

ST. CHARLES TOWNSHIP

ZONING ORDINANCE

**ST. CHARLES TOWNSHIP,
SAGINAW COUNTY, MICHIGAN**

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PREPARED BY THE
ST. CHARLES TOWNSHIP PLANNING COMMISSION

WITH THE ASSISTANCE OF THE
SAGINAW COUNTY METROPOLITAN PLANNING COMMISSION

St. Charles Township Zoning Ordinance

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Chapter 1

Miscellaneous Provisions

101. Short Title

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

102. Legal Basis

This Ordinance has been prepared and adopted under the authority of the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, as amended. Where in this Ordinance reference is made to the Township Zoning Act or the Township Rural Zoning Act and the same has not been changed by official amendment to this Ordinance, the reference shall be to the Zoning Enabling Act, PA 110 of 2006, as amended. Where, in this Ordinance reference is made to the "TZA" meaning the "Township Zoning Act" (PA 184 of 1943 repealed effective July 1, 2006), or the "TRZA" meaning the Township Rural Zoning Act (PA 184 of 1942, as amended) that reference shall be to the Michigan Zoning Enabling Act. The acronym "ZEA" as it may be utilized throughout this Ordinance shall mean the Zoning Enabling Act, PA 110 of 2006, as amended.

103. Purpose

This Ordinance has been prepared and adopted for the purpose of providing standards and regulations for land development, for the use of land and buildings, and for all other purposes described in the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, as amended. Also, this Ordinance is based on the St. Charles Township Master Plan, and is intended to carry out the objectives of that Plan. It is also the general purpose of this Ordinance to accomplish the following objectives:

- (1) Guide the use and development of the community's lands and natural resources in accordance with their character, adaptability, and suitability for particular uses.
- (2) Protect the character of the community and enhance the social and economic stability of the Township and the individual zoning districts as set forth in this Ordinance.
- (3) Lessen congestion on the public streets and highways, and facilitate safe and convenient access to the various uses of land and buildings throughout the community.
- (4) Facilitate adequate provisions for sewage disposal, drainage, water supply, education, recreation, and other public services.
- (5) Conserve life, property, natural resources, and the expenditure of public funds for

public facilities and services by establishing standards for the physical development of the community, and providing for the enforcement of those standards

- (6) Adopt provisions for each zoning district designated in this Ordinance that shall control the use of land; the use, size and location of buildings; the minimum yards, courts and other open spaces; and the maximum number of families to be housed in buildings and structures.
- (7) Furthermore, any Business or Organization in violation of Local, State or Federal Law is prohibited from locating or operating in the Township of St. Charles.

104. Interpretation

This Ordinance does not repeal other laws and ordinances except as may be noted in the provisions that follow this section. This Ordinance has no effect on the applicability of private deed restrictions or restrictive covenants.

In cases where this Ordinance imposes greater restrictions on the use of land, buildings, structures, or on the commencement of land development projects, or requires larger lots, setbacks, or parking areas than provided by other laws, ordinances, or private deed restrictions or restrictive covenants, the provisions of this Ordinance shall prevail.

In cases where this Ordinance establishes lesser restrictions on the use of land, buildings, structure, or on the commencement of land development projects, or requires smaller lots, setbacks or parking areas than provided by other laws, ordinances, or private deed restrictions or protective covenants, the provisions of those other laws, ordinances, restrictions or covenants shall prevail.

105. Repeal

This Ordinance repeals and replaces the previous St. Charles Township Zoning Ordinance in its entirety.

106. Validity

This Ordinance and the various sections, subsections, clauses, sentences, and provisions are severable. If any section, subsection, clause, sentence or provision is declared to be unconstitutional or invalid, the balance of the Ordinance shall not be affected by the declaration.

107. Effective Date

The St. Charles Township Zoning Ordinance was completely updated and rewritten with an effective date of October 6, 2003. Any amendments made to the ordinance shall be effective as of the effective date of the amendments.

Chapter 2 Definitions

201. Rules of Use and Construction

This chapter defines the words used in this Ordinance. The rules of construction applicable to the words used in this Ordinance are as follows:

- a. Words and phrases that are not defined in this chapter shall be defined in terms of their common or customary usage.
- b. Technical words and phrases that may have peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.
- c. The particular shall control the general.
- d. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- e. When it is consistent with the context, words used in the present tense shall include the future. Words used in the singular form shall include the plural, and the plural form shall include the singular.
- f. The word "person" includes any individual, partnership, association, trust, corporation, or any other legal entity or combination of legal entities.
- g. The word "lot" includes the word "parcel."
- h. Where a standard or regulation involves two or more conditions, provisions, or items that are connected by the conjunction "and" or "or," then the conjunction shall be interpreted as follows:
 1. "**And**" means that all the connected conditions, provisions or items shall apply.
 2. "**Or**" means that the connected conditions, provisions or items may apply singly or in combination.

202. Definitions

(1) Abutting (lot or parcel)

A lot or parcel that shares a common border with the subject lot or parcel.

(2) Access management (access control)

A technique to improve traffic operations along a major roadway and decrease the potential for accidents through the control of driveway locations and design; consideration of the relationship of traffic activity for properties adjacent to, and across from, one another; and the promotion of alternatives .10 direct access.

(3) Access to property, reasonable

A property owner's legal right, incident to property ownership, to access a public road right-of-way. Reasonable access to property may be indirect or certain turning movements prohibited for improved safety and traffic operations.

(4) Accessory building

A freestanding building that is located on the same lot on which a principal use or principal building is located, and that is devoted to and occupied by a use that is incidental and subordinate to the principal use. Examples of accessory buildings include, but are not limited to, detached residential garages and sheds, boat houses, snowmobile sheds, greenhouses, guard or gate houses, and barns.

(5) Accessory Structure

A freestanding structure that is located on the same lot on which a principal use or principal building is located, and that is devoted to a use that is incidental and subordinate to the principal use. Examples of accessory structures include, but are not limited to, dish and other types of antennae, fences and walls, freestanding lighting fixtures, silos and other agricultural structures, and residential swimming pools.

(6) Accessory Use

A use of land that is customarily incidental and subordinate to the principal use of a lot, and that is located on the same lot on which that principal use is located. See supplementary use regulations at Chapter 3, Section 302(6).

(7) Adjacent (lot or parcel)

A lot or parcel which abuts or is directly across a street right-of-way or alley from any lot or parcel line of the subject lot or parcel.

(8) Adult Entertainment Business

Any business, club, or other organization where one or more persons display "specified anatomical areas" or engage in "specified sexual activities" as defined elsewhere by this Ordinance, either in person or by photograph, motion picture, television, or other type of image. The definition of "adult entertainment business" includes, without limitation, "adult bookstore," "adult theater," "massage parlor," and so forth.

(9) Adult Foster Care Home

A private home licensed by the State of Michigan for the care of sick, elderly, or handicapped adults. A "family" home is further defined as having 1 to 6 adults and a "group" home as having from 7 to 20 adults. This definition does not include the care of persons released from or assigned to adult correctional institutions.

(10) Agriculture

Farms and general farming, including horticulture, floriculture, dairying, livestock, and poultry raising, farm forestry, and other similar enterprises or uses.

(11) Alteration

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

(12) Animal, wild

Any animal not domesticated by humans or any animal which a person is prohibited from possessing by law. Wild animals shall include, but shall not be limited to, the following: alligator (family), deer (family), opossum (family), badger, dog (wild family), primate excluding humans (family), bear, dog-wolf, raccoon, ferret, skunk, cat (wild family), lemur, spider (poisonous), coyote, lizard (poisonous), weasel (family), and marten.

(13) Basement

That portion of a building which is part or wholly below grade but so located that the vertical distance from the mean grade to the floor is greater than the vertical distance from the mean grade to the ceiling (See Figure 2-1).

(14) Bed and Breakfast Establishment

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

(15) Berm

A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes.

(16) Billboard

An outdoor sign, structure or symbol advertising services or products which are not made, produced, assembled, stored, or sold upon or from the lot or premises upon which the same is located.

(17) Blight Ordinance

The St. Charles Township Blight Ordinance.

(18) Board of Appeals

The St. Charles Township Zoning Board of Appeals.

(19) Buffer zone

A strip of land often required between certain zoning districts reserved for plant material, berms, walls, or fencing to serve as a visual barrier.

(20) Building

Any structure which is erected having a roof supported by columns or walls, which is used or erected for the shelter or enclosure of persons, animals or personal property or for carrying on business activities or other similar uses.

(21) Building height

The vertical distance from the established grade at the center of the front of the building to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to the mean elevation level between eaves and ridge of a gable, hip or gambrel roof (See Figure 2-2).

(22) Building line

A horizontal line generally parallel to a front, rear, or side lot line which is located at the point of the foundation of a principal building nearest to the front, rear, or side lot line.

(23) Building, Main, (also Building, Principal) A building in which the principal or main use of the lot on which it is situated occurs.

(24) Building Setback Line

A line indicating the minimum distance required to be maintained between a street right-of-way and the nearest supporting member of any structure on the lot.

(24) Bulk Station

A place where petroleum (including liquefied petroleum gas), gasoline, naphtha, benzene, kerosene, or any other flammable liquid is stored for wholesale purposes only, and where the aggregate capacity of all storage tanks is more than six thousand (6,000) gallons.

(25) Certificate of Occupancy

A document issued by the Building Inspector certifying that the described property has complied with the provisions of the Building Code and may be legally occupied.

(26) Child Care Center (Day Care Center)

A facility, other than a single-family dwelling, receiving more than six (6) preschool or school age children for group care for periods of less than twenty-four (24) hours per day, and where the parents or guardians are not immediately available to the children. A child care center or day care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. These facilities are also known as day nurseries, nursery schools, parent cooperatives, or preschools, play group, or drop-in center.

(27) Church

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

(28) Clinic

An establishment housing facilities for medical, dental or psychiatric diagnosis and treatment, exclusive of major surgical procedures, for sick, ailing and injured persons who are not kept overnight on the premises.

(29) Club

A nonprofit association of persons who are bona fide members, paying regular dues and are organized for some common purpose, but not a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

(30) Common land

A parcel or parcels of land with the improvements thereon, the use, maintenance and enjoyment of which are intended to be shared by the owners and or occupants of individual building units in a subdivision or a planned unit development.

(31) Common open space

An unoccupied area within a planned unit development which is reserved primarily for the leisure and recreational use of all the planned unit development residents, owners and occupants, and generally owned and maintained in common by them, often through a homeowners association.

(32) Condominium Act

Michigan Public Act 59 of 1978, as amended.

(33) Condominium project

Equivalent to "Subdivision" as used in this Ordinance.

(34) Condominium project, mobile home

A condominium project in which mobile homes are intended to be located upon separate sites which constitute individual condominium units.

(35) Condominium setbacks shall be measured as follows:

Front Yard Setback: The distance between the street centerline and the unit site.

Side Yard Setback: The distance between the limits of the development and the side of a unit, or the distance between the sides of any adjacent units.

Rear Yard Setback: The distance between the limit of the development and the rear of the unit, or the distance between the rears of any two adjacent units.

(36) Condominium subdivision plan

The site, survey and utility plans, and sections showing the existing and proposed structures and improvements including the location thereof on the land. The plan shall follow and show all aspects as required under the Condominium Act.

(37) Condominium unit

That portion of the condominium project designed and intended for separate ownership as described in the Master Deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use.

(38) Condominium unit site

The area designating the perimeter within which the condominium unit must be built. After construction of the condominium unit, the balance of the condominium unit site shall become a limited common element. The term "condominium unit site" shall be equivalent to the term "lot", for purposes of determining compliance of a site condominium subdivision with provisions of the Ordinance pertaining to minimum lot size, minimum lot width, maximum lot coverage and maximum floor area ratio.

(39) Construction

The building, erection, alteration, repair, renovation, demolition or removal of any building, structure or structural foundation; or the physical excavation, filling and grading of any lot other than normal maintenance.

(40) Convenience store with gasoline sales

An establishment that retails convenience food items which occupy fifty (50) square feet or greater of the sales area in conjunction with gasoline sales.

(41) Crematory (Also "crematorium")

A licensed facility where deceased human bodies are consumed by incineration and the ashes collected for burial or storage elsewhere.

(42) Cul-de-sac

A dead end public or private street, generally short in distance, which terminates in a circular or semi-circular section of street which allows for vehicle turnaround.

(43) Deceleration lane

An added roadway lane that permits vehicles to slow down and leave the main vehicle stream before turning.

(44) Density

The number of dwelling units situated on or to be developed per net or gross acre of land. For the residential component of Planned Unit Developments, the overall maximum unit density calculations shall include wetland areas regulated by the State of Michigan and wetland areas not regulated by the State, but shall not include floodplains or surface water bodies such as rivers, streams, lakes or ponds over five acres in size which are permanently or typically covered with water.

(45) Detention facility

A facility designed for holding stormwater runoff for a short period of time and then releasing it to the natural watercourse where it returns to the hydrologic cycle.

(46) Development

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

(47) Division

See "Land Division"

(48) Drainageways and streams

Existing permanent or intermittent water courses.

(49) Drive through business

A business establishment so developed that its retail or service character is wholly or partially dependent on providing a driveway approach and service windows or facilities for vehicles in order to serve patrons while in the vehicle.

(50) Driveway

An improved or unimproved path or road extending from a public or private road or right-of-way to a single building, dwelling or structure, and intended to provide ingress and egress primarily for the occupants.

(51) Dwelling, multiple family

A building containing three (3) or more dwelling units designed for exclusive use and occupancy by three (3) or more families.

(52) Dwelling, single family

A building designed for exclusive use and occupancy as a dwelling unit by one (1) family.

(53) Dwelling, two family

A building containing two separate dwelling units designed for residential use and connected by either a common wall or an attached garage area.

(54) Dwelling unit

A building, or part thereof, providing complete living facilities, including provisions for sleeping, cooking, eating and sanitation, for exclusive use by one family, with no ingress or egress through any other dwelling unit.

(55) Dwelling unit, attached

A dwelling unit attached to one or more dwelling units by common major structural elements.

(56) Dwelling unit, detached

A dwelling unit which is not attached to any other dwelling unit by any means.

(57) Easement

A grant of one or more of the property rights by a property owner to the public, or another person or entity.

(58) Endangered species habitat

An area where a plant or animal listed as an endangered species by state or federal agencies naturally grows or lives, or identified habitat sites designated on the Michigan Natural Features Inventory.

(59) Erected

Means built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for the construction. Excavation, fill drainage and the like shall be considered a part of erection.

(60) Essential public services

The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers and other similar equipment and accessories in connection therewith, (but not including buildings or substations) reasonably necessary for the furnishing of adequate service by each public utilities, or township departments or commissions for the public health, safety or general welfare.

(61) Essential public service building

A building or structure principal to an essential public service, such as a drop-off station for residential recyclables, vehicle garages, telephone exchange buildings, electricity transformer stations or substations, gas regulator stations, radio and television towers, and cellular phone antennas.

(62) Essential public service building storage yard

An outdoor storage area principal or accessory to an essential public service.

(63) Excavation

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

(64) Family

- a. An individual or group of two (2) or more persons related by blood, marriage or adoption, including those related as foster children, who are domiciled together as a single, domestic, non-profit housekeeping unit in a dwelling unit, or
- b. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing, non-transient, distinct domestic character and who are cooking and living as a single, non-profit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, organization, or group of students or other individuals whose domestic relationship is of a transitory

or seasonal nature or for an anticipated limited duration of a school term or terms of other similar determinable period.

(65) Family Day Care Home

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

(66) Farm

The land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products on a parcel that is ten (10) acres or larger in area.

(67) Farm Operation

The operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products, including those activities specified in the Michigan Right to Farm Act (P.A. 93 of 1981, as amended).

(68) Fence

An accessory structure intended for use as a barrier to property ingress or egress, a screen from an objectionable vista or noise, and/or for decorative use.

(69) Filling

The depositing or dumping of any matter onto, or into, the ground, except common household gardening and ground care.

(70) Financial services

Establishments such as banks, savings and loan institutions, credit unions, brokerage houses, and similar establishments.

(71) Flag lot

A "panhandle" shaped lot or parcel with its widest area set back some distance from a public road and having a narrow strip of land that connects to the public road to provide access.

(72) Flood or flooding

A temporary increase in the stage of a river or stream resulting in the inundation of lands not normally covered by water.

(73) Flood hazard area

Land which on the basis of available floodplain information is subject to a one percent (1%) or greater chance of flooding in any given year.

(74) Flood Insurance Rate Map (FIRM)

An official map of a community, on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

(75) Flood Insurance Study

The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, the water surface elevation of the base flood, and may include a Flood Hazard Boundary - Floodway Map.

(76) Floodplain

The area of land area adjoining a river or stream that will be inundated by a 100-year flood.

(77) Floodway

The channel of a river or stream and the portions of the floodplain adjoining the channel that are reasonably required to carry and discharge a 100-year flood.

(78) Floor area, usable

That area 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, stairways, and elevator shafts, or for utilities for sanitary facilities, shall be excluded from the computation of usable floor area. Usable floor area shall be measured from the interior faces of the exterior walls, and total usable floor area for a building shall include the sum of the usable floor area for all floors.

(79) Floor area, gross

The sum of the horizontal areas of each story of a building, measured from the faces of the exterior walls, exclusive of mechanical areas, elevator shafts, stairwells and vent shafts for more than one floor, and uninhabitable attics or basements having headroom of seven (7) feet or less.

(80) Floor area, residential

The sum of the horizontal areas of each story of a dwelling unit, measured from the interior faces of the exterior walls, exclusive of areas of basements, unfinished attics, attached garages, carports, breezeways and enclosed or unenclosed porches.

(81) Foster care home, family

A single-family dwelling occupied as such in which one (1) but not more than four (4) minor children, who are not related to an adult member of the family occupying the single-family dwelling by blood, marriage or adoption, are given care and supervision for twenty four (24) hours per day, unattended by a parent or legal guardian.

(82) Foster care home, group

A single-family dwelling occupied as such in which more than four (4) but less than seven (7) minor children, who are not related to an adult member of the family occupying the single-family dwelling by blood, marriage or adoption, are given care and supervision for twenty four (24) hours per day, unattended by a parent or legal guardian.

(83) Freeway Interchange

An area designed to provide for the ingress and egress of vehicular traffic to and from a freeway or other limited access highway.

(84) Frontage

The total length along which a parcel of land fronts on a street, measured along the line where the property abuts the street right-of-way.

(85) Frontage road

A public or private drive which generally parallels a public street between the right-of-way and the front building setback line. Frontage roads can be one-way or bi-directional in design. The frontage road provides specific access points to private properties while maintaining separation between the street and adjacent land uses. A road which allows parking or is used as a maneuvering aisle within a parking area is generally not considered a frontage road.

(86) Garage

The part of a main building or an accessory building used primarily for the parking or storage of vehicles necessary in connection with the permitted use of the main building, where there is no vehicle servicing for compensation.

(87) Garden center

An establishment with retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment.

(88) Glare

The effect produced at the lot line by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

(89) Grade, average (mean)

The arithmetic average of the lowest and highest grade elevations in an area within five (5) feet of the foundation line of a building or structure (See Figure 2-3).

(90) Grade, finished

The lowest point of elevation between the exterior wall of the structure and a line five (5) feet from the exterior wall of the structure.

(91) Grade, natural

The elevation of the ground surface in its natural state, before construction begins.

(92) Greenbelt

A strip of land which shall be of sufficient width and density of planting materials to screen adjacent properties from view.

(93) Group day care home

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

(94) Health Care Institution

A state licensed medical establishment whose facilities provide in-patient accommodation, a wide range of medical and surgical care, and other in-patient health services for sick, ailing or injured persons; and including such related facilities as laboratories, outpatient departments, training facilities, central services and staff offices and residences which are integral with and accessory to the principal use of the establishment.

(95) Home occupation

An occupation or profession carried on by an occupant of a dwelling unit as a secondary use that is clearly subservient to the use of the dwelling for residential purposes. Home occupations must meet the standards specified in this Ordinance.

(96) Home Sale

A sale of personal property conducted at a residential dwelling on a temporary basis. Home sales include garage sales, yard sales, porch sales, basement sales, and the like.

(97) Hospital

See "Health Care Institution."

(98) Hotel or Motel

Any establishment in which individual cabins, courts, rooms, suites or similar structures or units are rented to transients for temporary periods of time. A "hotel" shall include tourist cabins and homes and motels, but shall not include bed and breakfast establishments. A hotel shall not be considered or construed to be a multiple family dwelling.

(99) Improved area

A road surface that is part of a private road and that meets or exceeds the standards of the Saginaw County Road Commission for an aggregate base course road.

(100) Indoor recreation establishment

A privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities indoors (within an

enclosed building) and operated as a business and open for use by the public for a fee, such as fitness centers, bowling alleys, indoor softball, and racquetball and tennis clubs.

(101) Institutional uses

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

(102) Junkyard or recycling yard

Any land or building that is properly licensed and used for commercial storage and/or sorting, recycling, or sale of paper, rags, scrap metals, salvaged building materials, other scrap or discarded materials, or for the dismantling, storage or salvaging of automobiles or other vehicles not in running condition, or of machinery or parts thereof, but not including a dump.

(103) Kennel

Any land, building or structure where four (4) or more cats and/or dogs over six (6) months of age are either permanently or temporarily boarded, housed, bred or sold for specified compensation.

(104) Land Division (also "Division")

Land division means the partitioning or splitting of a parcel or tract of land that results in one or more parcels of less than 40 acres, and that meets the requirements of the Land Division Act, Act 591 PA 1996, as amended.

(105) Livestock Production Facility

Any facility where farm animals as defined in the Right to Farm Act (P.A. 93 of 1981, as amended) are confined with a capacity of 50 animal units or greater, and the associated manure storage facilities.

(106) 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 material.

(107) Lot

A parcel of land separated from other parcels of land by description on a recorded plat or by metes and bounds description, including a condominium unit site in a site condominium subdivision; having frontage upon a public or private street and having sufficient size to comply with the requirements of the Ordinance for: minimum area, setbacks, coverage, and open space. A lot may or may not be specifically designated as part of the public record.

(108) Lot area

The total horizontal area included within lot lines. Where the front lot line is the centerline of a public street, the lot area shall include that part which is in the public right-of-way.

(109) Lot area, net buildable

The net lot area less areas devoted to floodplains or surface water bodies; water bodies being defined as areas greater than five (5) acres in size (either before or after project implementation) which are periodically or permanently covered with water.

For Planned Unit Developments, net buildable lot area is the net lot area less area devoted to water bodies; water bodies being defined as areas greater than five (5) acres in size (either before or after project implementation) which are periodically or permanently covered with water. However, in determining the overall density for the residential component of a Planned Unit Development, State regulated wetlands and non-State regulated wetlands may be included — see definition for density.

(110) Lot, corner

A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred and thirty five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the curve is of less radius than one hundred and fifty (150) feet, and tangents to the curve, at the two points where the side lot lines meet the curve, form an interior angle of less than one hundred and thirty five (135) degrees (See Figure 2-4).

(111) Lot coverage

A part or percentage of a lot occupied by buildings or structures.

(112) Lot depth

The arithmetic mean of the shortest and longest distances from the front lot line to the rear lot line (See Figure 2-5).

(113) Lot frontage

The length of the front lot line.

(114) Lot, interior

A lot other than a corner lot which, with the exception of a "through lot," has only one lot line fronting on a street.

(115) Lot line

The line bounding a lot, parcel, or general common element if there is no limited common element, which separates the lot, parcel, or general common element if there is no limited common element, from another lot, parcel, general common element if there is no limited common element, existing street right-of-way, approved private road easement, or ordinary high water mark.

(116) Lot lines

- a. *Front lot line:* In the case of an interior lot, abutting upon one (1) public or private street, the front lot line shall mean the line separating such lot from such right-of-way (See Figure 2-6).

- b. **Rear lot line:** That lot line which is opposite and most distant from the front lot line. In the case of an irregular or triangular shaped lot, a line at least ten (10) feet in length, entirely within the lot, and generally parallel to and most distant from the front lot line (See Figure 2-6).
- c. **Side lot line:** Any lot line not a front or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line (See Figure 2-6).
- d. In the case of a lot fronting on right-of-way on two or more sides, or other case in which the above definitions do not apply, the Zoning Administrator shall designate front, rear and side lot lines, based on the following considerations:
 - 1. location and orientation of existing or proposed buildings on the lot in question, in relation to existing buildings on properties in the same general neighborhood.
 - 2. location and effect of vegetation, water, or other natural features affecting location of buildings or structures on the lot in question.

(117) Lot, nonconforming

A lot of record which does not meet the dimensional requirements of this Ordinance.

(118) 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.

(119) Lot, through (also "double frontage lot")

An interior lot having frontage on two (2) more or less parallel streets.

(120) Lot width

The horizontal distance between side lot lines measured parallel to the front lot line at the front setback line (See Figure 2-6).

(121) Manufactured home

A mobile home, residential building, dwelling unit, dwelling room or rooms, or a building component which is designed for long term residential use and is wholly or substantially constructed at an off-site location, transported to a site and erected.

(122) Medical clinic

An establishment where human patients are admitted for examination and treatment by a group of physicians, dentists or similar professionals on an out-patient basis. A clinic may incorporate customary laboratories and pharmacies incidental or necessary to its operation.

(123) Mini-warehouse (also "self-storage warehouse")

A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers strictly for the storage of a customer's non-hazardous goods or wares.

(124) Mobile home

A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained in the structure. "Mobile home" does not include a recreational vehicle or motor home.

(125) Mobile home park

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

(126) Mobile home site or space

A portion of the mobile home park set aside and clearly designated for use by a specific mobile home.

(127) Mobile home subdivision

A platted residential development consisting of mobile homes or single and two family dwellings located on individual, separately-owned lots.

(128) Motel (See "hotel")

(129) Motor home

A self-propelled, licensed vehicle prefabricated on its own chassis, intended for recreational activities and temporary occupancy.

(130) Non-Conforming use

The use of a building or of land lawfully existing at the time this Ordinance or amendments became effective but which does not conform with the use regulations of the district in which it is located.

(131) Non-Conforming lot of record ("Substandard lot")

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

(132) Non-Conforming structure

A structure, or portion thereof, lawfully existing at the time this Ordinance or amendments became effective and which fails to meet the minimum requirements of the zoning district in which it is located.

(133) Nursery, plant

A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for wholesale or retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

(134) Obscuring screen

A visual barrier between adjacent areas or uses. The screen may consist of structures such as a wall, fence, or earthen berm, as specified in this Ordinance.

(135) Offset

The distance between the centerlines of driveways or streets across the street from one another.

(136) 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 two (2) vehicles.

(137) Open air business

A retail sales establishment operated substantially in the open air and outside of any enclosed building.

(138) Ordinary high water mark

The line, as determined by a Registered Land Surveyor, between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface soil, and the vegetation.

(138.5) ORV Recreation. An "All-terrain vehicle" (ATV) is a 3- or 4- wheeled vehicle designed for off-road use that has low-pressure tires, a seat designed to be straddled by the rider, and is powered by a 50 cc to 500 cc gasoline engine of comparable size using other fuels. An off-road vehicle (ORV) is a motor driven off-road recreation vehicle capable of cross-country travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland, or other natural terrain. An ORV includes, but is not limited to, a multi-track or multi- wheel drive vehicle, an amphibious machine, a ground effect air cushion vehicle, or other means of transportation deriving moving power from a source other than muscle or wind. Examples of an ORV include an all-terrain vehicle (ATV), a mini-bike, motorbike, motorcycle or dirt bike. ORV Recreation is a special land use in some zoning districts and is subject to the provisions of the special land use provisions related thereto. ORV recreation includes riding for fun, recreation, profit and/or racing ATV's, ORV's, jeeps, dirt bikes, motocross bikes, trucks and other motorized vehicles except golf carts. ORV Recreation does not apply to uses necessarily incidental to farming operations, such as may be necessary for transportation on an actually operating farm.

(139) Outdoor recreation establishment

A privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities outdoors (outside of an enclosed building) and operated as a business and open for use by the public for a fee such as tennis courts, archery ranges, golf courses, miniature golf courses, golf driving ranges, and children's amusement parks. This definition does not include the use of off-road vehicles, motorcycles, mini-bikes, dirt bikes, motocross bikes or any other engine powered vehicles (excepting golf carts) ridden for entertainment, enjoyment and/or recreational purposes. See "ORV Recreation" definition, *supra*

(140) Parapet wall

An extension of a building wall above the roof which may serve to screen roof-mounted mechanical equipment.

(141) Parcel

A lot described by metes and bounds or described in a recorded plat.

(142) Parking space (stall)

A designated area of definite length and width for parking of motor vehicles.

(143) Planned unit development

A form of land development comprehensively planned as an entity via a unitary site plan which permits flexibility in building, siting, usable open spaces, and the preservation of significant natural features. Such a development may contain a mix of housing types and non-residential uses.

(144) Planning Commission

The St. Charles Township Planning Commission as duly authorized and acting pursuant to the Planning Enabling Act, Act 33 of 2008, as amended.

(145) Plat

A map of a subdivision of land.

(146) Ponds and lakes

Natural or artificial impoundments that retain water year round.

(147) Principal building or structure

A building or structure in which is conducted the principal use of the lot upon which it is situated.

(148) Principal use

The main use to which the premises are devoted and the principal purpose for which the premises exist.

(149) Principal use, permitted

A use permitted in each zoning district by right.

(150) Private club

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

(151) Private Road

Any undedicated path, trail, or road that provides or is intended to provide the primary means of ingress and egress to two (2) or more parcels, principal buildings, dwelling units, structures, or combination thereof.

(152) Public and semi-public institutional buildings, structures and uses

Buildings, structures, and uses of governmental agencies and non-profit organizations including but not limited to office buildings, municipal parking lots, post offices, libraries, and community centers.

(153) Public park

Any developed park, playground, beach, outdoor swimming pool, intended for active recreational pursuits, within the jurisdiction and control of a governmental agency.

(154) Public open space

Any primarily undeveloped land, intended for passive recreational pursuits, within the jurisdiction and control of a governmental agency.

(155) Public street

A public thoroughfare which affords the principal means of access to abutting property.

(156) Public utility

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

(157) Radioactive materials

Materials defined as radioactive under Michigan Department of Environmental Quality regulations for transportation of radioactive materials or under Saginaw County Health Department regulations, whichever is determined to be applicable.

(158) Recreational vehicle

A vehicle intended and designed primarily for recreational use, such as motor homes, camper trailers, boats, snowmobiles, off-road and all terrain vehicles, and similar vehicles or trailers. The term "recreational vehicle" shall not include motorcycles or motorbikes or other similar means of transportation intended primarily for daily on-street use. Recreational vehicle is not an "off road vehicle". For ORV Recreation, see Section 138.5.

(159) Retail store

Any building or structure in which goods, wares, or merchandise are sold to the consumer for direct consumption and not for resale.

(160) Right-of-way

A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles and under the legal authority of the agency having jurisdiction over the right-of-way.

(161) Salvage

Material to be used for further use, recycling, or sale.

(162) Salvage yard

Any principal or accessory use where salvage or its component parts are bought and sold, exchanged, stored, baled, packed, disassembled, separated, or handled, including but not limited to: scrap iron and other metals, paper, rags, rubber tires and bottles. A "salvage yard" includes automobile wrecking yards and includes any outdoor area for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings. The term "salvage yard" does not include drop-off stations for residential recyclable materials.

(163) Satellite dish antenna

A device incorporating a reflective surface that is solid, open mesh, or bar configured; is in the shape of a shallow dish, parabola, cone or horn. Such a device shall be used to transmit and/or receive television, radio, or other electromagnetic communication signals between terrestrial and/or extraterrestrial-based sources. This definition includes, but is not limited to, what are commonly referred to as satellite earth stations, TYRO's (Television Reception Only satellite antennas), and satellite microwave antennas.

(164) Screen

A structure such as a fence or wall, providing enclosure and a visual barrier between the area enclosed and the adjacent property.

(165) Service drive

A drive which generally parallels the public right-of-way but runs along the back of a land use which fronts on the public street. A service drive may provide access to properties on both sides, and vary in width and design.

(166) Setback, required

The required minimum horizontal distance between a front, rear, or side lot line and a building line. Separate definitions for condominium projects are listed under "condominium setbacks."

(167) Setback, parking lot

The minimum horizontal distance between the street right-of-way or property line and the near edge of a parking lot, excluding necessary and/or approved driveways, frontage roads and landscaping areas.

(168) Shopping center

A commercial enterprise that is planned and developed as a unit, and which includes a group of retail businesses. Off-street parking is provided for the shopping center as a whole, as opposed to providing separate areas for individual businesses.

(169) Shoreline

The edge of a body of water measured at the ordinary high water mark.

(170) Sight distance

The length of roadway that is visible to the driver. Sight distance is generally related to the distance or time (perception/reaction time) sufficient for the driver to execute a maneuver (turn from driveway or side street, stop or pass) without striking another vehicle or object in the roadway.

(171) Sign

A sign is the use of any words, numerals, figures, devices, designs, or trademarks which constitute a name, identification, description, display, or illustration which is affixed or applied to or represented directly or indirectly upon a building structure, or zoning lot, and which directs attention to an object, product, service, activity, person, institution, organization, or business. Various types of signs and their components are further defined as follows:

- a. **Billboard:** A billboard is an outdoor sign, structure, or symbol advertising services or products which are not made, produced, assembled, stored, or sold upon or from the lot or premises upon which the billboard is located. Billboards are also known as "off-premise signs" and "outdoor advertising."
- b. **Sign Area:** The area of a sign shall be computed as the entire area circumscribed by a parallelogram, triangle, circle, or semi-circle, or any combination of these figures, which includes all of the display area of the sign including frames surrounding display areas. For signs that consist of individual letters attached or painted on the wall of a building, with only the wall as background and no added decoration or border, the sign area shall be the geometrical shape formed by an imaginary line along the exterior perimeter of the work, or words as a whole. For purposes of computing sign area, only one side of a sign shall be used.
- c. **Canopy Sign:** A sign that is incorporated into the fabric or material of a canopy with the canopy being attached to an exterior wall or surface of a building. A canopy sign shall be considered a wall sign for purposes of determining sign area. In determining said area, only that portion of the canopy containing lettering or message shall be used as a basis for computation.
- d. **Directional Sign:** A sign directing and guiding vehicular or pedestrian traffic or parking, but bearing no advertising matter except for the "logo" of the business for which the directional signs are associated.
- e. **Flashing Sign:** Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity or color at all times while in use.
- f. **Illuminated Sign:** Any sign designed to give forth artificial light, or designed to reflect any such light given from any source which is intended to cause such light or reflection.

- g. **Political Sign:** Any sign displaying a message and/or image associated with an election, referendum, election campaign, or similar event.
- h. **Portable Sign:** Any sign constructed so as to be readily movable from one location to another and not permanently affixed to a building or the ground. Portable signs include "trailer" signs.
- l. **Real Estate Sign:** A sign advertising that the premises on which the sign is located is for sale, lease, or rent.
- m. **Wall Sign:** A sign attached to or placed flat against the exterior wall or surface of any building, no portion of which projects more than twelve (12) inches from the wall. (See also "canopy sign.")

(172) Site plan

A scaled drawing or set of drawings that illustrate existing conditions and that contain the elements required by this Ordinance as applicable to a proposed development to ensure compliance with zoning provisions.

(173) Special land use

A use of land that is permitted within a particular zoning district only if the applicable standards have been met. A special land use requires that a special use permit be obtained.

(174) Specified Anatomical Areas

Human genitals, pubic region, or any portion of the areola of a female breast when less than completely and opaquely covered, in addition to human genitals in a discernibly turgid state, even if completely and opaquely covered.

(175) Specified Sexual Activities

Human genitals in a state of stimulation or arousal; acts of human masturbation; sexual intercourse (heterosexual or homosexual), or sodomy; fondling of or erotic touching of human genitals, pubic region, buttock or female breast; bestiality; fellation or cunnilingus; and human excretory functions.

(176) Stable, private

An accessory building in which horses are kept for private use and not for remuneration, hire, or sale.

(177) Stable, public (also, "commercial stable")

An accessory building in which horses are kept for remuneration, hire, or sale, including any stable that is incidental to the operation of a club, association, ranch, or similar establishment.

(178) Story

That portion of a building between a floor and the floor or roof next above it. A basement shall be counted as a story if its ceiling is over four (4) feet above the average adjoining ground surface.

(179) Street

A public thoroughfare that affords the principal means of access to abutting property.

(180) Structure

Anything constructed, assembled or erected, the use of which requires location on the ground or attachment to something having location on or in the ground; this term shall include fences which are more than 50% solid, tanks, towers, dish antennae, advertising devices, tents, wagons, trailers, dining cars, or similar structures on wheels or other support used for business or living purposes. The word "structure" shall not apply to wires and their supporting poles or frames or electrical or telephone utilities or to service utilities below the ground.

(181) Structural Alterations

Any changes in the supporting members of a building such as bearing walls, columns, beams or girders, or any substantial changes in the roof and exterior walls or any expansion or addition to the floor space of a building by the addition of bearing walls, columns, beams or girders.

(182) Substantial improvement

Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places.

(183) Temporary building, structure or use

A building, structure or use permitted to exist during periods of construction of the principal building, structure, or use.

(184) Use

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

(185) Variance

A relaxation or modification of the requirements of this Ordinance as authorized by the Board of Zoning Appeals under the provisions of this Ordinance and Act 110 of 2006, as amended.

(186) Vehicle

Any device in, upon, or by which any person or property is or may be transported or drawn upon any street, highway, excepting devices exclusively moved by human power or used exclusively upon stationary rails or tracks.

(187) Veterinary Clinic

A building, or any portion thereof, used for the medical treatment of domesticated animals by a Doctor of Veterinary Medicine and his or her employees, and including exterior or interior kennels or overnight lodging facilities for animals.

(188) Wetland

Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh.

(189) Wetland, regulated

Certain wetlands regulated by the Michigan Department of Environmental Quality under the provisions of Division III of Act 451 of 1994, Part 303 "Wetlands Protection, as amended, and generally defined as land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh and which is any of the following:

- a. Contiguous to an inland lake or pond, or a river or stream;
- b. Not contiguous to an inland lake, pond, river or stream, and more than five (5) acres in size;
- c. Not contiguous to an inland lake or pond, or a river or stream; and five (5) acres or less in size if the Michigan Department of Environmental Quality determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the department has so notified the property owner.

(190) Yard

- a. A space open to the sky and unoccupied or unobstructed, except by encroachments specifically permitted by this Ordinance, on the same lot with a building or structure. A *required yard* is measured between the applicable lot line and the nearest foundation line of a building or structure.

- b. Front yard:* A yard extending across the full width of the lot, the depth of which is the distance between the front lot line and foundation line of the building or structure. In the case of a waterfront lot, the yard on the water side shall be the front yard (See Figure 2-6).
- c. Rear yard:* A yard extending across the full width of the lot, the depth of which is the distance between the rear lot line and rear foundation line of the main building (See Figure 2-6).
- d. Side yard:* A yard between the foundation line of the main building and the side lot line extending from the front yard to the rear yard (See Figure 2-6).

(191) Zoning Act

The Zoning Enabling Act, Act 110 of 2006, as amended.

(192) Zoning Administrator

An individual appointed by the St. Charles Township Board delegated to administer the St. Charles Township Zoning Ordinance.

(193) Zoning Board of Appeals

The St. Charles Township Zoning Board of Appeals created under the Michigan Zoning Enabling Act, Act 110 of 2006, as amended.

(194) Zoning District

A portion of the incorporated area of the township within which certain regulations and requirements, or various combinations thereof apply under the provisions of the Zoning Ordinance.

Figure 2-1

BASEMENT AND STORY

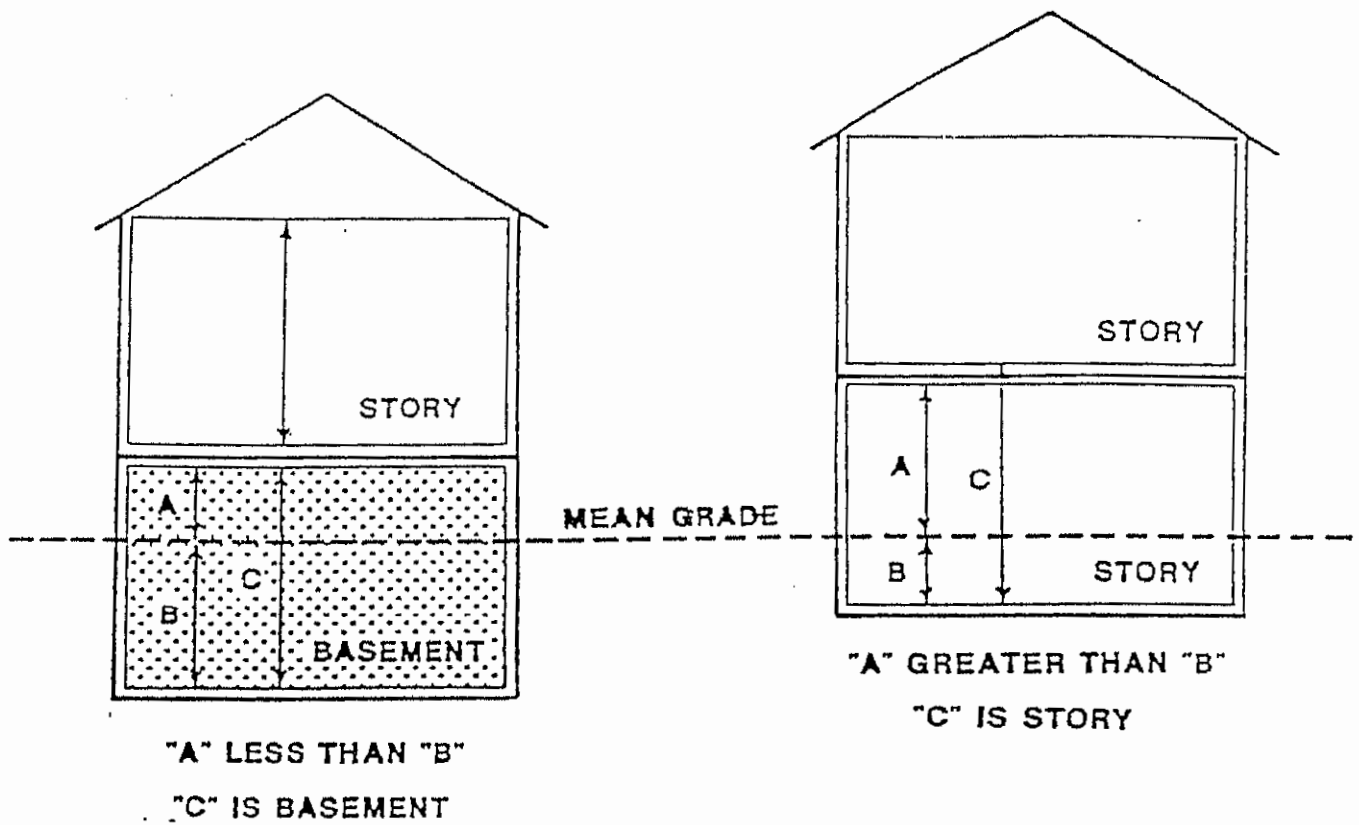
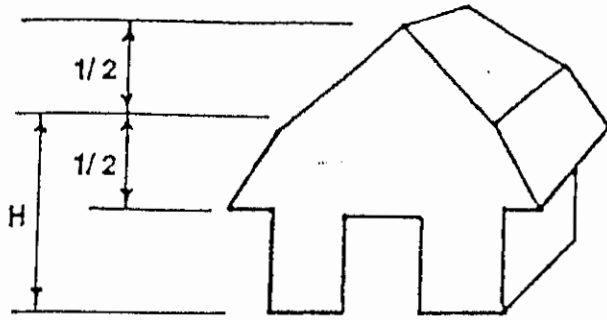
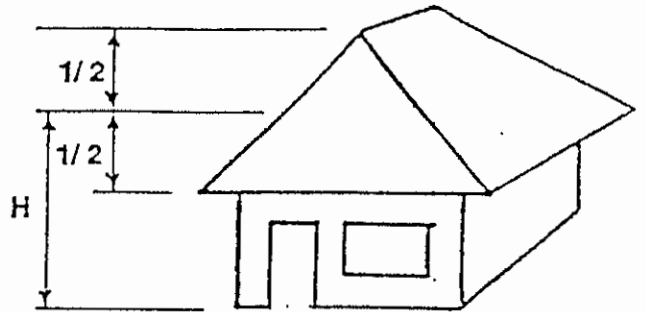


Figure 2-2

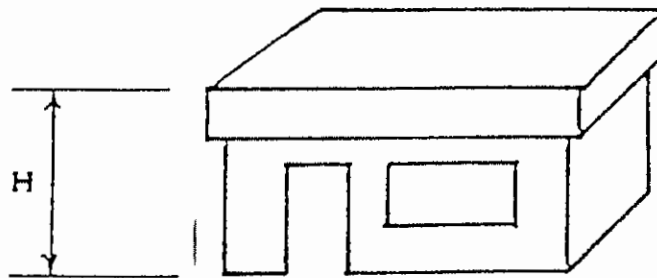
BUILDING HEIGHTS



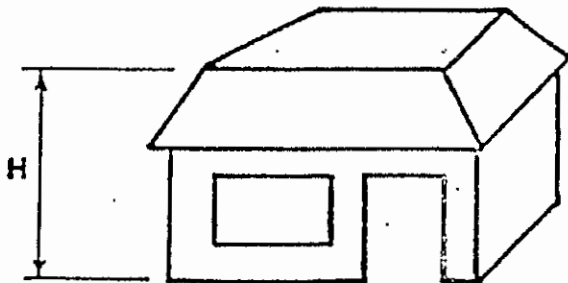
GAMBREL ROOF



HIP ROOF



FLAT ROOF



MANSARD ROOF



GABLE ROOF

Figure 2-3

MEAN GRADE

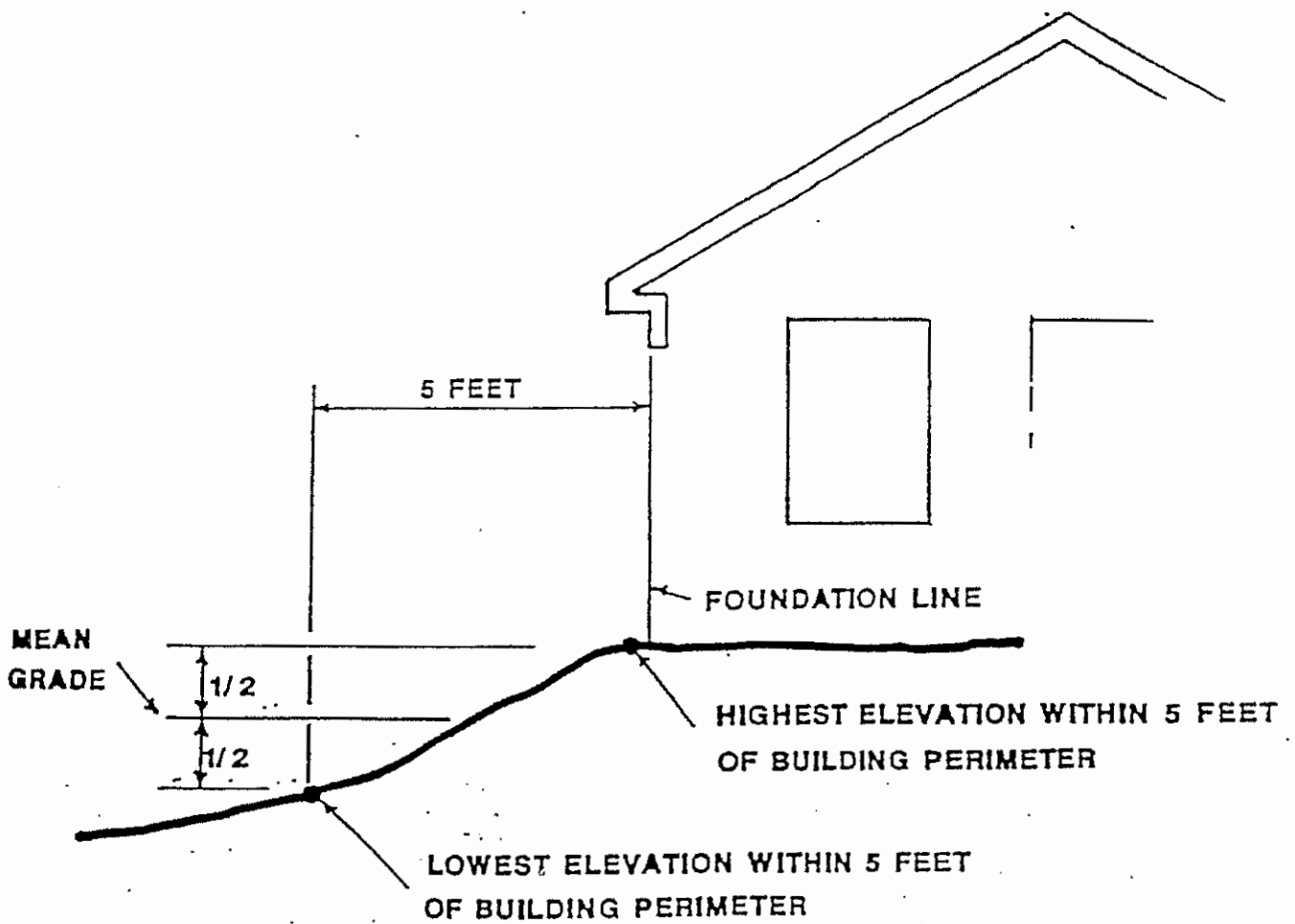


Figure 2-4

CORNER LOT

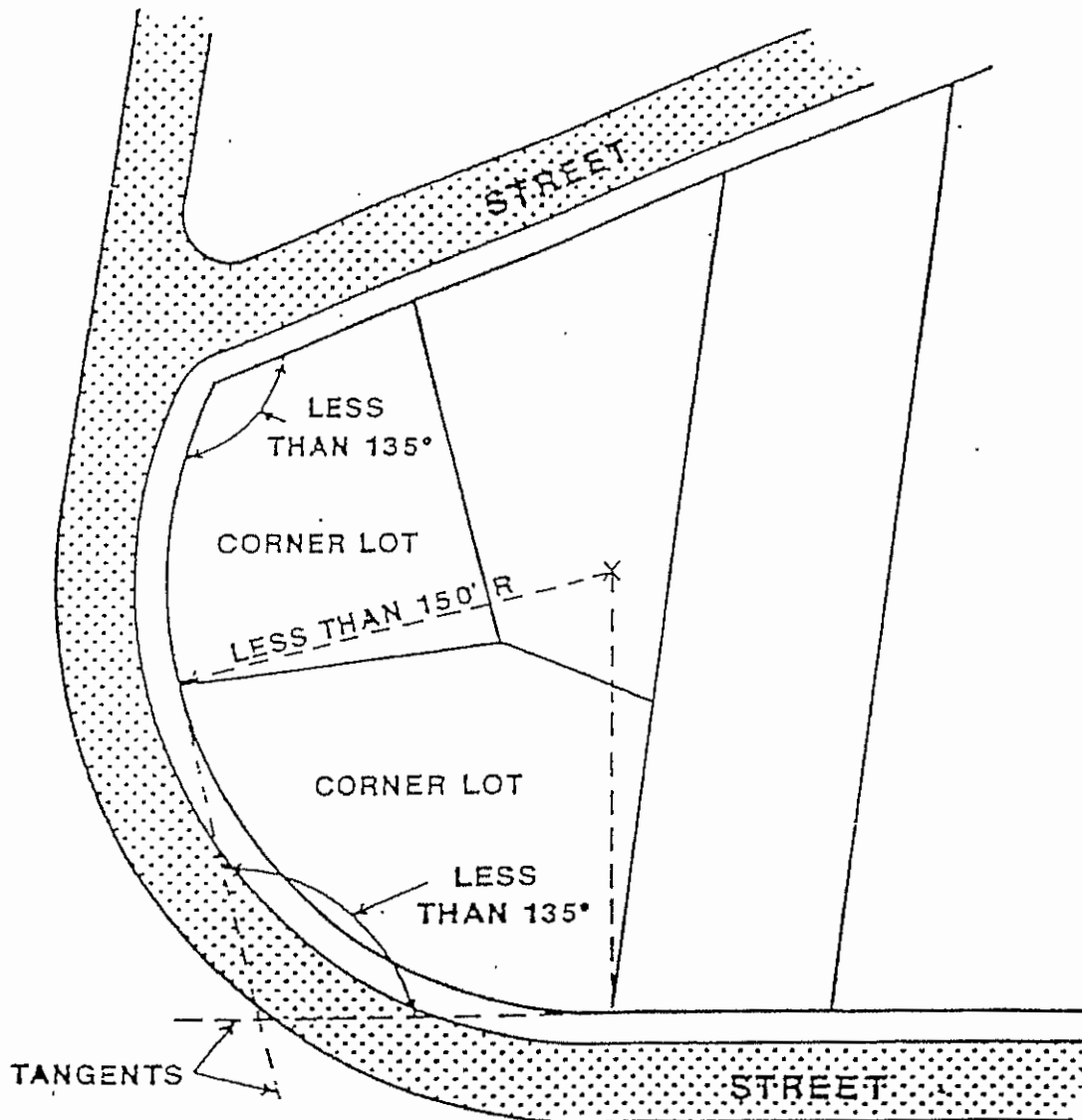
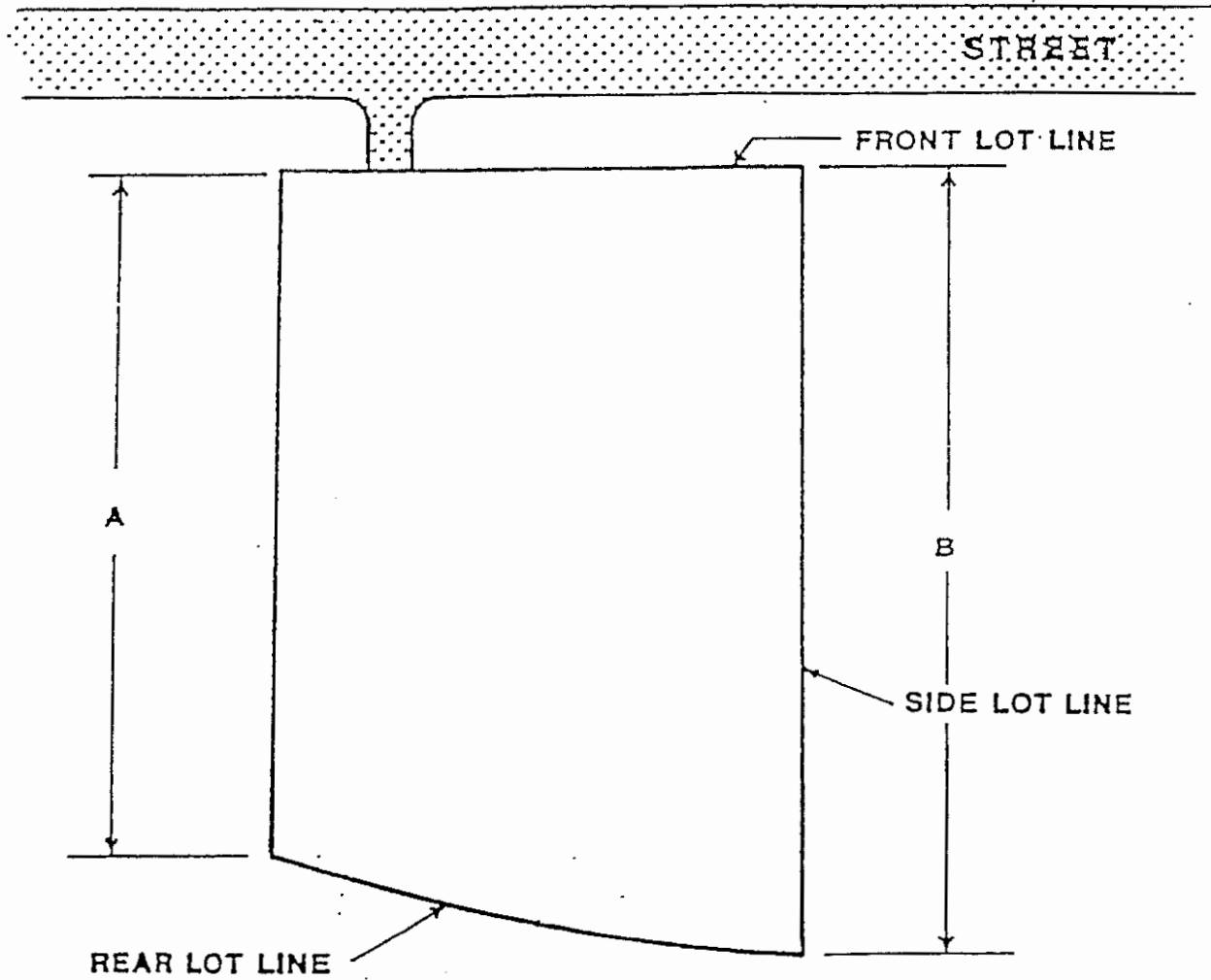


Figure 2-5

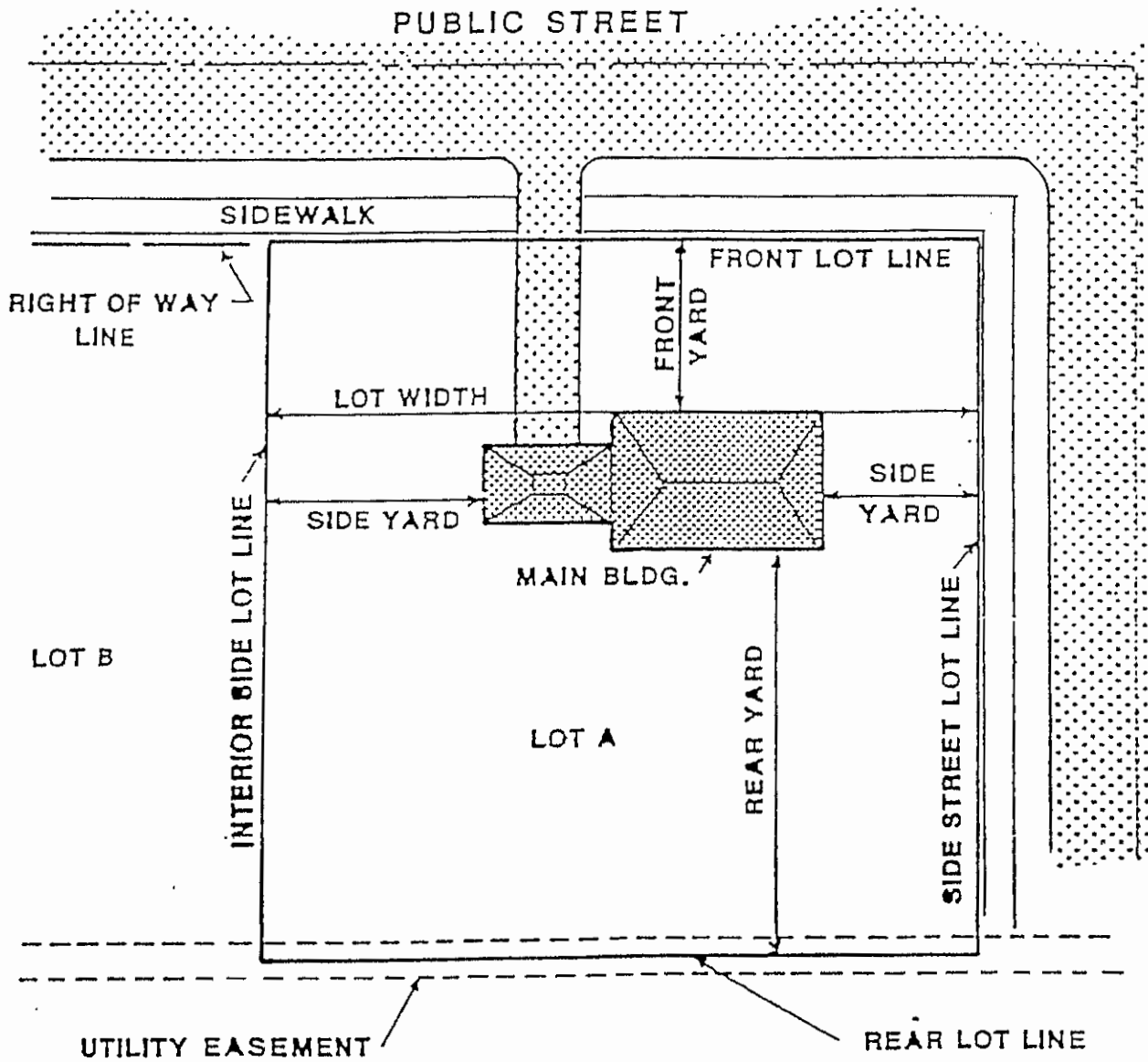
LOT DEPTH



LOT DEPTH = DISTANCE A + DISTANCE B

Figure 2-6

LOT LINES AND YARDS



Chapter 3 General Requirements

Section 301. Scope of Regulations

The standards and regulations contained in this Ordinance shall apply to all land, buildings, structures, land uses, and land development projects that are established or commenced after the effective date of this Ordinance. Accordingly, no lots or parcels may be created or altered, nor any land use be established or commenced, nor any building or structure constructed, altered, or extended, except in a manner that complies with the provisions of this Ordinance.

Section 302. Supplementary Use Regulations

- (1) **Building Permits Required.** Any construction related to any type of zoning approval shall be commenced only after a building permit has been issued.
- (2) **Prior Building Permits.** Any building permit issued prior to the effective date of this Ordinance shall be valid, even though not conforming to the provisions of this Ordinance, *provided* that construction is commenced within ninety (90) days after the date the permit was issued and that the building is completed according to the plans filed with the permit application within one (1) year of the date of issuance.
- (3) **Buildings to be Moved.** No building shall be moved into or within the Township until a permit has been secured for the building to be moved.
- (4) **Temporary Occupancy Permit.** A temporary occupancy permit may be issued for a period of up to six (6) months, and may be renewed once for up to an additional six (6) months..
- (5) **Health Department Approval Required.** Permits shall not be issued for the construction or establishment of buildings or uses requiring water or wastewater systems unless and until an applicant provides copies of the appropriate well and septic permits issued by the Saginaw County Health Department.
- (6) **Accessory Uses.** Nothing in this Ordinance shall be construed to prohibit the following accessory uses. Accessory buildings shall meet the requirements of Section 306.
 - (a) Customary refreshment and service uses and buildings that are incidental to the recreational use of any park or recreation area.
 - (b) Buildings or structures necessary for provision of essential services.

- (c) Gardens, garden ornaments, and usual landscape features within a required yard space.
 - (d) Fences within a required yard space, provided that they comply with the requirements of Section 302(10).
 - (e) Retaining walls.
 - (f) Public playgrounds.
 - (g) Off-street parking for licensed motor vehicles as specified in Chapter 7.
 - (h) Home Occupations.
 - (i) Use of premises as a voting place.
 - (j) The renting of rooms to not more than two (2) non-transient persons in a dwelling unit that is otherwise occupied in a manner permitted in the district in which it is located.
- (7) **Garbage, Rubbish and Junk.** All parcels must be kept free of all garbage, rubbish and junk/salvage as required by the Township Blight Ordinance.
- (8) **Inoperative or Dismantled Vehicles.** The storage of dismantled, wrecked and/or unlicensed vehicles, including recreational equipment, within any Zoning District is expressly prohibited except as provided in the Township Blight Ordinance.
- (9) **Heavy Vehicles.** Overnight parking of commercial vehicles in excess of one (1) ton rated capacity, including all semi-truck tractors and trailers, is prohibited within any A-2 or R District.
- (10) **Fences, Walls, and Screens.**
- (a) No fence, wall, or structural screen, other than plant materials, shall exceed six (6) feet in height on any residential property.
 - (b) No fence, wall or hedge plantings shall exceed a height of three (3) feet within twenty (20) feet of any street right-of-way line.
 - (c) If fencing is located less than two (2) feet from a lot line, it shall be installed with the finished (“good”) side facing toward adjacent properties.

Section 303. Supplementary Dwelling Regulations

- (1) **Must Comply With Code Requirements.** Every dwelling must comply with all pertinent housing, fire, and construction codes in addition to the requirements of this Ordinance. This includes meeting or exceeding all applicable roof snow loads and strength requirements. If a dwelling is a mobile home, all construction,

insulation, plumbing, and electrical apparatus shall conform to the "Mobile Home Construction and Safety Standards" of the U.S. Department of Housing and Urban Development.

- (2) **Mobile Home Installation.** In the event that a dwelling is a mobile home located in a mobile home park, it must be installed pursuant to the manufacturer's setup instructions with the wheels removed. It also must be secured to the ground by an anchoring system or device that complies with the currently adopted Michigan Single State Construction Code as adopted and enforced by St Charles Township and the rules and regulations of the Michigan Mobile Home Commission. Each mobile home must have a perimeter wall or skirting that has the same dimensions as the dwelling. No mobile home shall have any towing mechanism, undercarriage, or chassis exposed.
- (3) **One Single Family Dwelling Per Parcel.** No building in the rear of or on the same lot with a principal building shall be used for residential purposes, except for elderly or handicapped family members, or farm laborers as permitted by special use permit in Chapter 6 of this Ordinance.
- (4) **Structures to be of Uniform Quality.** Any additions, rooms, or other areas of a dwelling must be constructed using workmanship and materials similar in quality to the original structure. Such additions, rooms, or other areas must be permanently attached to the principal structure, and they must be supported by a foundation as required herein.
- (5) **Steps.** All dwellings must include steps that are connected to exterior door areas where a difference in elevation requires them.
- (6) **Maintenance.** All dwellings must be properly maintained and protected against deterioration and damage from the elements or the passage of time by prompt and appropriate repairs, resurfacing, coating, and any other necessary protective measures.
- (7) **Use of Mobile Home for Temporary Dwelling.** A temporary use may be authorized to house family members as provided in Section 303 (3), to house the owner and immediate family during construction of a single family home, and to house the owner and immediate family during the repair of a single family home that has been damaged to an extent that it cannot be occupied.

Any mobile home intended for use as a temporary dwelling must meet the standards of this Ordinance and the currently adopted Michigan Single State Construction Code as adopted and enforced by St Charles Township. No structure, fixed or portable, shall be erected or moved onto a parcel and used for dwelling purposes unless a temporary permit is authorized by the Planning Commission and issued in accordance with Section 302. A temporary dwelling may not be occupied by more than one family.

- (8) **Storage Area.** Every dwelling unit must contain a storage area equal to ten percent (10%) of the square footage of the dwelling or one hundred (100) square feet, whichever is less. The storage area shall be located in a basement under the dwelling, an attic area, closet areas, or in a separate structure that meets all requirements of the Universal Building Code.
- (9) **Foundation.** All single family dwellings, except mobile homes located in licensed mobile home parks, must be firmly attached to a permanent foundation that meets the Universal Building Code requirements for such dwellings. The foundation walls shall have the same perimeter dimensions as the dwelling.
- (10) **Dimensions.** All single family dwellings must have a minimum width across all front, side, and rear elevations of twenty (20) feet and must comply in all respects with the Universal Building Code, including minimum heights for habitable rooms.
- (11) **Roof.** Each single-family or two-family dwelling, other than mobile homes located within a mobile home park, must have a pitched roof of which the main portion has a minimum slope of one (1) vertical unit to three (3) horizontal units. The eaves of the roof must project at least six (6) inches beyond the exterior walls.
- (12) **Exterior Doors.** Every single family dwelling must have exterior doors on not less than two sides with steps porches connected to the doors where required due to a difference in elevation.
- (13) **Garage and Yard Sales.** Sales of used material from a single family dwelling may occur twice a year for a period not to exceed two weeks for each occurrence.
- (14) **Accessory Building Not for Dwelling Use.** No portion of an accessory building in any Zoning District may be used as a dwelling.
- (15) **State Licensed Residential Facility.** No State Licensed Residential Facility for six (6) persons or more shall be located within fifteen hundred (1,500) feet of another State Licensed Residential Facility.
- (16) **Home Occupations.** Home occupations are permitted, subject to the following standards:
 - a. The home occupation must be conducted within the principal dwelling or within a normally associated accessory building.
 - b. The home occupation must be clearly incidental and subordinate to the use of the dwelling for dwelling purposes.

- c. The dwelling containing the home occupation shall have no exterior evidence that it is being used for any purpose other than as a dwelling, except for signs as permitted by this Ordinance.
- d. Home occupations shall not involve any activity or process that would constitute a nuisance or annoyance to adjoining properties by reason of noise, smoke, odor, electrical disturbance, exterior lighting, or the creation of vehicular traffic not normally associated with a residential use.
- f. There may be not more than one (1) employee not living at the dwelling.
- g. Where within this Ordinance a home occupation is permitted in a residential district zoning classification, the term 'home occupation' specifically permits instruction in a fine art or craft.

Section 304. Supplementary Parcel Regulations

- (1) **Minimum Lot Frontage.** The front lot lines of all parcels shall abut a public street and shall have a continuous permanent frontage at the front lot line for the required lot width, except for "flag lots" that are permitted in accordance with the requirements of Chapter 5.
- (2) **Access to a Street.** Any parcel created after the effective date of this ordinance shall have access to a public street.
- (3) **Space Used Once.** Any yard or other open space that is provided with any building or structure for the purpose of complying with the provisions Ordinance shall not again be used as a yard or other required open space for another building or structure, except where one is to be demolished upon completion of the other.
- (4) **Approval of Land Divisions.** All land divisions created after the effective date of this Ordinance shall comply with all requirements of the Michigan Land Division Act (Act 591 P.A. 1996, as amended). All land divisions created after the effective date of this Ordinance shall also comply with the lot area, width, setback, and all other dimensional requirements of the zoning district in which such land divisions are located.
- (5) **Lot Divided by Zoning District Boundary.** Where a district boundary line divides a lot or lots in common ownership and of record at the time this Ordinance is enacted, the least restrictive use shall be considered as extending to the entire lot and deemed a conforming use if at least fifty percent (50%) of the lot is in the less restrictive district.

Section 305. Supplementary Structure Regulations

- (2) **Permitted Yard Encroachments.** The following items shall be considered to be accessory structures, even though they may be attached to a principal building, and may project into *side* and *rear* yards that are required for the principal

building. Setbacks for accessory structures, as defined in **Chapter 5, District Regulations**, must be adhered to, as well as any requirements listed in this section.

- (a) Open porches, paved terraces, and patios, with the following restrictions. Enclosed porches are considered to be part of the principal building and subject to all yard, setback, and area requirements.
 - (i) The highest finished elevation of the paved area or porch is not over three (3) feet above the average surrounding finished grade.
 - (ii) If a porch is roofed, the porch must be unenclosed and the roof shall be no higher than one (1) story.

- (b) Structural elements such as cornices, sills, chimneys, gutters, and similar features that project a maximum of two and one-half (2.5) feet.

- (a) Fire escapes, outside stairways and balconies that are of open construction and that project a maximum of five (5) feet.

- (b) Signs, subject to the provisions of **Chapter 8, Sign Regulations**.

(3) **Permitted Height Exceptions.** The following exceptions shall be permitted to the height limitations specified in **Chapter 5, District Regulations**. These permitted exceptions shall not be used for human occupancy or dwelling purposes. For each one (1) foot that a structure exceeds the zoning district height limit, the front, side, and rear setbacks shall each be increased by one (1) foot. No exceptions are permitted to exceed the height limitations imposed by the Tri-City Area Joint Airport Zoning Ordinance.

- (a) Appurtenances to mechanical or structural elements such as elevator and stairway penthouses, ventilators, heating or air conditioning equipment, water storage tanks, and safety equipment shall be permitted to a maximum height of fifty-five (55) feet in any Business Zoning District.

- (b) Special structures such as chimneys, smoke stacks, water towers, and standpipes shall be permitted to a maximum height of one hundred seventy-five (175) feet in any Zoning District.

- (c) Tower structures such as radio or transmitting towers, microwave relay towers, or cellular phone towers are subject to the Special Use Permit requirements specified in Chapter 6.

- (d) Residential television antennas or flagpoles shall be permitted to a maximum height of forty-five (45) feet in any Agricultural or Residential Zoning District.

- (e) Structures for agricultural operations are permitted up to eighty-five (85) feet.
- (f) Flagpoles in any Business Zoning District are permitted to a maximum height of sixty (60) feet.

Section 306. Accessory Buildings.

(1) Required Yards.

- (a) Front yard: No accessory building, attached or detached, shall project into a required front yard.
- (b) Rear yard: No accessory building shall be closer than five (5) feet to the rear lot line.
- (c) Side yard: No accessory building in any non-residential district, attached or detached, shall be erected closer to any side lot line than the required side yard setback within that district for the principal building. In a residential district where an accessory building is detached and located a minimum of ten (10) feet to the rear of the principal building, an accessory building shall be no closer than eight (8) feet to a side lot line.
- (d) Corner lot: No accessory building shall be closer to the side street lot line than the side yard setbacks that are required for the principal building on the lot. Where the rear lot line of a corner lot coincides with the side lot line of an adjoining lot in a residential district, an accessory building shall not be closer than eight (8) feet to the common lot line.

(2) Garage Entrances. The entrance to a garage shall be no less than twenty-five (25) feet from a street right-of-way line.

(3) Maximum Lot Coverage. In any A or R zoning district, all buildings, including accessory buildings, shall not occupy more than thirty-five percent (35%) of a single parcel.

Chapter 4 Non-Conforming Uses

401. **INTENT.** It is the intent of this Section to permit the continuation of any lawful use of a building or land existing as of the effective date of this ordinance. However, it is hereby declared that nonconformance with the provisions of this ordinance is contrary to the best interests of the citizens of the Township and ought to be discontinued as circumstances permit. Any nonconforming building, structure or use may be expanded, changed, repaired, or reconstructed only as prescribed by this Section.
402. **HISTORIC PROPERTIES.** Any nonconforming property in St. Charles Township which is listed on the State or National Register of Historic Places is specifically excluded from any requirement of this Section which would damage the historic character of the property. When any such property is the subject of any administrative decision, the input of Michigan's State Historic Preservation Officer shall be requested in writing not less than 30 days before any regulatory action may take effect.
403. **LEGALITY OF NONCONFORMITIES.** Legal nonconformities are presumed to have existed before the adoption of zoning regulations in St. Charles Township, and illegal nonconformities to have been developed in conflict with zoning regulations through oversight or error.

Nonconforming properties or uses will be considered to be Legal Nonconformities if they meet each applicable criterion, listed as "a" through "d", below. Note that temporary signs are not considered to be legal nonconforming structures.

- (a) The nonconformity existed before the effective date of this ordinance.
- (b) The use, parcel, building or structure in question meets one of the following standards.
 - (1) It complied with the District regulations of any previous zoning ordinance.
 - (2) The nonconformity was allowed under any previous zoning ordinance due to granting of a variance or special use permit.
 - (3) It had been recognized as a "legal nonconforming use" under the previous zoning ordinance.
 - (4) The nonconformity resulted from land acquisition by a government agency, such as for a road right of way. (Applies to Nonconforming Setback or Lot Size only)

(5) (Applies to Nonconforming Parcels only) Area, width, and depth of parcel, and the number of off-street parking spaces provided, are at least ninety percent (90%) of minimum requirements for its zoning district.

(c) (Applies to Nonconforming Uses only) The use has not been discontinued for any six month period.

d. (Applies to Nonconforming Buildings or Structures only) The building or structure does not extend into a public right of way, over a neighboring property line, or exceed lot coverage limits for its zoning district by over 50 percent.

404. INVENTORY OF NONCONFORMITIES. The Township Zoning Administrator is hereby required to establish and maintain an Inventory of Legal Nonconformities known to exist in St. Charles Township. Listed properties shall be arranged in the order of the Township Assessor's parcel identification numbers.

All listed properties shall also be identified on a large scale map of the Township which shall be available for public inspection.

Properties shall be added to or deleted from the Inventory as circumstances change or as Township officials become aware of previously unlisted situations.

Each listing in the Inventory of Nonconformities shall include the following information.

- (a) Parcel identification number.
- (b) Property address (if one is assigned).
- (c) Current owner(s).
- (d) Property description.
- (e) Parcel dimensions.
- (f) Current zoning district.
- (g) Current use of property.
- (h) Description of all nonconformities.

405. REDUCTIONS OF THE DEGREE OF NONCONFORMANCE. A reduction of the degree of nonconformance in one respect is not permitted to offset an increase in the degree of nonconformance in another respect. Thus, square footage may not be "traded" from one portion of a building to another. Nor may one nonconforming use be replaced by another unless the degree of nonconformance is reduced in some way.

406. **PRIOR CONSTRUCTION APPROVAL.** Nothing in this section shall prohibit the completion of construction and use of a nonconforming building for which a building permit has been issued prior to the effective date of this ordinance, provided that all terms of the permit are fully complied with.
407. **DISTRICT CHANGES.** Whenever changes occur in the boundaries of Zoning Districts, the provisions of this Section shall apply to any users properties that become nonconforming as a result of the boundary changes.
408. **ELIMINATION OF NONCONFORMITIES.** It should be recognized that state laws permit the St. Charles Township Board to acquire nonconforming properties, by condemnation if necessary, and remove any nonconforming uses or structures. The resultant property may be leased or sold for a conforming use or used by the Township. The net cost of acquisition may be assessed against a benefit district, or may be paid from general funds.
409. **RECONSTRUCTION AND RESTORATION.** Any lawful nonconforming use that is damaged may be restored, rebuilt, or repaired PROVIDED that such restoration does not exceed fifty percent (50%) of its appraised value, exclusive of foundations, as determined by the assessing officer. Provided that said use be the same or more nearly conforming with the provisions of the district in which it is located.
410. **REPAIR.** Nothing in this ordinance shall prohibit the repair, improvement, or modernizing of a lawful nonconforming building to correct deterioration, obsolescence, depreciation, or wear, provided that such repair does not exceed an aggregate cost thereby increasing the assessed value by more than thirty (30%) percent as determined by the assessing officer unless the subject building is changed by such repair to a conforming use.
411. **CHANGING USES.** If no structural alterations are made, the Board of Appeals may authorize a change from one nonconforming use to another nonconforming use, PROVIDED the proposed use would be more suitable to the zoning district in which it is located than the nonconforming use which is being replaced. Whenever a nonconforming use has been changed to a more nearly conforming use or to a conforming use, such use shall not revert or be changed back to a nonconforming or less conforming use.

412. REGULATION OF NONCONFORMITIES.

- (a) **TABLE.** The following table prescribes actions to address various types of nonconformities in several situations. It is presumed that each of these situations will result in an application for a building or zoning permit and that sufficient information will be obtained to determine the legality of the nonconformity before any action will be taken by officials.

- (b) **INTERPRETATION.** Should any question arise concerning the interpretation of any provision of the *Regulation of Nonconformities Table*, or if a situation is encountered which was not anticipated by the Table, the question shall be submitted to the Zoning Board of Appeals for their interpretation which shall be final and shall set the precedent for future treatment of related situations.

Regulation of Nonconformities

Determine situation (Columns), and type of nonconformity (Rows). The point where they meet lists action to take.

Type	If discontinued for 6 months.	If damaged more than S.E.V.	If damaged less than S.E.V.	Change in use (Including new Buildings.)	Expansion of Nonconforming Use or Building	Remodeling, Maintenance, Code Work.
Legal Nonconforming Parcel	Not applicable.	Not applicable.	Not applicable.	Change or construction permitted.	Not applicable.	Property must be kept in safe condition.
Legal Nonconforming use of Land	May not be resumed.	Not applicable.	Not applicable.	Permitted, but must reduce degree of nonconformance.	Requires a Variance. All requirements of Section 703 must be met.	Property must be kept in safe condition.
Legal Nonconforming use of Building or Structure.	May not be resumed.	May rebuild if plans meet all other district regulations	May repair to pre-damage status.	Permitted, but must reduce degree of nonconformance.	Requires a Variance. All requirements of Section 703 must be met.	Permitted so long as use is not expanded.
Legal Nonconforming Dimensions or setback of bldg or structure.	Not applicable.	May rebuild, but must reduce degree of nonconformance.	May repair to pre-damage status.	Change or construction permitted.	Permitted, but may not create any greater degree of nonconformance.	Permitted, but may not create any greater degree of nonconformance
Illegal Nonconforming Parcel.	Not applicable	Not applicable	Not applicable	Needs Variance. All other Dist. Regs. apply.	Not applicable	Property must be kept in safe condition.
Illegal Nonconforming use of Land.	May not be resumed.	Not applicable	Not applicable	Must adhere to All district Regulations.	Not Permitted!	Property must be kept in safe condition.
Illegal Nonconforming use of Building or Structure.	May not be resumed.	Use must stop and may not be resumed.	Repairs allowed if use is not expanded.	Must adhere to All district Regulations.	Not permitted!	Permitted so long as use is not expanded.
Illegal Nonconforming Dimensions or Setback of Building	Not applicable	Building must be rebuilt to fully comply with applicable district regulations.	May repair, but must remove any part of buldg. in a right of way, over a lot line, or exceeding zoning district coverage limit.	New use and New building must adhere to All District Regulations.	Building must be changed to fully comply with All Dimension Regulations.	Permitted, but may not create any greater degree of nonconformance.
Illegal Nonconforming Dimensions or Setback of Structure	Not applicable	Structure must be removed.	Structure must be rebuilt to comply with All Dist. Regs. (May need to be removed.)	Structure must be rebuilt to comply with All Dist. Regs. (May need to be removed.)	Structure must be rebuilt to comply with All Dist. Regs. (May need to be removed.)	Permitted, but may not create any greater degree of nonconformance.

Chapter 5

Zoning Districts

501. Division of the Township

For the purposes of this Ordinance, St. Charles Township, Saginaw County, Michigan, is divided into the following zoning districts:

- A-1 Agricultural
- A-2 Agricultural and Residential
- R-1 Residential
- B-1 General Business
- M-1 Limited Manufacturing

502. Official Zoning Map

The boundaries of these zoning districts are hereby defined and established on a map entitled, "Zoning District Map of St. Charles Township," which accompanies this Ordinance. This map, with all explanatory matter thereon, is hereby made a part of this Ordinance. The official Zoning District Map shall be kept and maintained by the Township Clerk.

503. Interpretation of Zoning District Boundaries

The following rules shall be used in interpreting the boundaries shown on the Official Zoning Map:

- a. Boundaries that appear to follow the centerline of a street or highway shall be interpreted to follow that centerline.
- b. Boundaries that appear to follow a Township boundary line shall be interpreted to follow that boundary line.
- c. Boundaries that appear to follow the exterior property lines of a platted subdivision shall be interpreted to follow those property lines.
- d. Boundaries that appear to follow platted property lines shall be interpreted to follow those property lines.
- e. Boundaries that appear to follow the exterior property lines of a Planned Unit Development shall be interpreted to follow those exterior property lines.

- f. Boundaries that appear to follow the centerline of a stream or the ordinary high water mark of a lake shall be interpreted to follow that centerline or ordinary high water mark.
- g. Boundaries that appear to follow property lines, or interior or exterior section lines, shall be interpreted as following those property or section lines.

If the Zoning Administrator finds these standards to be inadequate for the purpose of interpreting the location of a zoning district boundary in any case, or if a property owner wishes to dispute the Zoning Administrator's interpretation of the location of a district boundary, the Zoning Board of Appeals may interpret the Zoning Map under the provisions of Chapter 9.

504. District Regulations

The following charts identify the intent and purpose, uses permitted by right, uses permitted by special use permit, and the dimensional requirements for each zoning district of St. Charles Township as described in Section 501.

Section 504.1

A-1 General Agricultural Zoning District Regulations

Intent and Purpose:

1. To preserve and promote the use of land for food and fiber production, and for related uses.

Permitted Uses	Special Uses Subject to Review and Approval as Specified in Chapter 6
<ol style="list-style-type: none"> 1. Forestry 2. Farms and general farming operations, including field crops, fruit orchards, huck farming, horticulture, aviaries, apiaries, sod farms, and vineyards 3. Plant nurseries & greenhouses 4. Raising & keeping small animals and livestock. 5. Single family dwellings. 6. Roadside stands for sale of produce grown by owner and operated in compliance with Michigan Department of Agriculture's roadside stand GAAMP. If applicable 7. Public utility transformer stations. 8. Conservation areas. 9. Parks & recreation areas 10. Cemeteries 11. State licensed residential facilities. 12. Family child care homes. 13. Accessory uses and structures 14. Home Occupations <p><i>Note:</i> Large farm animals may be kept in this district, subject to the following requirements:</p> <ol style="list-style-type: none"> 1 A minimum lot area of five (5) acres is required to keep one large farm animal, 2 One additional acre is required for each additional animal. 	<ol style="list-style-type: none"> 1 Production of fur-bearing animals 2 Grain & seed elevators 3 Wholesale agricultural product storage 4 Riding stables 5 Livestock auction yards 6 7 Two-family homes 8 Second living quarters for family member 9 Housing for seasonal labor 10 Veterinary clinics 11 Kennels 12 Correctional institutions 13 Religious, social, and educational institutions 14 Institutions for handicapped persons & substance abuse treatment 15 Aircraft landing strips 16 Group child care & child care centers 17 Ponds 18 Communication towers 19 Open space residential development 20 Natural resource extraction: sand, gravel & topsoil removal. 21 ORV Recreation. 22 Wind turbine generators 23 Crematories 24 Sewage treatment facility
<p>Minimum Lot Size Area: 80,000 square feet</p> <p>Width:</p> <ol style="list-style-type: none"> 1. 250 feet continuous frontage at the front lot line; or 2. 66 feet continuous frontage that provides sole access to a lot with minimum dimensions of 250 feet by 320 feet. <p>Maximum Parcel Coverage 35% of lot area for all structures,</p>	<p>Minimum Setbacks Front: 40 feet Side: 12 feet each side Rear: 40 feet</p> <p>Maximum building height (see note below): Principal building: 2.5 stories, 35 feet Accessory building: 25 feet Agricultural operations: 85 feet <i>Note:</i> Permitted non-residential structures may increase maximum height if front, side, and rear setbacks are increased one (1) foot for each one (1) foot increase in building height.</p>
<p>Minimum Floor Area: 1000 square feet for single-family dwelling ..</p>	<p>Off-Street Parking Requirements: See Chapter 7</p>
<p>Screening/Buffering Requirement: See Chapter 3</p>	<p>Sign Regulations: See Chapter 8</p>

Section 504.2

A-2 Agricultural/Residential Zoning District Regulations

Intent and Purpose:

1. To encourage low-density residential development on individual lots.
2. To permit a controlled mixture of residential and agricultural uses in a rural environment.

Permitted Uses	Special Uses Subject to Review and Approval as Specified in Chapter 6
<ol style="list-style-type: none"> 1. Forestry 2. Farms and general farming operations, including field crops, fruit orchards, huck farming, horticulture, aviaries, apiaries, sod farms, and vineyards 3. Plant nurseries & greenhouses 4. Raising & keeping small animals and livestock. 5. Single family dwellings. 6. Roadside stands for sale of produce grown by owner. 7. Public utility transformer stations. 8. Conservation areas. 9. Parks & recreation areas 10. Cemeteries 11. State licensed residential facilities. 12. Family child care homes. 13. Accessory uses and structures 14. Home Occupations <p><i>Note:</i> Large farm animals may be kept in this district, subject to the following requirements:</p> <ol style="list-style-type: none"> 1 A minimum lot area of five (5) acres is required to keep one large farm animal, 2 One additional acre is required for each additional animal. 	<ol style="list-style-type: none"> 1 Production of fur-bearing animals 2 Grain & seed elevators 3 Wholesale agricultural product storage 4 Riding stables 5 Livestock auction yards 6 7 Two-family homes 8 Second living quarters for family member 9 Housing for seasonal labor 10 Veterinary clinics 11 Kennels 12 Correctional institutions 13 Religious, social, and educational institutions 14 Golf course & country clubs 15 Driving ranges & miniature golf 16 Group child care & child care centers 17 Ponds 18 Sewage treatment facility 19 Shooting Ranges 20 Motorized vehicle race tracks 21 Temporary outdoor uses 22 RV parks and campgrounds 23 Wind turbine generators 24 Crematories
<p>Minimum Lot Size Area: 43,560 square feet (one acre).</p> <p>Width:</p> <ol style="list-style-type: none"> 1. 150 feet continuous frontage at the front lot line; or 2. 66 feet continuous frontage that provides sole access to a lot with minimum dimensions of 150 feet by 290.4 feet. <p>Maximum Parcel Coverage 35% of lot area for all structures,</p>	<p>Minimum Setbacks Front: 40 feet Side: 12 feet each side Rear: 40 feet for principal building</p> <p>Maximum building height (see note below): Principal building: 3.0 stories, 40 feet Accessory building: 25 feet Agricultural operations: 85 feet <i>Note:</i> Permitted non-residential structures may increase maximum height if front, side, and rear setbacks are increased one (1) foot for each one (1) foot increase in building height.</p>
<p>Minimum Floor Area: 1000 square feet for single-family dwelling ..</p>	<p>Off-Street Parking Requirements: See Chapter 7</p>
<p>Screening/Buffering Requirement: See Chapter 3</p>	<p>Sign Regulations: See Chapter 8</p>

Section 504.3

R-1 Residential Zoning District Regulations	
<p>Intent and Purpose:</p> <ol style="list-style-type: none"> To permit the development of single-family residences at moderate densities on individual lots. To permit the use and development of lots that were created prior to the Land Division Act and the requirements of this Ordinance. 	
<p style="text-align: center;">Permitted Uses</p> <ol style="list-style-type: none"> Single family dwellings. Two-family dwellings (duplexes) State licensed residential facilities. Family child care homes. Child care centers Cemeteries Public parks & playgrounds Accessory uses and structures. Home Occupations <p><i>Note:</i> Large farm animals may be kept in this district, subject to the following requirements:</p> <ol style="list-style-type: none"> A minimum lot area of five (5) acres is required to keep one large farm animal, One additional acre is required for each additional animal. 	<p style="text-align: center;">Special Uses Subject to Review and Approval as Specified in Chapter 6</p> <ol style="list-style-type: none"> Multi-family housing (apartments) Mobile home parks Model homes Golf courses Religious, social, and educational institutions, including schools & churches. Private clubs Public or private meeting halls Ponds Second living quarters for family member
<p>Minimum Lot Size Area: 43,560 square feet</p> <p>Width:</p> <ol style="list-style-type: none"> 110 feet continuous frontage at the front lot line for single-family dwellings; or 150 feet continuous frontage at the front lot line for two-family dwellings; or 66 feet continuous frontage that provides sole access to a lot with minimum dimensions of 110 feet by 396 feet for single-family dwellings; or 66 feet continuous frontage that provides sole access to a lot with minimum dimensions of 150 feet by 290.4 feet for two-family dwellings. <p>Maximum Parcel Coverage 35% of lot area for all structures,</p>	<p>Minimum Setbacks Front: 40 feet Side: 12 feet each side Rear: 40 feet</p> <p>Maximum building height (see note below): Principal building: 3.0 stories, 40 feet Accessory building: 25 feet</p> <p><i>Note:</i> Permitted non-residential structures may increase maximum height if front, side, and rear setbacks are increased one (1) foot for each one (1) foot increase in building height.</p>
<p>Minimum Floor Area: 1000 square feet for single-family dwellings; 850 square feet per unit for duplexes (two-family)</p>	<p>Off-Street Parking Requirements: See Chapter 7</p>
<p>Screening/Buffering Requirement: See Chapter 3</p>	<p>Sign Regulations: See Chapter 8</p>

Section 504.4

<p>B-1 Commercial: Community Retail and Service Zoning District Regulations</p> <p>Intent and Purpose:</p> <ol style="list-style-type: none"> To provide for commercial activities to meet the day-to-day convenience shopping and service needs of Township residents. To provide for business areas to serve the needs of highway travelers. 	
<p>Permitted Uses</p> <ol style="list-style-type: none"> General retail businesses, including retail food. Offices and professional services. Personal service establishments. Restaurants, including clubs & drinking establishments, but excluding drive-in and drive-thru restaurants Institutions for human care. Commercial schools Veterinary clinics Accessory uses and structures. 	<p>Special Uses Subject to Review and Approval as Specified in Chapter 6</p> <ol style="list-style-type: none"> Auto service stations Car washes Automobile repair facility, including body shops. Vehicle sales facilities. Temporary outdoor uses Hotels & motels. Warehouses & storage buildings Child care centers Religious, social & educational institutions Funeral homes & mortuaries Bulk fuel dealer Drive-in & drive-thru businesses
<p>Minimum Lot Size Area: 43,560 square feet (one acre). Width: 150 feet</p> <p>Maximum Parcel Coverage: No maximum.</p>	<p>Minimum Setbacks Front: 25 feet Side: 10 feet each side (only if abutting a residential district). Rear: 20 feet for both principal building and any accessory building(s).</p> <p>Maximum building height (see note below): Principal building: 3.0 stories, 40 feet Accessory building: 25 feet Agricultural operations: 150 feet <i>Note:</i> Permitted non-residential structures may increase maximum height if front, side, and rear setbacks are increased one (1) foot for each one (1) foot increase in building height.</p>
<p>Minimum Floor Area: No minimum</p>	<p>Off-Street Parking Requirements: See Chapter 7</p>
<p>Screening/Buffering Requirement: See Chapter 4</p>	<p>Sign Regulations: See Chapter 8</p>

Section 504.5

M-1 Industrial: Limited Manufacturing Zoning District Regulations	
Intent and Purpose:	
<ol style="list-style-type: none"> 1. To provide areas in the Township for light industrial uses with few nuisance characteristics. 2. To permit manufacturing, production, processing, assembly, packaging, and treatment of products from previously prepared materials. 3. To allow the development of compatible, non-retail commercial and service establishments. 4. To protect industrial areas from incompatible uses. 	
<p style="text-align: center;">Permitted Uses</p> <ol style="list-style-type: none"> 1. Manufacturing, production, processing, assembly, packaging of products. 2. Warehouses & storage buildings. 3. Truck terminals. 4. Contractors' establishments. 5. Restaurants, taverns, and other eating & drinking establishments, but not including drive-in & drive-thru establishments. 6. Public utility installations & buildings. 7. Laboratories. 8. Accessory uses and structures. 	<p style="text-align: center;">Special Uses Subject to Review and Approval as Specified in Chapter 6</p> <ol style="list-style-type: none"> 1. Retail & wholesale businesses 2. Drive-in & drive-thru businesses 3. Junkyards 4. Natural resources extraction: sand, gravel, clay and topsoil removal 5. Commercial schools 6. Sewage treatment & disposal facilities 7. Adult entertainment businesses.
<p>Minimum Lot Size Area: 43,560 square feet (one acre). Width: 150 feet</p> <p>Maximum Parcel Coverage: No maximum.</p>	<p>Minimum Setbacks Front: 40 feet Side: 10% of lot frontage on each side Rear: 50 feet if the use is adjacent to an A-1 or A-2 parcel; 20 feet if adjacent to B-1 or M-1 parcel.</p> <p>Maximum building height (<i>see note below</i>): Principal building: 3.5 stories, 45 feet</p> <p><i>Note:</i> Permitted non-residential structures may increase maximum height if front, side, and rear setbacks are increased one (1) foot for each one (1) foot increase in building height.</p>
<p>Minimum Floor Area: No minimum</p>	<p>Off-Street Parking Requirements: See Chapter 7</p>
<p>Screening/Buffering Requirement: See Chapter 4</p>	<p>Sign Regulations: See Chapter 8</p>
<p>Other District Requirements: Industrial uses may not be within 100 feet of a residential district.</p>	

Chapter 6 Special Uses

601. Purpose

In addition to the uses permitted by right in each zoning district, this Ordinance allows the establishment of special land uses subject to the procedures, standards, and regulations described in this Chapter. An application for a special use permit may be filed by any person who owns or has an interest in the property subject to the application.

602. Application Procedures

An application for a special use permit shall be submitted to the Zoning Administrator no less than **thirty (30) days** prior to the meeting at which the Planning Commission will consider the application. The review of applications submitted less than thirty (30) days prior to such meetings will be delayed until the next scheduled meeting.

Applications must be accompanied by the materials and information described below:

- a. A completed Special Use Permit application form and application fee.
- b. Three (3) copies of a site plan prepared as specified in *Chapter 9, Administration and Enforcement*.
- c. A written statement (preferably typewritten) describing how the proposed special use will comply with the general standards for special use approval listed under Section 606.

When a complete application is submitted, the Zoning Administrator shall confer with the Chairperson of the Planning Commission to schedule the meeting at which the application will be heard.

603. Notice of Request for Special Land Use.

1. Upon receipt of an application for a special land use, the Township shall provide notice of the request as follows:
 - a. The Township shall cause a notice of the request to be published in a newspaper of general circulation in the local unit of government not less than 15 days prior to the date on which the special land use request will be considered by the Planning Commission.
 - b. Notice shall also be sent by regular U.S. mail or by personal delivery to the owner of property for which the special land use is being considered and to the applicant, if different from the owner.

c. Notice shall also be sent via regular U.S. mail to all persons to whom real property is assessed within 300 feet of the property for which the special land use is to be considered and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located within St. Charles Township or an adjoining municipality. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notice need not be given to more than 1 occupant of a structure, except that if a structure contains more than 1 dwelling unit or spatial area owned or leased by different persons, 1 occupant of each unit or spatial area shall be given notice. If a single structure contains more than 4 dwelling units or other distinct spatial areas owned or leased by different persons, 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.

2. **Contents of Notice.** The notice of the request for a special land use shall:

- A. Describe the nature of the request.
- B. Identify the property which is the subject of the request by street address. If more than one property is to be considered for the special land use, the notice shall include a listing of all existing street addresses within the scope of consideration for a special land use.
 - (1) The Township shall not be required to create a street address where one does not exist. If no street address is available, other means of identification may be used.
- C. Indicate that a public hearing on the special land use request may be requested by any property owner or the occupant of any structure located within 300 feet of the property being considered for a special land use regardless of whether the property or occupant is located in St. Charles Township; and
- D. Indicate when and where written comments will be received concerning the request.

604. Public Hearing

1. **Request for public hearing.** At the initiative of the zoning administrator, the planning commission or upon a request of the applicant, a real property owner whose real property is assessed within 300 feet of the property, or the occupant of a structure located within 300 feet of the property, a public hearing shall be held by the Township Planning Commission.

2. **Notice of public hearing.** If a public hearing is to be held by the Township Planning Commission, notice of the date and time of the public hearing shall be published once in a newspaper of general circulation within the Township not less than 15 days prior to said hearing. Notice of the date and time of the public hearing shall be mailed or personally delivered to the applicant, the property owner of the property for which the special land use is being considered, to all owners of property within 300 feet of the property for which the special land use is being considered and to the occupants of property within 300 feet, regardless of whether a property within the 300-foot radius is within St. Charles Township or an adjoining municipality.

3. **Planning Commission decision.** The Planning Commission shall make a decision on the special land use request based on whether or not the proposed special land use is consistent with the specific standards applicable to the special use described in Section 611, as well as the general standards described in Section 606. If it is found that the proposed special land use is consistent with these standards, the Planning Commission shall approve the proposed special land use. If the Planning Commission finds that the proposed special land use is not consistent with the standards in Section 606 and 611, then it may approve the use with conditions, or it may deny the proposed use altogether. In any event the decision to approve, approve with conditions, or deny the application must be made within 60 days of the date of the meeting at which the application was considered.

4. **Planning Commission Authority.** At any point during its review of an application, the Planning Commission may request that the applicant modify the site plan, or present additional information deemed necessary before making a decision on the proposed special land use. In such cases, the Planning Commission shall table consideration of the application until the applicant provides the amended site plan or additional information.

605. Appeal of Decision

The Township Planning Commission's decision on applications for proposed special uses may be appealed to the State Court System, beginning with Circuit Court.

606. General Standards for Approval of Special Uses

Prior to approving, approving with conditions, or denying an application under the provisions of this Chapter, the Planning Commission must find that a proposed special use complies with the standards listed in this section:

a. The property subject to the application is located in a zoning district in which the proposed special use may be established.

- b. The special use, as proposed, complies with the specific standards applicable to that special use as listed under the regulations for that zoning district.
- c. The proposed special use will be consistent with the intent and purpose of the Township Master Plan, as well as the intent and purpose of the zoning district in which the proposed use will be located.
- d. The proposed special use will not result in a material burden on police and fire services, nor on other public services and facilities.
- e. The proposed special use will not diminish the opportunity for adjacent property owners to use and develop their properties as zoned.
- f. The proposed special use will be designed, constructed, operated, and maintained so as not to negatively impact the character of land uses in the surrounding area.
- g. The proposed special use will not involve uses, activities, processes, materials, or equipment that will create a nuisance for other properties in the vicinity by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap or waste materials.

607. Basis for Determination

In rendering its decision on a proposed special use, the Planning Commission shall make specific reference to the standards in Section 606, Section 611, and the basis in fact for any conditions attached to the approval of a special use.

608. Performance Guarantee

The Planning Commission may require a performance guarantee **in accordance with Chapter 9, Section 902(4)**.

609. Compliance With Conditions of Special Use Permit Required

An approved special use shall be developed, constructed, operated, and maintained in strict compliance with the terms of the special use permit, including the approved site plan and any attached conditions of approval. All improvements and other functional elements shall be constructed as proposed by the applicant and approved by the Planning Commission.

If the functional elements or improvements associated with a special use were designed by an architect or engineer, the applicant shall, following completion of construction, provide a statement prepared by the architect or engineer certifying that all improvements have been constructed in compliance with the special use permit as granted.

610. Terms of Permit

If a use established under a Special Use Permit is discontinued for one (1) year, the Special Use Permit shall expire. To re-establish the use after such expiration, a new Special Use Permit is required, beginning with a new application to the Township.

611. Specific Standards, Requirements, and Conditions for Special Land Use Permits

The following charts in *Section 612* specify the standards, requirements, and conditions for the various special land uses permitted by this Ordinance. The following items should also be noted:

(1) In General.

(a) The granting of a Special Use Permit requires Site Plan Review and a public hearing.

(b) A Special Use Permit is a privilege granted by the Township when certain conditions are met. A Special Use is not allowed "by right."

(c) The Township will revoke a Special Use Permit for failure to maintain compliance with the terms of the permit.

(d) Each special use must meet the minimum requirements for the Zoning District in which it is located, except as specifically noted in this section.

(e) This section lists the standards and additional requirements for uses that may be authorized by Special Use Permit. These standards take precedence over the District Regulations.

(f) The Planning Commission may, at its discretion, attach additional conditions to the approval of a special use. These conditions shall be reasonably related to the general standards specified in Section 606.

(2) Natural Resources Extractions and Ponds.

(a) A Michigan Department of Environmental Quality Part 301 Inland Lakes and Streams Permit for Excavation must stipulate to a depth of ten feet or greater.

(b) While under construction, the excavation of water bodies and natural resources extractions must remain drained and connected to an outlet approved by the Michigan Department of Environmental Quality.

- (c) A fee of \$450.00, plus \$50.00 per acre over five acres, shall be payable in full prior to issuance of a construction permit.
- (d) A contractor and or owner shall be assessed a fee of \$1,500.00 per acre to be used for roads, drainage, and administrative purposes and must be paid prior to the issuance of the construction permit.
- (e) A \$5,000.00 cash bond, per disturbed acre, as determined by the Soils Erosion Permit, shall be carried by and in the contractor's name. The cash bond must be paid within one week from the hearing date.
- (f) A surety bond, in the same amount as the cash bond, is required from the contractor to the property owner.
- (g) The applicant must obtain a driveway permit from the Michigan Department of Transportation if the property is accessed from a state highway and there has been a change in the use of the property. If the property is accessed by a county road, a bond may be required by the Saginaw County Road Commission prior to the issuance of a special use permit from the Commission. The applicant must provide a letter from the road commission if a bond is not required.
- (h) The Planning Commission may charge a cash bond for the use of the roadways because of damage caused by the removal of materials from the property.
- (i) A Soil Erosion Permit and a Wetlands Permit may be required. These permits must be submitted with the application before a public hearing will be scheduled. If any of these permits are not required, a letter from each agency is required stating that a permit is not required.
- (j) The applicant shall provide a detailed site plan presenting in graphed form the length, width, and depth of the pond, show all property line setbacks from the pond, show distance from pond to all buildings on the property, and include the required overflow protective device which dictates the depth of the water.

- (k) For each acre of excavation, five test holes at 100 foot grid pattern spacing, showing the depth of the sand, must be shown on the excavation site plan. The Building and Zoning Administrator or a representative of the Township must be present at the time the test holes are dug. Based on the test hole information, a surcharge may be levied by the township.
- (l) The Planning Commission shall determine the hours of operation, dust control, drainage, and travel routes.
- (m) A lockable gate shall be required at the entrance to the excavation site.
- (n) The storage or burial of stumps, branches, wood, and other debris shall not be permitted on any property.
- (o) A contractor shall submit written monthly status reports to the building and zoning administrator.
- (p) A certified engineering report on actual excavation size and depth on any excavation over one acre before final inspection and the cash bond is released.

Section 612(a) Special Land Use Requirements

Special Use	Site Access & Location Requirements	Minimum Parcel Size (Lot Area)	Minimum Parcel Width	Minimum Building Setbacks	Maximum Lot Coverage by Buildings	Other Requirements
Institutional Uses: Hospitals & nursing homes; Churches & religious institutions; Public & private schools.	County primary road or State highway	1. Hospitals: 10 acres 2. All others: One (1) acre	A-1 district: 250 feet R-1 district: 110 feet	1. 35 feet from all property lines and road right-of-way lines.	25 %	1. Ambulance and delivery areas shall be screened from adjacent residential properties by a six (6) foot high solid masonry wall.
Golf courses, country clubs & shooting clubs	Paved road	Fifty (50) acres in area	150 feet	1. 50 feet from road right-of-way. 2. 50 feet from adjacent property lines. 3. Shooting clubs shall provide a 200 foot wide wooded buffer between the perimeter of the site and all shooting areas.	10%	1. For golf course or country club, six (6) foot high visual screen required on any side abutting residential property.
Mobile Home Park	County primary road or State highway	Twenty (20) acres in area	750 feet	1. 60 feet from street right-of-way. 2. 60 feet from adjacent property lines.	30%	1. Mobile home park must be licensed by the State of Michigan. 2. Park must comply with all requirements of the Michigan Mobile Home Commission and its Administrative Rules.

Note: Be sure to read Section 611 for important information that applies to all special use permit applications.

Section 612(b). Special Land Use Requirements, Continued

Special Use	Site Access & Location Requirements	Minimum Parcel Size (Lot Area)	Minimum Parcel Width	Minimum Building Setbacks	Maximum Lot Coverage by Buildings	Other Requirements
Group Day Care & Child Care Centers	Paved road	80,000 square feet if in A-1; one acre in all other districts.	250 feet in A-1; 150 feet in A-2; 110 feet in R-1.	Same as Zoning District	35%	<ol style="list-style-type: none"> 1. Must be licensed by Michigan Family Independence Agency. 2. Must provide adequate off-street parking for all employees. 3. All outdoor play areas shall be enclosed by a fence at least 6 feet in height.
Funeral Homes & Mortuaries Permitted in B-1	County primary road or State highway	One acre in area	150 feet in B-1	<ol style="list-style-type: none"> 1. Front, side & rear yards shall be at least 40 feet on all sides adjacent to residential districts or uses; at least 20 feet on all sides adjacent to non-residential districts. 	35%	<ol style="list-style-type: none"> 1. All yard areas shall be landscaped with trees, shrubs and grass. 2. No parking areas shall be permitted within required front and side yards.
Veterinary Clinics & Kennels	Paved road	Two (2) acres in area	250 feet in A-1; 150 feet in A-2	<ol style="list-style-type: none"> 1. All buildings and structures shall be set back at least 100 feet from all property and street lines. 	35%	<ol style="list-style-type: none"> 1. If site abuts property in residential district, the required 100 foot setback described above shall include a landscape buffer consisting of trees, shrubs, grass & structural screens of a type to be approved by the Planning Commission.

Note: Be sure to read Section 611 for important information that applies to all special use permit applications.

Section 612(c). Special Land Use Requirements, continued.

Special Use	Site Access & Location Requirements	Minimum Parcel Size (Lot Area)	Minimum Parcel Width	Minimum Building Setbacks	Maximum Lot Coverage by Buildings	Other Requirements
Automobile service facility, including repair, car wash & oil change facilities.	County primary road or State highway	43,560 square feet (one acre)	150 feet in B-1	Buildings, canopies, fuel pump islands & service drives shall conform to requirements for the district in which the site is located, but shall be no closer than 50 feet to any property line of a residential district or use, unless separated by a public street.	No maximum	<ol style="list-style-type: none"> 1. Driveways shall be at least 60 feet from the right-of-way line of the nearest intersecting road. 2. The maximum width of each driveway shall not exceed 35 feet at the property line. 3. If there is more than one driveway, they shall be at least 60 feet from one another at the nearest edges. 4. There shall be no more than two (2) driveway openings per road frontage. 5. No driveway or curb cut for a driveway shall be located within 10 feet of an adjoining property line and shall be no less than 25 feet from any adjacent lot within a residential district or use. 6. If drive-through washing or oil change facilities are included, the site must provide a holding area for at least 4 vehicles to wait off the public right-of-way.
Bulk fuel dealer	County primary road or State highway	43,560 square feet (one acre)	150 feet in B-1	<ol style="list-style-type: none"> 1. 50 feet from road right-of-way. 2. 50 feet from adjacent property lines. 	No maximum	

Note: Be sure to read Section 611 for important information that applies to all special use permit applications.

Section 612(d). Special Land Use Requirements, continued.

Special Use	Site Access & Location Requirements	Minimum Parcel Size (Lot Area)	Minimum Parcel Width	Minimum Building Setbacks	Maximum Lot Coverage by Buildings	Other Requirements
Drive-in and drive-thru businesses	Site must have at least one property line on a paved road & provide its main access point from that road.	43,560 square feet (one acre).	150 feet in B-1	<ol style="list-style-type: none"> 50 feet from all road right-of-way lines 100 feet from residence or residential zoning district; otherwise 50 feet from adjacent property lines 	No maximum	<ol style="list-style-type: none"> Driveways shall be at least 60 feet from the right-of-way line of the nearest intersecting road. The maximum width of each driveway shall not exceed 35 feet at the property line. If there is more than one driveway, they shall be at least 60 feet from one another at the nearest edges. There shall be no more than two (2) driveway openings per road frontage. No driveway or curb cut for a driveway shall be located within 10 feet of an adjoining property line and shall be no less than 25 feet from any adjacent lot within a residential district or use. Site must provide a staging area for at least 4 vehicles to wait off any public right-of-way.
Golf driving ranges, miniature golf, and other commercial outdoor recreation uses.	Site must have at least one property line on a paved road & provide its main access point from that road.	Ten (10) acres	150 feet if located in A-2 district; 110 feet if in R-1.	<ol style="list-style-type: none"> All uses, structures and operations shall be set back at least 100 feet from any public road used for access purposes. All uses, structures and operations shall be set back at least 50 feet from all adjacent property lines. 	10%	<ol style="list-style-type: none"> If the site abuts a residential or agricultural district, a buffer area at least 200 feet wide must be established between all structures and operations and the property within the residential or agricultural district. The buffer shall consist of trees, shrubs, grass & structural screens of a type to be approved by the Planning Commission

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Note: Be sure to read Section 611 for important information that applies to all special use permit applications.

Section 612(e). Special Land Use Requirements, continued.

Special Use	Site Access & Location Requirements	Minimum Parcel Size (Lot Area)	Minimum Parcel Width	Minimum Building Setbacks	Maximum Lot Coverage by Buildings	Other Requirements
Riding Stables	Same as Zoning District	Ten (10) acres	250 feet if located in A-1 district; 150 feet if in A-2.	1. All buildings and structures shall be set back at least 200 feet from all property and street lines.	30%	1. If site abuts property in residential district, the required 200 foot setback shall include a landscape buffer consisting of trees, shrubs, grass & structural screens of a type to be approved by the Planning Commission in order to effectively screen the site from adjacent areas.
Livestock Auction Yards	County primary road or State highway	Twenty (20) acres	250 feet if located in A-1 district; 150 feet if in A-2.	1. All buildings and structures shall be set back at least 200 feet from all property and street lines.	35%	1. If site abuts property in residential district, the required 200 foot setback shall include a landscape buffer consisting of trees, shrubs, grass & structural screens of a type to be approved by the Planning Commission in order to effectively screen the site from adjacent areas.
Junk Yards and Salvage Yards	County primary road or State highway	Twenty (20) acres	250 feet	1. All salvage, storage & any other active work areas shall be set back at least 100 feet from all adjacent property lines and road right-of-way lines.	35%	1. All salvage, storage & any other active work areas shall be enclosed by a solid wall or fence at least eight (8) feet in height. 2. All activities shall be confined to the fenced-in area. No material may be stored above the height of the wall or fence, except that mobile equipment may exceed the wall or fence height. No equipment or material shall be used or stored outside the fenced area. 3. If the site abuts a residential or agricultural district, a buffer area at least 200 feet wide must be established between the fenced area and the property within the residential or agricultural district. The buffer shall consist of trees, shrubs, grass & structural screens of a type to be approved by the Planning Commission in order to effectively screen the site from adjacent areas.

Note: Be sure to read Section 611 for important information that applies to all special use permit applications.

Section 612(f). Special Land Use Requirements, continued.

Special Use	Site Access & Location Requirements	Minimum Parcel Size (Lot Area)	Minimum Parcel Width	Minimum Building Setbacks	Maximum Lot Coverage by Buildings	Other Requirements
Sewage Treatment and Disposal Facility	County primary road or access by construction of one-half mile or less of new road.	Twenty (20) acres.	250 feet if located in A-1 district; 150 feet if in A-2.	1. All buildings and structures shall be set back at least 200 feet from all property and street lines.	35%	<ol style="list-style-type: none"> 1. Site should be selected where operation will not cause detrimental levels of air or noise pollution impacts, or create other nuisance factors that would be detrimental to adjacent uses or property. 2. All operations shall be completely enclosed by a chain link fence not less than six (6) feet high. 3. The required 200 foot setback shall be designed as a buffer to minimize the appearance of the facility and any odors. The buffer strip shall contain grass, plant materials, and structural screens that are placed in a manner that is subject to the approval of the Planning Commission.
Private Aircraft Landing Strips	Site shall have at least one property line abutting a public road.	<ol style="list-style-type: none"> 1. Site dimensions shall be at least 2,640 feet by 500 feet. 2. All landing strips shall have a minimum length of 1,500 feet with a 500 foot clearance at each end. 	See parcel size requirements.	At least 50 feet from adjacent property lines and road right-of-way lines.	35%	<ol style="list-style-type: none"> 1. Facility shall comply with all applicable Federal and State requirements. 2. Landing strip shall be for the exclusive use of the property owner and shall be situated entirely within the confines of his or her property. 3. No commercial aviation or other commercial activity shall be situated with the landing strip.

Note: Be sure to read Section 611 for important information that applies to all special use permit applications.

Section 612(g), Special Land Use Requirements, continued.

Special Use	Site access & Location Requirements	Minimum Parcel Size(Lot Area)	Minimum Parcel Width	Minimum Building Setbacks	Maximum Lot Coverage by Buildings	Other Requirements
<p>Orv Recreational and motorized race tracks for motorized vehicles, motorcycles, off road vehicles and similar.</p>	<p>1. Access shall be from an improved county road, with all vehicle entry and exit from that road. 2. All vehicle entrance and exit points shall be no closer than 200 feet from the intersection of any 2 roads. 3. Acceleration and deceleration lanes shall be provided at points of entry and exit to the site. 4. Entrances and exits shall be designed so that all vehicles within 100 feet of a public road have clear vertical and horizontal sight distances of 500 feet in either direction along the public road.</p>	<p>40 acres</p>	<p>250 feet if in A-1; 150 feet in A-2</p>	<p>All structures, including fences, shall be set back at least 100 feet from any public road. This yard shall be landscaped in accordance with plans approved by the Planning Commission.</p>	<p>35%</p>	<p>1. Entire periphery of site shall be enclosed with a solid fence at least eight (8) feet in height. Fences shall be painted or otherwise finished attractively and inconspicuously. 2. If the site abuts property within a residential or agricultural zoning district, a buffer strip at least 200 feet wide shall be provided between all operations and structures and the residential or agricultural property. Trees, shrubs, grass and similar plant materials, and structural screens shall be placed with the buffer strip according to plans approved by the Planning Commission.</p>
<p>Temporary Outdoor Use, including carnival, flea market, Christmas tree sales, and revival tents.</p>	<p>1. Access shall be from an improved county road, with all vehicle entry and exit from that road.</p>	<p>one acre</p>	<p>150 feet</p>	<p>All activity areas, including parking areas, shall be set back a minimum of 50 feet from all road and adjacent property lines.</p>	<p>Not applicable</p>	<p>1. Zoning administrator shall determine parking needs for proposed use. 2. Planning Commission may impose other reasonable conditions that are designed to minimize adverse impacts on surrounding areas.</p>

Section 612(h), Special Land Use Requirements, continued.

Special Use	Site Access & Location Requirements	Minimum Parcel Size(Lot Area)	Minimum Parcel Width	Minimum Building Setbacks	Maximum Lot Coverage by Buildings	Other Requirements
Two-Family Homes (Duplexes)	No special restrictions	80,000 Square feet if in A-1; one acre in all others	250 feet if in A-1; 150 feet in A-2	40 feet each in front and rear yards; 12 feet on each side	35%	None. Site plan review and a public hearing are required, in addition to the basic district requirements.
Model Homes	No special restrictions	One acre	250 feet if in A-1; 150 feet in A-2	40 feet each in front and rear yards; 12 feet on each side	35%	1. Site plan review and a public hearing are required, in addition to the basic district requirements. 2. Permit shall be for one (1) year and may be renewed annually. 3. Mobile home sales are excluded from this provision.
Housing for Seasonal Labor	No special restrictions	Seasonal housing may be located on the same parcel as main dwelling	250 feet if in A-1; 150 feet in A-2	1. Seasonal housing must meet all district requirements for setbacks from roads and adjoining properties.	35%	1. Agricultural Labor Camps shall be annually licensed by the Department of Public Health in accordance Section 124 of Act No. 368 of 1978, as amended, being 333.12421 et seq. of the Michigan Compiled laws. The parcel owner shall submit a copy of the current license to the Township Zoning Administrator by no later than May 1 of each year. 2. Housing for all migratory laborers shall be constructed and maintained in accordance with the Michigan Agricultural labor Camp provisions of the Public Health Code as contained in Section 124 of PA 368 of 1978, as amended, being MCL 333.12401-333.12434 et seq. as amended. 3. Agricultural labor Camps shall be constructed and maintained in compliance with the provisions of the Michigan Department of Agriculture's Environmental Stewardship Division Agricultural labor Camp Rules as amended being Sections 325.3601-325.3699 of the Michigan Administrative Code.
Second Living Quarters for Family Member	No special restrictions	Second living quarters may be located on the same lot as main dwelling	250 feet if in A-1; 150 feet in A-2	1. Second living quarters must meet all district requirements for setbacks from roads and adjoining properties.	35%	

Section 612(i). Special Land Use Requirements, continued.

Special Use	Site Access & Location Requirements	Minimum Parcel Size (Lot Area)	Minimum Parcel Width	Minimum Building Setbacks	Maximum Lot Coverage by Buildings	Other Requirements
Ponds and Soil Resource Extraction	<ol style="list-style-type: none"> Sites of ecological significance such as wetlands should be avoided. An excavation that results in a pond should be located to minimize the potential for pollution from sources such as feedlots, farmsteads, corrals, and septic systems 	<ol style="list-style-type: none"> Minimum size of pond is 80 feet across, measured from shortest side to side. Average designed water depth of pond shall be at least 10 feet for proper aeration & circulation. 	250 feet in A-1; 150 feet in A-2; 110 feet in R-1.	<ol style="list-style-type: none"> Distances of excavated areas from power lines and lot lines may be determined by Planning Commission, but shall be no less than 100 feet. 	Not applicable	<ol style="list-style-type: none"> See below

Other Requirements:

- Excavation shall not change surface or subsurface aquifers in a manner that adversely affects neighboring uses.
- Pond banks shall have a slope of one (1) foot vertical rise to three (3) foot horizontal run, extending to a depth at least eight (8) feet.
- Excavated material not removed from the site shall be spread to a depth that does not exceed three (3) feet above the original surface with the top of the fill graded to a continuous slope that does not exceed one (1) foot vertical to three (3) feet horizontal, and slopes away from any water body.
- As an alternative to # 3, the material may be shaped into berms that assume a natural angle of repose and that blend visually with the landscape. The toe of the slope of such berms shall be no closer than twelve (12) feet to the edge of the water of any pond formed by the excavation.
- At the end of each construction season, the completed portion of any excavated areas shall be landscaped and seeded with appropriate grass types. The landscaping shall not interfere with natural waterways or have an adverse effect on drainage of surrounding properties.
- No machinery or equipment should operate, and no trucks, trailers or other conveyances should arrive at any excavation site before 7:00 a.m. or after 8:00 p.m.
- Appropriate measures shall be taken to minimize levels of noise, dust, and flying rock while excavation takes place.
- Applicant shall obtain all necessary state permits, or provide written verification that permits are not required. Conditions of any required environmental permits shall also be noted on Special Use Permit.

Note: Be sure to read Section 611 for important information that applies to all special use permit applications.

Section 612(j). Special Land Use Requirements, continued.

Special Use	Site Access Requirements	Minimum Parcel Size	Minimum Parcel Width	Minimum Building Setbacks	Maximum Lot Coverage by Buildings	Other Requirements
Grain & seed elevators. Wholesale agricultural product storage. Production of fur-bearing animals.	County primary road or State highway	Twenty (20) acres for elevators & agricultural product storage; ten (10) for fur-bearing animals.	500 feet	1. 100 feet from street right-of-way. 2. 100 feet from adjacent property lines.	35%	1. Six (6) foot high visual screen required on any side abutting residential property.
Warehousing & Storage	No special restrictions	A proposed Special Use in this category must meet the minimum lot area, width, and setback requirements for the district in which it is located.				1. All warehousing & storage must be entirely contained within the building. 2. No manufacturing operations of any kind may be conducted inside or outside of the building. 3. No hazardous, toxic, or refrigerated products may be warehoused or stored inside or outside the building.
Hotels and motels	County primary road or State highway	Two (2) acres in area	150 feet in B-1	1. All buildings shall be set back at least 50 feet from any property line or road right-of-way.	35%	2. Each guest unit shall have a minimum floor area of 250 square feet.

Note: Be sure to read Section 611 for important information that applies to all special use permit applications.

Section 612(k). Special Land Use Requirements, continued.

Special Land Use Category	Site Access Requirements	Minimum Parcel Size	Minimum Parcel Width	Minimum Building Setbacks	Maximum Lot Coverage by Buildings	Other Requirements
RV Park or Campground	County primary road or State highway	<ol style="list-style-type: none"> Twenty (20) acres in area Individual camp sites or RV sites shall be a minimum of 2000 square feet. Each site shall include designated parking area of at least 400 square feet. 	750 feet in A-2 district	<ol style="list-style-type: none"> 60 feet from street right-of-way. 60 feet from adjacent property lines. Individual camp sites shall be at least 75 feet from street right-of-way or neighboring property line. 	<p>35%</p> <p>At least 15% of site shall be devoted to shared open space uses such as playgrounds, picnic areas, field sports, and natural areas. This shall not include parking & vehicle circulation areas.</p>	<ol style="list-style-type: none"> Spaces may be used only for temporary occupancy. Facility shall be supervised by a resident manager who shall be accessible to park tenants at all times when spaces are rented. Manager's residence may include business office for the park and living space for the manager's family. Must maintain compliance with all regulations of the Saginaw County Health Department and the State of Michigan that apply to such facilities. Perimeter shall be enclosed by fence at least four (4) feet high. Park shall be served by not more than one access point to each abutting road. Access points and roads within the park shall be designed to facilitate the safe movement of vehicles and trailers, including adequate clear vision areas. Roadways shall be at least 24 feet wide for two-way traffic and 12 feet wide for one-way traffic. Park shall provide at least one public telephone for each 40 sites. Park or campground shall include restroom and bathing facilities in heated, all-weather structures.

Note: Be sure to read Section 611 for important information that applies to all special use permit applications.

Section 612(l). Special Land Use Requirements, continued.

Special Use	Site Access & Location Requirements	Minimum Parcel Size (Lot Area)	Minimum Parcel Width	Minimum Building Setbacks	Maximum Lot Coverage by Buildings	Other Requirements
<p>Communication Towers <i>Permitted in A-1 district. Tower height determines the minimum parcel size.</i></p>	<p>Same as Zoning District</p>	<p>1. Any tower structure must be centrally located on a parcel having dimensions not less than the height of the tower, as measured from the base of the tower to all points on each property line.</p>	<p>250 feet in A-1</p>	<p>1. No portion of any tower, including any guy wires and support structures, shall be located closer than fifty (50) feet to any property line. 2. All structures shall be located at least two hundred (200) feet from any dwelling.</p>	<p>1. 35%.</p>	<p>See below</p>

Other Requirements:

1. It is the policy of the Township to encourage the use of existing structures for communication facilities.
2. All towers shall meet the standards of the Federal Aviation Administration and the Federal Communication Commission.
3. Tower height must comply with any Airport Zoning Regulations that are in effect. The tower height shall not exceed one hundred seventy-five (175) feet.
4. All towers shall be constructed in compliance with all applicable local statutes, regulations, and standards, including design requirements for withstanding wind loading and grounding for lightning strike protection. Compliance with these items shall be verified by a licensed professional structural engineer.
5. Towers shall not be artificially lighted unless required by the Federal Aviation Administration.
6. Towers shall not display advertising or identification of any kind, except as required for emergency purposes.
7. The Township may require a performance bond to ensure the proper construction and maintenance of a tower.

Note: Be sure to read Section 611 for important information that applies to all special use permit applications.

Section 612(f). Special Land Use Requirements, continued.

Other Requirements for Communication Towers, continued from previous page:

8. The applicant or owner must provide written statements that certify the following to the Township:
 - a. That the owner will notify the Township of any change in ownership or control of the tower.
 - b. That the owner will notify the Township of any change in operation of the tower, including the cessation of operations.
 - c. That if the tower is not operated for a continuous period of 12 months, it shall be considered abandoned, and the owner shall remove the tower within 90 days of notification of such abandonment by the Township. If the owner fails to remove the tower within 90 days, the Township may remove the tower at the owner's expense.
9. Construction of a tower that is authorized under a Special Use Permit shall be completed within one year of the date of the permit, or the permit shall become void.

Note: Be sure to read Section 611 for important information that applies to all special use permit applications.

St. Charles Township Zoning Ordinance

Section 612(m). Special Land Use Requirements, continued.

Special Land Use Category	Site Access Requirements	Minimum Parcel Size	Minimum Parcel Width	Minimum Building Setbacks	Maximum Lot Coverage by Buildings	Other Requirements
Wind Turbine Generators (WTG's)	No special restrictions	1. Five (5) acres per WTG tower proposed.	250 feet in A-1; 150 feet in A-2.	1. Each WTG tower must be set back from all adjacent property lines and road right-of-way lines a minimum distance equal to the height of the tower, including the top of the blade in its vertical position.	35%	<ol style="list-style-type: none"> 1. Towers shall be secured to prohibit access by unauthorized persons; Planning Commission may require security fence. 2. Maximum noise level generated by any WTG shall not exceed 60 decibels, measured at the property line, including downwind from the installation. Applicant shall provide certification that noise level is not exceeded, both before and after construction. 3. WTG shall not cause human detectable vibrations at the property line. 4. The lowest point of the arc created by rotating blades on any WTG tower shall be at least twenty (20) feet above ground level. 5. If towers are to be lighted, applicant must apply to Federal Aviation Administration (FAA) for lighting that meets the following standards: <ol style="list-style-type: none"> (a) Lighting used shall be the lowest intensity allowable. (b) Shall avoid strobe lighting or other intermittent white lighting fixtures. (c) May utilize a green or red top light that does not pulsate or blink. (d) All lighting shall comply with the minimum FAA requirements. A written FAA report shall be submitted to verify lighting requirements.

Note: Be sure to read Section 611 for important information that applies to all special use permit applications.

Section 612(n). Special Land Use Requirements, continued.

Special Use	Site Access & Location Requirements	Minimum Parcel Size (Lot Area)	Minimum Parcel Width	Minimum Building Setbacks	Maximum Lot Coverage by Buildings	Other Requirements
Crematory	No special restrictions.	80,000 square feet in A-1 district; 43,560 square feet (one acre) in A-2.	250 feet	100 feet from adjacent property lines and road right-of-way lines.	35 %	Must obtain and verify compliance with all required state permits, including those pertaining to air quality and emissions.

Note: Be sure to read Section 611 for important information that applies to all special use permit applications.

Chapter 7

Off-Street Parking and Loading Space Requirements

701. Purpose

Before any building or use is occupied, or is enlarged or increased in capacity, off-street parking spaces for motor vehicles must be provided and maintained as described in this Chapter.

702. General Requirements

- a. If the use of a building or premises changes, the parking requirements applicable to the new use shall apply. If a building or use is enlarged, the parking requirements shall apply to the total area of the structure or premises. A structure or premises shall not be used or enlarged unless the required parking is provided.
- b. In the Residential (R-1) Zoning District, no parking area shall be used for storing of any commercial vehicle exceeding one ton in capacity. The storage of merchandise, motor vehicles for sale (other than a resident's private vehicles), or the repair of vehicles exceeding one ton capacity is prohibited in any required parking area.

703. Parking Surface Requirements

- a. *Gravel Surface (Minimum Requirement)*. As a minimum requirement, parking areas shall be surfaced with a material that provides a durable, smooth and dustless surface that shall be graded to drain and dispose of all collected surface water within a reasonable time.
- b. *Paved Surface (Optional)*. If a parking area is to be paved, the surface shall be concrete, plant mixed asphalt or similar materials. All parking areas shall be graded and provided with adequate drainage to dispose of all collected surface water within a reasonable period time. Paving shall conform to either of the following:
 - (1) Six (6") inches of cement concrete; or
 - (2) Two (2") inches of asphalt surface laid over a base of gravel with a compacted thickness of six (6") inches.

704. Parking for Uses Not Specifically Mentioned

In the case of uses that are not specifically mentioned in this Chapter, the requirements for a use that is mentioned and to which the proposed use is similar in character in terms of parking demand shall apply. The Zoning Administrator is authorized to determine the parking requirements for a use that is not specifically mentioned.

709. Parking Space Dimensions

Each parking space (also known as a “parking stall”) shall be a minimum of ten (10) feet wide and twenty (20) feet long. Barrier free parking spaces shall be a minimum of twelve (12) feet wide and twenty (20) feet long. Barrier free spaces shall also comply with all requirements of the State of Michigan Barrier Free Code.

710. Driveway and Aisle Configurations

Driveways and aisles for any off-street parking area built to accommodate more than twenty (20) vehicles shall comply with the following requirements:

- a. *Aisle Width.* Aisles in off-street parking areas shall be at least twenty (20) feet wide.
- b. *Driveway Configuration.* Each driveway shall be a minimum of fifteen (15) and a maximum of twenty (20) feet in width per direction. Lanes for entering and exiting traffic shall be clearly marked on the pavement. The driveway shall include an on-site stacking area equivalent to five (5) percent of the total number of spaces in the parking area. The stacking area shall not function as an access aisle for parking spaces. The driveway shall intersect the abutting street at a ninety (90) degree angle.
- c. *Deceleration Lane.* Where the posted speed limit for a public thoroughfare is greater than thirty (30) miles per hour and peak traffic volumes on that thoroughfare exceed one hundred (100) vehicles per hour, a driveway opening onto the thoroughfare shall be served by a right turn deceleration lane that is at least two hundred (200) feet long in advance of the driveway.

710. Setbacks Required

Parking and loading areas shall conform to a twenty (20) foot front yard setback from any street right-of-way line and to the side yard setback requirements for accessory buildings. Off-street parking areas shall be no closer than five (5) feet to any principal building. Bumper guards or curbs shall be installed to prevent yard encroachment.

712. Permit Required.

No parking area shall be constructed unless and until a Building Permit has been issued.

713. Table of Off-Street Parking Requirements

The number of off-street parking spaces for specific uses is shown in Table 7-1, "Table of Off-Street Parking Requirements," which appears at the end of this Chapter.

714. Off-Street Loading Spaces

Off-street loading spaces shall be provided and maintained for buildings (including additions to existing buildings) that are occupied by uses that require the receipt or

Table 7-1. Off-Street Parking Requirements

Land Use	Number of Parking Spaces Required
1. Automobile sales facilities	One (1) customer parking space for each 500 square feet of floor area.
2. Automobile & other vehicle service facilities.	Two (2) spaces for each service stall plus two (2) spaces for each employee.
3. Barber & Beauty shops	Three (3) spaces for each chair or booth.
4. Bowling Alleys	Six (6) spaces for each lane.
5. Churches	One (1) space for each three (3) seats in the main area of worship.
6. Commercial outdoor recreation	Twenty-five (25) percent of the total lot area shall be reserved for parking, but there shall be at least ten (10) spaces.
7. Assembly hall, dance hall, or exhibition hall without fixed seats.	One (1) space for each one hundred (100) square feet of floor area.
3. Drive-in & drive-thru facilities (in addition to required parking for indoor facilities and employees).	Two (2) spaces for each drive-in window plus four (4) stacking spaces for each drive-in window.
9. Dwellings	Two (2) spaces per dwelling unit.
10. Funeral homes & mortuaries	One (1) space for each twenty-five (25) square feet of floor area in service parlors and chapels, plus one (1) space for each funeral vehicle maintained on the premises.
11. Furniture sales (retail)	One (1) space for each five hundred (500) square feet of floor area.
12. Hospitals, nursing homes, & related health care facilities.	One (1) space for each two (2) beds plus one (1) space for each employee, including doctors.
13. Hotels & Motels	One (1) space for each lodging room plus one (1) space for each full-time employee.

SECTION 803. EXEMPTIONS

The following types of signs are exempted from other provisions of this ordinance, but must meet the requirements specified below.

- (1) **PUBLIC SIGNS.** Signs of a governmental nature and in the public interest, erected by, or on the order of, a public officer in the performance of his or her public duty.
- (2) **INSTITUTIONAL BULLETIN BOARD.** These signs, defined in Chapter 2, may be located on parcels occupied by nonprofit organizations. They may be up to twenty four (24) square feet in area and may be illuminated in accordance with section 806.
- (3) **PRIVATE TRAFFIC DIRECTION.** Signs directing traffic movement or giving instructions, located within a parcel, placed in compliance with Section 805, and not directed at traffic on abutting roadways. They may be illuminated in accordance with Section 806.
- (4) **ENTRANCE/EXIT.** Signs directing traffic movement to or from a parcel, placed in compliance with Section 805, and not exceeding 3 square feet. Such signs may be illuminated in accordance with Section 806.
- (5) **TEMPORARY LAND DEVELOPMENT PROJECT SIGNS.** Signs pertaining to the sale, lease, rent or development of a subdivision, planned shopping center, office building, industrial park or similar land parcel. Such signs are allowed for a period of one year upon issuance of a permit. Said permit may be extended for one additional year. Total number and size of signs allowed shall be controlled according to the following schedule.

LAND SIZE	TOTAL NO. OF SIGNS	MAX. AREA PER SIGN
Less than 1 acre	1	50 sq. ft.
Over 1 but less than 4 acres	1	100 sq. ft.
Over 4 but less than 20 acres	2	150 sq. ft.
Over 20 acres	3	150 sq. ft.

Such project signs shall comply with height and placement regulations for the Zoning District in which they are located, except that in Residential Districts the maximum height of such signs is twelve (12) feet.

- (2) The light from any illuminated sign shall be so shaded, shielded or directed that the light intensity or brightness will not be objectionable to occupants of surrounding properties, and so that no direct rays from the light source are visible from any public right-of-way or from abutting property.
- (3) No sign shall have blinking, flashing or fluttering lights or other illuminating devices, such as changing light intensity, brightness or color. No sign shall utilize moving patterns of light so as to convey an illusion of motion or animation. Beacon lights are not permitted. This section shall not be interpreted to prohibit electronic message boards as defined in Chapter 2.
- (4) No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.
- (5) Neither the direct, nor the reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public streets.
- (6) No exposed reflective type bulbs, no strobe lights, and no incandescent lamps which exceed 15 watts shall be used so as to expose the face of the bulb, light or lamp to any public street or adjacent property.

SECTION 807. STRUCTURAL REQUIREMENTS

All signs and sign structures shall be designed and constructed to meet the requirements of the St. Charles Township Building and Electrical Codes, and shall be constructed to withstand a 30 pound per square foot wind-stress factor. Signs larger than 100 square feet must be erected on structural or tubular steel supports. Where the back of a sign is visible, it should be suitably painted or otherwise covered to present a neat and clean appearance. No guy wires are permitted. Any temporary sign must be so constructed that it is not dangerous to the public.

SECTION 808. PERMIT

Prior to construction or establishment of any sign, except as otherwise specifically noted in this Ordinance, a permit shall be obtained from the Township Zoning Enforcement Officer. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of 6 months after the date of the permit.

The following operations shall not be considered as creating a sign and therefore shall not require a sign permit.

- (1) **REPLACING COPY.** The changing of the advertising copy of an approved painted or printed sign or on a theater marquee and similar approved signs which are specifically designed for the use of replaceable copy.

Permanent Sign Regulations

Zoning Districts	Content	Total Sign Area	Sign Type	Setbacks	Number of Signs	Sign Size	Height	
AGRICULTURAL A-1, A-2 (Parcels 5 acres or larger only.)	Name and address, Farm name, Home occupation.	100 square feet per parcel, except for integral signs.	Ground Mounted (free Standing)	Front: 10 feet@ Side: 10 feet Rear: 10 feet	1 per parcel	100 sq. ft.	12 ft.	
	Products raised on the premises (not allowed for intergral signs)		Wall: Marquee: Projecting: Roof: Integral:	Not applicable Not applicable Not applicable Not applicable Not applicable	No limit: 1 per parcel	100 sq. ft. Not allowed Not allowed No limit	Top of wall Top of bldg.	
RESIDENTIAL R-1	Occupant's Name and Address, Home Occupation	6 square feet per dwelling, except for integral signs.	Ground Mounted (Free Standing)	Front: 10 feet@ Side: 10 feet Rear: 10 feet	1 per dwelling	6 sq. ft.	4 ft.	
			Wall: Marquee: Projecting: Roof: Integral:	Not applicable Not applicable Not applicable Not applicable Not applicable	1 per dwelling	6 sq. ft. Not allowed Not allowed Not allowed	Top of Wall	
					1 per dwelling	10 sq. ft.	Top of Wall	
COMMERCIAL B-1	Identity (required), merchandise or services available on the premises.	The largest of: 1.5 square feet per front foot of building, or .5 square foot per front foot of parcel, or 50 square feet.	Ground Mounted (Free Standing)	Front: 3 feet@ Side: 10 feet Rear: 10 feet	1 per each 150 lineal feet of frontage.	32 sq. ft.	35 ft.	
			Wall: Marquee: Projecting: Roof: Integral:	Not applicable Same as Ground Same as Ground Not applicable Not applicable	1 per wall 1 per parcel 1 per parcel 1 per parcel 1 per parcel	150 sq. ft. 32 sq. ft. 50 sq. ft. 50 sq. ft. 25 sq. ft.	Top of wall Top of wall# Top of wall# 35 ft. Top of wall	

Must be 10 feet above a sidewalk and 15 feet above a driveway.

@ May not obstruct vision of drivers.

Chapter 9 Administration and Enforcement

SECTION 901. RESPONSIBILITIES IN THE ZONING PROCESS.

The provisions of this ordinance shall be carried out by the St. Charles Township Planning Commission, the Zoning Board of Appeals, the Township Board, and the Township Zoning Administrator in conformance with the Michigan Zoning Enabling Act, PA 110 of 2006, as amended.

(1) ZONING ADMINISTRATOR. The St. Charles Township Board, with the recommendation of the Planning Commission, shall employ a Zoning Administrator to carry out the day-to-day administration and enforcement of this Ordinance. Conditions of the Zoning Administrator's employment, including compensation, shall be established by the Township Board. Additional staff may be employed, under the supervision of the Zoning Administrator, to assist with administration and enforcement of this Ordinance.

The Zoning Administrator's duties shall include the following items and any other tasks that may be assigned by the Township Board or provisions of this Ordinance.

- (A) **APPLICATIONS AND PERMITS.** All applications for Zoning Permits shall be submitted to the Zoning Administrator who shall keep a record of them and their disposition. When all applicable provisions of this Ordinance have been met regarding any application, the Zoning Administrator shall issue a Zoning Permit for the proposed use. When conditions are not met, the Zoning Administrator shall consult with the applicant regarding a further course of action. The Zoning Administrator shall maintain a record of all applications, related documentation and resulting Zoning Permits,
- (B) **WRITTEN DENIAL.** When any application for a Zoning Permit is denied, the Zoning Administrator shall provide the applicant with a written denial, stating the reasons for the denial.
- (C) **NOTICE OF HEARINGS.** Whenever a zoning matter is the subject of a hearing before the Planning Commission or the Zoning Board of Appeals, the Zoning Administrator shall prepare and disseminate hearing notices as required by this Ordinance.
- (D) **INSPECTIONS.** For purposes of this Ordinance, the Zoning Administrator shall have the power to make inspections of any building or parcel as necessary to enforce this Ordinance.

- (B) The Planning Commission shall conduct a public hearing on Special Use Permit applications on which a public hearing is requested. The Planning Commission may conduct a public hearing on any application for a Special Use Permit, regardless of whether a public hearing is requested. The Planning Commission may review and approve, approve with conditions, or deny the application. The Planning Commission shall also take any necessary action to revoke a Special Use Permit as provided by Sections 610 and 611.
- (C) **REZONING OR AMENDMENT.** The Planning Commission shall conduct public hearings for proposals to rezone property or amend the text of this Ordinance as provided by Section 903. Following a public hearing, the Planning Commission shall make its recommendation regarding the proposed rezoning or text change to the Township Board. The Planning Commission may initiate a text change or rezoning, subject to the requirements for notice, hearing and Township Board approval.
- (D) **PLAT REVIEW.** The Planning Commission shall review proposed plats and land divisions as provided by Section 908.

(3) ZONING BOARD OF APPEALS.

- (A) **CONTINUATION OF CURRENT BOARD.** The St. Charles Township Zoning Board of Appeals was re-established in accordance with the Zoning Enabling Act, PA 110 of 2006 via appropriate amendment to the Township Zoning Ordinance. As of the date of the amendatory ordinance, the membership of the Zoning Board of Appeals is retained and the Zoning Board of Appeals shall continue to function.
- (B) **MEMBERSHIP.**
 - (i) **MEMBERSHIP AND APPOINTMENT.** The Township Board shall appoint members to the Zoning Board of Appeals, the membership of which shall be composed of 3 members. One of the regular members of the Zoning Board of Appeals shall be a member of the Township Planning Commission. The remaining regular members, and any alternate members, shall be selected from the electors of the Township residing within the zoning jurisdiction of the Township. The members selected shall be representative of the population distribution and of the various interests present in the Township. One regular member of the Zoning Board of Appeals may be a member of the Township Board but that person shall not serve as chairperson of the Zoning Board of Appeals. An employee or contractor of the Township Board may not serve as a member of the Zoning Board of Appeals.
 - (ii) **ALTERNATE MEMBERS.** The Township Board may appoint

not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called upon to serve as a regular member of the Zoning Board of Appeals in the absence of a regular member if the regular member is absent from or will be unable to attend two (2) or more consecutive meetings of the ZBA, or is absent from or will be unable to attend meetings for a period of more than thirty (30) consecutive days. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member shall serve in the case until a final decision is made. When substituting for a regular member, the alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.

- (C) **TERMS OF OFFICE.** Terms of Zoning Board of Appeals members shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of said bodies and the period stated in the resolution appointing them. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.
- (D) **PER DIEM AND EXPENSES.** Members of the Zoning Board of Appeals may be paid a reasonable per diem amount for their services, as established on an annual basis by the Township Board. Members of the Zoning Board of Appeals shall be reimbursed for expenses actually incurred in the discharge their duties.
- (E) **RULES OF PROCEDURE.** The Board of Appeals shall adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function. The Zoning Board of Appeals shall choose its chairperson, and in the chairperson's absence, an acting chair.
- (F) **MEETINGS.** Meetings shall be held at the call of the chair and at such other times as the Board in its rules of procedure may specify. A simple majority of the membership of the Board of Appeals shall constitute a quorum and may conduct any items of business brought before the Board. All meetings of the Board shall be open to the public.
- (G) **RECORDS.** Minutes shall be recorded of all proceedings and shall contain evidence and dates relevant to every case considered, together with the votes of the members and the final disposition of each case. Such minutes shall be filed in the office of the Township Clerk and are public records.

- (H) **MAJORITY VOTE REQUIRED.** The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any decision of the Zoning Administrator, to decide in favor of the applicant any matter upon which the board is required to pass, or to grant any variance of the terms or conditions of this Ordinance.
 - (I) **DECISIONS.** The Zoning Board of Appeals shall return a decision upon each case within thirty (30) days of a request or appeal, unless a further time is agreed upon by the applicant. Any decision of the Zoning Board of Appeals shall not take effect until the expiration of three (3) working days after the date of said decision, unless the Board of Appeals certifies on the record that the decision must be given immediate effect for the preservation of property or personal rights. No Zoning Permit authorized by such a decision shall be issued until the decision has taken effect.
 - (J) **CONFLICT OF INTEREST.** A member of the Zoning Board of Appeals shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest shall constitute misconduct in office.
 - (K) **DUTIES.** The St. Charles Township Zoning Board of Appeals shall have the power to act on those matters where this Ordinance provides for an administrative review, interpretation, or variance as defined herein. The ZBA shall *not* have the power to alter or change the Zoning District classification of any property, or to change the terms or intent of this Ordinance. The Zoning Board of Appeals furthermore may hear or decide on appeals from site plan review decisions by the Planning Commission.
 - (1) **VARIANCES.** The Zoning Board of Appeals shall have the power to authorize variances from any quantifiable requirements of this Ordinance. See Section 903(1) and Section 903(5).
 - (2) **ADMINISTRATIVE REVIEW.** The ZBA shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision, or denial made by the Zoning Administrator. See Section 903(2) and Section 903(5).
 - (3) **INTERPRETATION.** Upon request, the ZBA shall have the power to interpret the provisions of this Ordinance so as to carry out its intent and purpose. See Section 903(3) and Section 903(5).
 - (L) **REMOVAL.** A member of the Zoning Board of Appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing.
- (4) **TOWNSHIP BOARD.** On recommendation of the Planning Commission, the Township Board has adopted the Zoning Ordinance, making it the enforceable policy of Township government. The Township Board may take other actions related to this Ordinance, as follows:

- (A) **AMEND.** The Township Board, upon the advice of the Planning Commission, may amend the text of this Ordinance or the boundaries of Zoning Districts (rezoning), according to the procedures defined in Section 905.
- (B) **SET FEES.** The Township Board shall, by resolution, set fees to be charged to applicants for various actions to be conducted under this Ordinance. These fees shall apply to Zoning Permit applications, Special Use Permits, rezoning applications, Site Plan Reviews, text amendments, actions by the Zoning Board of Appeals, and any other actions the Township Board sees fit to add. The Township Board is furthermore authorized to establish an escrow policy to be applied in situations where extraordinary costs, such as planning consultant's fees, attorney's fees, engineering costs and other expenses are involved, which should be paid by the developer and not borne by the Township.
- (C) **WAIVE FEES.** By resolution, the Township Board may waive the fee for any application requesting one or more of the actions listed above.

SECTION 902. ADMINISTRATIVE PROCESSES.

- (1) **ZONING PERMIT REQUIRED.** The issuance of a Zoning Permit signifies compliance with the requirements of this Ordinance. A Zoning Permit must be obtained from the Zoning Administrator before any of the following activities may legally take place:
 - (A) Occupancy and use of vacant land (including parking lot construction).
 - (B) Any change in the use of a parcel of land or a building, including any construction or structural alteration of a building that requires issuance of a Building Permit. A Zoning Permit must be obtained before a Building Permit may be issued. When erected at the same time as the principal building, accessory structures shall not require a separate Zoning Permit. A change in use of a parcel or existing building from one Use by Right in the applicable Zoning District to another Use by Right does not require a Zoning Permit.
 - (C) Any use of a parcel or a building that is identified as a Special Use by the Table of District Regulations in Chapter 3 for the Zoning District in which the parcel is located.
 - (CD) Any change of a nonconforming use or building.
- (2) **APPLICATION FOR ZONING PERMIT.** Application for a Zoning Permit shall be made at least ten (10) days before construction of a new or enlarged building or structure, or a new or enlarged use of a parcel, is intended to begin. The application package may be submitted by the property owner, or by any other

person with the owner's signed permission. A permit fee in the amount established by the Township Board shall accompany the application package. The application shall consist of the following material:

- (A) **APPLICATION FORM.** Applicants for a Zoning Permit shall submit a Zoning Application Form with all requested information completely filled in.
 - (B) **SUBMISSION WITH BUILDING PERMIT APPLICATION.** When a Building Permit is also required, application for a Zoning Permit may be made at the same time. If the Township Building Inspector also acts as the Zoning Administrator, the Inspector may elect to accept information submitted for a Building Permit without duplication on the Zoning Permit application form.
 - (C) **PROPERTY INFORMATION.** The Zoning Application Form must be accompanied by a copy of a property survey, deed or tax records that are sufficient to allow identification of the parcel in the Township Assessor's property maps. When the applicant is anyone other than the property owner identified by the Assessor's records, evidence of the owner's concurrence in the application must also be submitted.
 - (D) **PLOT PLAN.** The Zoning Application Form must also be accompanied by a plot plan drawn at a size and scale sufficient to clearly identify the exact dimensions of the parcel, all abutting streets, alleys or easements, and the size, position and height of all existing and proposed buildings or structures thereon. The Zoning Administrator may also require any other information deemed necessary for the proper enforcement of this Ordinance.
- (3) **APPLICATION REVIEW PROCESS.** On submission of an application for a Zoning Permit, the Zoning Administrator shall review the application material. Whenever possible, it is desirable for this review to be conducted with the applicant present to facilitate any necessary explanation. If all requirements have been met, the Zoning Administrator shall issue a Zoning Permit. When failure to meet any requirement prohibits the issuance of a permit, the problem shall be identified and the applicant advised of his or her options. In all cases, a full review shall be conducted to identify all potential obstacles to issuance of a Zoning Permit.
- (4) **PERFORMANCE GUARANTEE.**
- (A) **AUTHORIZATION AND INTENT.** The Planning Commission and Zoning Board of Appeals are hereby authorized to require a sum of money

be deposited with the Township Treasurer, payable by check or money order, as a guarantee of performance for any conditions attached to approval of Zoning Permits that come before either group. It is intended that a cash deposit will not be required for trivial items, but will be uniformly imposed when items vital to the protection of the health, safety and welfare of the public are concerned. The Treasurer shall hold this sum in escrow in the name of the Township, the applicant, and any other party providing the funds.

- (B) **AMOUNT.** The Planning Commission or Zoning Board of Appeals shall specify the amount of any required cash deposit and the conditions for which a deposit is required in the resolution granting conditional approval with the required guarantee. The amount should be sufficient to enforce compliance with the specified condition.
- (C) **USE OF ESCROWED FUNDS.** If the Zoning Administrator determines that a condition of a Zoning Permit has been violated and that the permit holder has not acted to correct said violation in a timely fashion, he or she may recommend to the Planning Commission that funds escrowed as a performance guarantee for that condition be used to bring about compliance with said condition. At its first meeting after such a recommendation is made, the Planning Commission shall decide whether to approve said recommendation for action to the Township Board. The Township Board shall consider such action at its first meeting after the Planning Commissions' review. ***ESCROWED FUNDS MAY ONLY BE SPENT UPON AN AUTHORIZING RESOLUTION OF THE ST. CHARLES TOWNSHIP BOARD.*** Said resolution shall direct the Zoning Administrator to take any action or procure any services which he or she deems necessary to bring about compliance with said condition.
- (D) **RETURN OF CASH DEPOSIT.** The Zoning Administrator must certify, in writing, to the Township Treasurer that any condition has been satisfied for which a cash deposit has been made as a performance guarantee. Said certification shall identify the condition, the amount of deposit specified for its guarantee, and any amount that may have been used to enforce compliance with the remaining balance (if any). The Treasurer shall issue a check to the party named on the escrow account in the amount specified, following standard Township procedures for authorization of such disbursements.
- (5) **RECORD MAINTAINED.** The Zoning Administrator shall keep a record of each application for a Zoning Permit that has been submitted, including the disposition of each one. This record shall be a public record and open for inspection upon request.
- (6) **VALIDITY OF ZONING PERMIT.** A Zoning Permit remains in effect for a

period of one (1) year from the date it is issued. By that time, the activity authorized by the Zoning Permit must have begun. This means that any use of land or of an existing building must be underway, or a Building Permit for any new construction must have been issued and construction commenced. The validity of a Zoning Permit may be extended not more than once by the Zoning Administrator, for a period not to exceed one (1) additional year. An extension must be requested in writing by the permit holder before the expiration of the initial permit period.

- (7) **VOIDING OF ZONING PERMIT.** If the permit holder fails to initiate the activity authorized by the Zoning Permit by the end of one (1) year from the date the permit was issued, the Zoning Permit is automatically null and void. Any additional rights associated with the Zoning Permit that have been granted by the Planning Commission or the Zoning Board of Appeals, such as Special Use Permits or variances, expire together with the Zoning Permit.

Any performance guarantee shall be refunded to the permit holder unless the failure to initiate activity has resulted in costs to the Township that were to be covered by the guarantee. If any amount of the guarantee remains after the costs are satisfied, the balance of the guarantee shall be released and returned to the permit holder.

- (8) **RE-ISSUANCE OF PERMIT.** Re-issuance of a Zoning Permit that has expired requires a new Zoning Application Form to be filed with the Zoning Administrator and fully processed.

SECTION 903. AUTHORITY OF THE ZONING BOARD OF APPEALS.

The Zoning Board of Appeals may grant variances, hear appeals from administrative actions, and make interpretations of this Ordinance as follows:

- (1) **VARIANCE.** Upon a showing of practical difficulty, the Board may grant variances to such requirements as lot area and width regulations, yard and depth regulations, and off-street parking and loading space requirements. Any requirement of this Ordinance which can be expressed in terms of numbers may be considered for a variance. In passing upon variances, the Board may vary or modify the provisions of the Ordinance as authorized above so that the spirit of the Ordinance is observed, public safety is secured, and substantial justice done.
- (2) **APPEALS OF ADMINISTRATIVE ACTIONS.** The Zoning Board of Appeals is empowered to review and reverse or modify any order, decision or determination made by the Zoning Administrator. The Board is also empowered to review decisions of the Planning Commission regarding Special Use Permits and Site Plan Review.

- (A) **REQUESTS FOR ADMINISTRATIVE REVIEW.** An Administrative Review by the Zoning Board of Appeals may be requested by any aggrieved person, or by any officer, department, or board of local, county, or state government. Any such request must be made in writing not more than ten (10) days after the date of the decision being appealed. The request shall be filed with the Zoning Administrator and shall identify the applicant, the proposed activity, the action being appealed, and the grounds for the review. The Zoning Administrator shall immediately transmit to the Chairperson of the Board of Appeals any papers constituting the record upon which the action being reviewed was taken.
- (B) **STAY.** An appeal shall stay all proceedings in furtherance of the action being reviewed, except as follows. If the Zoning Administrator certifies in writing to the Zoning Board of Appeals, after an appeal has been filed, that a stay would cause imminent peril to life or property, the proceedings shall not be stayed unless a restraining order is issued by the Zoning Board of Appeals or by court action.

(3) INTERPRETATION. The Zoning Board of Appeals (ZBA) may interpret provisions of this Ordinance as outlined below. Each such interpretation shall establish the precedent for future treatment of the issue being addressed. To achieve the objective of consistent enforcement of this Ordinance, whenever an interpretation question arises that has been addressed previously by the Zoning Board of Appeals, the earlier interpretation shall apply without requiring further action by the Board. The Zoning Administrator shall keep a concise record of all interpretations made by the Board of Appeals to facilitate such reference.

(A) **DISTRICT BOUNDARIES.** The ZBA may determine the precise location of the boundary lines between zoning districts.

(B) **PARKING AND LOADING SPACES.** The ZBA may determine the off-street parking and loading space requirements of any use for which these requirements are not determinable using the information provided for this purpose in Chapter 3, District Regulations.

(C) **CLARIFICATION.** The Board may interpret any portion of this Ordinance when the Zoning Administrator is unable to clearly determine its intent or effect.

(4) FEES. A fee as established by the Township Board shall be paid to the Zoning Administrator at the time of filing application with the Board of Appeals. The purpose of such fee is to cover, in part, the necessary advertisements, investigations, and other expenses incurred by the Board of Appeals for the appeal.

(5) **RULES FOR ZONING BOARD OF APPEALS ACTIONS.**

- (A) **HEARINGS AND NOTICES.** Following receipt of a written request concerning a request for a variance, the Zoning Board of Appeals shall fix a reasonable time for the hearing of the request and give notice as required by the Michigan Zoning Enabling Act, being Act 110 of 2006, as amended and Section 906 of this Ordinance. Upon receipt of a written request seeking an interpretation of the Zoning Ordinance or an appeal of an administrative decision, a notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the Township and shall be sent to the person requesting the interpretation not less than 15 days before the public hearing. In addition, if the request for an interpretation or appeal of an administrative decision involves a specific parcel, written notice stating the nature of the interpretation request and the time, date, and place of the public hearing on the interpretation request shall be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used. A party may appear in person or may be represented by an agent or an attorney. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination and may issue or direct the issuance of a permit.
- (B) **INTENT.** Any decision by the Zoning Board of Appeals must not be contrary to the public interest or to the intent and purpose of this Ordinance.
- (C) **USE VARIANCE PROHIBITED.** No variance, site plan approval, or administrative review may be construed to allow the establishment any use which is not permitted by right or by Special Use Permit in the applicable Zoning District. The Zoning Board of Appeals may only classify a use which is not specifically mentioned along with a comparable permitted use for the purpose of the use regulations of a zoning district. In exercising the power of administrative review, the Zoning Board of Appeals must apply, and not vary, the terms of the Zoning Ordinance.
- (D) **CONSIDER PROPERTY VALUES.** In any decision, the Zoning Board of Appeals must try to avoid causing a substantial adverse effect on property values in the vicinity of the subject property or on other parcels in the Zoning District in which the subject property is located.

- (E) **SINGLE PARCEL.** Any action brought before the Zoning Board of Appeals may relate only to a single parcel that must be under control of the applicant. If the applicant is not the owner of the property, evidence must be provided that the owner concurs with the request for ZBA action.
- (F) **PROFIT IS NOT A MOTIVE.** No approval shall be granted by the ZBA simply to prevent an economic loss. The improvement of an owner's opportunity to profit from the sale of a parcel is *not* an objective of this Ordinance.
- (G) **RESUBMISSION.** Any request that has been denied wholly or in part by the Zoning Board of Appeals may not be resubmitted for a period of one (1) year from the date of the last denial. However, if new evidence or changed conditions are found, the ZBA may elect to rehear a case.
- (H) **CONDITIONS.** The Board of Appeals may attach any reasonable conditions to the approval of any request to secure the objectives and purposes of this Ordinance. The breach of any such condition shall automatically invalidate any Zoning Permit granted pursuant to the Zoning Board of Appeals action. When it attaches any conditions to the approval of a request, the Board of Appeals may require that a bond of ample sum be furnished to ensure compliance with the conditions imposed, as specified by Section 902(4).
- (I) **PRACTICAL DIFFICULTY.** A variance may only be granted upon a showing of practical difficulties by the applicant that prevent carrying out the strict letter of this Ordinance. These practical difficulties are to be evaluated in terms of the applicant's ability to physically locate a permitted use on the particular parcel of land. They must not have resulted from any act of the applicant or property owner.
- (K) **REQUIRED RECORDS.** The minutes of the Zoning Board of Appeals meeting at which any decision was made regarding a variance, appeal or interpretation must specify the reasoning used by the Board in making the decision, and any conditions that may be attached to issuance of a Zoning Permit.
- (L) **RECURRENT ISSUES.** If certain conditions are so widespread as to make similar variances a frequent issue for the Zoning Board of Appeals, the ZBA shall suggest a general regulation for such conditions to be considered by the Planning Commission.

SECTION 904. ENFORCEMENT.

- (1) **RESPONSIBILITY.** The Zoning Administrator shall enforce the provisions of this Ordinance,
- (2) **VIOLATIONS AND PENALTIES.** Violations of any provisions of this Ordinance are declared to be a nuisance *per se*. Any and all building or land use

activities which are considered to be possible violations of the provisions of this Ordinance, and which are observed by or communicated to a Township Official or employee, shall be reported to the Zoning Administrator.

- (A) **INSPECTION AND ORDER.** The Zoning Administrator shall inspect each alleged violation he or she observes or is made aware of and shall order correction, in writing, of all conditions found to be in violation of this Ordinance.
 - (B) **CORRECTION PERIOD.** Orders to correct violations shall allow a correction period of not less than thirty (30) days nor more than sixty (60) days, as the Zoning Administrator deems necessary.
 - (C) **PENALTIES.** Every person, whether as principal agent, servant, employee, or otherwise, including the owners of any building, structure or premise or part thereof where any violation of this Ordinance shall exist or shall be created, who shall violate or refuse to comply with any of the provisions of this Ordinance, shall be in violation of the St. Charles Township Civil Infraction Ordinance. All penalties for violations shall be determined by the Township Civil Infraction Ordinance.
 - (D) **CUMULATIVE RIGHTS AND REMEDIES.** The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.
- (3) **CONFLICTING REGULATIONS.** In the interpretation, application, and enforcement of the provisions of this Ordinance, whenever any of the provisions or limitations imposed or required by the Ordinance are more stringent than any other law or Ordinance, then the provisions of the Ordinance shall govern, *provided* also that whenever the provisions of any other law or Ordinance impose more stringent requirements than are imposed or required by this Ordinance, the provisions of such other law or Ordinance shall govern.

SECTION 905. AMENDMENT.

- (1) **TOWNSHIP BOARD MAY AMEND.** The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Zoning District Map may be amended, supplemented, or changed by ordinance by the Township Board in accordance with the applicable enabling legislation of the State.
- (2) **INITIATION OF AMENDMENTS.** Proposals for amendments, supplements, or changes may be initiated by the Township Board of its own action, by the Planning Commission, or by petition of one (1) or more persons having an interest, by ownership or option to purchase, in property to be affected by the proposed amendment.

(3) **AMENDMENT PROCEDURE.**

(A) **PETITION TO TOWNSHIP CLERK AND PAYMENT OF FEE.** Each petition by one (1) or more owners or their agents, for an amendment shall be submitted upon an application of standard form to the Township Clerk. A fee as established by the Township Board shall be paid at the time of application to cover costs of necessary advertising for public hearings and processing of the amendment request. The Township Clerk shall transmit the application to the Planning Commission for recommended action.

(B) **PUBLIC HEARING.** Before voting on any proposed amendment to this Ordinance, the Planning Commission shall conduct a public hearing, with notice being given by the Zoning Administrator as specified by Sections 906(1) and (2) and by the following paragraphs:

(1) **PUBLISHED NOTICE.** If the Planning Commission, Zoning Board of Appeals or Township Board is to conduct a public hearing in accordance with this Ordinance, the Township shall publish notice of the hearing in a newspaper of general circulation in the Township one time not less than 15 days before the date of the hearing.

(2) **MAILED NOTICE.** Notices shall also be mailed or *delivered* to the Owner of the property which is the subject matter of the request; to all persons to whom real property is assessed within 300 feet of the property that is the subject of the request and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than 1 occupant of a structure, except that if a structure contains more than 1 dwelling unit or spatial area owned or leased by different persons, 1 occupant of each unit or spatial area shall be given notice. If a single structure contains more than 4 dwelling units or other distinct spatial areas owned or leased by different persons, 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. The mailed or delivered notice is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private *delivery* service. The notice shall be given not less than 15 days before the date the request will be considered. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.

(C) **RECOMMENDATION.** The Planning Commission shall consider each proposed amendment in terms of the likely effect of such proposal upon the development plans for the community as well as in terms of the merits of the individual proposal. The Planning Commission may recommend any additions or modifications to the original amendment petition.

- (D) SAGINAW COUNTY METROPOLITAN PLANNING COMMISSION. Following the conclusion of the Public Hearing and approval by the Township Planning Commission, the proposed amendment and any applicable zoning district map shall be submitted to the Saginaw County Metropolitan Planning Commission for their review. The approval of the County Planning Commission shall be conclusively presumed unless the Commission notifies the Township Board of its approval or disapproval within thirty (30) days of its receipt of the amendment.
- (E) TOWNSHIP BOARD ACTION. Upon receipt of the Saginaw County Metropolitan Planning Commission's recommendation, the Township Board shall review said recommendation and that of the Township Planning Commission. The Township Board may deny or adopt the amendment with or without changes by a majority vote of its membership, following its standard procedures for the adoption of ordinances. The Township Board may also refer the amendment back to the Township Planning Commission for further changes or clarification.
- (1) ADDITIONAL PUBLIC HEARING. The Township Board shall grant a hearing on the proposed amendment to any party who has filed a written request to be heard with the Township Clerk. The request must be received prior to the meeting at which the proposed amendment would first be considered by the Township Board. The Planning Commission shall be notified of the hearing, which may be held at a regular meeting or at a special meeting called for that purpose.
- (2) NOTICE. If the Township Board conducts a public hearing, notice shall be provided in accordance with the provisions of the Zoning Enabling Act, Act 110 of 2008, as amended and Sections 905(3)(B)(1) and (2) of this ordinance.

If the Township Board deems advisable any changes to the amendment recommended by the Planning Commission, it shall refer these changes back to the Planning Commission for a report thereon within thirty (30) days.

The Township Board may deny or adopt the amendment with or without changes, by a majority vote of its membership, following the Board's standard procedures for adoption of ordinances.

- (F) AMENDMENT TO CONFORM WITH COURT DECREE. An amendment for the purpose of conforming a provision of the zoning ordinance to the decree of a court of competent jurisdiction as to any specific lands may be adopted by the Township Board and the notice of the adopted amendment published without referring the amendment to any other board or agency provided for in this Ordinance.
- (G) RE-SUBMITTAL. No application for a rezoning which has been denied by the Township Board shall be re-submitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions which, upon inspection by the Township Board, are found to be valid.

SECTION 906. NOTICE REQUIREMENTS FOR PUBLIC HEARINGS.

- (1) **CONTENT.** Each public hearing notice required by this Ordinance shall include the following information:
 - (A) Identification of the applicant, if any.
 - (B) Identification of all parcels that are the subject of the request.
 - (C) Nature of the matter to be considered.
 - (D) Identification of the public body conducting the hearing and deciding on the matter.
 - (E) The date, time, and place of the public hearing.
 - (F) The places and times at which any proposed text and/or map amendments may be examined and copies purchased.
 - (G) A statement of where and when both written and verbal comments will be received concerning the request.
- (2) **AFFIDAVIT OF MAILING.** An affidavit of mailing that identifies all parties to whom notice has been sent, including railroad and public utility companies, shall be prepared and filed with other material relating to the public hearing prior to the meeting at which it is to be held.
- (3) **MAILED NOTICE.** Whenever this Ordinance requires mailed notice of a public hearing, the mailing list shall be compiled from the following sources:
 - (A) The owner(s) of the parcel(s) in question.
 - (B) All persons to whom real property is assessed in St. Charles Township or any adjoining governmental unit, where any part of their parcel lies within three hundred feet (300') of the parcel that is the subject of the hearing.
 - (C) The occupants of all buildings on parcels within three hundred (300') of the parcel that is the subject of the hearing. Each dwelling unit or tenant in such buildings shall receive one (1) notice of the hearing. If the name of an occupant is not known, the term "occupant" may be used in the address. For any building containing more than four (4) dwelling units, the notice may be mailed to the manager or the owner of the building who shall be requested to post the notice at the building's primary entrance.

- (4) **NOTIFICATION OF RAILROADS AND PUBLIC UTILITIES.** Not less than 15 days notice of any Planning Commission hearing regarding amendment of this Ordinance shall be given by certified mail to each public utility or railroad company serving St. Charles Township, at the mailing address identified by each company that registers with the Township for the purpose of receiving such notices.

SECTION 907. SITE PLAN REVIEW

The various provisions of this Ordinance require review of site plans before certain approvals may be granted. The Township Zoning Administrator conducts a review of site plans for each Zoning Permit issued. The Zoning Board of Appeals conducts such reviews before granting various types of requests. For certain activities, however, a more formal Site Plan Review before the Township Planning Commission is required to insure conformance with the intent and objectives of this Ordinance. This section defines the procedures and standards to be used for formal Site Plan Review.

- (1) **SITUATIONS THAT REQUIRE: SITE PLAN REVIEW.** Site plan review and approval shall be required as described below. Site plan approval must be obtained before a land use-building permit can be issued, and prior to the commencement of land clearing or excavation necessary for the construction of site improvements. Site plan review and approval is required:
- (A) For all non-residential land uses permitted in all zoning districts, except home occupations and farming operations.
 - (B) For all special uses. A site plan shall be submitted at the time application is made for a Special Use Permit. Review of the site plan shall be concurrent with deliberations on the application for a Special Use Permit.
 - (C) For all Planned Unit Developments (PUD's), if permitted elsewhere in this Ordinance. A site plan shall be submitted at the time application is made for PUD approval. Review of the site plan shall be concurrent with deliberations on the application for the PUD.
 - (D) All site condominium and condominium subdivisions developed pursuant to the Condominium Act (P.A. 59 of 1978, as amended).
- (2) **SITE PLAN REVIEW NOT REQUIRED FOR REZONING.** Site Plan Review shall not be required as part of the decision process for a rezoning application. The decision to rezone property is based on consideration of its effect on the long-range development of the Township, especially in regard to all the potential uses that the rezoning would permit on the subject parcel. In contrast, the scope of site plan review is limited to the specific use that is proposed. Also, conditions may be attached to site plan approval. Conditions may *not* be attached to the rezoning of property, except as provided in Section 910 of this Ordinance.

(3) **THE SITE PLAN REVIEW PROCESS.**

- (A) **APPLICATION DEADLINE.** If a Zoning Permit application requires a Site Plan Review pursuant to Section 907(1), the complete application package must be received at least thirty (30) days before the Planning Commission meeting at which the application is to be considered. If a Site Plan Review is being conducted for a Special Use Permit or subdivision plat, the application deadline for the specific process will apply.
- (B) **APPLICATION MATERIAL.** The application package for a Site Plan Review must meet the requirements of Section 902(2) and be accompanied by a Site Plan Review fee as established by the Township Board and at least four (4) copies of a site plan that meets the requirements of Section 907(3)(C) as described below. The application will not be reviewed until all the listed items have been received.
- (C) **SITE PLAN REQUIREMENTS.** Any details depicted in the site plan will be relied upon by the Planning Commission in its review. Therefore, these details become conditions for approval of the site plan. Failure to abide by such conditions is a violation of the terms of any Zoning Permit issued pursuant to site plan approval, and is subject to enforcement under Section 904 of this Ordinance. The site plan shall show the following information:
- (1) Scale and north arrow. The scale shall be not less than 1" = 20' for property under three (3) acres and at least 1" = 1 00' for parcels three (3) acres or more in size.
 - (2) Name, address, and phone number of the applicant(s). Name, address, and phone number of the person or firm that prepared the site plan.
 - (3) The date on which the site plan was prepared. In the event that revisions of the site plan are required, then the subsequent revision dates shall also be indicated.
 - (4) Tax identification number of the property subject to the application.
 - (5) Name and address (or approximate location) of the proposed land use or land development project.
 - (6) Size of the property in acres and square feet.

- (7) Area in square feet to be occupied by buildings, parking areas, roadways, landscaped areas, and unimproved open space.
- (8) A small-scale map (1" = 200') indicating the location of streets, highways, watercourses, and lakes located within one-half (1/2) mile of the subject property shown on the site plan. The property subject to review must be highlighted.
- (9) The exterior property lines (boundaries) of the property subject to the application.
- (10) The zoning classification of the property subject to review, as well as that of adjoining properties.
- (11) The location, name, pavement width, and right-of-way width of existing and proposed streets, highways, easements, and rights-of-way that adjoin or cross the property.
- (12) The location, name, pavement width, and right-of-way width of existing and proposed private roadways.
- (13) The location, width, and purpose of other existing and proposed easements or rights-of-way.
- (14) Locations and dimensions of existing and proposed buildings and other structures. The distance between existing and proposed buildings, and existing and proposed setbacks from property lines must be indicated in feet.
- (15) Location and layout of existing and proposed parking and loading areas, including proposed surface type. The direction of travel on driveways and driving lanes must be indicated. Parking spaces must be consecutively numbered.
- (16) The location of existing and proposed stormwater management facilities. The Planning Commission may require that applicants submit a separate storm drainage plan.
- (17) The location and height of existing fences or walls, including the type of fencing proposed.
- (18) The location of required landscaped buffers and screening, as well as other landscape improvements. The Planning Commission may require that applicants submit a separate landscaping plan.

- (19) The location and type of existing natural features on the site, including but not limited to, wetlands, watercourses, floodplains, ponds, wooded areas, major topographic features, and so forth. Indicate the location and type of existing trees and other vegetation to be retained on the site.
 - (20) The location, height, and design of existing and proposed signs and exterior lighting fixtures.
- (D) STAFF REVIEW OF SITE PLAN. Within two (2) working days of receipt of a site plan for review by the Planning Commission, the Zoning Administrator shall notify all Township departments that it has been received. Any interested department may comment on the site plan in writing to the Zoning Administrator at least five (5) days before the Planning Commission meeting at which the site plan is to be reviewed. Reviewers shall address the considerations identified in Section 907 (4) and any applicable Special Use Permit Standards listed in Chapter x. After reviewing such comments, the Zoning Administrator shall recommend to the Planning Commission what action should be taken.
- (E) PLANNING COMMISSION REVIEW OF SITE PLAN. The Planning Commission shall conduct their Site Plan Review at a public meeting. A public hearing on the site plan will be held only if any party submits a written request for a hearing to the Township Clerk prior to the Planning Commission meeting. In such cases, the public will be heard before the Planning Commission acts on the site plan. However, a Site Plan Review conducted pursuant to Section 907(1) does not require special notification of any party. The staff's review findings and any public comments shall be considered by the Planning Commission, but they are not binding on it in any way. The Planning Commission should take one of the following actions at the meeting that considers the Site Plan:
- (1) APPROVAL. An affirmative vote by a majority of the Planning Commission is necessary to approve a site plan. An approved site plan becomes a condition of any resulting Zoning Permit. Deviations from the site plan are permitted only as specified by Section 907(3)(F).
 - (2) CONDITIONAL APPROVAL. The Planning Commission may attach conditions to approval of a site plan as justified by the requirements of this Ordinance, or other local, state, or federal laws. These conditions and their justification must be identified in the motion for site plan approval and communicated to the applicant in writing. The conditions then become part of the site plan, just as if they were part of the original submission, and they

shall be reflected in any resulting Zoning Permit. Deviations from the conditions are permitted only as described by Section 907(2)(F). Approval of any site plan that must also be approved by other public agencies shall be conditioned upon the granting of the other agency approvals, including variances from the Zoning Board of Appeals. Approval of a variance that specifies conditions different from those depicted on the site plan or identified in a conditional approval does not require an additional Site Plan Review.

- (3) DENIAL WITH EXPLANATION. Failure to comply with one or more of the standards listed in Section 907(4) is the only justification for denial of a site plan. A majority vote of the Planning Commission is required to deny a site plan. The motion to deny must state which Review Standards were not met by the site plan, and it failed to meet them. The applicant shall be notified in writing of the denial of the site plan, with the full text of the motion to deny reproduced in the communication.
- (4) TABLE TO SPECIFIED MEETING. The Planning Commission may choose to delay its decision for any specified reason by tabling the action to another meeting. The date, time, and place of the meeting shall be identified in the motion to table and clearly stated for the benefit of any persons in attendance.
- (F) ACCEPTABLE DEVIATIONS FROM APPROVED SITE PLAN. Unforeseen circumstances can cause changes in a project during its development. Therefore, minor deviations from an approved site plan are permitted if the Zoning Administrator determines that all Site Plan Review standards have been met. These deviations shall be documented as described in Section 907(2)(H).
- (G) UNACCEPTABLE DEVIATIONS FROM SITE PLAN. If the Zoning Administrator finds that a deviation from an approved site plan does not comply with the Review Standards, he or she shall immediately notify the permit holder, the Township Building Inspector, and the Planning Commission in writing that the site plan approval has been suspended. The notice to the permit holder shall be sent by certified mail. If construction has begun, a stop work order should be issued by the Building Inspector with respect to that portion of the project that is not in compliance with the Site Plan Review Standards. Once site plan approval has been suspended, the permit holder may change the project plans to conform to the Review Standards, or restart the Site Plan Review process. When the issue has been resolved, the Zoning Administrator shall send a written notice of this to the permit holder, the Township Building Inspector, and the Planning Commission.

This provision shall not prohibit phased development of a project, provided that each phase complies with the requirements of the Review Standards and the approved site plan.

- (H) **RECORD TO BE MAINTAINED.** The Zoning Administrator shall maintain the record relating to any approved site plan with the records pertaining to the Zoning Permit for the project. This record shall include an official copy of the site plan as approved by the Planning Commission. The official copy shall be signed and dated by the permit holder, the Planning Commission Chair, and the Zoning Administrator. The record shall also include documentation of any conditions attached to the site plan approval, evidence that these conditions have been satisfied, and documentation of any allowed deviations from the approved site plan. If any deviations from an approved site plan are made, an “as built” version of the site plan shall be provided to the Zoning Administrator before the Building Inspector issues final approval for the project and before any performance guarantee attached to the Zoning Permit may be fully refunded.

- (4) **SITE PLAN REVIEW STANDARDS.** All Site Plan Reviews shall use only the following set of standards to determine whether a site plan should be approved or denied. No off-site improvements can be required as conditions for site plan approval, unless the applicant volunteers to construct such improvements as documented by the site plan drawings. If the lack of such off-site improvements will create conditions that are contrary to the intent and objectives of this Ordinance, this lack is sufficient justification for denial of the site plan.
 - (A) There must be a proper relationship between the proposed use and existing streets and highways within the vicinity of the proposed use.
 - (B) Proposed driveway entrances and exits, parking areas, service drives, and other internal circulation routes must be located and arranged so as to assure the safety and convenience of pedestrian and vehicular traffic.
 - (C) All buildings, structures, driveways, internal circulation routes, parking areas, and storage areas must be designed and located so as to minimize potential adverse impacts on adjacent and nearby properties.
 - (D) As many natural features of the landscape as possible shall be incorporated into the design and layout of the site so as to buffer the site from adjacent incompatible land uses, to assist in preserving the general appearance of the surrounding area, and to help control erosion of the soil and the discharge of water. Reasonable buffer and open space areas may be required.

- (E) The site shall be improved with a storm drainage system that maintains stormwater runoff at a pre-development rate. Runoff shall be managed in a manner that prevents off-site impacts.
- (F) Adverse impacts upon adjoining land uses shall be minimized by appropriate screening, fencing, or landscaping.
- (G) The land use subject to review and approval shall comply with all applicable provisions of this Ordinance.
- (H) All buildings, structures, parking areas, and storage areas will be accessible to emergency vehicles at all times of the year. Particular attention shall be paid to site access in the event of fire or other emergency.
- (I) The site plan as approved must be consistent with the intent and purpose of this Zoning Ordinance to promote the public health, safety, and general welfare.

908 REVIEW OF SUBDIVISION PLATS AND LAND DIVISIONS

- (1) **ZONING.** All plats and land divisions shall be subject to the provisions of the Zoning District in which they are located. Any Zoning District changes that may be necessary to accommodate a proposed plat or land division shall be made according to the amendment procedure specified in Section 905. After the effective date of this Ordinance, no proposed plat of a new or redesigned subdivision or any other land division shall be approved unless the proposed lots equal or exceed the minimum lot area and dimensional requirements for the applicable Zoning District.
- (2) **PLAT APPROVAL PROCESS**
 - (A) **SUBMISSION OF PLAT.** When a preliminary or final plat has been submitted to the St. Charles Township Board for approval, the Township Clerk shall forward a copy of the plat to the Zoning Administrator. Since the Township Board must act on the plat within ninety (90) days of submission, the Zoning Administrator and Planning Commission Chair shall convene a special meeting of the Planning Commission, if necessary, to provide a recommendation to the Township Board.
 - (B) **PLANNING COMMISSION REVIEW AND RECOMMENDATION.** The Planning Commission shall review the plat to determine if it complies with all provisions of this Ordinance, and any other applicable Township ordinances, at an open public meeting. A public hearing is not required. However, any person who wishes to address the Planning Commission shall be permitted to do so. If all standards are met, the Planning

Commission shall recommend approval of the plat to the Township Board. If all standards are not met, the Planning Commission shall recommend denial of the plat, noting which standards were not met.

SECTION 909. ACTIONS SUMMARY TABLE

The following table is a summary of the basic requirements for the various administrative actions to be carried out under this Zoning Ordinance. It supplements the preceding text, but it is not a substitute for it. Note that a fee, as established by the Township Board, is required for each of the actions listed. However, as previously described in Sec. 901(4)(C), the Township Board may waive any of these fees at its discretion.

March 2007 Updated for MZEA (Act 110 PA 2006)

**Zoning Ordinance Actions Table
Summary of Procedural Requirements for Zoning Decisions**

Type of Action	Who May Initiate Action?	What Body Makes the Decision?	Is a Public Hearing Required?	Published Notices – Number of Days Before Hearing	Mailed Notice to All Owners and Occupants Within 300 feet – Days Before Hearing	Where Can Applicant Appeal a Denial?
Variance	Applicant or Zoning Admin.	Zoning Board of Appeals	Yes	Not less than 15 days.	Not less than 15 days.	Circuit Court
Interpretation	Applicant or Zoning Admin.	Zoning Board of Appeals	Yes	Not less than 15 days.	Not less than 15 days.	Circuit Court
Administrative Review, including appeal of Zoning Administrator's Decision	Any aggrieved party ¹	Zoning Board of Appeals	Yes	Not less than 15 days.	Not less than 15 days.	Circuit Court
Site Plan Review (See Sec. 907(1) for when this is required)	Applicant or Zoning Admin.	Planning Commission	Not required	Not required	Not required	Circuit Court
Special Use Permit	Applicant or Zoning Admin.	Planning Commission	Yes	Not less than 15 days.	Not less than 15 days.	Circuit Court
Text or Map Amendment (Rezoning)	Applicant, Zoning Admin, Planning Commission, or Township Board	Step 1: Planning Commission recommends to Township Board	Yes	Not less than 15 days. <i>At least 15 days</i>	Not less than 15 days.	No appeal until after Twp Board action
		Step 2: Twp. Board acts on amendment	If requested by any property owner by certified mail to Clerk.	Not less than 15 days. <i>Not Requested See Text</i>	Not less than 15 days.	Circuit Court or may resubmit to Twp after one year
Fee Waiver	Applicant	Township Board	No	Not required	Not required	None

Note: (1) Includes any state, county, or township officer, board, bureau, or department.

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SECTION 909. ACTIONS SUMMARY TABLE

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SECTION 910. CONDITIONAL REZONING.

1. 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 (Mel 125.3405) 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.

2. APPLICATION AND OFFER OF CONDITIONS.

- A. 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.
- B. 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.
- C. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
- D. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
- E. 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.

- F. 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.
- G. 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.
- H. 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.

3. PLANNING COMMISSION REVIEW.

The Planning Commission, after public hearing and consideration of the factors for rezoning, 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.

4. 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 factors for rezoning. 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 have the option, but not be required to refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board and proceed thereafter to deny or approve the conditional rezoning with or without amendments.

5. APPROVAL.

A. 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.

B. The Statement of Conditions shall:

1. Be in a form recordable with the Register of Deeds of Saginaw County 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.
 2. Contain a legal description of the land to which it pertains.
 3. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 4. 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.
 5. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the Register of Deeds of Saginaw County.
 6. 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.
6. 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.
 7. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the Register of Deeds of Saginaw County. 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.
 8. 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.

9. COMPLIANCE WITH CONDITIONS.

- A. 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
- B. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

10. 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 18 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions Incompatible with other zones and uses in the surrounding area or otherwise Inconsistent with sound zoning policy.