equipment shall be parked or stored within the drip-line of any plant material intended to be saved.

In the event that healthy trees labeled "to be saved" on the approved site plan are destroyed or damaged, as determined by the Chief Enforcement Officer, the owner, developer, or contractor shall replace said trees with trees of comparable type.

(Ord. 7C-60; Amended Aug. 15, 2007)

Section 21.17 Screening of Trash Storage Areas.

Any new or altered use which requires site plan review under Article 17 and has an outdoor trash storage area shall comply with the following requirements:

1. Any such area shall be limited to normal refuse which is collected on a regular basis and shall be maintained in a neat, orderly, and sanitary condition.
2. In no instance shall any such refuse be visible above the required screening.
3. A wall, six (6) feet in height, shall enclose three (3) sides of the storage area. Such walls shall be constructed of materials approved by the Building Official to be durable and weather resistant. Bollards and/or other protective devices shall be installed at the opening and in the interior to the rear of any storage area to prevent damage to the screening walls. The surface under any such storage area shall be constructed of concrete, which complies with local building requirements.
4. Any such storage area shall be located in a rear yard and/or be so located and arranged as to minimize its visibility from adjacent streets and uses. The Planning Commission may require an obscuring gate when the visibility of such a storage area, from a public street or adjacent use, is deemed to render an adverse influence. In no instance shall any such area be located in a front yard.

Section 21.18 Exterior Lighting.

All outdoor lighting in all use districts other than residential shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential districts, adjacent residences, and public rights-of-way. In no instance shall a light pole exceed a height of twenty-five (25) feet, measured from grade.

Section 21.19 Performance Standards.

Any use hereafter permitted by this Ordinance shall be subject to compliance with the following performance standards.

1. Noise

No person shall create, operate, or cause to be operated on private property any source of sound in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use category in the following table when measured at or within the property boundary of the receiving land use, which source of sound shall be deemed prima facie to be a noise disturbance.

Sound Levels By Receiving Land Use		
Receiving Land Use Category	Time	"A" Weighted Sound Level Limit, dBA
AG, AG/RE, R-1, RM, MHP	10:00 p.m. to 7:00 a.m.	70
	7:00 a.m. to 10:00 p.m.	75
C-1, C-2, C-3, FS	10:00 p.m. to 7:00 a.m.	72
	7:00 a.m. to 10:00 p.m.	77
I-1, I-2	10:00 p.m. to 7:00 a.m.	76
	7:00 a.m. to 10:00 p.m.	81

The following uses and/or activities shall be exempt from noise level regulations:

- a. Noise for safety signals and warning devices.
- b. Noise resulting from any authorized vehicle, when responding to an emergency.
- c. Noise resulting from farm machinery and equipment.
- d. Noises resulting from the provision of municipal services.
- e. Parades and other authorized public gatherings.
- f. Noise emanating from vehicles and equipment temporarily used for the development, construction and maintenance of sites, buildings, and infrastructure.
- g. Bells, chimes, carillons, while being used for religious purposes or for special civic celebrations.
- h. Nonamplified crowd noises resulting from the activities of schools, governmental, or community groups.

2. Smoke

A person, firm, or corporation shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three (3) minutes in any one hour which is:

- a. As dark or darker in shade as that designated as No. ½ on the Ringelmann chart, as published by the United States Bureau of Mines, or
- b. Of such density as to obscure an observer's view to a degree equal to or greater than the level of smoke described in subsection (a) of this Section.
- c. At no time may smoke emissions be darker than Ringelmann No. 1.

3. Open Fires

A person, firm, or corporation shall not burn any combustible refuse in any open outdoor fire.

4. Noxious Gases

No noxious or malodorous gases shall be allowed to escape into the atmosphere in concentrations which are offensive, which produces a public nuisance or hazard on any adjoining lot or property, or which could be detrimental to human, plant, or animal life.

5. Air Contaminants

A person, firm, or corporation shall not discharge from any source whatsoever such quantities of air contaminants or other material, including fly-ash, dust, vapor, or other air pollutants, which could cause injury or harm to health, animals, vegetation, or other property, or which can cause excessive soiling. Dust, dirt, smoke, or fly-ash shall not be in excess of 0.3 grams per cubic foot of flue gas at stack temperature of five hundred (500) degrees Fahrenheit and not to exceed fifty (50) percent excess air. The drifting or air-borne transmission beyond the lot line from any open stock pile shall be unlawful and shall be summarily caused to be abated.

6. Glare and Heat

Any operation or activity producing glare shall be so conducted that direct and indirect illumination from the source of light shall not cause illumination in excess of one-half (0.5) of one (1) foot candle when measured at any adjoining residence or business district boundary line. Flickering or intense source of light shall be so controlled as not to cause a nuisance across any lot lines.

If heat is a result of a commercial or industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time, above the ambient temperature.

7. Vibration

Vibrations from commercial or industrial operations and vehicular traffic must be controlled to the extent that they cannot be felt past any property line.

8. Radio Transmission

For electronic or electric equipment required in a commercial or industrial operation, the equipment shall be operated in conformance with all applicable public agency standards so as to not interfere with radio, television, or other electronic equipment.

9. Storage of Flammable Materials

Any activity involving the use or storage of flammable or explosive materials shall be subject to local fire marshal's standards including protection by adequate fire-fighting and fire suppression equipment and such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.

10. Radioactive Materials

No activity shall emit dangerous radioactivity at any point, or unreasonable electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.

11. Water Pollution

Pollution of water shall be subject to such requirements and regulations as are established by the Michigan State Department of Health, the Michigan Water Resources Commission, the Monroe County Health Department, Monroe County Drain Commissioner, and the U.S. Environmental Protection Agency.

12. Electromagnetic Emissions

Applicable rules and regulations of the Federal Communications Commission in regards to propagation of electromagnetic emissions are hereby made a part of this Ordinance.

13. Sewage Wastes

No industrial sewage wastes shall be discharged into sewers that will damage or impair the strength or durability of sewer pipes or other sewer structures; cause danger to public health and safety; or cause obnoxious conditions inimical to the public interest.

Section 21.20 Soil Removal; Excavation; Extraction; Filling of Garbage or Rubbish.

(Ord. 7C-69; Amended Aug. 18, 2010) (Ord. 7C-73; Amended July 20, 2011)

1. It shall be unlawful for any person, firm, corporation, partnership, or other organization or entity to engage in or conduct any soil removal, excavation or extracting within the unincorporated areas of the Township without first procuring a Special Land Use Permit from the Township Board as specified below. This provision shall not apply to site grading and filling activities regulated by Section 21.20A, excavations for building construction purposes, pursuant to a Building Permit issued by the Ash Township Building Official or for ponds regulated by Section 21.21.
2. The filling of land with garbage or rubbish or any other waste matter is hereby prohibited in all areas of the Township, except that, pursuant to the terms and conditions of a Special Land Use Permit that may be granted in a proper case by the Township Board in areas designated I-2, General Industrial. Composting activities shall be regulated in accordance with Section 16.01.24.
3. An application for a Special Land Use Permit hereunder shall be made in accordance with Article 16, Special Land Use Conditions, Review, and Approval. Applications shall contain the following:
 - a. Name and address of the applicant.
 - b. Legal description of the property upon which the proposed operation is to be carried out.
 - c. Topographic map drawn at a scale of 1" to 100' with a two (2) foot contour interval, showing both existing and proposed grades.
 - d. Description of the extent and nature of the proposed operation (including in the case of filling, the amount of fill to be deposited and the exact nature thereof). For a soil removal, excavation or extraction operation, this description shall include the type and method of operation proposed, the engineering techniques proposed, the kind and amount of material to be withdrawn from the site, the expected termination date of operations, and the equipment proposed to be used.

- e. Name of the owner of the land described therein and, if the applicant is not the owner, shall contain or have attached thereto the written consent of the owner to the proposed operation on said land and authorizing the Township to enter upon the land for the purpose of inspecting the premises and considering said application.
- f. Agreement that the applicant and the owner, if the applicant is not the owner, will comply with all of the provisions of this Ordinance and any and all rules and conditions regarding soil removal, excavation, extraction and/or filling operations established by the Township pursuant to this Ordinance and filed in the office of the Township Clerk.
- g. A description of pollution and erosion control measures.
- h. A description of the measures to be taken to assure compliance with the applicable air and water quality standards.
- i. A description of the measures to be taken to control noise and vibrations from the operation.
- j. A description of the measures to be taken to screen the operation from view with earth banks, vegetative or other screening devices.
- k. A certified statement by an engineer qualified in the study of hydrology, with supporting data and analysis, demonstrating no adverse or detrimental effects on the water table, water supply wells and water and sewer supply systems in the vicinity; if such water table, water supply wells and water and sewer supply systems will be adversely or detrimentally affected, the applicant shall provide alternate methods of providing and maintaining same.
- l. A map showing truck routes to and from the site.

The original and two (2) copies of the application shall be signed by the applicant and filed with the Township Clerk.

- 4. One copy of the application shall be referred to the Building Official, or his duly authorized agent, who shall investigate the premises described in the application, including the surrounding area, and make recommendations within a reasonable time to the Planning Commission as to whether the Special Land Use Permit should be granted subject to this Ordinance or whether the application should be denied.

Recommendations shall include a report on the following matters, which, in addition to those general standards outlined in Section 16.05, shall serve as the standards to be used by the Building Official in making his recommendation to the Planning Commission and by the Planning Commission in making its findings and rendering its recommendation to the Township Board regarding the Special Land Use Application:

- a. The qualifications of the applicant to comply satisfactorily with the terms and conditions applicable to any permit to be granted as necessary to protect the public health, safety, and general welfare. No Special Land Use Permit shall be granted to an applicant deemed unfit by the Township Board on the basis of the clear and substantial weight of the facts presented.
- b. The full and complete affect on the public health, safety, and general welfare of granting the Special Land Use Permit without special terms and conditions. For an application to be granted on this basis, the Township Board, exercising its

discretion, must be able to find the application consistent with the public health, safety, and general welfare by the clear and substantial weight of the facts presented.

- c. The necessity of special terms and conditions, with an enumeration thereof, and specific reasons therefor. Even subject to special terms and conditions, an application shall not be granted unless the Township Board, exercising its discretion, is able to find the application consistent with the public health, safety, and general welfare by the clear and substantial weight of the facts presented.
- d. In connection with items b. and c. above, any geographical, soil, or other physical conditions pertaining to the land or general area involved or arising out of any of the proposals of the application that would affect the present and future value or condition of the land involved, the general area, or otherwise affect the public health, safety, and general welfare of the residents of the Township shall be considered. No application shall be granted on any basis whatever if the Township Board, exercising its discretion, finds that the granting of the application, because of such condition or conditions, would tend to injuriously affect the public health, safety, or general welfare, or make worse an already unsatisfactory situation.

The Building Official, or his duly authorized agent, shall include in his/her report to the Planning Commission and the Planning Commission shall consider in its recommendation to the Township Board whether the granting of the permit, because of the nature of the fill proposed to be deposited on the site, would tend to leave the land in an unstable, wasted, or unfit condition for the growing of turf or other land uses permitted herein or tend to impair the surrounding lands as to their respective permitted uses or tend to create a stagnant or standing water condition, create a drowning hazard, other attractive nuisance, disease problem, or other unhealthful condition.

If the facts regarding the special land use being reviewed do not establish by a preponderance of the evidence that the standards and requirements set forth in this Zoning Ordinance will be met by the proposed use, the Planning Commission shall not recommend special land use approval to the Township Board.

In recommending approval of a Special Land Use Permit to the Township Board, the Planning Commission shall recommend imposition of such reasonable conditions of use as it deems necessary to protect the best interests of the Township and the general vicinity, to achieve the objectives of this Ordinance, and to assure that the general public health, safety, and welfare will not be infringed upon.

The Planning Commission may recommend denial, approval, or approval with conditions, a request for special land use approval. The recommendation on a special condition use shall be incorporated in a statement containing the conclusions relative to the special land use under consideration which specifies the basis for the decision and any conditions recommended.

Upon holding a public hearing and completing the review of the special land use request, the Planning Commission shall within thirty (30) days forward to the Township Board its finding and recommendation. The finding shall include a record of those conditions which are recommended to be imposed. The Township Board, upon receipt of the finding and recommendation, may deny, approve, or approve with conditions, any request for a special land use approval.

Any decision on such a request shall state the findings of fact and specify the conclusions drawn therefrom and any conditions imposed thereon. Any conditions imposed shall remain unchanged except upon the mutual consent of a majority of the Township Board and the landowner, and the Township Board shall maintain a record of all conditions that are changed. All records of proceedings hereunder shall be kept and made available to the public.

A Special Land Use Permit shall be issued by the Township Board upon approval. The Township Board shall forward a copy of the permit to the owner/applicant, Clerk, and Building Official. The Building Official shall not issue a building permit until he or she has received a copy of the Special Land Use Permit approved by the Township Board.

5. Each party granted a Special Land Use Permit is required to faithfully adhere to and abide by any special condition or conditions which may be attached to the Special Land Use Permit, to honor any and all applicable provisions of law, and to comply with the following regulations:

- a. No top soil, earth, or sand shall be removed and no excavation shall be conducted on a parcel of less than five (5) acres in area or within two hundred (200) feet of any public thoroughfare or within a distance of one hundred (100) feet plus the measurement of the depth of the cut of any adjoining private property line.
- b. Water, ice, or other unsatisfactory matter shall not be permitted to stand or accumulate in any excavation during or following the completion of the excavation operations, unless an impoundment of water has been previously approved by the Township Board as a part of restoration operations as described in item d., below.
- c. Each permitted excavation in excess of four (4) feet in depth shall be barricaded with a fence six (6) feet in height, constructed of wire mesh or other suitable material to afford protection to persons and property, with warning signs, lights, and watchman provided where found by the Township Board to be reasonably necessary based on the conditions involved.

In any event, the slopes of the excavation shall not exceed a ratio of four (4) feet horizontal to one (1) foot vertical, except where an impoundment of water has been previously approved by the Township Board as a part of restoration operations (as described in item d. immediately below). Slopes at a ratio of four (4) feet horizontal to one (1) foot vertical shall be maintained for all areas lying below the proposed water surface, to a depth of six (6) feet.

- d. Where a permit for soil removal, excavation or extraction specifies grading or filling and grading as a special condition of the permit, said applicant, within ninety (90) days after completion of the removal, excavation or extraction operation, shall commence and complete with all due dispatch the grading or filling and grading as required. Only proper fill deposited in the proper manner shall be permissible. Grading shall be on the basis of an average grade at least twelve (12) inches above the crown of the lowest road or highway adjacent to or abutting said land, and the land shall be leveled so as to provide drainage suitable for growing of turf or for other land uses permitted under this Ordinance, except that filling the land to an average grade higher than that which existed prior to the removal of the top soil, earth, or sand from said land shall not be required.
- e. Except by special permission from the Township Board, operations shall be permitted only between the hours of 7:00 a.m. and 6:00 p.m. Monday through

Friday and between 7:00 a.m. and 12:00 noon on Saturdays. Operations shall not be permitted on Sundays or legal holidays.

- f. Truck Traffic and Entranceways.
 - (1) Each operator shall be held responsible for all public roads upon which trucks haul materials to and from the operation; to keep these roads in a driveable condition at least equal to that which existed prior to the beginning of operations; and to keep the roads dust free and to clean any and all spillage of material and dirt, rock, mud and any other debris carried onto the roads by these trucks or other equipment. All exits and entranceways within five hundred (500) feet of any public road shall be hard surfaced and properly maintained in a hardsurfaced condition so to limit the windborne dust on adjoining properties and public roads.
 - (2) Truck traffic associated with the use shall be prohibited on all roads except those for which it is specifically approved by the Township Board pursuant to special land use approval. Haul routes shall be approved for truck traffic so as to minimize the impact of such traffic on residential and related uses and activities.
 - (3) There shall be not more than one entranceway from a public road for each six hundred (600) feet of front lot line. Such entranceway shall be located not less than six hundred (600) feet from an intersection of two or more public roads.
- g. The boundaries of all operations shall be visually screened from view from all adjacent public or private highways, roads and streets and residentially used parcels. An earthen berm or vegetative screen shall be erected and maintained to screen the operation from view. Said berm or screen shall be of a sufficient height so as to effectively screen any excavation area and processing equipment from view from public roadways and residentially used areas. The Planning Commission and/or the Township Board shall determine the practicality and necessity of screening in each individual operation.
- h. The applicant shall provide a date for completing any soil removal, excavation or extraction operation, such date to be based upon the estimated volume of material to be excavated and an average annual excavation rate. The special land use permit shall expire on that date. Any extension of a soil removal, excavation or extraction operation beyond that date shall require a new special land use permit which shall be applied for and processed as provided in this section.
- i. In the event that blasting is a method to be used in a soil removal, excavation or extraction operation, the following regulations shall apply:
 - (1) Wherever and whenever blasting or the setting off of an explosive blast occurs within the Township, where permitted by applicable zoning laws, such blasting or setting off of an explosive blast shall be conducted in such manner that the maximum peak particle velocity of any one (1) of the three (3) mutually perpendicular components of ground motion in the vertical and horizontal directions resulting therefrom shall not exceed two (2) inches per second at the nearest property line of the property at which such blasting or setting off of an explosive blast occurs and shall not exceed two (2) inches per second at a point three hundred (300) feet from the explosive blast. However, when the distance from the explosive blast exceeds one thousand (1,000) feet from the nearest property line, the maximum peak particle

velocity shall not exceed two (2) inches per second at a point five hundred (500) feet from the explosive blast.

- (2) Blasting and the setting off of an explosive shall be restricted to between the hours of 8:00 a.m. and 2:00 p.m. on weekdays, except in cases of extreme emergency. No blasting shall be permitted on Sunday. Any person blasting or setting off an explosive blast within the Township, shall give the Township notice prior to each blast of the fact that such blast will occur. Such prior notice being given at such time as to allow the Township a reasonable opportunity to monitor such blasting or setting off of an explosive blast to insure its compliance with the provisions of this section. The owner/operator shall be responsible for providing the services of an independent testing laboratory approved by the Township, who shall provide adequate equipment for the purpose of monitoring the blast and shall be further required to maintain records prepared by an individual certified in the operation of such equipment and able to further attest to the accuracy of the blast monitoring records. Copies of these records shall be provided to the Township.

j. In the case of a permit for filling of land with garbage or rubbish:

- (1) Evidence of compliance with PA 641 of 1978, as may be amended (the Solid Waste Management Act) must be provided by the applicant. No rubbish or garbage shall be burned, permitted to burn, or smolder as a result of voluntary igniting of said material or as a result of involuntary internal combustion of said rubbish or fill material deposited at the site of the permitted operation;
- (2) A temporary fence to prevent the scattering of rubbish, garbage, and other waste matter, if required by the Township Board, shall be erected around the place of the fill so as to enclose the matter to be deposited; provided that any rubbish, garbage, or other matter that nevertheless collects shall be picked up and removed from the area daily, it being the duty of the Special Land Use Permit holder to keep the area in a reasonably clean and neat condition;
- (3) All rubbish and garbage fill, when deposited, must be thoroughly compacted;
- (4) All rubbish and garbage fill, within twenty-four (24) hours of depositing in the place or places authorized in the Special Land Use Permit, shall be covered with a compacted layer of soil matter twelve (12) inches thick and of a kind and texture that will be suitable for growing of turf or for other land uses permitted within the district. A final compacted layer of soil matter twenty-four (24) inches thick of a kind and texture that will be suitable for the growing of turf, or for other suitable land uses permitted within the district, shall be placed within one (1) week following the completion of the deposit of refuse in that area. In applying the standards of public health, safety and welfare provided for in this Ordinance, the Township Board may extend the above twenty-four (24) hour period to such longer period as is deemed satisfactory under the circumstances.
- (5) Conveyance vehicles for rubbish or garbage shall not be open lid and while in transit shall be closed and covered so as to reduce odor and the scattering of the matter being carried. Any rubbish or garbage that is nevertheless dropped in transit shall be recovered by the conveyor of such rubbish or garbage and the affected area restored to its prior condition. Further, any undue collection of soil matter deposited on the public highways by the

tracking of the vehicles shall be removed and the affected area restored to its prior condition.

- k. The Township, through its duly authorized agents, shall have the right to enter upon any land designated in any Special Land Use Permit, for the purposes of making inspections and for causing compliance with the terms of this Ordinance in the event the permit holder shall fail to do so. It shall be the duty of the Building Official or his duly authorized agents to make periodic inspections of all land for which permits have been issued and to report any violation of the terms hereof to the Township Board.
6. In the event a Special Land Use Permit holder violates the terms of this Ordinance or conditions previously imposed by the Township Board, the Building Official shall have the power to suspend said permit issued pursuant to this Ordinance, provided that written notice of such suspension, stating the reasons therefore, shall be served upon the permit holder, either personally or by registered mail, and provided further that the permit holder shall have the right to appeal such suspension to the Township Board within ten (10) days after receipt of such notice.

If it shall appear to the Township Board from the facts presented that the Special Land Use Permit holder has been committing the violation as charged, then the Township Board shall revoke said permit. In the event of the revocation of a Special Land Use Permit for cause, any performance guarantee shall not be canceled until said premises are restored to a condition deemed satisfactory to the Township Board, based on the standards of this Ordinance and conditions previously imposed by the Township Board.

7. The construction, maintenance, or existence within the Township of any unprotected, unbarricaded, open or dangerous excavations, holes, pits, or wells, or of any excavations, holes or pits which constitute, or are reasonably likely to constitute, a menace to the public health, safety or welfare, is hereby prohibited. This Section shall not apply to excavations operated under a Special Land Use Permit issued pursuant to this Ordinance, or the Building Code of the Township, where such excavations are barricaded and warning signs posted in such manner as may be approved by the Building Official nor does this section apply to lakes, streams, or other natural bodies of water or to ditches, streams, reservoirs, or other major bodies of water created or existing by authority of the state of Michigan, Monroe County, Ash Township, or other governmental agencies.
8. All areas within any landfill, excavation or extraction site operating under a single permit shall be restored progressively. Restoration shall be in accordance with a plan approved by the Township Board prior to the issuance of a Special Land Use Permit. Restoration shall be to a condition as to leave the surface of the land at a grade which blends with the general surrounding terrain so as to appear reasonably natural and to permit the establishment of other land uses allowed in the district in which said excavation, extraction or filling occurs.

The Township Building Official shall conduct inspections hereunder, and shall notify the owner and/or operator in writing of any portions of the site that is deemed abandoned or ready for restoration. Upon receipt of such written notification, the owner and/or operator shall have said areas restored within ninety (90) days, or within thirty (30) days supply the Township Board with a written reply indicating the date restoration is anticipated. The Township Board may accept or reject said dates. If said date is accepted, it shall be binding on both parties. If said date is rejected, the Township Board shall set a new date which shall be final.

9. Financial guarantees.
 - a. The applicant shall provide a bond, in the form and amount specified below, to guarantee restoration of the site and certification of conformance to the standards and requirements for operation established herein by the Township Board. The bond running to the Township shall be filed with good and sufficient sureties acceptable to the Township Board, in the penal sum of ten thousand dollars (\$10,000.00) for each acre or fraction thereof, conditioned upon prompt and complete compliance with all the provisions of this section and any and all rules and regulations adopted by the Township Board pursuant thereto.
 - b. The owner, owners or operator shall be required to carry a liability insurance policy approved by the Township Board to cover property damage for surface and/or subsurface occurrences and bodily injury in an amount not less than five million dollars (\$5,000,000.00) and name the Township, its elected and appointed officials as additional named insured. A certified copy of the policy shall be placed on file with the Township Clerk before a permit is issued.
 - c. The applicant shall also provide a security bond as a guarantee of intent to maintain and replace County and Township roads traversed by trucks associated with the operations. The security shall be deposited with the County road commission in the form and amount required by the road commission.
 - d. The Township Board shall not approve a Special Land Use Permit for any soil removal, excavation or filling operation until the Board has received the Planning Commission's report on the Special Land Use Permit application, and on the plans required in this section, and until the required bonds and insurance have been approved and provided.
 - e. The applicant shall provide a cash deposit, certified check, irrevocable bank letter of credit or surety bond acceptable to the Township covering the estimated cost of improvements and reclamation. The same shall be deposited with the Township Clerk to insure faithful completion of the improvements and reclamation. The performance guarantee provided by this section shall be deposited at the time of the issuance of the permit.
 - f. The bonds and insurance required above shall be continuously renewed so as to remain in effect throughout the duration of the operations and the completion of the rehabilitation and reclamation of the site. The Township shall be sent any notice of intent to cancel such bonds or insurance within twenty (20) days before the cancellation thereof. Failure of the applicant, or owner/operator, or any person named in the application to maintain such bonds and insurance shall be cause for immediate cessation of operations and revocation of the Special Land Use Permit.
10. Permit Required for Excavation or Extraction Operations. No extraction operation shall be conducted within the Township until all requirements of this Section have been complied with and the special land use permit has been issued. In addition, an extraction operation permit shall also be required before commencement of any extraction operation.
 - a. Following issuance of a special land use permit, an extraction operation permit shall also be issued by the Township Clerk upon payment of a fee in accordance with the schedule of fees as adopted by the Township Board. This extraction operation permit shall be an annual permit. This fee shall defray any administrative and enforcement expenses of the Township incurred as a result of the extraction operation.

- b. After the issuance of the extraction operation permit, the permit holder, owner or operator shall pay to the Township a sum in the amount of \$.18 per cubic yard of material measured in place and extracted with said payment to be made by the 15th day of the following month of when the material was extracted.
- c. Inspections shall be made as follows:
 - (1) Inspections by the Township shall be made of the extraction site not less than quarterly or of sufficient frequency to insure compliance with the requirements of this Section.
 - (2) Any violation shall be reported in writing to the Township Board. The report shall be forwarded to the owner or operator with a demand for compliance.
 - (3) Failure on the part of the operator, owner or extractor to correct a reported violation within fourteen (14) days after such demand is made by the Township shall be reason for revocation of both the extraction permit and special land use permit.
 - (4) The Board may grant additional time for correction of a sited violation upon good and sufficient cause by the owner and/or operator.
 - (5) In the event that the Township Board determines that any condition is causing an immediate danger to the health, safety and welfare of persons and/or property located within the Township, the Township may seek immediate and appropriate relief from a court of competent jurisdiction regardless of the fourteen (14) day demand period.

Section 21.20A Site Grading and Filling Activities

(Ord. 7C-69; Added Aug. 18, 2010)

- 1. Intent. Site grading regulations are established to ensure adequate drainage away from structures to a natural or established drainage course and to ensure the protection of natural resources on sites where grading and filling is to take place.
- 2. Scope of Application. A grading permit shall be required, subject to review by the Chief Enforcement Officer or designee, in all instances where grading, filling, stockpiling, balancing or other alterations to the land are proposed. 'Filling' includes the dumping of soil, sand, clay, gravel, or other similar material on a site.
 - a. Where minor alterations to the land that do not affect the stormwater drainage pattern are proposed, a grading permit shall not be required. Minor alterations are defined as no more than two-hundred fifty (250) cubic yards of filling or stockpiling or one-hundred twenty five (125) cubic yards of balancing or other alterations over a six (6) month time period. However, if the storm water drainage pattern of the land will be altered, a grading permit shall be required regardless of the scope of the alterations.
 - b. The requirements of this Section shall not apply in the case of new building construction where a building permit is issued by the Ash Township Building Department.
 - c. The requirements of this Section shall not apply to farms and farm operations, as defined in this Ordinance.

- d. The requirements of this Section shall not apply to any natural resource extraction operation regulated by Section 16.01.48(b), soil removal or excavation operation regulated by Section 21.20, or ponds regulated by Section 21.21.
 - e. Activities of the Monroe County Drain Commissioner's office, including clearing and dredging of regulated drains and ditches, shall be exempt from the requirements of this Section.
 - f. The grading permit fee shall be established by resolution of the Township Board.
3. Grading Plan. In the event that a grading permit is required, the applicant shall first submit three (3) copies of the grading plan for review and approval by the Chief Enforcement Officer or designee (e.g. Building Inspector, Township Engineer), or other authorities having jurisdiction, such as the Michigan Department of Environmental Quality. A licensed professional engineer or licensed professional surveyor shall prepare such plans. Two (2) signed, approved copies of the grading plan shall be retained by the Township and one copy returned to the applicant.
4. Standards.
- a. Grading plan requirements. At a minimum, grading plans shall show existing and proposed grade elevations adjacent to existing structures on the subject property and at the structures within one hundred (100) feet of the lot line on adjacent properties. In addition, sufficient existing and proposed elevations shall be shown for the site and for as much of the adjacent property as is necessary to establish the proposed surface drainage pattern. All elevations shall be based on U.S.G.S. datum. Elevations and location of benchmarks used for determining elevations shall be shown on the plan.
 - b. Slope away from building and finished floor elevations. All buildings and structures shall be constructed at an elevation that provides a sloping grade away from the building or structure, thereby causing surface water to drain away from the walls of the building to a natural or established drainage course. The grade shall not exceed five (5) percent slope away from the building or structure for a minimum distance of ten (10) feet. The slope shall be measured from the highest point along the side lot line to the building line.
 - c. Runoff onto adjacent properties. New grades shall not be established that would permit an increase in the runoff of surface water onto adjacent properties, except directly through an established drainage course, swale, ditch, or easement.
 - d. Amount of material. If filling or stockpiling is proposed, the amount of material to be filled or stockpiled shall be indicated on the grading plan.
 - e. Stockpiling. The open storage of undistributed soil, sand, clay, gravel, and similar material for a period of more than thirty (30) days shall be prohibited, except where permitted as part of an approved construction project, approved excavation operation, or approved use in an industrial district.
 - f. Suitable fill material. Fill material brought into the Township shall consist of clean, compactable, natural earth materials free of contamination from hazardous substances. Fill material shall contain no more than five (5) percent broken concrete or asphalt grindings and shall not contain any other foreign matter, including brick, crockery, or other debris or waste. The Chief Enforcement Officer may require verification from a qualified soil-testing laboratory that the fill is free of all

contamination. In the event that contamination is found, the property owner shall be responsible to remove the contaminated fill from the property.

5. Review, Inspection and Approval Procedures. The Chief Enforcement Officer and other authorities having jurisdiction shall review grading plans. The Chief Enforcement Officer or designee may issue a grading permit after the determination has been made that the requirements set forth herein and in other applicable ordinances have been complied with.
6. Final Grading Plan. An as-built plan, prepared by a licensed professional engineer or licensed professional surveyor and clearly indicating compliance with the approved grading plan, shall be submitted prior to the issuance of an occupancy permit.

Section 21.21 Ponds.

1. The regulations set forth in this section are designed to provide for the regulation of ponds and to specify the conditions and circumstances under which such ponds may be developed to protect the health, safety, and general welfare of the residents of the community, preserve ecologically important features, and to prohibit development which, unregulated, may have an adverse effect upon the existing aesthetic character of the township.
2. General provisions.
 - a. It shall be unlawful for any person, firm, corporation, or partnership, or other organization or entity to construct a pond within the Township without first securing a construction permit from the Building Official.
 - b. A pond shall not be constructed on a lot or parcel of land which is less than 1.5 acres in size.
 - c. Water shall be maintained in all pond excavations.
 - d. All soil and similar materials excavated during the construction of the pond shall remain on the property.
3. Application and review procedures
 - a. Application shall be made to the Township Building Official. Applications shall contain the following information:
 - (1) Name and address of the applicant.
 - (2) Legal description of the property upon which the pond will be established.
 - (3) Site plan submitted in accordance with Article 17, Site Plan Review Procedures.
 - b. Evidence shall also be presented at the time of application that the Monroe County Drain Commission and Michigan Department of Environmental Quality have granted the necessary permits and/or approvals to the applicant for the construction of the pond or have released the applicant from any obligation thereto.
 - c. The applicant shall also, at the discretion of the Building Official at the time of application, provide evidence from a licensed excavator, civil engineer, or similar allied professional that water can be continuously maintained in the pond once it is constructed.

- d. The Building Official may, at his discretion, administratively review and approve applications for a pond construction permit, in lieu of a more formal review and consideration by the Township Planning Commission, provided all of the following conditions exist:
 - (1) The parcel contains natural land forms which are so arranged that the change of elevation within the site includes slopes of ten (10) percent or less;
 - (2) The subject site and/or adjoining properties do not contain natural assets including trees, woodlots, endangered species habitats, wetlands, 100-year floodplains, natural watersheds, or similar features that would be altered by the establishment of the pond;
 - (3) The outside edge of the pond is not within fifty (50) feet of an existing County Drain;
 - (4) The proposed pond is not located within two hundred (200) feet of a public right-of-way, private easement, or school site; and,
 - (5) The proposed pond is not within fifty (50) feet of an existing state-regulated wetland.

- 4. Private ponds shall be permitted as an accessory use provided they meet the following requirements:
 - a. The minimum setback distance for the pond shall be a minimum of twenty-five (25) feet from any property line. A pond may cross a property line only when all properties are owned by the applicant or upon submittal of an easement reviewed and accepted by the Planning Commission allowing such occupation.
 - b. There shall be a distance of not less than twenty-five (25) feet between the outside edge of the pond and any building.
 - c. There shall be a distance of not less than two hundred (200) feet from any overhead transmission lines.
 - d. Slopes of the excavation shall not exceed a ratio of four (4) feet horizontal to one (1) foot vertical, to a depth below water of six (6) feet.
 - e. All areas disturbed during construction shall be seeded with grasses and maintained in good condition to prevent erosion.
 - f. The Township Building Official or Planning Commission may, at its discretion, require the installation of a fence no less than four (4) feet in height to protect the health, safety, and welfare of the property owners and or tenants, neighboring uses, and Township residents.

- 5. Limitations.
 - a. Construction of a pond shall be completed within twelve (12) months of the issuance of the construction permit. Extensions may be granted by the Building Official or Planning Commission for cause shown.

- b. The requirements contained herein shall not relieve the applicant from complying with other land development or environmental standards established by the Township or by other public agencies having jurisdiction.
6. Fees required.
- a. Fees for the review of applications for the purpose of obtaining a construction permit for a pond shall be established by resolution of the Township Board.
 - b. Bonding or insurance shall be required in accordance with Section 17.07.

Section 21.22 Keeping of Pets.

The keeping, raising, and breeding of pet animals, including dogs and cats, for show purposes, protection of property, or for personal enjoyment is allowed in any zoning district, subject to the following conditions:

- 1. The keeping of two (2) or fewer dogs and/or cats is generally considered to have minimal nuisance value, and no site improvement or method of housing said pets is required. However, this does not set aside requirements to comply with county or state regulations regarding licensure, personal liability, and freedom to leave the property.
- 2. The keeping of more than two(2) but less than six (6) dogs and/or cats six (6) months old or older requires the following site improvements and housing requirements:
 - a. Said pets shall be restricted from leaving the site unattended.
 - b. In the event said pets are housed outside the principal structure on the site, the structure housing the pets shall be located no less than twenty-five (25) feet from any lot line. In the event a fence is not located around the perimeter of the site, a fence shall be constructed around the structure housing said pets.
 - c. The height of the required fence shall be adequate to prevent any pet from getting beyond the boundaries of the fenced enclosure. The fence shall be adequately secured to the ground to prevent tunneling beneath the fence.

Section 21.23 Solar Collectors.

Solar collector panels, each not exceeding four (4) feet by eight (8) feet in size, may be permitted in any zoning district, subject to the following criteria:

- 1. All installations shall be located only in the rear yard and must comply with all accessory use, height, bulk, and setback requirements of the district; except that flush-mounted wall solar collectors are permitted.
- 2. All installation shall be located to prevent the obstruction of sunlight on adjoining property.
- 3. All installations shall employ (to the extent possible) materials and colors that blend with the surroundings.
- 4. Signs, lettering, numbers, logos, symbols, or other illustrative markings attached to or painted on a solar collector are prohibited.
- 5. Ground installation shall provide landscaping and fencing insofar as possible to screen the installation from adjacent properties.

6. All solar collectors placed on the roof, shall be totally enclosed to prevent wind damage to the solar collector by wind and to reduce heat loss.
7. No solar energy system shall be made operational until the Township Building Official shall certify, in writing, that both construction plans and final construction of said solar collector meet the requirements of this Ordinance and the Building Code and afford safety to the public at time of high winds. Solar collectors shall be designed and constructed to resist wind and seismic forces. All bracing systems shall be designed and constructed to transfer lateral forces to the foundation. For solar collectors mounted on roofs, the dead and lateral loads shall be transmitted through the structural frame of the building to the ground in such a manner as not to over stress any of the elements thereof. Solar collector manufacturers' standards for ground and roof installation shall be complied with regarding allowable wind loads, stresses, supports, and fastenings. Where deemed necessary by the Township Building Official, a permit for installation shall be submitted with a certification by a Registered Professional Engineer that the installation complies with these standards.

Section 21.24 Dish Type Satellite Signal Receiving Stations.

(Ord. 7C-77; Amended September 19, 2012)

Dish type satellite signal receiving stations, greater than one (1) meter in diameter, hereafter referred to as stations, may be located in the Township subject to the following provisions:

1. Stations shall not be linked to receivers which are not located on the same lot as the station.
2. Stations shall be located in the rear yard, as defined in the Ash Township Zoning Ordinance, and behind the principal dwelling or structure located on the parcel or lot.
3. Regardless of however turned or otherwise used, all parts of the station will be set back at least five (5) feet from the side lot lines and shall be set back from the rear lot line no less than twenty (20) feet.
4. The height of the station, should the dish antenna be turned perpendicular to the ground, shall not extend above fifteen (15) feet, and the maximum diameter of any dish antenna shall not exceed twelve (12) feet.
5. No installation or erection of a station shall commence before a permit is obtained from the Building Official. Fees for such permits shall be established by resolution of the Township Board.

Dish type satellite signal receiving stations one (1) meter or less in diameter are exempt from the provisions of this Ordinance.

Section 21.25 Required Frontage on a Public Road.

No lot shall be created and no building or use shall be permitted on a lot, unless said lot fronts upon a public street or road and contains the required street frontage at the required front yard setback line or building line for its zoning district. Exceptions are specifically provided for in this Ordinance.

Section 21.26 Private Streets, Highways and Alleys.

The specifications set forth herein are to be the standards adopted for the width and location of all highways, streets and alleys which may hereafter be platted or accepted within the Township. All such regulations are intended to be in harmony with all road and right-of-way standards and

policies of the Monroe County Road Commission or the appropriate state or federal highway authority.

1. Private Streets and Alleys.

In addition to this section specifically detailing private road requirements, all private streets and alleys must conform to the specifications regarding public streets set forth in subsection "II" when such ordinances may be applicable. If in the event that said ordinances cannot be read together in a consistent manner, the ordinance specifically addressing private street and alley requirements shall control as to a private street or alley.

In addition, any lot or parcel of land resulting from a division or partition of lands pursuant to this Ordinance or the Township's Land Division Ordinance or the Michigan Land Division Act which does not abut a public road shall abut a private road before any building permit shall be issued. The private road shall comply with the following requirements:

a. Width Requirement

All private road easements shall be a minimum of 60 feet in width.

b. Cul-De-Sac Required

If a private road extends more than 1,200 feet from a public road, then a cul-de-sac shall be required or servicing four or more lots, whichever is the lesser.

c. Construction Requirement

- (1) All private roads shall be designed and constructed by the applicant in accordance with the minimum requirements for roads as they are now, or hereafter, established by the Monroe County Road Commission and as set forth in the Monroe County Road Commission Guidelines for subdivision procedures, requirements and specifications.
- (2) All private roads shall be designed, sealed and signed by a professional engineer.
- (3) All private road plans shall provide for improved-storm drainage or such storm drainage as the Township Engineer and/or Monroe County Road Commission and/or Monroe County Drain Commission shall require.
- (4) If a private road intersects a public road, a street light, erected at the developer's or private road owner's expense, shall be required and installed in conformance with Monroe County Road Commission or Michigan Department of Transportation standards.
- (5) All private road plans shall show existing and proposed grades.
- (6) All private road plans shall be subject to review and approval by the Township Engineer.
- (7) Private road elevation(s) shall conform to the elevation requirements of public roads established by the Monroe County Road Commission and/or ordinances regarding the same established by the Township of Ash. If no such requirements exist, then the Township Engineer shall review and determine the road elevations.

- (8) An Ash Township permit to construct a private road shall be required before construction of the private road is commenced.
- (9) Construction of sidewalks along private roads shall not be required as part of this Ordinance.
- (10) All newly constructed private roads shall be subject to setting aside an easement in the Township of Ash's interest to allow construction of a water main and/or other public utilities. This easement requirement shall be included and be made part of the 60' private road easement referred to in subsection 1.a.
- (11) There is no liability of the Township for review of road plans or inspection of the private road by the Township Engineer. All required inspections done by the Township Engineer shall be paid by the developer or owner of the private road. Said payment must be made in full before any building permits for construction may be issued.
- (12) Receipt of "As-Built" plans signed and sealed by a professional engineer shall be provided to the Township Engineer for his approval prior to the issuance of a certificate of compliance.
- (13) The Township Engineer shall review the proposed construction plans to insure compliance with the County standards prior to action on the proposed private road by the Township Planning Commission. All costs incurred by the Township Engineer to review plans shall be paid by the developer or owner of the private road before road construction permits are issued.
- (14) The Township Engineer's certification of compliance with Monroe County Road Commission standards and this Ordinance shall be received by the Township's Building Department prior to the issuance of a building permit for any structure on any lot, out lot or parcel which will result from the division or partition of said parcel.
- (15) All fees required in this Ordinance shall be paid prior to the issuance of a building permit.
- (16) Concrete curb and gutter is not required for a new private road.

d. Ingress/Egress Requirement

Whenever possible, all property owners who will be using the private road for ingress and egress purposes shall retain or have a part ownership interest in the road as opposed to one party retaining the title and the others having easement rights. Said part ownership interest will be in the form of an easement 60 feet in width. Such easement shall give access from a public street to all parcels resulting from the proposed division not having street frontage. Such easement shall be established for the joint use of owners of all abutting resultant parcels of the original property for ingress and egress and roadway maintenance, and also for occupation by private and publicly owned utilities serving such abutting parcels. The easement shall run with the land and be recorded at the Monroe County Register of Deeds and recorded copy be provided to Ash Township (Office) Clerk and Building Department before any building permits for any structure are issued.

e. Area Requirement

Each parcel resulting from the proposed division shall have a net area exclusive of any area occupied by the ingress/egress easement required above, not less than that required for a single lot in a particular zoning district unless the land split is permitted by state statute. If a parcel is less than that required for a single lot in a particular zoning district, no building permit shall be issued for that parcel unless a variance is first granted by the Township Zoning Board of Appeals.

f. Notification Requirement

All deeds to lots abutting a private road shall comply with MCL 560.261; MSA GS 26.430(261) requiring notification of prospective purchasers that the property in question abuts a private road. Copy of which will be provided to Ash Township Clerk.

g. Ash Township road Construction Permits Required

The road shall be constructed under permit and approved before the issuance of a building permit for any structure which may be constructed on any lot, out lot or parcel which will result from the division or partition and for which ingress and egress will be via the road.

h. Road and Drain Permits Required

The developer or proponent of the private road shall be responsible for obtaining all applicable Road Commission and Drain Commission permits and must comply with all Road Commission requirements including, but not limited to, those addressing requirements for deceleration lanes and/or curb cuts, prior to Ash Township Road Construction permit.

i. Signage Requirement

The private road shall be named and an appropriate sign(s) shall indicate the name. Said sign shall be maintained by the private road owners. In addition to the road name, a sign shall be posted indicating the road is a "private road."

j. Maintenance Requirement

All persons owning lands which use or may use the private road for ingress and egress shall enter into a maintenance agreement which shall be recorded with the Monroe County Register of Deeds and a recorded copy shall be provided to Ash Township. The maintenance agreement shall include at least the following:

- (1) A method of initiating and financing whatever improvements and/or maintenance which may be needed from time to time in order to keep the road in a reasonably good and usable, condition, and to keep road signs in a good and usable condition.
- (2) A workable method of apportioning the cost of maintenance and improvements.
- (3) Easements to the public and private concerns for purposes of emergency and other vehicles for whatever public or private services are necessary.

- (4) A provision that the owners of any and all of the property using the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, tradesmen, and others bound to or returning from any of the properties having a right to use the road.
- (5) Any and all maintenance of said private roads, including snow removal, salting of the roads or repair, is the responsibility of the private property owners and/or developers. Furthermore, all agreements and/or easements as to maintenance shall be recorded at the Register of Deeds Office before any building permits may be issued for the private road.
- (6) The maintenance agreement shall also include the following:
 - (a) The proposed private road will be maintained in the manner that permits access by public safety and protection of vehicles at all times.
 - (b) That all conditions of the agreement be maintained in perpetuity.
- (7) The maintenance agreement shall be submitted to and approved by the Township Attorney prior to approval of the proposed private road by the Township Planning Commission.

k. Waiver

The Township Planning Commission may partially waive the requirements of this section to the extent it finds it necessary based upon a hardship or other similar circumstances, but any deviation shall only be after the Planning Commission makes written findings consistent with the findings as required by this Ordinance.

The Ash Township Planning Commission shall review the site plan and recommend action to the Township Board, which will have final approval authority on any private road.

l. Prior Existing Roads

All private roads and public roads which were not actually opened, used and developed as roads prior to the enactment of this Ordinance, but which may have been dedicated, deeded, platted, set aside or provided for, prior to the enactment of this Ordinance, shall not be further dedicated, deeded, platted, set aside or provided for, opened, used or developed, until they have been certified and accepted by the Monroe County Road Commission, the appropriate state or federal highway authority or they have met the requirements of this Ordinance. No building permits shall be issued until evidence of same be submitted.

m. Limited Obligation of Township

In no event shall the Township be obligated to improve, repair, maintain or develop a public road, private road, or public road not certified and accepted by the Monroe County Road Commission or the appropriate state or federal highway authority.

This does not mean that a special assessment district could not be set up pursuant to state law to provide for Township improvement, repair, maintenance or development of a private road, or public road not certified and accepted by the

Monroe County Road Commission or the appropriate state or federal highway authority, when said road was opened, used and developed prior to the enactment of this Ordinance.

2. Public Streets, Highways and Alleys

a. Access to Major Streets

Where a subdivision or development abuts or contains an existing or proposed major street, the Township Planning Commission may require that access to such streets be limited by one of the following means:

- (1) The subdivision of lots so as to back onto the major streets and front onto a parallel local street; no access shall be provided from the major street, and screening shall be provided in a minimum of a 10-foot strip of land along the rear property line of such lots. This strip shall be part of the platted lots and shall be designed on the plot: "this strip is reserved-for screening. The placement of a permanent structure hereon is prohibited."
- (2) Deep lots with rear service alleys or other treatment which the Planning Commission considers essential to adequate protection of residential lots and to separate through and local traffic.
- (3) A series of cul-de-sacs, u-shaped streets, or short loops entered from and designed generally at right angles to a parallel local street, with the rear lines of their terminal lots backing onto the major street.
- (4) A marginal access or service road.

Building permits shall not be issued for the construction of buildings which do not have access onto a public street. There shall be no reserve strips controlling access to a street except where the control of such is definitively placed with the Township Board.

b. Alignment, Curvature, Right-of-Way Width and Grades

The construction of all roads within the Township shall be in accordance with adopted standards and construction requirements of the Monroe County Road Commission or the appropriate state or federal highway authority.

c. Alleys

Alleys shall not be permitted in residential areas, but may be permitted or required in commercial or industrial areas for the purpose of service access, such as for off street parking and loading. Where provided, alleys shall have a minimum right-of-way width of 26 feet. A diagonal cut off shall be made at all acute and right angled intersections of two alleys sufficient to provide an inside turning radius of 35 feet.

d. Cul-De-Sacs

Where required for the full and best utilization of the property, cul-de-sacs may be utilized. The maximum permissible length of cul-de-sacs shall be seven times the minimum lot width of the subdivision or platted parcel and shall terminate in a circle 110 feet in diameter. The maximum length of commercial and industrial cul-de-sac streets, shall not exceed 600 feet and shall terminate in a circle 150 feet in diameter. The length of the cul-de-sac is measured from the right-of-way line of the

nearest intersecting street to the farthest point on the right-of-way line of the cul-de-sac. The cul-de-sac shall have a minimum right-of-way width of at least 60 feet. The straight portion of the right-of-way shall be joined to the circular portion of the right-of-way by circular curves with radii not less than 50 feet.

e. Intersections

- (1) Intersecting streets shall be laid out so that the intersecting angles approximate 90° but in no case shall the angle of intersection be less than 80°. No more than two streets shall cross at one intersection.
- (2) Proposed new intersections along one side of an existing street shall, wherever practical, coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of less than 150 feet shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection. Where streets intersect major streets, their alignment shall be continuous. Intersection with major streets from the same subdivision shall be at least 300 feet apart.
- (3) Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent being necessary to provide an adequate site distance.

f. Dead End or Stub Streets

- (1) When adjoining areas are undeveloped, the arrangement of certain streets in new subdivisions shall be extended to the boundary line of the tract to make provision for the future projection of streets into the adjoining areas. A 1-foot public reserve may be required to be placed between stub streets and subdivision boundaries. These reserves shall be deeded in fee simple to the Monroe County Road Commission for future street purposes. Stub streets shall not exceed in length the depth of a typical lot in the subdivision.
- (2) Whenever there already exists a dedicated and recorded half street or half alley on an adjoining plat, the other half shall be dedicated on the proposed plat to make the street or alley complete. If the Township Planning Commission permits the platting of dead end streets with the expectation of future extension to adjacent property, the Planning Commission shall determine whether the subdivision shall provide a temporary turn around at the closed end of the street.

g. Visibility

An area of unobstructed vision shall be provided at all corners of any street intersection. No fence, wall, structure or planting shall be erected, established or maintained on any corner lot which will obstruct the view of a driver of a vehicle approaching the intersection.

h. Half Streets

Half streets shall not be permitted. Whenever there already exists a dedicated and recorded half street or half alley on an adjoining plat, if such half street or half alley cannot be vacated, the other half shall be improved and dedicated to make the street or alley complete.

i. Frontage on Improved Roads

No subdivision shall be approved unless the area to be subdivided shall have frontage on an existing street that has been publicly dedicated and accepted for maintenance by the Monroe County Road Commission. Whenever the area to be subdivided is to utilize existing street frontage, such existing street shall be suitably improved to at least local street standards.

j. Layout

- (1) Streets shall be related appropriately to the topography of the land being developed. Local streets shall be curved wherever possible to avoid conformity of lot appearance. All streets shall be arranged so as to obtain building sites that are at, or above, the grades of the streets. Grades shall conform as closely as possible to the original topography of the land. A combination of steep grades and curves shall be avoided.
- (2) All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated right-of-way as established by the Monroe County Road Commission.
- (3) Minor or local streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to the property.
- (4) The rigid rectangular gridiron street pattern need not be adhered to, and the use of curvilinear streets, cul-de-sacs, or u-shaped streets shall be required where such use will result in a more desirable layout.
- (5) The layout of proposed streets shall provide for the continuation of existing streets to surrounding areas and in general, such streets shall be of width as great as that of the street so extended but in no event not less than 60-foot right-of-way.
- (6) In commercial and industrial developments, the streets shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.
- (7) The Township Planning Commission shall consider, among other things, convenient routes for pedestrian traffic, particularly of children; the relationship of the proposed project to freeways and main traffic thoroughfares and to street and road intersections; and the general character and intensity of the existing and potential development of the neighborhood.

k. Acceleration and Deceleration Lanes

Acceleration and deceleration of passing lanes shall be provided at the intersections of a minor street with a major thoroughfare as required by the highway authority having jurisdiction.

I. Driveways or Private Driveways

A private driveway is to be used for no more than one principle building. A private driveway serving more than two residences is prohibited.

m. Frontage

All family residential structures must front on the road frontage. A structure may only be erected or constructed on a parcel or lot in the Township which has frontage on those roads or driveways where building permits may be issued. The Township Building Inspector shall have the right to demand that the applicant provide a survey by a registered surveyor or professional engineer at the cost of the applicant, prior to the issuance of a building permit, in order to determine whether the frontage requirements are being met. A determination that the frontage requirements are met, and the subsequent issuance of a building permit, shall not be considered a statement or guarantee by the Township that the applicant has lawful access on a particular road or driveway.

- (1) Building permits may be issued for parcels or lots having the required frontage on public roads certified and accepted by the Monroe County Road Commission or the appropriate state or federal highway authority.
- (2) Building permits may be issued for parcels or lots having the required frontage on private roads and public roads not certified and accepted by the Monroe County Road Commission or the appropriate state or federal highway authority, when said roads were actually opened, used and developed as roads prior to the enactment of this Ordinance.
- (3) No building permits shall be issued for parcels or lots having the required frontage only on private roads, or on public roads not certified and accepted by the Monroe County Road Commission or the appropriate state or federal highway authority, when said roads were not actually opened, used, and developed as roads prior to enactment of this Ordinance until the provisions of subsection 1 of this Ordinance is complied with.
- (4) No building permits shall be issued for parcels or lots having the required frontage only on private driveways.

n. Review

The Township Planning Commission shall review the site plan for any proposed highway, street or alley and recommend action to the Township Board, which shall have final approval authority.

3. Except as specifically provided for elsewhere in this Ordinance, all private streets or roads within Ash Township shall be subject to the following conditions and standards:
 - a. The site plan shall provide an easement sixty (60) feet in width. Such easement shall give access from a public street to all parcels resulting from the proposed division not having street frontage. Such easements shall be established for the joint use of owners of all abutting resultant parcels of the original property for ingress and egress and roadway maintenance, and also for occupation by private and publicly-owned utilities serving such abutting parcels.

- b. Each parcel resulting from the proposed division shall have a net area, exclusive of any area occupied by the ingress/egress easement required above, not less than that required for a single lot in the particular zoning district.
- c. All private roads shall be improved to the Monroe County Road Commission standards for a public street. The Township Engineer shall review the proposed construction plans to ensure compliance with County standards prior action on the proposed private road by the Township Board.
- d. The Ash Township Planning Commission shall review the site plan and recommend action to the Township Board, which shall have final approval authority.
- e. The property owners shall be required to enter into an agreement with Ash Township to ensure that the proposed private road will be maintained in a manner that permits access by public safety and protection vehicles at all times; that all conditions of the agreement be maintained in perpetuity; and that such an agreement be submitted to and approved by the Township Attorney prior to action on the proposed private road by the Township Board. Such agreement must be recorded and made part of the public record.
- f. Construction of the private road must be completed in accordance with construction drawings approved by the Township Engineer. No building permit shall be issued prior to final inspection of the private road by the Township Engineer. All review and inspection fees incurred by the Township shall be reimbursed to Ash Township prior to the issuance of any building permit

Section 21.27 Recreation Animals.

- 1. Recreation animals, as defined in this Ordinance, shall be permitted in Districts so allowed, provided:
 - a. The parcel on which the animals are located is not within a recorded plat;
 - b. The minimum area for the keeping of domesticated pets or recreation animals, except as otherwise provided, shall be three (3) acres. One (1) horse, mule, donkey, or cow or two (2) goats, sheep, hogs, or other similar domestic animal raised and kept as a pet or for recreational purposes, shall be permitted on the first three (3) acres. Additional animals, in the quantity described above, shall be permitted for each additional acre of land up to ten (10) acres.
 - c. The minimum area for the keeping of domesticated fowl, except as otherwise provided, shall be three (3) acres. Twenty-five (25) chickens, ten (10) turkeys, geese or other similar domestic fowl, when raised and kept for other than commercial breeding and/or commercial egg production, shall be permitted on the first three (3) acres. Additional animals, in the quantity described above, shall be permitted for each additional acre of land up to ten (10) acres.
 - d. The minimum area for the keeping of rabbits and other similar small animals except as otherwise provided, shall be three (3) acres. Ten (10) rabbits or similar small animals, when raised and kept for other than commercial breeding, shall be permitted on the first three (3) acres. Additional animals, in the quantity described above, shall be permitted for each additional acre of land up to ten (10) acres.
 - e. The keeping of animals, as described above, shall further be subject to any applicable state and county health regulations.

Section 21.28 Bed and Breakfast Establishments.

1. Locational Requirements: Bed and Breakfast establishments are permitted by special use permit in the Rural Residential, Suburban Residential, and Urban Residential Districts.
2. Site Requirements:
 - a. One (1) parking space per room to be rented shall be provided on site, in addition to the parking required for a single-family dwelling. Parking shall be arranged so as not to pose negative impacts on adjacent properties or necessitate on-street parking.
 - b. The parcel on which the establishment is to operate must meet or exceed the minimum lot area requirements of the zoning district.
3. Performance Standards:
 - a. The bed and breakfast facility must be a single-family dwelling which is operated and occupied by the owner of the dwelling.
 - b. The applicant shall provide a scaled floor plan of the premises as part of the special land use application.
 - c. The exterior appearance of the structure shall not be altered from its single-family character.
 - d. The impact of the bed and breakfast establishment on the neighborhood shall be no greater than that of a private home with weekend guests.
 - e. One sign is permitted providing:
 - (1) It is for identification purposes only.
 - (2) It is not internally illuminated and does not exceed four (4) square feet.
 - (3) It shall be mounted flush to the principal structure.
 - f. No transient occupant shall reside on the premises for more than fourteen (14) consecutive days and not more than thirty (30) days in any one (1) year.
 - g. No separate or additional kitchen facilities shall be provided for the guests.
 - h. Retail sales are not permitted beyond those activities serving overnight patrons.
 - i. Meals shall not be served to the public at large but only to guests.
 - j. No receptions, private parties or activities for which a fee is paid shall be permitted.
 - k. Exterior solid waste facilities beyond what might normally be expected for a single-family dwelling shall be prohibited.

Section 21.29 Public Facilities.

1. Locational Requirements: Public facilities are permitted by special use permit in Rural Residential, Suburban Residential, Urban Residential, and Highway Service Districts. Public facilities include, but are not limited to, parks, administrative offices, fire and police facilities, libraries, museums, recreational centers, and storage areas for public equipment.

2. Site Requirements:
 - a. No building shall be closer than fifty (50) feet to any property or road right-of-way line.
 - b. No more than thirty (30) percent of the gross lot area shall be covered by buildings.
 - c. Lot area and width shall not be less than that specified for the district in which the proposed use would be located.
 - d. No building shall be erected to a height greater than that permitted in the district in which the proposed use is located.
3. Buffering Requirements:
 - a. Where mechanical equipment is located in the open air, it shall be screened from the surrounding residential area by suitable plant material and it shall be fenced with a chain link fence five (5) feet in height.
 - b. All buildings housing mechanical equipment shall be landscaped and maintained in accordance with the requirements of Section 21.14.
4. Performance Standards:
 - a. All buildings shall be harmonious in appearance with the surrounding area and shall be similar in design and appearance to other buildings on the same site development.
 - b. No adverse environmental conditions such as noise, air pollution, lighting or other disruptions result.
 - c. Outdoor storage areas shall be located a minimum of fifty (50) feet from any residentially zoned property.
 - e. Facilities shall provide off-street parking and passenger loading areas at least twenty-five (25) feet from residential lot lines.
 - f. Sites shall be periodically cleared of debris so that litter does not accumulate on adjacent properties.
 - g. Any sports fields shall be a minimum of one hundred (100) feet from any lot line and two hundred (200) feet from any dwelling.

Section 21.30 Two-Family Dwellings.

1. Locational Requirements: Two-family dwellings are permitted in specified districts only.
2. Site Requirements:
 - a. In the Suburban Residential District the minimum lot size shall be one (1) acre and have a minimum frontage of one hundred fifty (150) feet. In the Urban Residential District the minimum lot size shall be twenty thousand (20,000) square feet and have a minimum frontage of one hundred thirty-five (135) feet.
 - b. Minimum required yard shall be:

- (1) Front yard setback: Thirty-five (35) feet.

Provided, however, if a two-family dwelling has frontage along a collector street or major/minor thoroughfare, the required front yard shall be fifty (50) feet.
 - (2) Side yard setback: Fifteen (15) feet.
 - (3) Rear yard setback: Twenty-five (25) feet.
3. Performance Standards: The architecture of the dwelling shall be compatible with the existing or intended residential character of the neighborhood

Section 21.31 Multiple-family Developments.

Multiple-family developments in the RM District shall be served by public sanitary sewer and water facilities and shall be subject to the following site design requirements:

1. No dimension of a building shall exceed two hundred (200) feet.
2. The distance between any two structures within a multiple-family residential development shall be not less than thirty (30) feet.
3. All multiple-family residential developments shall have direct access only to paved public streets.
4. Provisions shall be made for safe and efficient egress and ingress to public streets and highways serving any multiple-family residential development, which shall be designed to minimize congestion and interference with normal traffic flow.
5. The site shall be developed and facilities shall be provided in such a manner so as to ensure adequate drainage.
6. Parking areas shall be provided as required in Article 18, except that for a multiple-family residential structure, a visitor parking space equal to one (1) space per five (5) dwelling units is required. If on-site storage of recreational vehicles is to be provided, such storage shall be provided in a building or designated area which shall be fenced and screened.
7. Dual paved access throughout a multiple-family site is required for emergency vehicle access. A boulevard may be utilized for dual access, provided the median strip is a minimum of twenty-five (25) feet in width. A minimum pavement width of twelve (12) feet shall be provided for each travel lane. No dead-end street shall be more than three hundred (300) feet in length and a suitable turning space shall be provided for vehicles at the terminus of all dead-end streets. Entrances to private roadways shall not have locked gates or barricades that would impede fire and safety vehicle apparatus response.
8. All main access drives in a multiple-family site shall be free of on-street parking. The minimum width of pavement on an access drive shall be twenty-four (24) feet. All pavement shall be asphalt or concrete pavement with concrete curb and gutter on each side in accordance with standards prescribed by the Monroe County Road Commission.
9. Parking within the required side and rear yards shall be permitted, except that parking lots, or access drives adjacent to single-family residential districts must be located a minimum of ten (10) feet from the property line.

10. No building shall be located closer than twenty-five (25) feet from internal access roads nor shall the longer dimension of a building be located closer than twenty (20) feet from parking areas or parking service drives. The shorter dimension of a building or an end wall without windows or doors may be located to within five (5) feet of parking areas or drives.
11. All dwelling units shall be readily accessible by fire and emergency vehicles from a paved public street, paved private access, or an approved paved area. Private roadways dedicated as fire lanes shall be posted with signs indicating "fire lane, no parking."
12. No entrance to a dwelling unit or building shall be more than one hundred fifty (150) feet from a parking lot, measured along the sidewalk leading to the parking lot.
13. Any community building located on a multiple site shall have one parking space per each ten (10) dwelling units.
14. Internal site sidewalk shall be provided and located five (5) feet from and parallel to access drives and also located to provide convenient access to community buildings. Such sidewalk shall be five (5) feet in width. Sidewalks which are adjacent to parking areas shall be seven (7) feet wide or greater, and located immediately adjacent to the parking area.
15. Street and yard lights, attached to standards approved by the Planning Commission, shall be provided in sufficient number and intensity to permit the safe movement of vehicles and pedestrians at night, and shall be effectively related to buildings, trees, walks, steps, and ramps. Such lights shall be utilized at least during the period of one (1) hour after sundown to one (1) hour before sunrise.
16. To facilitate fire protection during site preparation and construction of buildings, the following shall be required:
 - a. Water mains and fire hydrants shall be installed prior to construction above the foundation.
 - b. Prior to construction of multiple residential buildings and other large structures, a hard and sufficient roadbed shall be provided to accommodate access of heavy fire fighting equipment to the immediate job site at the start of construction and maintained until all construction is completed.
 - c. Free access from the street to fire hydrants and to outside connections for standpipes, sprinklers, or other fire extinguishing equipment, whether permanent or temporary, shall be provided and maintained at all times.
 - d. The contractor shall provide scheduled daily cleanup of scrap lumber, paper products, corrugated cardboard, and other debris caused by his/her construction.
 - e. Special attention should be given to temporary storage buildings and field offices because of combustible loading and generally poor housekeeping. Temporary buildings shall not be grouped together, and a reasonable separation shall be provided to minimize the fire exposure probability.
17. A minimum of ten (10) percent of the gross site area shall be reserved as usable open space, for all projects containing four (4) acres or more.

Section 21.32 Wireless Communication Antennas (WCAs).

1. General Requirements

- a. To encourage co-location and to minimize the number of WCSFs within the Township, WCAs shall be considered a permitted accessory use when placed on or attached to any structure which constitutes a principle use, including existing WCSFs, provided that any WCA shall not extend more than twenty (20) feet above the tallest portion of the structure on or to which it is attached. Provided further that the height of any WCA shall not exceed one hundred (100) feet unless:
 - (1) Located on a lawfully existing or approved WCSF; or
 - (2) Located on a structure existing prior to the adoption of this regulation; or
 - (3) Located on a structure which has received a height variance.
- b. WCAs shall require no personnel on the premises except as necessary for maintenance and repair.
- c. If a WCA requires an accessory equipment storage structure, it shall not be greater than 15 feet in height and shall meet all zoning requirements.
- d. WCAs shall not be allowed on any site principally used as a single-family dwelling unit.
(Ord. 7C-54; Amended March 21, 2007)
- e. All WCAs shall be designed to blend into or meet the aesthetic character of the principal (primary) structure where reasonably practical taking into consideration the location of the WCA and the line of sight angle and distance from the right-of-way and neighboring uses.
- f. No accessory equipment structure or area shall be allowed in any rights-of-way which creates a public safety hazard.
- g. The installation of a WCA in any zoning district must be reviewed by the Planning Commission, unless authority for review is granted to the Chief Enforcement Officer pursuant to Section 17.05, who shall approve those requests which meet the requirements of this section.
(Ord. 7C-60; Amended Aug. 15, 2007)
- h. This section shall not exempt the applicant from such other government review and permitting procedures (i.e., FCC, FAA, etc.).

Section 21.33 Design Requirements.

(Ord. 7C-60; Added Aug. 15, 2007)

- 1. Intent. The exterior appearance of any building located within the Township has an effect upon the desirability of the immediate area and of neighboring areas for business and other purposes. Maintenance of an attractive, compatible and pleasing exterior appearance of such buildings will prevent impairment of the stability of the value of other real property in the area, permit the most appropriate development of such area, and will prevent deterioration of conditions affecting the general welfare of the citizens of Ash Township.
- 2. Scope of Application. All site plans submitted under Section 17.01 shall be subject to the requirements of this Section.

3. Existing Sites. Existing buildings and structures undergoing improvement, change in use, expansion, or another circumstance requiring site plan review shall be brought into reasonable compliance with the minimum standards of this Section.
4. Approval Procedure. The Planning Commission shall review submitted materials in accordance with this Section concurrently with site plan review.
5. Information Required.
 - a. A site plan, providing data as required by Section 17.03.
 - b. Front, rear, and side elevation drawings showing general design treatment including color and materials of all walls, screens, towers, openings, and signs and the treatment to be utilized in concealing any exposed mechanical or electrical equipment.
 - c. Any other materials, drawings, and documents which may be helpful to, or requested by the Planning Commission.
6. Design Criteria. In the process of reviewing the submitted materials, the Planning Commission shall consider:
 - a. Relationship of Buildings to Site
 - (1) The site shall be planned to accomplish a desirable transition between the building(s) and the streetscape to provide for adequate planting, safe pedestrian movement, and parking areas.
 - (2) Parking areas shall be treated with decorative elements, building wall extensions, plantings, berms, or other innovative means so as to screen parking areas from view from public ways.
 - (3) Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building design.
 - (4) On site signage shall be part of the architectural concept. Sign components shall be harmonious with building design.
 - (5) New installed utility services, and service revisions necessitated by exterior alterations, shall be underground.
 - b. Relationship of Buildings and Site to Adjoining Area
 - (1) Attractive landscape transition to adjoining properties shall be provided.
 - (2) Buildings and materials shall be in harmonious conformance with permanent neighboring development.
 - c. Building Design
 - (1) Architectural style is not restricted. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings.

- (2) Buildings shall have the same materials, or those that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways.
 - (3) Materials shall be of durable quality.
 - (4) Building components, such as windows, doors, eaves, and parapets, shall have good proportions and relationships to one another.
 - (5) Mechanical equipment or other utility hardware on roof, ground, or buildings including satellite dish, antennae, and heating, ventilating and cooling equipment shall be screened from public view with materials harmonious with the building, or they shall be so located as not to be visible from any public ways.
 - (6) Monotony of design in multiple building projects shall be avoided. Variation of detail, form and siting shall be used to provide visual interest.
- d. Maintenance Planning and Design Factors
- (1) Continued good appearance depends upon the extent and quality of maintenance. The choice of materials and their use, together with the types of finishes and other protective measures, must be conducive to easy maintenance and upkeep.
 - (2) Materials and finishes shall be selected for their durability and wear as well as for their beauty. Proper measures and devices shall be incorporated for protection against the elements, neglect, damage, and abuse.
 - (3) Owner of all buildings incorporating painted or stained exteriors shall be required to provide evidence that such buildings will be retained in good condition (no peeling, blistering or unsightly fading).
7. Approval Standards. The Planning Commission shall review the particular circumstance and facts applicable to each submittal in terms of the preceding design criteria, and shall ensure that the proposal meets the following standards:
- a. The appearance, color, texture and materials being used will preserve property values in the immediate neighborhood.
 - b. The appearance of the building exterior will not detract from the general harmony of and is compatible with other buildings already existing in the immediate neighborhood.
 - c. The appearance of the building exterior will not be garish or otherwise offensive to the sense of sight.
 - d. The appearance of the building exterior will tend to minimize or prevent discordant and unsightly surroundings in the immediate neighborhood.

Section 21.34 Outdoor Burning

(Ord. 7C-59; Added January 16, 2008)

- 1. Purpose

This Section 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 Township of Ash by regulating the air pollution and fire hazards of outdoor burning.

2. Applicability

This Section applies to all outdoor burning within the Township, as defined in this Section.

3. Definitions

- a. "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.
- b. "Outdoor burning" means burning in an outdoor wood-fired boiler or patio wood burning unit.
- c. "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.
- d. "Patio wood-burning unit" means a chimnea, patio warmer, or other portable wood-burning device used for outdoor recreation and/or heating.

4. Outdoor Wood-Fired Boilers

An outdoor wood-fired boiler may be installed and used only in accordance with all of the following provisions:

- a. The outdoor wood-fired boiler shall be installed and used only on property zoned AG, Agricultural District.
- b. The outdoor wood-fired boiler shall not be used to burn refuse or any waste material, including trees, logs, brush, stumps, leaves, and grass clippings.
- c. The outdoor wood-fired boiler shall be located at least two hundred (200) feet from the nearest building which is not on the same property as the outdoor wood-fired boiler.
- d. The outdoor wood-fired boiler shall have a chimney that extends at least fifteen (15) feet above the ground surface. The Township Fire Chief may approve a lesser height on a case-by-case basis if necessary to comply with manufacturer's recommendations and if the smoke from the lower chimney height does not create a nuisance for neighbors.
- e. An outdoor wood-fired boiler shall not be erected unless a building permit has been issued to the owner or occupant of the property. The building permit fee for an outdoor wood-fired boiler shall be set by the Township Board.
- f. The owner of the outdoor wood-fired boiler shall obtain a burning permit from the Township Fire Chief prior to the operation of the boiler, and on an annual basis thereafter. The burning permit fee for an outdoor wood-fired boiler shall be set by the Township Board. When weather conditions warrant, the Fire Chief may temporarily suspend issuing burning permits and may temporarily suspend previously issued burning permits. 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.

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.

5. Patio Wood-Burning Units

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

- a. The patio wood-burning unit shall burn only clean wood.
- b. The patio wood-burning unit shall be located at least twenty (20) feet from the nearest building which is not on the same property as the patio wood-burning unit.
- c. The patio wood-burning unit shall not cause a nuisance to neighbors.

6. Right of Entry and Inspection

The Fire Chief or any authorized officer, agent, employee or representative of Ash Township may inspect any property for the purpose of ascertaining compliance with the provisions of this Section.

Section 21.35 Outdoor Displays of Materials as Accessory Use

(Ord. 7C-77; Added September 19, 2012)

The outdoor display of products or materials intended for retail sale or rental may be permitted by the Chief Enforcement Officer in the C-1, C-2, C-3, and FS Districts, subject to the following conditions.

1. An outdoor display shall be considered as an accessory use to the principal use conducted on the premises.
2. The exterior of the premises shall be kept clean, orderly and maintained.
3. The outdoor display shall not include any signage in addition to that permitted with the permitted use.
4. The Township shall not be held liable or responsible for any type of damage, theft or personal injury that may occur as a result of an outdoor display.
5. An outdoor display shall not be located within the required front yard setback or within five (5) feet of any property line.
6. An outdoor display shall not occupy or obstruct the use of any fire lane, required off-street parking or landscaped area required to meet the requirements of this Zoning Ordinance.
7. Outdoor display areas that abut residentially zoned or used property shall be screened in accordance with Section 21.15,(5) of this Ordinance.
8. The application for an outdoor display shall be accompanied by plans and specifications including required copies of the plot plan drawn to scale. The plot plan shall show the shape, location, and dimensions of the lot, including the shape, size, and location of all buildings or other structures already on the lot, off-street parking layout, and the location of any designated fire lanes. The submittal shall include the shape, size, and location of the display areas and the location of all structures to be utilized, including all tents, tables, stands, or display racks.

9. In the administration of these provisions, the Chief Enforcement Officer shall be permitted to refer a request to the Planning Commission for review and approval where site conditions may create difficulty in adherence to the standards contained herein.

Section 21.36 Single-Family Dwellings

(Ord. 7C-80; Adopted May 21, 2014)

Any single-family dwelling shall comply with the following minimum standards:

1. The dwelling unit must conform to the minimum floor area, yard, and lot area requirements for the zoning district in which it is located. Each dwelling shall be at least twenty-four (24) feet in width for at least sixty percent (60%) of its length.
2. Each dwelling shall be provided with adequate foundation supports. At a minimum, this shall include an approved foundation, which extends at least forty-two (42) inches below grade and extending around the complete outside perimeter of the dwelling. A crawl space of not less than twenty-four (24) inches shall be provided. Adequate additional support in the form of columns or beams shall be provided as required by the building inspector. Each dwelling shall be securely anchored to the foundation.
3. Storage areas totaling no less than one hundred twenty (120) square feet shall be provided. These storage areas may consist of a basement, closet area, attic and/or a separate accessory building whose construction is of equal or better quality to that of the dwelling and which is in compliance with all other applicable provisions of this Ordinance pertaining to accessory buildings.
4. Each above ground dwelling shall have a roof with no less than a 4 – 12 pitch. All dwellings shall have either a roof overhang of not less than twelve (12) inches on all sides or window sills or roof drainage systems concentrating roof drainage collection points along the sides of the dwelling.
5. Permanently attached steps or porch areas at least three (3) feet in width shall be provided where there is an elevation differential greater than eight (8) inches between the dwellings first floor and ground level.
6. Building materials shall be of durable quality and have good architectural character, and shall be selected for harmony of the building with adjoining buildings. Additions of rooms or other areas shall be constructed with similar workmanship as the original structure. Permanent attachment to the principal structure shall include construction of a foundation and no addition shall involve placing a bearing load on a manufactured home.
7. In the case of a manufactured home to be installed on land located outside of a manufactured home park, the manufactured home must either be:
 - a. New and certified by the manufacturer and/or appropriate inspection agency as meeting the Manufactured Home Construction and Safety Standards of the Department of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated; or,
 - b. Used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced in subsection (a) above, and found on inspection by the Building Official or his designee to be safe and fit for residential occupancy.
8. The quality of building materials and compatibility of design and appearance shall be determined in the first instance by the Chief Enforcement Officer or designee. The Chief

Enforcement Officer may also refer any determination of quality and compatibility to the Planning Commission. All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity. Any determination of compatibility shall be based upon the standards set forth in this section, as compared against the character, design, and appearance of one (1) or more residential dwellings located outside of manufactured home parks within two-thousand (2,000) feet of the subject dwelling where such area is developed with dwellings to the extent of not less than twenty (20) percent of the lots situated within said area; or, where such area is not so developed, by the character, design, and appearance of one (1) or more residential dwellings located outside of manufactured home parks throughout the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

9. Each dwelling and dwelling addition shall comply with either the mobile home provisions of the Michigan Construction Code or the construction provisions of the BOCA Building Code.
10. Nothing contained herein shall be construed to take precedence over applicable subdivision association standards, condominium association standards, and deed restrictions that are more restrictive than the above described regulations.

Article 22 General Exceptions

Section 22.01 Application.

The regulations in this Ordinance shall be subject to the interpretations and exceptions, specified in Sections 22.02 through 22.07.

Section 22.02 Essential Services.

Nothing in this Ordinance shall prohibit the provision of essential services, provided the installation of such service does not violate any other applicable provisions of this Ordinance or any other Ordinance of Ash Township.

Section 22.03 Voting Place.

The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a public election.

Section 22.04 Height Limit.

The height limitations of this Ordinance shall not apply to farm buildings, chimneys, church spires, flag poles, public monuments, or television and amateur radio operator antennae for personal use of normal or customary height; provided that the Planning Commission may specify a height limit for any such structure when such structure requires authorization as a special land use.

Section 22.05 Yard Regulations.

When yard regulations cannot reasonably be complied with, or where their application cannot be determined on lots of peculiar shape, topography or due to architectural or site arrangement, such regulations may be modified as determined by the Board of Zoning Appeals.

Section 22.06 Projections into Yards.

Architectural features, not including vertical projections, may extend or project into a required side yard not more than three (3) inches for each one (1) foot of width of such side yard; and may extend or project into a required front yard or rear yard not more than three (3) feet.

Section 22.07 Access Through Yards.

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

Article 23
Sign and Outdoor Advertising Regulations
(Ord. 7C-28; Amended Dec. 9, 2003; Ord. 7C-84: Amended July 20, 2016))

Section 23.01 Intent

The intent of this Ordinance is to regulate all manner of signs with respect to size, location, or manner of display so as not to confuse or mislead traffic, which confusion may be caused by proliferation, or to obstruct vision necessary for traffic safety, or otherwise endanger the public morals, health, or safety; and further, to regulate such permitted signs in such a way as to prevent them from causing annoyance or disturbance to the citizens and residents of Ash Township.

Section 23.02 Definitions

As used in this subsection, the following words shall have the meanings as set forth in this section. Where such definitions are more restrictive than those for the same work in other ordinances, that ordinance shall be deemed to apply.

Awning Sign: A sign that projects from a façade in a sloped, roof-like manner, made of flexible or rigid materials. Awning signs shall extend no more than 36 inches from a façade and, for the purposes of this ordinance, shall be considered wall signs.

Bench Sign: A sign attached to or painted on any bench which is located in any right-of-way or is in view from any right-of-way.

Business Sign: A sign which directs attention to a business or profession conducted or to a commodity, service, or entertainment sold or offered upon the premises where such sign is located.

Business Center Sign: A sign which gives direction and identification to a group of two or more contiguous stores whether or not under single management, which development is no less than two acres in size.

Changeable Copy Sign: A sign consisting of or containing characters, letters or images that can be changed or rearranged without alterations to the surface of the sign. This definition may include a sign where sign information is remotely changed by electronic means or a sign where sign information is physically changed by the sign operator. A “street clock/temperature sign”, as defined herein, shall not be considered a changeable copy sign for the purposes of this ordinance. (7C-84; Amended July 20, 2016)

Commercial Vehicle Sign: A commercial vehicle, containing a sign or advertising, which is parked in a manner and for longer than 24 hours intended to serve as a sign. This definition does not include any commercial vehicle parked in any parking space approved for parking by the Township Building Official.

Construction Sign: A temporary sign erected on the premises on which Township approved construction is taking place, The sign may only be on the site during the period of construction and may indicate the names of the architects, engineers, landscape architects, contractors, owners, financial institutions and similar individuals or firms having a role or interest with respect to the structure or project.

Garage Sale and Estate Sale Signs: Signs announcing the sale of household goods.
Ground-Pole Sign: A sign supported by one or more uprights, poles, or braces placed in or upon the ground surface and not attached to any building.

Handheld Signs: Any sign designed to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location and held by an individual.

Illuminated Sign: A sign that provides artificial light directly (or through any translucent material) from a source of light connected with such sign, or a sign illuminated by a light so shielded that no direct rays from it are visible from any public right-of-way or from the abutting property.

Inflatable Sign: a sign filled with air or gas and directly attached to, resting upon, or tethered to a vehicle, structure, plant, or the ground.

Institutional Bulletin Board: A structure containing a surface area upon which is displayed the name of a religious institution, school, library, community center or similar institution, and the announcement of its services or activities.

Identification Sign: A sign that identifies the occupant, owner, or resident and/or the street address and which sets forth no other advertisement.

Landmark Sign: A sign containing the names of buildings, dates of erection and other similar landmark notation, when carved into stone, concrete or similar material or made of bronze, aluminum or other noncombustible material and made an integral part of the structure. Further, any sign indicating artistic or historic merit, uniqueness or significance to the Township and as identified by the Planning Commission.

Monument Sign: A sign attached to a permanent foundation and not attached or dependent for support from any building, pole, posts, or similar uprights.

Nonconforming Sign: A sign lawfully existing at the time of the adoption of this amendment which does not conform to this article.

Off-Premises Advertising Sign: A sign which contains a message unrelated to a business or profession conducted or to a community, service, or entertainment, sold or offered upon the premises where such sign is located.

Parcel of Land: A unit of real property, platted or unplatted, within Ash Township.

Political Election Sign: A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election.

Political Opinion Sign: A temporary sign announcing or supporting a political opinion.

Private Informational Sign: A sign offering instruction or direction related to regulations and operations within a site or building, such as, but not limited to, bathrooms, no parking, no hunting and/or trespassing, hours of operations, no smoking, etc.

Projection Sign: A sign which projects from and is supported by a wall of a building and does not extend beyond the minimum required setback line or into and over street right-of-way.

Portable Sign: A free-standing sign not permanently anchored or secured to either a building or the ground such as, but not limited to, "A" frame, "T" shaped, or inverted "T" shaped sign structures.

Realty Sign: A temporary sign announcing the sale of and/or contact information with regard to, a real estate property.

Roof Sign: A sign erected, constructed, and maintained wholly upon or over the roof of any building with the principal support on the roof structure.

Sandwich or Menu Board Sign: A portable sign, which may be hinged at the top and supported by arranging the sign faces into an upside down V formation.

Seasonal Display: A temporary display of lights, figures, sign structures or other features in any zoning district exhibited for the purposed of celebrating a religious or institutional holiday or event. Signs or displays supporting candidates for elected office shall not be considered a seasonal display.

Sign: A name, identification, description, display, or illustration which is affixed to, or painted, or represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization, or business.

Street Clock/Temperature Sign: A sign which displays the current time or outdoor temperature or both, and which displays no other material except for an identification sign as defined above.

Temporary Sign: A sign not permanently attached to the ground or a building. Temporary signs are defined as including the following types only: construction signs; political election signs; political opinion signs; and realty signs. (Ord. 7C-77; Revised September 19, 2012)

Wall Sign: A sign which is attached directly to or painted upon a building wall and which does not extend more than eighteen (18) inches therefrom, nor above the roof line, with the exposed face of the sign in a plane parallel to the building wall.

Section 23.03 Prohibition

A sign not expressly permitted is prohibited.

Section 23.04 Permitted Signs

(Ord. 7C-77; Revised September 19, 2012)

1. On-Premises Advertising Signs Permitted According to District.

a. Type of District.

<u>District</u>	<u>Business</u>	<u>Center</u>	<u>Identification</u>
Ag, Re	2a, or 3a	--	3a or 3b
R-1, RM, MPH	3a	--	3b
C-1, C-2, C-3, FS	2c, or 3	3d	2c
I-1, I-2	2c, or 3	3d	2c

Key (structure type):

1. Ground Pole Sign
2. Wall Sign
3. Monument Sign

Notes:

- a. Permitted only in connection with commercial agro business and institutional, business, or recreational special land uses.

- b. Permitted only in connection with the identification of a subdivision or multiple family development at the principal entrance to such subdivision, or institutional and special land uses permitted in residential districts.
- c. In a case where two wall signs are permitted, one of them shall be no larger than twelve (12) square feet.
- d. For planned shopping centers and industrial parks.

b. Area, Height, and Placement Regulations.

<u>Type of Sign Structure Placement</u>	<u>Area</u>	<u>Height*</u>	
Ground Pole	1 sq. ft. of sign per 2 ft. of lot frontage, max. 100 sq. ft.	Maximum 25 ft.	Anywhere back of the property line provided, however, that such signs shall not be placed closer than 50 ft. to any residential district or closer than a distance equal to its height to a public right-of-way.
Wall	2 sq. ft. total signing per linear foot of ground floor business frontage, max. 200 sq. ft. or 1.5 sq. ft. of ground floor business frontage plus 12 sq. ft. for second wall sign as provided for in Section 23.04(1)(c), max. 200 sq. ft.	Maximum 25 ft.	18-inch maximum extension from face of building to accommodate necessary supporting devices.
Monument	1.5 sq. ft. of sign per 2 ft. of lot frontage, max. 100 sq. ft.	Maximum of 8 ft.	No closer to the street right-of-way line than one-third the minimum front yard depth.

*Maximum height shall be measured from grade level to the highest point on the sign or supporting structure. Minimum height shall be measured from grade or sidewalk level to the lower edge of the sign surface or its projecting supports.

c. Number of On-Premises Advertising Signs Permitted.

In the case of double frontage lots (lots held under one ownership fronting on two streets or a street and public alley), the number of signs shall be determined as though the lots were held by separate owners. In the case of a corner lot situated on two or more streets, signs may be permitted on each street in accord with this ordinance.

Each parcel of land (other than a corner lot or double frontage lot as defined above) shall not be permitted more than one sign of the type permitted by this subsection, except that when more than one ground floor business or usage occupies a single parcel of land each such ground floor business or usage may have the number of signs permitted. However, a business center shall be permitted a business center sign. Individual store or business enterprise pole signs are expressly prohibited within the business center.

2. Off Premises Advertising Signs Permitted According to District.

The following type of signs (illuminated or nonilluminated) shall be permitted in the following districts in accordance with the following regulations:

a. Type of Function - Structure Permitted.

In all zoning districts, except residential, off-premises advertising is permitted on a ground pole or monument sign.

b. Area, Height, and Placement Regulations.

<u>Type of Sign Structure</u>	<u>Area</u>	<u>Height*</u>	<u>Placement</u>
Ground Pole	1 sq. ft. of sign per 2 ft. of lot frontage, max. 100 sq. ft.	Maximum 25 ft. Height shall be measured from grade level to highest point on sign or structure	Anywhere back of the property line, provided, however that such signs shall not be erected within or maintained 50 ft. from any residential zoned district, public park, scenic easement, recreation area, bridge, school, church, or closer than a distance equal to its height to a public right-of-way
Monument	1.5 sq. ft. of sign per 2 ft. of lot frontage, max. 100 sq. ft.	Maximum of 8 ft.	No closer to the street right-of-way line than one third the minimum front yard depth

c. Number of Off-Premises Advertising Signs Permitted.

No parcel of land shall be permitted more than one (1) off-premises advertising sign. No off-premises advertising sign shall be permitted on a parcel of land upon which any on-premises sign is erected.

4. Signs Permitted in All Districts
(Ord. 7C-77; Revised September 19, 2012)

The following types of signs shall be permitted in all districts. Permits shall not be required under Section 23.06 for signs enumerated in this subsection.

- a. House numbers and name plates (fraternity, sorority, apartment, and professional) identifying the occupant or address of a parcel of land and not exceeding two (2) square feet in area.
- b. Memorial signs or tablets, names of buildings and date of erection, when cut into any masonry surface or when constructed of bronze or other incombustible material.
- c. Signs painted on or attached to moving vehicles having a valid license.
- d. Flags bearing the official design of a nation, state, municipality, educational institution, or organization.
- e. Traffic or other municipal signs such as the following: legal notices, railroad crossing, danger and other emergency signs as may be approved by the Township board.
- f. Community special event signs approved by the Township Board.
- g. Institutional bulletin boards subject to the area, height, and placement regulations for ground-pole or wall signs.
- h. Private traffic control signs which conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices published in accord with Section 608 of Public Act 300 of 1949, as amended.
- i. Construction signs. Construction signs not exceeding 40 square feet in area may be erected upon the commencement of construction on the premises and must be removed upon the sale of 75 percent of the overall development's units for residential projects, or upon the completion of construction for commercial developments.
- j. Seasonal displays for a period of no longer than 6 weeks per display.
- k. Landmark signs.
- l. Garage sale and estate sale signs, provided such signs are erected no more than 5 days before and are removed within 1 day following the announced sale.
- m. Real estate signs not exceeding 9 square feet for properties actively on the market.
- n. Handheld signs.
- o. Political opinion signs.
- p. Political election signs, provided such signs are displayed for no longer than 45 days.
- q. Private informational signs, provided they do not exceed 2 square feet in area.

- r. Sandwich or menu board signs, when associated with a commercial business displayed during regular business hours for the establishment with which it is associated.
 - s. Business window signs, cumulatively not to exceed 50 percent of the window area of the business. Such business window signs may be a cloth, canvas, painted or rigid sign.
 - t. Pennants, flags, or banners may be allowed in any commercial zoning district for a period of not more than thirty (30) days without a permit, provided that they are kept in a state of good repair. Further, pennants and banners shall be held to the area requirements for wall signs for the district in which they are located.
4. Measurement of Area of Sign

The entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed but including any sign tower. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area.

5. Changeable Copy Signs
(7C-84; Amended July 20, 2016)

Changeable copy signs shall be permitted when incorporated into a permitted ground pole, wall or monument sign, provided that the area devoted to changeable copy does not exceed eighty percent (80%) of the ground pole, wall or monument sign area. Electronic changeable copy signs shall be further subject to the following:

- a. Sign displays shall contain static messages only, changed through dissolve or fade transitions or the use of other suitable transitions and frame effects that do not otherwise have the appearance of moving text and images caused by flashing, scrolling, or varying light intensity levels. Full animation or video broadcasting is expressly prohibited.
- b. Each message must be displayed for a minimum of twelve (12) seconds, with no more than one (1) second of message change interval or "off-time" between messages. The intent of this regulation is to limit motorist confusion by requiring a sufficient amount of time for the static message to be read and by requiring a minimal transition time between messages.
- c. The nighttime level of illumination produced by an electronic changeable copy sign shall not exceed 0.3 footcandles over ambient (i.e., naturally illuminated environment) lighting conditions. Measurement of sign brightness shall be in accordance with the then-current methodology, sign area, and measurement distances recommended by the International Sign Association.
- d. The sign shall be equipped with, and shall use, photocell technology, a programmable dimmer or a similar mechanism to automatically adjust brightness and contrast based on ambient light conditions. The sign shall also incorporate

security technology or devices to prevent unintended changes to sign messages or images by other than the sign operator.

- e. Any sign permit application shall include a certification from either the owner, operator and/or manufacturer of the sign stating that the sign shall at all times be operated in accordance with the operational and performance requirements of this section. Any electronic changeable copy sign found to be in violation of the operational and performance requirements shall be turned off until such time as the Chief Enforcement Officer determines the sign is in full compliance with such requirements.
- f. All electronic changeable copy signs shall be designed to achieve a default status during periods of sign malfunction that will turn off the sign entirely.
- g. Electronic changeable copy signs shall be installed in a manner that does not unreasonably interfere with the use and enjoyment of neighboring residentially zoned property. No electronic changeable copy sign shall be located closer than 100 feet to any property zoned RE, Rural Estates, R, Residential Single-Family, RM, Residential Multi-Family or MHP, Manufactured Home Park District.
- h. Messages shall only relate to the business, event, goods, profession or services being conducted, sold or offered at the same location where the sign is erected, or messages of a civic or emergency nature displayed for the benefit of the general public.

Section 23.05 Signs Prohibited

- 1. The following signs shall not be permitted, erected, or maintained in any district, notwithstanding anything to the contrary contained in Sections 23.04. (*Ord. 7C-77; Amended September 19, 2012*)
 - a. Signs which incorporate in any manner any flashing or moving lights.
 - b. Banners, pennants, spinners, and streamers except as specified in Section 23.04.
 - c. String lights used in connection with commercial premises for commercial purposes, other than seasonal displays.
 - d. Any sign, excluding changeable copy signs and street clock/temperature signs, which has any visible moving part, visible revolving parts, or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic or mechanical means, including intermittent electrical pulsations, or by action of normal wind currents. (*7C-84; Amended July 20, 2016*)
 - e. Any sign or sign structure which: (a) is structurally unsafe, or (b) constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment, or (c) is not kept in good repair, or (d) is capable of causing electrical shocks to persons likely to come in contact with it.
 - f. Any sign which, by reason of its size, location, content, coloring, or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety by obstructing the vision of the drivers, or by obstructing, or detracting from the visibility of any traffic sign or control device on public streets and roads.

- g. Any sign which obstructs free ingress to or egress from a required door, window, fire escape, or other required exit way.
 - h. Signs which make use of words such as “Stop”, “Look”, “Danger”, or any other word, phrases, symbols, or characters, in such a manner as to interfere with, mislead, or confuse traffic.
 - i. Any sign or other advertising structure containing any obscene, indecent, or immoral matter.
 - j. Any sign unlawfully installed, erected, or maintained.
 - k. Any sign now or hereafter existing which no longer advertises a bona fide business conducted, or a product sold.
 - l. Roof signs.
 - m. Commercial real estate signs in R and RM Districts.
 - n. Inflatable signs
 - o. Commercial vehicle signs.
 - p. Bench signs.
 - q. Signs that emit sound designed to direct attention to themselves.
 - r. High-intensity lighting fixtures, such as, but not limited to portable searchlights, laser lights or roving spotlights, placed and operated to direct attention to an object, product, place, activity, person, institution, organization, or business.
 - s. Signs placed on, over, or projecting into any public street or alley right-of-way with the exception of traffic regulatory signage erected by a governmental body or public event banners erected by a governmental body.
2. In the case of a sign category 23.05,1,a, through 23.05,1,d, and categories 23.05,1,j, 23.05,1,k, and 23.05,1,m, above, which are in existence at the time this ordinance is adopted, the sign shall be brought into conformance or removed within 75 days after the effective date of the ordinance, and the nonconformance provisions of Section 23.16 shall not apply thereafter.
 3. In the case of a sign in category 23.05,1,e, through 23.05,1,l, above, which is in existence at the time this ordinance is adopted, the sign shall be brought into conformance or removed forthwith, and the nonconformancy provisions of Section 23.16 shall not apply.
 4. In the case of a sign in category 23.05,1,l, above, which is in existence at the time this ordinance is adopted, the effect of this Section shall be prospective only and the nonconformancy provisions of Section 23.16 shall apply.
 5. If the Chief Enforcement Officer or designated officials finds that any sign is maintained in violation of the provisions of this Section, he shall give written notice to the person owning or having the beneficial use of the sign of the property where the sign is located. If such person fails to alter or remove the sign as to comply with the Section within 30 days after such notice, the Township Board may cause such sign to be removed at the

expense of the owner or person having the beneficial use of the property of sign. The Township Board may cause the sign which is an immediate peril to persons or property to be removed forthwith. These procedures are supplemental to other legal remedies available for the enforcement of this ordinance.

23.06 Permits

1. Permits Required.

Except as otherwise provided in Section 23.04,3, it shall be unlawful for any person to erect, alter, relocate, or maintain within Ash Township any temporary or permanent sign or other advertising structure as defined herein, without first obtaining a permit, therefore, from the Chief Enforcement Officer or designated official, and making payment of fee provided for in this ordinance.

2. Application for Erection Permit.

Application for erection permits shall be made upon forms provided by the Chief Enforcement Officer or designated official, and shall contain or have attached thereto the following information:

- a. Name, address, and telephone number of the applicant.
- b. Name, address, and telephone number of the property owner.
- c. Name, address, and telephone number of the sign owner.
- d. Location of building, structure, or lot to which the sign is to be attached or erected.
- e. Position of the sign in relation to nearby buildings, structures, and property lines.
- f. Two drawings of the plans and specifications and method of construction and attachment to the building or in the ground.
- g. Copy of stress sheets and calculations, if deemed necessary, showing the structure as designed for dead load and wind pressure in accordance with regulations adopted by the Township.
- h. Name and address of the person, firm, corporation, or association erecting the structure.
- i. Any electrical permit required and issued for said sign.
- j. Insurance policy or bond as required herein.
- k. Such other information as the Township Board may require to show full compliance with this and all other applicable laws of Ash and the State of Michigan.
- l. In the discretion of said Chief Enforcement Officer, when in his opinion the public safety requires it, the application containing the aforesaid material shall, in addition bear the certificate or seal of a registered architect or engineer as a condition to the issuance of a permit.

3. Permit Fee.

A permit fee shall be paid to Ash for each permanent permit (except a permit for a private traffic control sign as defined in Section 23.04,3,h), and temporary permit required by this ordinance. The schedule of fees will be established by resolution of Township Board and said fee shall be increased in direct relation to the surface area of the sign as follows:

- 1 - 50 square feet
- 50 - 100 square feet
- 100 - 150 square feet
- 150 - 200 square feet

4. Exemptions.

The provisions and regulations of this ordinance shall not apply to servicing, painting, repainting, or cleaning of a sign, not shall the changing of the advertising copy of message thereon be considered an erection or alteration which required a sign permit unless a structural change is made.

Section 23.07 Bonds

Every person, before engaging in the display of temporary election signs, shall first furnish the Township with a cash deposit, certified check, irrevocable bank letter of credit, or surety bond in an amount as may be established by the Township Board by resolution as necessary to insure their removal.

Section 23.08 Inspections

1. The Chief Enforcement Officer or his duly authorized representative shall every two years (and at such other times as may be necessary) make a safety inspection of signs. The owner of a sign shall pay to Ash an inspection fee as provided by resolution of the Township Board to defray the expenses connected with the inspection of signs. Fees for inspection shall be paid on or before the first day of January of each inspection year. Failure to pay such fee on time will result in an additional fee as provided by resolution.
2. Court Orders: If any owner, occupant or other person in charge of any premises fails or refuses to permit free access and entry to the premises under his or her control, or any part thereof, with respect to which an inspection authorized by Article 23 is sought to be made, the Building official may, upon a showing that probable cause exists for the inspection and for the issuance of an order directing compliance with the requirements of this article, petition for and obtain such order from a court of competent jurisdiction. Failure to comply with such an order shall constitute a violation of this chapter.

Section 23.09 Liability Insurance

The owner of a wall, projecting or pole, sign (if such sign is suspended over a public street or property, or if the vertical distance of such sign above the street is greater than the horizontal distance from the sign to the street property line or parapet wall, and so located as to be able to fall or be pushed onto public property) shall keep in force a public liability insurance policy, approved by Ash Township, in the amount of \$50,000 for injury to one person, and \$100,000 for injury to more than one person, and \$25,000 for damage to property, said policy to indemnify said owner from all damage suits or actions of every nature brought or claimed against the owner for or on account of injuries or damages to persons or property received or sustained by any person or persons through any act of omission or negligence of said erector, his servants, agents, employees regarding such sign. In lieu of any insurance policy as herein required, an owner may

present proof satisfactory to the Township Attorney that the said owner is financially capable of self-insurance in the above amounts.

Section 23.10 Authorized Sign Erectors

Every person before engaging or continuing in the business of erecting, repairing, or dismantling signs, poster boards, or other display signs in Ash Township, shall first furnish the Township a public liability insurance policy approved by the Township Attorney.

Such public liability insurance policy shall be in the amount of \$50,000 for injury to one person and \$100,000 for injury to more than one person and property damage insurance policy in the amount of \$25,000 for damage to property, said policy to indemnify said erector from all damage suits or actions of every nature brought or claimed against the erector or on account of injuries or damages to persons or property received or sustained by any person or persons through any act of omission or negligence of said erector, his servants, agents, or employees in the erection, repair, or dismantling of any sign, poster board, or other display sign.

Said policy shall contain a clause whereby said policy cannot be canceled until after a written notice of intention to cancel has been filed with the Township Clerk at least ten (10) days prior to the date of cancellation of January of each year and certificates of renewal or new policies shall be filled with the Township Clerk. In lieu of an insurance policy as herein required, an owner may present proof satisfactory to the Township Attorney that said owner is financially capable of self-insurance in the above amounts.

Section 23.11 Material Requirements

Materials of construction for signs and sign structures shall be of the quality and grade as specified for structures in the latest edition of the Uniform Building Code and the latest edition of the Uniform Sign Code. In addition, all illuminated, motorized or otherwise powered signs shall comply with the National Electrical Code.

1. **Restriction on Combustible Materials:** All signs and sign structures erected in Commercial Districts shall have structural members of incombustible materials. In other commercial districts, the requirements of the latest edition of the Basic Code relating to combustibility, at Section 1400 and subsequent sections, shall apply. No combustible materials other than approved plastics shall be used in the construction of electric signs.
2. **Nonstructural Trim:** Nonstructural trim may be of wood, metal, approved plastics, or any combination thereof.
3. **Fastenings:** Signs attached to masonry, concrete, or steel shall be safely and securely fastened thereto by means of metal anchors, bolts, or approved expansion screws of sufficient size and anchorage to support safely the loads applied. All building fastenings must be of galvanized noncorrosive materials.
4. **Maintenance:** all signs and associated structural elements shall be kept neatly painted, stained, sealed or preserved. All surface corrosion and/or peelings shall be removed or repaired immediately.

Section 23.12 Windloads

For the purpose of design, wind pressure shall be taken upon the gross area of the vertical projection of all signs and sign structures at not less than thirty (30) pounds per square foot for those portions above the ground. In calculating wind pressure on curved surfaces such as cylindrical or spherical signs or sign structures, this pressure shall be assumed to act on six-tenths of the projected area. In all open frame signs or sign structures, the area used in

computing wind pressure shall be one-half times the net area of the framing members exposed to the wind.

Section 23.13 Amortization of Signs in Public Streets or Upon Public Property

All signs which are erected upon or project into any public street, public right-of-way, or public property shall be removed from such public street, public right-of-way or property not later than thirty (30) days. Provided that such signs erected or renovated at a cost which exceeds that provided by resolution shall be eliminated in accordance with the amortization schedule provided in Section 23.16,2.

This Section shall not apply to a wall sign which projects not more than eighteen (18) inches into a public street, public right-of-way, or public property to accommodate necessary supporting devices.

This Section shall not apply to a street clock/temperature sign or theater or hotel marquee sign unless such sign projects more than eight (8) feet into a public street, public right-of-way, or public property.

Section 23.14 Planned Projects

The intent of this Section is to provide in the case of a planned project as defined in the Zoning Ordinance, an added degree of flexibility in the placement of signs within the planned project and in the inter-relationship of buildings and signs within such project, and in the implementation of new design concepts.

Nothing in this Section is intended to allow sign uses other than provided in the schedule of use regulations in this ordinance, nor to permit signs of area and height other than provided in the area, height, and placement regulations of the ordinance.

Subject to the foregoing statement of intent, the Zoning Board of Appeals may, in the case of planned projects, allow for modifications of the provisions of this ordinance in regard to the placement of signs.

Section 23.15 Appeals

1. Appointment of the Zoning Board of Appeals to administer the provisions of this ordinance is hereby provided pursuant to all the provisions of state law.
2. Application of the Variance Power.

A variance may be allowed by the Zoning Board of Appeals only in cases involving practical difficulties or unnecessary hardships when the evidence in the official record of the appeal supports all the following affirmative findings:

- a. That the alleged hardships or practical difficulties, or both, are exceptional and peculiar to the property of the person requesting the variance, and result from conditions which do not exist generally throughout the Township.
- b. That the alleged hardships and practical difficulties, or both, which will result from a failure to grant the variance, include substantially more than mere inconvenience, inability to attain a higher financial return, or both.
- c. That allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this ordinance, the individual hardships that will be suffered by a failure of the Board to grant a

variance, and the Board to grant a variance, and the rights of others whose property would be affected by the allowance of the variance. The above findings of fact shall be made by the Zoning Board of Appeals, which is not empowered to grant a variance without an affirmative finding of fact on the categories above. Every finding of fact shall be supported in the record of the proceedings of the Board.

Nothing contained herein shall be construed to empower the Zoning Board of Appeals to change the terms of this ordinance, or to add to the uses permitted in any district.

3. Appeal Procedure.

- a. Appeals shall be commenced by a person filing a notice of appeal with Ash Township (on a form to be supplied by the Chief Enforcement Officer and with the Zoning Board of Appeals, accompanied by an appeal fee as provided by resolution of Ash Township. The notice of appeal shall specify the particular grounds upon which the appeal is based, and shall be signed. It shall also specify the requirements from which a variance is sought and the nature and extent of such variance.
- b. The Zoning Board of Appeals shall fix a reasonable time for the hearing of appeals and shall give due notice thereof to all owners-of-record of real property within three hundred (300) feet of the premises in question; such notice to be delivered personally or by mail addressed to the respective owners at the address given in the last assessment roll.
- c. Any person shall be accorded the right to appear in person or be represented by a duly authorized agent.
- d. The Zoning Board of Appeals shall prepare an official record for each appeal and shall base its decision on this record. The official record shall include:
 - (1) The relevant administrative records and the administrative orders issued thereon relating to the appeal.
 - (2) The notice of appeal.
 - (3) Such documents, exhibits, photographs, or written reports as may be submitted to the Board for its consideration.
- e. The requisite written findings of fact, the conditions attached, and the decisions and orders by the Zoning Board of Appeals in disposing of the appeal shall be entered into the official record after they have been signed by the Chairman of the Board and after written notice of the disposition of the appeal has been served, either in person or by mail, upon the parties to the appeal, by the Chief Enforcement Officer and the Township Clerk. The Chairman shall within ten (10) days after the date the Board has reached its final decision on an appeal, sign the necessary order to effectuate the decision of the Board.
- f. A copy of the official record of an appeal shall be made available for the parties to the appeal upon request and after the payment of such fee therefore as may be provided by the rules and regulations of the Zoning Board of Appeals.

Section 23.16 Nonconformance

1. It is the intent of this section to recognize that the eventual elimination, as expeditiously as its is reasonable, of existing signs that are not in conformity with the provisions of this ordinance, is as much a subject of health, safety, and welfare as is the prohibition of new signs that would violate the provisions of this ordinance. It is also the intent of this section that any elimination of nonconforming signs shall be effected so as to avoid any unreasonable invasion of established private property rights.
2. Subject to the following schedule, a nonconforming sign may be continued and shall be maintained in good condition, but it shall not be: (a) changed to another nonconforming sign, (b) structurally altered so as to prolong the life of the sign, (c) expanded, (d) re-established after its discontinuance for ninety (90) days, or (e) re-established after damage or destruction if the estimated expense of reconstruction exceeds fifty percent (50%) of the appraised replacement cost (as determined by the Building Official).

A sign which is in existence upon the effective date of this ordinance, and which therefore conformed to all legal requirements but which is made nonconforming by the provisions of this ordinance, shall be brought into conformity or shall be removed in accordance with the following schedule:

Such nonconforming sign may be maintained for the longer of the following to periods (1) three years from the date this ordinance takes effect, or (2) a period of from three to fifteen years from the installation date or more recent renovation date which preceded the effective date of this ordinance; provided, however, that if the date of most recent renovation is chosen as the starting date for the period of amortization, then such period of amortization shall be calculated according to the cost of the renovation and not according to the original cost of the sign. The term of years to be determined by the cost of the sign or of such renovation, including installation, shall be provided by resolution of the Township Board.

An owner of a sign who desires to rely on an amortization period longer than three years, shall file with the Township Board within one year from the effective date of this ordinance, a statement setting forth the cost of such nonconforming sign, the date of erection, or the cost and date of the most recent renovations.

3. The provisions of this section shall not apply to signs covered by Sections 23.05,2, or 23.05,3.

Section 23.17 Removal of Signs

In the event a business or use ceases and a property becomes vacant for a period of 30 days or more, the property owner shall be responsible for the removal of all freestanding signs related to the use or business, or the installation of blank panels within the sign frames in place of the content panels.

Section 23.18 Appearance Tickets/Civil Infractions

The Building Official shall be authorized to issue and serve appearance tickets and/or civil infraction tickets with respect to any violation of this article.

Section 23.19 Penalty

Whoever violates or fails to comply with any of the provisions of this article is responsible for a municipal civil infraction and shall be subject to a civil fine as set forth in the Ash Township Civil Infraction Ordinance.

Section 23.20 Conflict of Laws

In any case where a provision of Article 23 is found to be in conflict with a provision of any zoning, building, housing, fire, safety or health ordinance or code of Ash Township, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

Article 24 Board of Zoning Appeals

Section 24.01 Purpose.

In order that the objectives of this Ordinance may be fully and equitably achieved, that a means shall be provided for competent interpretation of this Ordinance, that adequate but controlled flexibility be provided in the application of this Ordinance, that the health, safety, and welfare of the public is secured, and that justice be done, there is hereby established a Board of Zoning Appeals (BZA).

Section 24.02 Creation and Membership.

The BZA shall perform its duties and exercise its powers as provided in Section 20 of Act 184 of the Public Acts of 1943, as amended. The BZA shall consist of five (5) members, selected from the electorate, appointed by the Supervisor, with the consent of the Township Board.

1. One (1) member of the BZA shall be a member of the Planning Commission.
2. One member may be a member of the Township Board.
(Ord. 7C-60; Amended Aug. 15, 2007)
3. The remaining members shall have been a resident of the Township for at least one (1) year prior to the date of appointment, and shall be qualified and registered electors of the Township on such day and throughout his tenure of office.
4. An employee or contractor of the Township Board may not serve as a member of the BZA.
5. Term of appointments shall be as follows: two (2) members appointed for a period of one (1) year; two (2) members appointed for a period of two (2) years; and one (1) member appointed for a period of three (3) years, respectively. Thereafter, each member is to hold office for a full three (3) year term.
6. Any appointive vacancies in the BZA shall be filled by the Township Supervisor with the consent of the Township Board for the remainder of the unexpired term.
7. The Township Board may also appoint not more than two (2) alternate members to the BZA. Appointments shall be as follows: One (1) alternate member shall be appointed for a period of two (2) years and the second alternate shall be appointed for a period of three (3) years; thereafter, each alternate member shall hold office for a full three (3) year term. Any vacancies in the alternative membership of the BZA shall be filled by appointment made by the Supervisor with the consent of the Township Board for the remainder of the unexpired term. The alternate members shall:
 - a. Sit as regular members of the BZA in the absence of a regular member if a regular member will be unable to attend 1 or more meetings.
(Ord. 7C-60; Amended Aug. 15, 2007)
 - b. Be called to serve in the place of a regular member for the purpose of reaching a decision in a case in which the regular member has abstained for reasons of conflict of interest.

The alternate member having been appointed shall serve in the case until a final decision has been made. Alternate members shall have the same voting rights as a regular

member of the BZA. Whenever possible, these two (2) alternates should be provided the opportunity to rotate as members of the BZA.

Section 24.03 Removal.

Appointed members may be removed for nonperformance of duty or misconduct in office by the Township Board only after consideration of written charges and a public hearing. Failure of a member to disqualify himself from a vote in which he has a conflict of interest shall constitute misconduct in office.

Section 24.04 Meetings.

1. The Board of Zoning Appeals shall annually elect its own chairman, vice chairman, and secretary.
2. All meetings of the Board of Zoning Appeals shall be held at the call of the chairman and at such times as such Board may determine.
3. All hearings conducted by the BZA shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member in question, or if absent, or failing to vote, indicating such fact; and shall also keep records of its hearings and other official actions in the office of the Township Clerk, and shall be a public record.
4. The BZA shall not conduct business unless a majority of the members are present. The concurring vote of a majority of the members of the BZA shall be necessary to reverse an order, requirement, decision, or determination of an administrative official or body, or to decide in favor of the applicant a matter upon which they are required to pass under an ordinance, or to effect a variation in an ordinance.
5. The BZA shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony, and the production of books, papers, files, and other evidence pertinent to the matters before it.

Section 24.05 Appeal and Notice Requirements.

1. An appeal may be taken to the BZA by any person, firm, or corporation, or by any officer, department, board, or bureau aggrieved by a decision of the Chief Enforcement Officer. Such appeal shall be taken within such time as shall be prescribed by the BZA by general rule by filing a notice of appeal, specifying the grounds thereof, with the Chief Enforcement Officer and with the Board of Zoning Appeals.
(Ord. 7C-60; Amended Aug. 15, 2007)

The Chief Enforcement Officer shall forthwith transmit to the BZA, all of the papers constituting the record upon which the action appealed from was taken.

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Chief Enforcement Officer certifies to the Board of Zoning Appeals, after notice of appeal has been filed with him, that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed, otherwise than by a restraining order which may be granted by a court of record.

2. The BZA shall make no recommendations except in a specific case. The BZA shall fix a reasonable time for the hearing of appeals. A notice of the time and place of such public hearing shall be published in a newspaper of general circulation in the Township and sent by first class mail to the owners of record of all real property located within three hundred

(300) feet of the boundaries of the property in question at least fifteen (15) days prior to the hearing. Such notice shall contain the address, if available, and location of the property for which the ruling by the BZA is sought, as well as a brief description of the nature of the Appeal.

Public notice of the time, date, and place of the meeting shall also be given in the manner required by Act 267 of the Public Acts of 1976.

3. No appeal shall be taken to the BZA from a decision of the Planning Commission or Township Board in connection with a use permitted subject to special conditions.
4. Appeals required in connection with site plan approval shall be presented before the BZA prior to the consideration of the site plan by the Township Planning Commission.
5. The BZA may only act on those matters brought before it through the procedures of Section 24.07. In no instance may they conduct business on matters outside the scope of the appeal.

Section 24.06 Jurisdiction.

The BZA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision of determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer from whom the appeal was taken and may issue or direct the issuance of a permit.

Where there are practical difficulties in the way of carrying out the strict letter of this Ordinance, the BZA shall have the power in passing upon appeals to vary or modify any of its rules, regulations or provisions so that the spirit of this Ordinance shall be observed, public safety secured, and substantial justice done.

(Ord. 7C-60; Amended Aug. 15, 2007)

Nothing herein contained shall be construed to give or grant to the Board of Zoning Appeals the authority to make changes in the Zoning Ordinance or the Zoning Map, such power and authority being reserved to the Township Board in the manner herein provided by law.

Section 24.07 Powers and Duties.

The BZA shall have the following specified powers and duties:

1. Administrative Review

To 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 Chief Enforcement Officer or any other administrative official in carrying out, or enforcing, any provisions of this Ordinance.

2. Interpretation

To hear and decide in accordance with the provisions of this Ordinance:

- a. Appeals for the interpretation of the provisions of the Ordinance.
- b. Requests to determine the precise location of the boundary lines between the zoning districts as they are displayed on the Zoning Map, when there is dissatisfaction with the decision on such subject.

3. Variances

The BZA shall have the power to authorize, upon appeal, specific variances from such dimensional requirements as lot area and width regulations, building height and square foot regulations, yard width and depth regulations, such requirements as off-street parking and loading space, and sign regulations, and other similar requirements as specified in the Ordinance. To obtain a variance, the applicant must submit an affidavit indicating that a "practical difficulty" exists, by explaining:

- a. How the strict enforcement of the provisions of the Township Zoning Ordinance would cause practical difficulties and deprive the owner of rights enjoyed by all other property owners owning property within the same zoning district or render conformity with such restrictions unnecessarily burdensome.
(Ord. 7C-60; Amended Aug. 15, 2007)
- b. The conditions and circumstances unique to the property which are not similarly applicable to other properties in the same zoning district.
- c. The conditions and circumstances unique to the property were not created by the owner, or his predecessor in title, within the time following the effective date of the provisions alleged to adversely affect such property.
- d. Why the requested variance will not confer special privileges that are denied other properties similarly situated and in the same zoning district.
- e. Why the requested variance will not be contrary to the spirit and intent of this zoning ordinance.

The BZA shall not approve an application for a variance unless it has found positively that a practical difficulty exists under the preceding criteria.

4. Approval of Temporary Uses *(Ord. 7C-77, Amended September 19, 2012)*

The BZA shall have the power to grant permits authorizing temporary land uses intended for:

- a. Tent sales, sidewalk sales, firewood, fireworks or Christmas tree sales, and similar uses, under the following conditions: *(Ord. 7C-85; Amended July 20, 2016)*
 - (1) Such uses shall be restricted to nonresidential zoning districts, except that temporary uses shall be permitted in residential districts provided they will be located on a parcel no less than three (3) acres in size.
 - (2) The application for a temporary use permit shall be accompanied by plans and specifications including required copies of the plot plan drawn to scale. The plot plan shall show the shape, location, and dimensions of the lot, including the shape, size, and location of all buildings or other structures already on the lot, off-street parking layout, and the location of any designated fire lanes.

The submittal shall include the materials to be utilized in and the shape, size, and location of all buildings and structures to be erected or moved onto the lot, including all tents, tables, stands, or display racks. The applicant shall also provide data on the anticipated automobile traffic flow to and from the lot and any adjacent thoroughfares, loss of off-street parking spaces, if any, as well as the anticipated flow of pedestrian traffic upon lot sidewalks.

- (3) A temporary use permit for a tent or sidewalk sale shall by its terms be effective for no longer than ten (10) calendar days. No more than four (4) temporary use permits for tent sales or sidewalk sales shall be issued for a given location within a single calendar year. Temporary use permits for tent sales or sidewalk sales shall not be issued for any given location for consecutive time periods.

A temporary use permit for the sale of Christmas trees shall by its terms be effective for no longer than thirty (30) days. No more than one (1) temporary use permit for the sale of Christmas trees shall be issued for any given location within a single calendar year.

A temporary use permit for a vegetable, fruit or produce stand or for the sale of firewood or similar use shall, by its terms, be effective for no longer than three (3) months. No more than one (1) temporary use permit for such uses shall be issued for any given location within a single calendar year.

- (4) A temporary use permit shall only be granted if the BZA determines that the proposed use, including the erection of any temporary building or structure, will: provide adequate light and ventilation between buildings and structures; provide adequate automobile and pedestrian traffic flow and provide adequate off-street parking; provide adequate lot access for fire protection purposes; not adversely affect the stability and integrity of the Zoning Ordinance or otherwise interfere with the protection of public health, safety, and general welfare; and, will not be incompatible with or otherwise adversely affect the physical character of the community and, in particular, the surrounding area within a distance of one thousand (1,000) feet.

When the proposed temporary use is to be conducted on an otherwise vacant or unused lot, the use shall comply with all applicable zoning regulations for the district in which the temporary use is to be located, including all requirements pertaining to lot size, height, setback, open space ratio, maximum percentage of covered lot area, and off-street parking. In no instance shall signs, parking, buildings, produce, or other site features occupy a public right-of-way.

- b. The temporary location of a premanufactured building in new subdivisions in any residential district for periods not-to-exceed ninety (90) days, provided: the use shall be only for offices for the specific purpose of selling lots or new homes to be erected in the subdivision; all applicable building height, bulk, and area requirements of the district are met; and, the structure shall be removed from the subdivision upon completion of the first permanently built model home intended for display, but in no case shall the remanufactured dwelling remain beyond the time limitation specified above.
- c. Permit in any residential district the temporary location of a sales and/or contractor's office within a permanent structure on site provided such office is vacated at the completion of active construction which occurred on the site.
- d. Permit the location of temporary building and uses for periods not-to-exceed ninety (90) days in undeveloped sections of the Township, with the granting of not more than three (3) ninety (90) day extensions being permissible, provided the conditions set forth in Section 24.07,4,f below are met. In no instance shall a permit be extended when the property surrounding the temporary use has

developed during the life of the temporary permit. Notwithstanding these provisions, the Chief Enforcement Officer may, for a period not to exceed thirty (30) days, permit the establishment of emergency housing facilities upon a finding that such housing shall be provided in a safe and sanitary condition.

- e. Permit temporary outdoor festivals, concerts, art and craft shows, patriotic, historic, cultural and similar temporary outdoor events, subject to the following conditions:
- (1) Any single event shall occur for no more than ten (10) consecutive days. The Board of Appeals may approve a recurring, non-continuous event on a single parcel for no more than fourteen (14) days within a calendar year.
 - (2) The event shall not take place between the hours of 12:00 a.m. and 8:00 a.m. The Board of Appeals shall have authority to impose a greater, but not lesser, time limit on the event if the Board of Appeals determines, in its sole reasonable discretion, that, given the nature of the proposed event, the subject property and/or the surrounding properties, such a time limit is necessary to satisfy the conditions of subsection f below.
 - (3) The Board of Appeals shall have the authority to impose a minimum setback distance from any residentially zoned or used property, where, given the nature of the proposed event, the subject property and/or the surrounding properties, the Board of Appeals determines that such setback is necessary to satisfy the conditions of subsection f below.
 - (4) The event shall not materially interfere with traffic circulation, required off-street parking or load areas, or pedestrian safety, and, if located within a parking area, shall be cordoned off to prevent pedestrian/vehicular conflicts.
 - (5) Adequate parking and ingress/egress for persons in attendance at the event shall be provided on and/or off-site. At a minimum, the applicant shall provide not less than one (1) parking space for every four (4) persons (including employees and support staff) anticipated to be in attendance at the event. Parking spaces shall satisfy the minimum size requirements set forth in Section 18.02,(2) of this Ordinance.
 - (6) Human and event generated waste shall be disposed of by the applicant through appropriate measures which shall be approved by the Board of Appeals.
 - (7) Temporary outdoor festivals, concerts, art and craft shows, patriotic, historic, cultural and similar temporary outdoor events held on publically owned or tax-exempt properties may be approved by the Chief Enforcement Officer and shall not require a permit from the Board of Zoning Appeals. (*Ord. 7C-85; Amended July 20, 2016*)
- f. The BZA, in granting permits for temporary uses described in Sections 24.07,4,c,d, and e shall do so under the following conditions:
- (1) The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district, nor on the property wherein the temporary use is permitted.

- (2) The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary permit.
 - (3) All setbacks, land coverage, off-street parking, lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of the Township shall be made at the discretion of the Board of Zoning Appeals.
 - (4) The use shall be in harmony with the general character of the area.
- g. No temporary use permit shall be granted without first giving notice to owners of property of the time and place of a public hearing to be held as provided for in Section 24.05. Further, the BZA may seek the review and recommendation of the Planning Commission prior to the taking of any action, due to the unique operational characteristics of the proposed use.

Section 24.08 Prohibited Variances.

1. No variance shall be made in connection with a condition attached to a special condition use approved by the Township Board.
2. A use variance shall not be permitted, except as described under Section 24.07,4, Approval of Temporary Uses.

Section 24.09 Attachment of Conditions.

The BZA may impose conditions upon an affirmative decision. The conditions may include conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall do all the following:

1. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well being of those who will use the land use or activity under consideration, residents, and landowners immediately adjacent to the proposed land use, or activity, and the community as a whole.
2. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the Zoning Ordinance; be related to the standards established in the Zoning Ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.
4. The conditions imposed shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. The approving authority shall maintain a record of changes granted in conditions.

Section 24.10 Approval Period.

No order of the BZA permitting the erection of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

No order of the BZA permitting a temporary use of a building or premises shall be valid for a period longer than one (1) year unless such a use is established within such period; however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall contain in force and effect if building permit for said erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

Section 24.11 Fees.

Each appeal shall be accompanied by a fee in an amount established by resolution of the Township Board. The Township Board may from time-to-time amend such fees by resolution. No portion of such fee shall be reimbursable to the applicant.

Section 24.12 Rehearing.

1. The decision of the BZA shall be final. However, any person aggrieved by a decision of the BZA may appeal to the Circuit Court (MCL 125.3606).
(Ord. 7C-60; Amended Aug. 15, 2007)
2. The BZA is without general authority to reconsider a matter it has decided and from reversing its previous decision unless the facts and circumstances which actuated the decision have so changed as to vitiate or materially affect the reason which produced and supported it, and no vested rights have intervened.

Article 25
Administration and Enforcement

Section 25.01 Enforcement.

The Ash Township Board shall designate the Ash Township Building Inspector and/or the Zoning Administrator to serve as the Chief Enforcement Officer(s) for the purpose of administering and enforcing the provisions of this Ordinance.
(Ord. 7C-60; Amended Aug. 15, 2007)

Section 25.02 Duties of Chief Enforcement Officer.

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

Under no circumstances is the Chief Enforcement Officer permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his/her duties as Chief Enforcement Officer.

The Chief Enforcement Officer 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 25.03 Plot Plan.

The Chief Enforcement Officer shall require that all applications for building permits shall be accompanied by plans and specifications including the required number of plot plans drawn to scale, showing the following:

1. The actual shape, location, and dimensions of the lot.
2. The shape, size, and location of all buildings or other structures to be erected, altered or moved, and of any building or other structures already on the lot.
3. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
4. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

Section 25.04 Permits.

The following shall apply in the issuance of any permit:

1. No building permit shall be issued for the erection, alteration, or use of any building or structure, or part thereof, or for the use of any land which is not in accordance with all provisions of this Ordinance.
2. 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.

3. 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.
4. 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 changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affecting or regulated by the Township Building Code or this Ordinance, except for minor repairs or changes not involving any of the aforesaid features.
5. Before a building or structure can be wrecked, the owner, wrecking company, or person who secures the permit shall notify all utilities having service connections within the building such as water, electric, gas, sewer, and other connections. A permit to wreck a building shall not be issued unless a release is obtained from the utilities stating that their respective service connections and appurtenant equipment, such as meters and regulators, have been removed and/or sealed and plugged in a safe manner; nor shall a wrecking permit be issued until a report has been received from the public utility companies concerned, that said wrecking operations may be accomplished in such a manner as not to create a hazardous condition as a result of the proximity of such public utility installations.

Before a permit is issued for the wrecking of any building, such application for permit shall be referred to the Chief Enforcement Officer for examination of the premises to determine whether or not rodent extermination procedures are necessary.

After obtaining permit from the Chief Enforcement Officer, the wrecker shall proceed to erect screening, fencing, boarding, or other protections as authorized by the Chief Enforcement Officer and shall notify the same before proceeding with wrecking operations.

The wrecking company, or person who secures the permit for the razing of the structure, will be held responsible for the compliance with these regulations and other laws and ordinances covering this subject. He will also be held responsible and liable for the acts of subcontractors or other persons who do any work of removal or destruction in the wrecking of the building. The methods to be used in wrecking shall not involve undue hazards to the public or unnecessary danger to the workmen and shall be in accordance with good practice.

Crane, back hoe, bulldozer, high loader, ball, clam-bucket, chain, cable, and other similar mechanical devices shall not be used to wreck buildings or structures except in individual cases wherein detailed plans and proposed procedures are submitted with the application for wrecking permit and are approved by the Chief Enforcement Officer. Suitable provision shall be made for the disposal of materials which are accumulated during the wrecking operations. No part of the structure shall be overloaded by excessive storage of materials or debris. Chutes, scaffolds, derricks, and hoists shall be strong and substantial, and safe for the purpose for which they are intended. Materials, which in their removal, would cause an excessive amount of dust, shall be well wet down to prevent the creation of a nuisance.

No open fires or other sources of flame except necessary cutting torches will be permitted on the inside of the building which is being wrecked, not in close proximity to flammable materials outside of the building, and every precaution shall be taken to prevent the possibility of fire.

Blasting and use of explosives shall be done only by a person licensed by the Fire Department to perform such work.

The requirements of this section are designated as the minimum necessary for average conditions and, in the case of unusual or dangerous situations, adequate provision shall be made and every precaution taken to protect the safety of the public and workmen. All abandoned basements or cellars and holes shall be filled to grade, and all excess materials, rubbish, and debris shall not be permitted to remain on the premises above grade. The Fire Department shall be notified before removing standpipes, sprinklers, or fire protection water supplies.

6. Before any roadside stand shall be erected, a permit for such use shall first be obtained. Approval of such permits shall be subject to the requirements of the Township Board of Zoning Appeals, for temporary uses, under Section 24.07,4.
7. If the work described in any building permit has not begun within six (6) months from the date of issuance thereof, or if the authorized work is suspended or abandoned for a period of six (6) months after the time of commencing work, said permit shall expire; it shall be canceled by the Chief Enforcement Officer and written notice thereof shall be given to the persons affected. If the work described in any building permit has not been completed within two (2) years of the date of issuance thereof, said permit shall expire and be canceled by the Chief Enforcement Officer, and written notice thereof shall be given to the persons affected, together with notice that further work, as described in the canceled permit, shall not proceed unless, and until, a new building permit has been obtained.
8. Agricultural farm buildings shall be exempt from obtaining a building permit if the proposed structure is to be placed on property that meets the requirements of a "Farm" as defined in Section 2.02 of this Ordinance. Agricultural buildings shall be required to obtain zoning compliance permit approval from the Chief Enforcement Officer to ensure compliance with the regulations of this Ordinance.
(Ord. 7C-23; Added June 11, 2002)
9. Farm buildings on Hobby Farms (as defined in Section 2.02) shall not be exempt from the requirements of a building permit as regulated under this Section 25.04.
(Ord. 7C-23; Added June 11, 2002)

Section 25.05 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:

1. No certificates of occupancy shall be issued for any building, structure or part thereof, or for the use of any land which is not in accordance with all the provisions of this Ordinance.
2. 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.
3. Certificates of occupancy as required by the Township Building Code for new buildings or structures, or parts thereof, or for alterations to or changes of, use of existing buildings or structures, shall also constitute certificates of zoning as required by this Ordinance.

4. Certificates of occupancy shall be issued for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, it is found that such buildings, structures, or parts thereof, or such use of land, are in conformity with the provisions of this Ordinance.
5. A record of all certificates issued shall be kept on file in the office of the Chief Enforcement Officer, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.
6. 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.
7. Application for certificates of occupancy shall be made, in writing, to the Chief Enforcement Officer on forms furnished by the Chief Enforcement Officer, 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 25.06 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 Chief Enforcement Officer immediately upon the completion of the work authorized by such permit for a final inspection.

Section 25.07 Fees.

Fees for inspection and the issuance or permits or certificates of copies thereof, required or issued under the provisions of this Ordinance, shall be collected by the Chief Enforcement Officer in advance of issuance. The amount of such fees shall be established by resolution of the Township Board and shall cover the cost of inspection and supervision resulting from enforcement of this Ordinance.

Section 25.08 Inspections.

The enforcement officer shall have the power to inspect any and all buildings and premises necessary to determine compliance with the terms of this Ordinance and to carry out their duties and the enforcement of the provisions of this Ordinance. In the exercise of his or her duties, the enforcement officer shall have the right to enter private property to enforce this Ordinance as provided by law.

Section 25.09 Issue Violation Notices.

The enforcement officer shall have the authority to issue violation notices requiring compliance within a specified time period and advising suspected violators of their right to appeal. Furthermore, the enforcement officer shall have the authority to require that construction or work of any type be stopped when such work is not in compliance with the Ordinance; and to revoke any permit which was improperly or unlawfully issued, or any permit wherein work not in compliance with the Ordinance has been performed and such work has not been corrected within 30 days of notification of such defects.

Section 25.10 Issue Municipal Civil Infractions

The chief enforcement officer has the power to issue citations for municipal civil infractions in accordance with the Township's Municipal Civil Infraction Ordinance #01-03 and/or the State Municipal Civil Infraction Statute.

Article 26 Amendments

Section 26.01 Amendment Procedure.

The Township Board may, upon recommendation from the Township Planning Commission, amend, supplement, or change the regulations or the district boundaries of this Ordinance pursuant to the authority and according to the procedure set forth in Act 110, of the Public Acts of 2006, as amended. Whenever a petitioner requests a zoning district boundary amendment, he shall be the fee holder owner of the premises concerned or else have the fee holder owner also subscribe to his petition and shall submit a petition for rezoning to the Township Clerk. However, there shall be a twelve (12) month waiting period between a Township Board denial for a zoning district boundary change and a new request.

(Ord. 7C-60; Amended Aug. 15, 2007)

Any applicant desiring to have any change made in this Ordinance shall, with his petition for such change, deposit the sum established by resolution of the Township Board with the Township Clerk at the time that the petition is filed to cover the publication and other miscellaneous costs for said change.

Zoning Ordinance text and map amendments shall only be approved by the Township after receipt of a recommendation by the Township Planning Commission. Before submitting its recommendation, the Township Planning Commission shall hold not less than one (1) public hearing, notice of which hearing shall be given by one (1) publication in a newspaper of general circulation in the Township, to be printed not less than fifteen (15) days before the date of the hearing.

(Ord. 7C-60; Amended Aug. 15, 2007)

Notice of the time and place of the hearing shall also be given by mail to each electric, gas, pipeline, and telephone public utility company, and to each railroad operating within the district or zone affected, that registers its name and mailing address with the Township Planning Commission for the purpose of receiving the notice. An affidavit of mailing shall be maintained. The notices shall include the places and times at which the proposed text amendment(s) and any map(s) of the Zoning Ordinance may be examined.

(Ord. 7C-60; Amended Aug. 15, 2007)

If an individual property or 10 or fewer adjacent properties are proposed for rezoning, the Township Planning Commission shall give a notice of the proposed rezoning to the owner of the property in questions, 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 single and two-family dwellings within three hundred (300) feet. The notice shall be delivered personally or by mail to the respective owners and tenants at the address given in the last assessment roll. If the tenant's name is not known, the term "occupant" may be used. If the notice is delivered by mail, an affidavit of mailing shall be filed with the Planning Commission before the hearing. The notice shall be made not less than fifteen (15) days before the hearing stating the time, place, date, and purpose of the hearing.

(Ord. 7C-60; Amended Aug. 15, 2007)

Following the hearing, the Township Planning Commission shall submit the proposed Zoning Ordinance amendments, including any zoning maps, to the County Planning Commission for review and recommendation.

If the recommendation of the County Planning Commission has not been received by the Township within thirty (30) days after receipt of the Ordinance by the County, it shall be conclusively presumed that the County has waived its right for review and recommendation of the Ordinance amendments.

The Township Planning Commission shall transmit a summary of comments received at the public hearing and its proposed text and/or map amendment(s) to the Township Board. The Township Board may hold additional hearings if the Township Board considers it necessary. Notice of a public hearing held by the Township Board shall be published in a newspaper which circulates in the Township. The notice shall be published not less than fifteen (15) days before the hearing. If the Township Board considers amendments, changes, additions, or departures advisable to the proposed amendment(s) the Township Board may refer the same to the Township Planning Commission for a report thereon within a time specified by the Township Board.

(Ord. 7C-60; Amended Aug. 15, 2007)

After receiving the report, the Township Board shall grant a hearing on a proposed ordinance text or map amendment to a property owner who by certified mail addressed to the clerk of the Township Board requests a hearing and the Township Board shall request the Township Planning Commission to attend the hearing. After a hearing at a regular meeting or at a special meeting called for that purpose, the Township Board may adopt, by majority vote of its membership, a text amendment or Zoning Districts map change for the portions of the Township outside the limits of cities and villages, with or without amendments that have been previously considered by the Planning Commission or at a hearing, and may give the Ordinance effect upon publication as set forth below or upon any date specified by the Township Board.

The Zoning Ordinance amendments shall be filed with the Township Clerk, and one (1) notice of Ordinance adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. The notice of Ordinance adoption shall include either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment, the effective date of the Ordinance, and the place and time where a copy of the Ordinance may be purchased or inspected.

Article 27
Conditional Rezoning
(Ord. 7C-60; Added Aug. 15, 2007)

Section 27.01 Intent

It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Section 405 of the Zoning Enabling Act, Public Act 110 of 2006 (MCL 125.3405), as amended, by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

Section 27.02 Application and Offer of Conditions

1. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
3. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
4. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
5. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
6. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.
7. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
8. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

Section 27.03 Planning Commission Review

The Planning Commission, after public hearing and consideration of the standards for approval set forth in Section 27.05, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

Section 27.04 Township Board Review

After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township board's deliberations shall include, but not be limited to, a consideration of the standards for approval set forth in Section 27.05. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board shall, in accordance with the Michigan Zoning Enabling Act, (MCL 125.3401), refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

Section 27.05 Factors

In reviewing an application for the rezoning or land where there is an offer of conditions, factors that should be considered by the Planning Commission and the Township Board shall include the following:

1. Whether the proposed rezoning is consistent with the goals, policies and Future Land Use Map of the Ash Township Master Plan;
2. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding land uses and zoning districts in terms of land suitability, impacts on the environment, density, and influence on property values;
3. Whether any public services and facilities would be significantly adversely impacted by a development or use allowed under the requested rezoning. Consideration of impact on drains and roads is specifically required; and,
4. Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land.

Section 27.06 Approval

1. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested rezoning.
2. The Statement of Conditions shall:
 - a. Be in a form recordable with the Register of Deeds of the County in which the subject land is located or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.

- b. Contain a legal description of the land to which it pertains.
 - c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 - d. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 - e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be recorded with the Register of Deeds of Monroe County by the owner with a copy of the recorded document provided to the Township within forty-five (45) days of its recording.
 - f. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
 4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the owner with the Register of Deeds of Monroe County. The owner shall provide a copy of the recorded document to the Township within forty-five (45) days of the date of its recording. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.
 5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

Section 27.07 Compliance with Conditions

1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

Section 27.08 Time Period for Establishing Development or Use

Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 36 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the

Township Board if: (1), it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion; and (2), the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy; and (3) the written request shall be made to the Township Board requesting the extension within 6 months of the end of the 36 month period.

Section 27.09 Reversion of Zoning

If approved development and/or use of the rezoned land does not occur within the time frame specified under Section 21.08 above, then the land shall revert to its former zoning classification as set forth in MCL 125.3405(2). The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

Section 27.10 Subsequent Rezoning of Land

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Section 21.09 above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the Register of Deeds of the County in which the land is located a notice that the Statement of Conditions is no longer in effect.

Section 27.11 Amendment of Conditions

1. During the time period for commencement of an approved development or use specified pursuant to Section 21.08 above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.
2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

Section 27.12 Township Right to Rezone

Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act.

Section 27.13 Failure to Offer Conditions

The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

Article 28
Enforcement, Penalties, and Other Remedies

Section 28.01 Violations.

Any person, firm, or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than five hundred dollars (\$500) and the costs of prosecution or, in default of the payment thereof, shall be punished by imprisonment in the County Jail for a period not-to-exceed ninety (90) days for each offense, or by both such fine and imprisonment in the discretion of the court, together with the costs of such prosecution.

Section 28.02 Public Nuisance Per Se.

Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Ordinance and in violation of any of the provisions thereof, is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

Section 28.03 Fines, Imprisonment.

The owner of any building, structure or premises or part thereof, where any condition in violation of this Ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and, upon conviction thereof, shall be liable to the fines and imprisonment herein provided.

Section 28.04 Each Day a Separate Offense.

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

Section 28.05 Rights and Remedies are Cumulative.

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

Article 29
Repeal of Prior Ordinance

The Zoning Ordinance adopted by Ash Township, known as Ordinance Number 7-B and all amendments thereto, are hereby repealed. The repeal of the above Ordinance and its amendments does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture, or punishment incurred prior to the time enforced, prosecuted, or inflicted.

Article 30
Severance Clause

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

Article 31
Effective Date

This Ordinance shall take effect after its adoption and upon publication.

This Ordinance was adopted by the Township Board of Ash Township by authority of Act 184, of the Public Acts of Michigan, 1943, at a Regular Meeting thereof duly called and held on the 12th day of January, 1999, A.D.

James Duffy
Clerk
Ash Township

I, James Duffy, Clerk of Ash Township, do hereby certify that the foregoing is a copy of Ordinance No. ____, adopted by the Township Board of Ash Township and published as required by law.

James Duffy
Clerk
Ash Township

ORDINANCE NO. 7C-26

ASH TOWNSHIP NOTICE

On Tuesday August 12, 2003, the Ash Township Board met and approved a new telecommunication ordinance, a brief synopsis of which appears below. This publication is made in conformance with MCLA 41.184; MSA 5.46(22) and MCLA 125.281; MSA 5.2963(11). Pursuant to the above statutes and provisions of the ordinance, this ordinance shall take effect upon the expiration of thirty (30) days after this publication. Copies of the full text of this ordinance are available at the Ash Township Board offices, located at 1677 Ready Road, Carleton, Michigan 48117. The ordinance approved by the Ash Township Board is as follows:

Ash Township Metropolitan Extension Telecommunications Rights-of-Way Oversight Ordinance

This ordinance covers 23 specific sections detailing the title of the ordinance, purpose of the ordinance, conflict of laws, definitions, permit requirements and issuance, construction and engineering permits, use of conduits and utility poles, submission of route maps, damage repairs, maintenance fees, modification of existing access and usage fees, use and reports of use of funds received from state agencies, franchise and similar fees from cable providers, existing rights of telecommunications providers to use of public rights-of way, Township intent in enacting this ordinance, reservation of police powers in the Township, severability of ordinance provisions, authority of Township officials to issue Ordinance infraction citations, penalties for violation of this ordinance, repeal of prior inconsistent ordinances, and effective date of this Ordinance. Each particular section is more specifically summarized below:

Section 1. Title-The rules regarding telecommunications rights-of-way shall be known as the Ash Township Metropolitan Telecommunications Rights-of-Way Oversight Ordinance.

Section 2. Purpose-The purposes of this ordinance include regulating access and use of public rights-of-way by telecommunications providers for their facilities.

Section 3. Conflict; Definitions-No provision of this ordinance should be construed to conflict with any other applicable laws. This section also describes the meaning of words contained within this ordinance to aid in the interpretation of same.

Section 4. Permit Required-Telecommunications providers using or seeking to use public rights-of-way must apply for a permit from the Township, together with a one-time, non-refundable \$500.00 fee. Application forms must include route maps. Authorizations or permits previously issued by the Township under Section 251 of the Michigan Telecommunications Act, and authorizations issued prior to the 1995 enactment of Section 251 but after 1985 shall satisfy the permit requirements of this ordinance. Existing telecommunications providers with facilities located in a public right-of-way in the Township must submit an application for a permit within 180 days from November 1, 2002. Existing providers are not required to pay the one-time \$500.00 fee and may be given an additional 180 days by the Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority ("Authority") within which to submit a permit application.

Section 5. Issuance of Permit-The Township Supervisor shall make the decision to grant or deny a permit within 45 days after receiving an application, and notify the MSPC of same. The Township Supervisor may require that a bond be posted before issuance of a permit, and may place conditions on any permit issued.

Section 6. Construction/Engineering Permit-A construction or engineering permit must be obtained by a telecommunications provider prior to the commencement of any construction involving a public right-of-way in the Township.

Section 7. Conduit or Utility Poles-There is no right of telecommunications providers to use conduits or utility poles.

Section 8. Route Maps- A provider shall submit an updated route map to both the Township and the MSPC within 90 days after constructing new facilities within the Township.

Section 9. Repair of Damage-Telecommunications providers must repair all damage to streets and public rights-of-way caused by the provider's actions.

Section 10. Establishment and Payment of Maintenance Fees-Providers must pay annual fees to the Authority.

Section 11. Modification of Existing Fees-Fees charged to current telecommunications providers will be modified and will not exceed statutory limits.

Section 12. Savings Clause-Section 11 of this ordinance is subject to changes made to the Michigan Telecommunications Act.

Section 13. Use of Funds-All funds received by the Township from the Authority shall be used for rights-of-way related purposes.

Section 14. Annual Report-If the population of the Township increases to 10,000 persons or more, the Township Supervisor must file an annual report regarding use of funds with the Authority.

Section 15. Cable Television Operators-Beginning November 1, 2002, cable operators are not required to pay franchise fees on income from broadband internet services.

Section 16. Existing Rights-Except with respect to fees, this ordinance does not affect existing rights of telecommunications providers or the Township in relation to rights-of-way.

Section 17. Compliance-The Township shall fully comply with all requirements established by the Act.

Section 18. Reservation of Police Powers-This ordinance does not limit the Township's authority with respect to rights-of-way within the Township.

Section 19. Severability-If any provision of this Ordinance is deemed to be invalid, the remaining provisions will remain in full force and effect.

Section 20. Authorized Township Officials-The Township Supervisor or her designee has authority to issue municipal civil infraction notices for violations of this act.

Section 21. Penalty-Violations of this act may be punished as provided in Public Act 48 of 2002, and/or as otherwise provided for by law.

Section 22. Repealer-Prior ordinances, or provisions thereof, that are inconsistent with this ordinance are hereby repealed.

Section 23. Effective Date-This ordinance shall take effect 30 days after a summary of the ordinance has been published in a newspaper with general circulation in Ash Township.



WADE TRIM

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Taylor, MI

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Key Largo, FL

Palm Bay, FL

Palm Coast, FL

Tampa, FL